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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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IN THIS ISSUE:

Statement of Ownership, Management, and Circulation . . .1437	Department of Public Safety
EMERGENCY RULES	Missouri Gaming Commission1487
Department of Public Safety	Department of Health and Senior Services
Missouri State Highway Patrol1439	Division of Regulation and Licensure1488
Missouri Consolidated Health Care Plan	Department of Insurance, Financial Institutions and
Health Care Plan1440	Professional Registration
PROPOSED RULES	Division of Credit Unions1492
Department of Conservation	State Board of Pharmacy1493
Conservation Commission1449	IN ADDITIONS
Department of Elementary and Secondary Education	Department of Health and Senior Services
Division of Learning Services1450	Missouri Health Facilities Review Committee1494
Department of Natural Resources	CONTRACTOR DEBARMENT LIST1495
Air Conservation Commission1460	DISSOLUTIONS1498
Department of Public Safety	SOURCE GUIDES
Missouri Gaming Commission1461	RULE CHANGES SINCE UPDATE1501
Missouri State Water Patrol1467	EMERGENCY RULES IN EFFECT1506
Missouri State Highway Patrol1467	EXECUTIVE ORDERS1507
Department of Revenue	REGISTER INDEX1509
State Tax Commission1473	
Missouri Consolidated Health Care Plan	
Health Care Plan1474	
ORDERS OF RULEMAKING	
Department of Conservation	
Conservation Commission1486	

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
June 1, 2012	July 2, 2012	July 31, 2012	August 30, 2012
June 15, 2012	July 16, 2012	July 31, 2012	August 30, 2012
July 2, 2012	August 1, 2012	August 31, 2012	September 30, 2012
July 16, 2012	August 15, 2012	August 31, 2012	September 30, 2012
August 1, 2012	September 4, 2012	September 30, 2012	October 30, 2012
August 15, 2012	September 17, 2012	September 30, 2012	October 30, 2012
September 4, 2012	October 1, 2012	October 31, 2012	November 30, 2012
September 17, 2012	October 15, 2012	October 31, 2012	November 30, 2012
October 1, 2012	November 1, 2012	November 30, 2012	December 30, 2012
October 15, 2012	November 15, 2012	November 30, 2012	December 30, 2012
November 1, 2012	December 3, 2012	December 31, 2012	January 30, 2013
November 15, 2012	December 17, 2012	December 31, 2012	January 30, 2013
December 3, 2012	January 2, 2013	January 29, 2013	February 28, 2013
December 17, 2012	January 15, 2013	January 29, 2013	February 28, 2013
January 2, 2013	February 1, 2013	February 28, 2013	March 30, 2013
January 15, 2013	February 15, 2013	February 28, 2013	March 30, 2013
February 1, 2013	March 1, 2013	March 30, 2013	April 30, 2013
February 15, 2013	March 15, 2013	March 30, 2013	April 30, 2013
March 1, 2013	April 1, 2013	April 30, 2013	May 30, 2013
March 15, 2013	April 15, 2013	April 30, 2013	May 30, 2013

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

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

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

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

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

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

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



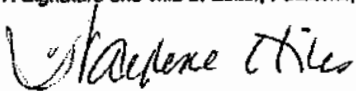
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17. Signature and Title of Editor, Publisher, Business Manager, or Owner

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

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

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

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 3—Marine Operations and Administration**

EMERGENCY RULE

11 CSR 50-3.100 Nonresident Temporary Boater Identification Certificate

PURPOSE: This emergency rule defines the responsibilities and procedures regarding the Nonresident Temporary Boater Identification Certificate pursuant to section 306.127.7., RSMo, for nonresident persons born after January 1, 1984, who want to operate a rental vessel, or vessel presented for sale, on the lakes of the state of Missouri.

EMERGENCY STATEMENT: This emergency rule sets out a process for a nonresident born after January 1, 1984, to obtain a one- (1-) time temporary boater identification certificate for that nonresident to operate a vessel on the lakes in the state of Missouri. Previous law had allowed a nonresident born after January 1, 1984, to obtain a temporary boater education permit if the person passed a written examination developed by the Missouri State Water Patrol. That permit, valid for thirty (30) days, was no longer available on and after January 1, 2011, because the old subsection authorizing this permit, section 306.127.7., RSMo, expired on December 31, 2010. As a result, there is currently no method for a large number of nonresident visitors to obtain a temporary boater permit when they come to

Missouri to enjoy boating opportunities at the state's various lakes. Revised section 306.127.7., RSMo, as adopted in both CCS2/SS/SCS/SB 719 and in CCS/SCS/SB 568, both passed in the 96th General Assembly, Second Regular Session (2012) and signed into law by the governor July 12, 2012, authorizes the Missouri State Highway Patrol to issue a one- (1-) time temporary boater safety identification card to nonresident individuals that meet certain criteria. Each bill contains an emergency clause for section 306.127, RSMo, meaning this new process is now law.

The state of Missouri has a compelling governmental interest in making boating opportunities available for those visiting from out-of-state. These boaters spend money in our state and benefit Missouri's economy. Missouri also has a compelling governmental interest in providing a mechanism to ensure that those out-of-state boaters understand the basic rules of water safety. This emergency rule is designed to make boating opportunities available during the remainder of this boating season while at the same time putting in place a safety checklist that out-of-state renters and prospective buyers of watercraft will have to read and acknowledge before they may rent or test drive such watercraft.

This emergency rule will allow those nonresidents born after January 1, 1984, who wish to obtain a Nonresident Temporary Boater Identification Certificate to obtain that certificate during the remainder of this boating season. The Highway Patrol is also filing a proposed rule, identical to the emergency rule, which will be subject to public comment. The emergency rule will also allow those marine dealers who rent vessels or offer vessels for sale to rent a vessel to a nonresident individual born after January 1, 1984, who meets the criteria of this rule.

The Highway Patrol has provided a copy of the emergency rule to the Missouri Marine Dealers' Association for its review.

This emergency rule complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed September 4, 2012, becomes effective September 14, 2012, and expires March 12, 2013.

(1) A livery (vessel rental) operator or vessel retailer may issue a Nonresident Temporary Boater Identification Certificate to eligible individuals.

(2) An eligible individual is a person who—

(A) Is a nonresident;

(B) Was born after January 1, 1984;

(C) Has a valid driver's license; and

(D) Has not previously been issued a Nonresident Temporary Boater Identification Certificate.

(3) If a livery operator or vessel retailer opts to issue Nonresident Temporary Boater Identification Certificates to eligible individuals, the operator or retailer shall maintain a computer capable of connecting to a designated website maintained by the Missouri State Highway Patrol.

(4) At the time it issues a Nonresident Temporary Boater Identification Certificate to an eligible individual, a livery operator or vessel retailer must also make available "A Handbook of Missouri Boating Laws and Responsibilities" to that individual. A livery operator or boat retailer may obtain copies of the handbook by contacting the Missouri State Highway Patrol at (573) 751-5071.

(5) A livery operator or vessel retailer shall, before issuing the Nonresident Temporary Boater Identification Certificate for an eligible individual, enter the following information on the designated

website maintained by the Missouri State Highway Patrol: first name, last name, middle initial, date of birth, street address to include city and state, and driver license number.

(6) When processing the Nonresident Temporary Boater Identification Certificate of an eligible applicant, the livery operator or vessel retailer shall assess a charge of nine dollars (\$9). The livery operator or vessel retailer shall process this charge by either credit card or debit card.

(7) The applicant for a Nonresident Temporary Boater Identification Certificate shall acknowledge that he or she has read and agrees to the following terms and conditions before the applicant may be issued the certificate:

(A) The certificate holder must carry the certificate and a current driver license at all times while operating a vessel;

(B) If operating a personal watercraft (PWC), the operator understands—

1. All PWC occupants must wear a proper fitting personal floatation device, and the operator must have the kill switch attached;

2. PWC operators must be at idle speed when operating within fifty feet (50') of any other vessel, PWC, or person in the water;

3. It is illegal to become airborne while crossing the wake of another vessel within one hundred feet (100') of the vessel creating the wake, or when visibility is obstructed. PWC operators may not weave through congested traffic; and

4. Jet powered vessels can only be turned while under power;

(C) The operator of the vessel is responsible for the safety of the vessel's occupants and for ensuring that all required safety equipment is onboard;

(D) All children under seven (7) must wear a personal floatation device while on a vessel, unless in a totally enclosed cabin. (The railing of a pontoon boat does not meet this requirement); and

(E) Boating while intoxicated laws are strictly enforced.

AUTHORITY: section 306.127, RSMo Supp. CCS 2/SS/SCS/SB 719 and CCS/HCS/SB 568, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 4, 2012, effective Sept. 14, 2012, expires March 12, 2013. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

Division 10—Health Care Plan Chapter 2—State Membership

EMERGENCY AMENDMENT

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. The Missouri Consolidated Health Care Plan is amending sections (1)–(4), adding section (5), and renumbering as necessary.

PURPOSE: This amendment establishes the policy of the board of trustees in regard to the tobacco-free incentive benefit.

EMERGENCY STATEMENT: This emergency amendment must be in place by October 1, 2012, in accordance with open enrollment for the new plan year. Therefore, this emergency amendment is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and

responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subject to unexpected and significant financial liability and/or litigation. In 2012, approximately seventy-six percent (76%) of eligible members received the Tobacco-Free Incentive. Of that seventy-six percent (76%), sixty-eight (68%) attested to being tobacco-free and eight percent (8%) attested to enroll in a tobacco cessation program. It is imperative that this amendment be filed as an emergency amendment to maintain the integrity of the current health care plan. This emergency amendment must become effective October 1, 2012, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This amendment reflects changes made to the plan by the MCHCP Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed August 28, 2012, becomes effective October 1, 2012, and expires March 29, 2013.

(1) Eligibility—[All Missouri Consolidated Health Care Plan (MCHCP) subscribers and covered spouses who do not have the TRICARE Supplement Plan or Medicare as primary coverage are eligible. A spouse of a Medicare primary employee who is a retiree, long-term disability (LTD), or survivor may not participate in the tobacco-free incentive regardless of the spouse's Medicare eligibility status. Each eligible member must participate separately.] The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or High Deductible Health Plan (HDHP) are eligible to participate in the tobacco-free incentive:

(A) [Eligible members must attest when they become eligible for coverage or during the open enrollment period to receive the incentive.] Active employee subscriber;

(B) [Eligible members with a break in coverage within the same plan year must complete the tobacco-free attestation by fax or mail.] Non-Medicare terminated vested subscriber;

(C) Non-Medicare long-term disability subscriber;

(D) Non-Medicare survivor subscriber;

(E) Non-Medicare Consolidated Omnibus Budget Reconciliation Act (COBRA) subscriber;

(F) Non-Medicare retiree subscriber; and

(G) Non-Medicare spouses covered by any other tobacco-free incentive eligible subscriber.

(2) Limitations and [E]exclusions[.]—The following members enrolled in a PPO or HDHP are not eligible to participate in the tobacco-free incentive:

(A) Dependent children [are not eligible to receive the incentive.];

(B) Dependent children who are covered under a parent's MCHCP plan and who are also state employees [are not eligible to receive the incentive.];

(C) [When Medicare becomes a subscriber's primary insurance payer, the subscriber and participating spouse are no longer eligible to receive the incentive.] Medicare terminated vested subscriber;

(D) [When Medicare becomes a spouse's primary insurance payer, the spouse is no longer eligible to receive the incentive.] Medicare long-term disability subscriber;

(E) Medicare survivor subscriber;

(F) Medicare COBRA subscriber;

- (G) Medicare retiree subscriber;
- (H) Medicare spouses covered by any other eligible subscriber; and
- (I) Non-Medicare spouses covered by any tobacco-free incentive ineligible subscriber.

(3) Incentive Participation Requirement.

(A) Each eligible member must participate separately.

[(A)](B) To receive the incentive beginning on January 1, [2012] 2013, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, [2011] 2012, through November [25, 2011] 30, 2012. The form must be received by November [25, 2011] 30, 2012; or

2. Tobacco cessation program attestation.

A. Participate in an MCHCP-approved tobacco cessation program as defined in sections [(3)] (4) and (5) and complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, [2011] 2012, through November [25, 2011] 30, 2012. The form must be received by November [25, 2011] 30, 2012.

(I) If a subscriber and his/her spouse become and remain tobacco-free three (3) months prior to May [25, 2012] 31, 2013, s/he may continue to receive the incentive through December 31, [2012] 2013, if s/he completes a tobacco-free attestation through myMCHCP or submit a completed form by fax or mail by May [25, 2012] 31, 2013. The form must be received by May [25, 2012] 31, 2013.

[(B)](C) For a new employee or an employee [added during a special enrollment period] adding medical coverage from December 1, 2012, through May 31, 2013, and his/her spouse to receive the incentive from the employee's effective date of coverage, the employee must complete a tobacco-free attestation or tobacco cessation program attestation at the time of enrollment. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May [25, 2012] 31, 2013, s/he can continue to receive the incentive through December 31, [2012] 2013, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May [25, 2012] 31, 2013. A form must be received by May [25, 2012] 31, 2013.

(D) A new employee and spouse [added during a special enrollment period] adding medical coverage after May [25, 2012] 31, 2013, must complete the tobacco-free attestation form to receive the incentive within thirty-one (31) days of enrollment.

[(C)](E) A waiver may be granted if a member provides a physician certification that a medical condition prevents the member from achieving tobacco-free status.

[(D)] Eligible members with a break in coverage within the same plan year must again attest to be tobacco-free through an online attestation or submit a paper attestation form to MCHCP.]

[(E)](F) If a member attests to be tobacco-free but starts to use tobacco products, [he/she] s/he must contact MCHCP through myMCHCP or by phone, fax, or mail immediately to change his/her status. MCHCP will adjust his/her premium for coverage beginning the second month after the member self reports.

(G) The subscriber or his/her spouse is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes his/her primary payer.

(H) The subscriber and his/her spouse are no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes the subscriber's primary payer.

[(F)](I) MCHCP may audit the attestation for accuracy.

(4) MCHCP-approved tobacco cessation programs for a subscriber are—

(A) StayWell Tobacco NextSteps: [P]phone coaching (866-564-5235);

(B) Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669); or

(C) American Cancer Society Quit for Life: (866-784-8454).

(5) MCHCP-approved tobacco cessation programs for a spouse are—

(A) Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669); or

(B) American Cancer Society Quit for Life: (866-784-8454).

[(5)](6) MCHCP may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. Emergency amendment filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RULE

22 CSR 10-2.110 General Foster Parent Membership Provisions

PURPOSE: This rule establishes the policy of the board of trustees in regard to the general membership provisions for foster parents covered under the Missouri Consolidated Health Care Plan.

EMERGENCY STATEMENT: The Missouri Consolidated Health Care Plan (MCHCP) is statutorily obligated to enforce and administer the provisions of Chapter 103 and Chapter 210, RSMo, governing the purchase of state health insurance by eligible foster parents beginning with Plan Year 2013. Pursuant to changes made to sections 103.078 and 210.539, RSMo, by HB 1576 enacted by the 96th General Assembly effective August 28, 2012, the board of trustees shall comply with and be operational to offer eligible foster parents the option to purchase state health insurance. This emergency rule must be in place by the start of open enrollment on October 1, 2012, for eligible foster parents to enroll in state health insurance coverage during the October 1 through October 31, 2012, open enrollment period with an effective date of coverage of January 1, 2013. This emergency rule is necessary to ensure eligible foster parents may enroll in the MCHCP and protect them from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subject to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to ensure coverage is available in compliance with the requirements of HB 1576. This emergency rule must become effective October 1, 2012, to fulfill the compelling governmental interest of offering health insurance to eligible foster parents. This rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue

of the *Missouri Register*. This emergency rule complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 28, 2012, becomes effective October 1, 2012, and expires March 29, 2013.

(1) Terms and Conditions. This rule provides the terms and conditions for membership in the Missouri Consolidated Health Care Plan (MCHCP). A foster parent and his/her dependents are required to provide complete, true, and accurate information to MCHCP in connection with enrollment, change, or cancellation processes, whether by online, written, or verbal communication. MCHCP may rely on, but reserves the right to audit, any information provided by the foster parent and seek recovery and/or pursue legal action to the extent the foster parent has provided incomplete, false, or inaccurate information. Purchase of the insurance is at the foster parent's own expense. MCHCP does not contribute toward the premium. The term "foster parent" means any approved specialized foster parent as defined in section 210.543, RSMo, also referred to as Elevated Needs Level B, and licensed under Chapter 210, RSMo, who provides temporary foster care for children who have a documented history of presenting behaviors or diagnoses which render the child unable to effectively function outside of a highly structured setting, not in anticipation of adoption and not for children related to such Elevated Needs Level B foster parent.

(2) Eligibility Requirements.

(A) Foster Parent Coverage. The Department of Social Services shall provide appropriate documentation to MCHCP of initial and ongoing eligibility of a foster parent who qualifies for the purchase of state health insurance. Documentation of eligibility for the purchase of state health insurance shall be required prior to enrollment. A foster parent may enroll dependents as long as the foster parent is also enrolled. In order to be eligible, a foster parent shall not have access to other health insurance coverage through an employer or spouse's employer.

(B) Dependent Coverage. Eligible dependents include:

1. Spouse. If both spouses are eligible foster parents, each spouse must enroll separately;

2. Children.

A. Children may be covered through the end of the month in which they turn twenty-six (26) years old if they meet one (1) of the following criteria:

(I) Natural child of subscriber or spouse;

(II) Legally-adopted child of subscriber or spouse;

(III) Child legally placed for adoption of subscriber or spouse;

(IV) Stepchild of subscriber;

(V) Foster child of subscriber or spouse. Such child will continue to be considered a dependent child after the foster child relationship ends by operation of law when the child ages out if the foster child relationship between the subscriber or spouse and the child was in effect the day before the child ages out;

(VI) Grandchild for whom the covered subscriber or covered spouse has legal guardianship or legal custody;

(VII) A child for whom the subscriber or spouse is the court-ordered legal guardian under a guardianship of a minor. Such child will continue to be considered a dependent child after the guardianship ends by operation of law when the child becomes eighteen (18) years old if the guardianship of a minor relationship between the subscriber or spouse and the child was in effect the day before the child became eighteen (18) years old;

(VIII) Newborn of a dependent;

(IX) Child for whom the subscriber or covered spouse is required to provide coverage under a Qualified Medical Child Support Order (QMCSO).

B. A child who is twenty-six (26) years old or older and is permanently disabled in accordance with subsection (5)(C) may be covered only if such child was disabled the day before the child turned twenty-six (26) years old and has remained continuously disabled.

C. A child may only be covered by one (1) parent if his/her parents are married to each other and are both covered under an MCHCP medical plan.

D. A child may have dual coverage if the child's parents are divorced or have never married, and both have coverage under an MCHCP medical plan. MCHCP will only pay for a service once, regardless of whether the claim for the child's care is filed under multiple subscribers' coverage. If a child has coverage under two (2) subscribers, the child will have a separate deductible, copayment, and coinsurance under each subscriber. MCHCP will process the claim and apply applicable cost-sharing using the coverage of the subscriber who files the claim first. The second claim for the same services will not be covered. If a provider files a claim simultaneously under both subscribers' coverage, the claim will be processed under the subscriber whose birthday is first in the calendar year. If both subscribers have the same birthday, the claim will be processed under the subscriber whose coverage has been in effect for the longest period of time; or

3. Changes in dependent status. If a covered dependent loses his/her eligibility, the subscriber must notify MCHCP within thirty-one (31) days to terminate his/her coverage effective the end of the month eligibility ceases.

(3) Enrollment Procedures.

(A) An eligible foster parent must enroll for coverage within thirty-one (31) days of his/her license date. If enrolling dependents, proof of eligibility must be submitted as defined in section (5).

(B) An eligible foster parent may elect coverage and/or change coverage levels during the annual open enrollment period.

(C) An eligible foster parent may apply for coverage for himself/herself and/or for his/her dependents if one (1) of the following occurs:

1. Occurrence of a life event, which includes marriage, birth, adoption, and placement of children. A special enrollment period of thirty-one (31) days shall be available beginning with the date of the life event. It is the eligible foster parent's responsibility to notify MCHCP of the life event; or

2. Employer-sponsored group coverage loss. An eligible foster parent and his/her dependents may enroll within sixty (60) days if s/he involuntarily loses employer-sponsored coverage under one (1) of the following circumstances:

A. Employer-sponsored medical, dental, or vision plan terminates;

B. Eligibility for employer-sponsored coverage ends;

C. Employer contributions toward the premiums end; or

D. Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends; or

3. If an eligible foster parent or his/her dependent loses MO HealthNet or Medicaid status, s/he may enroll in an MCHCP plan within sixty (60) days of the date of loss; or

4. If an eligible foster parent or eligible foster parent's spouse receives a court order stating s/he is responsible for coverage of dependent, the eligible foster parent may enroll the dependent in an MCHCP plan within sixty (60) days of the court order.

(4) Effective Date Provisions. In no circumstances can the effective date be before the eligibility date or before January 1, 2013. The effective date of coverage shall be determined, subject to the effective date provisions as follows:

(A) Eligible Foster Parent and Dependent Effective Dates.

1. Unless stated otherwise by these rules, an eligible foster parent and his/her eligible dependents' effective date of coverage is the first of the month coinciding with or after the eligibility date. Except

for newborns, the effective date of coverage cannot be prior to the date of receipt of the enrollment by MCHCP.

2. The effective date of coverage for a life event shall be as follows:

A. Marriage.

(I) If a subscriber enrolls and/or enrolls his/her spouse before a wedding date, coverage becomes effective on the wedding date subject to receipt of proof of eligibility. The monthly premium is not prorated.

(II) If an eligible foster parent enrolls within thirty-one (31) days of a wedding date, coverage becomes effective the first of the month coinciding with or after receipt of the enrollment form and proof of eligibility;

B. Newborn.

(I) If a subscriber or eligible foster parent enrolls his/her newborn or a subscriber enrolls a newborn of his/her dependent within thirty-one (31) days of birth date, coverage becomes effective on the newborn's birth date.

(II) If a subscriber does not elect to enroll a newborn of a dependent within thirty-one (31) days of birth, he/she cannot enroll the dependent of a dependent at a later date;

C. Adoption or placement for adoption.

(I) If a subscriber or eligible foster parent enrolls an adopted child within thirty-one (31) days of adoption or placement of a child, coverage becomes effective on the date of adoption or placement for adoption;

D. Legal guardianship and legal custody.

(I) If a subscriber or eligible foster parent enrolls a dependent due to legal guardianship or legal custody within thirty-one (31) days of guardianship or custody effective date, coverage becomes effective on the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day;

E. Foster care.

(I) If a subscriber or eligible foster parent enrolls a foster child due to placement in the subscriber or eligible foster parent's care within thirty-one (31) days of placement, coverage becomes effective on the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day; or

F. Eligible Foster Parent.

(I) If an eligible foster parent enrolls due to a life event, the effective date for the eligible foster parent is the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day.

3. An eligible foster parent and his/her eligible dependent(s) who elect coverage and/or change coverage levels during open enrollment shall have an effective date of January 1 of the following year.

4. If a foster parent gains state employment, s/he must enroll as a new state employee.

5. Coverage is effective for a dependent child the first of the month coinciding with or after the Qualified Medical Child Support Order is received by the plan or date specified by the court.

(5) Proof of Eligibility. Proof of eligibility documentation is required for all dependents. Enrollment of a dependent is not complete until proof of eligibility is received by MCHCP. A subscriber must include his/her MCHCPid or Social Security number on the documentation. If proof of eligibility is not received, MCHCP will send a letter requesting it from the subscriber. Except for open enrollment, documentation must be received within thirty-one (31) days of the letter date, or eligible dependent(s) will not be added. MCHCP reserves the right to request that such proof of eligibility be provided at any time upon request. If such proof is not received or is unacceptable as determined by MCHCP, coverage for the applicable dependent will terminate or never take effect. If enrolling dependents during open enrollment, proof of eligibility must be received by November 20, or

eligible dependents will not be added for coverage effective the following January 1.

(A) Addition of Dependents. Required documentation should accompany the enrollment for coverage, except when adding a newborn. Failure to provide acceptable documentation with the enrollment will result in the dependent not having coverage until such proof is received, subject to the following:

1. If proof of eligibility is not received with the enrollment, such proof will be requested by letter sent to the subscriber. The enrollment will not be processed until after proof of eligibility is received. Documentation shall be received no later than thirty-one (31) days from the date of the letter requesting such proof. If invalid proof of eligibility is received, the subscriber is allowed an additional ten (10) days from the initial due date to submit valid proof of eligibility. Failure to provide the required documentation within the above stated time frames will result in the dependent being ineligible for coverage until the next open enrollment period;

2. Coverage is provided for a newborn of a member from the moment of birth. The member must initially notify MCHCP of the birth verbally or in writing within thirty-one (31) days of the birth date. MCHCP will then send an enrollment form and letter notifying the member of the steps to continue coverage. The member is allowed an additional ten (10) days from the date of the plan notice to return the enrollment form. Coverage will not continue unless the enrollment form is received within thirty-one (31) days of the birth date or ten (10) days from the date of the notice, whichever is later. Newborn proof of eligibility must be submitted within ninety (90) days of the date of birth. If proof of eligibility is not received, coverage will terminate on day ninety-one (91) from the birth date. If invalid proof of eligibility is received, the subscriber is allowed an additional ten (10) days from the initial due date to submit valid proof of eligibility;

3. If placement papers or filed petition for adoption were used as proof of eligibility, final adoption papers must be submitted to MCHCP within one hundred eighty (180) days from the enrollment date; and

4. Acceptable forms of proof of eligibility are included in the following chart:

Circumstance	Documentation
Birth of dependent(s)	Government-issued birth certificate or other government-issued or legally-certified proof of eligibility listing subscriber as parent and newborn's full name and birth date
Addition of step-child(ren)	Marriage license to biological or legal parent/guardian of child(ren); and government-issued birth certificate or other government-issued or legally-certified proof of eligibility for child(ren) that names the subscriber's spouse as a parent or guardian and child's full name and birth date
Addition of foster child(ren)	Placement papers in subscriber's care
Adoption of dependent(s)	Adoption papers; Placement papers; or Filed petition for adoption listing subscriber as adoptive parent
Legal guardianship or legal custody of dependent(s)	Court-documented guardianship or custody papers listing member as guardian or custodian (Power of Attorney is not acceptable)
Newborn of covered dependent	Government-issued birth certificate or legally-certified proof of eligibility for newborn listing covered dependent as parent with newborn's full name and birth date
Marriage	Marriage license or certificate recognized by Missouri law
Divorce	Final divorce decree; or Notarized letter from spouse stating s/he is agreeable to termination of coverage pending divorce or legal separation
Death	Government-issued death certificate
Loss of MO HealthNet or Medicaid	Letter from MO HealthNet or Medicaid stating who is covered and the date coverage terminates
MO HealthNet Premium Assistance	Letter from MO HealthNet or Medicaid stating member is eligible for the premium assistance program
Qualified Medical Child Support Order	Qualified Medical Child Support Order
Prior Group Coverage	Letter from previous insurance carrier or former employer stating date coverage terminated, length of coverage, reason for coverage termination, and list of dependents covered

(B) The eligible foster parent is required to notify MCHCP on the appropriate form of the dependent's name, date of birth, eligibility date, and Social Security number.

(C) Permanently disabled children will continue to be eligible beyond age twenty-six (26) during the continuance of a permanent disability, provided the following documentation is submitted to the plan prior to the dependent's twenty-sixth birthday or within thirty-one days (31) days of enrollment of a new foster parent and his/her permanently disabled child:

1. The Supplemental Security Income (SSI) Notice of Award from the Social Security Administration (SSA) verifying the dependent is entitled to and receiving disability benefits as of a specific date;

2. A letter from the dependent's physician describing the current disability and verifying that the disability predates the original SSA determination; and

3. A current benefit verification letter from the SSA confirming the dependent is still considered disabled by SSA.

(D) Members who are eligible for Medicare benefits under Part A, B, or D must notify MCHCP of their eligibility and provide a copy

of the member's Medicare card within thirty-one (31) days of the Medicare eligibility date. Claims will not be processed until the required information is provided. If Medicare coverage begins before turning age sixty-five (65), the member will receive a Medicare disability questionnaire. The member must submit the completed questionnaire to MCHCP for the Medicare eligibility to be submitted to the medical plan.

(6) Termination.

(A) Unless stated otherwise, termination of coverage shall occur on the last day of the calendar month coinciding with or after any of the following events, whichever occurs first:

1. Failure to make premium payment for the cost of coverage. If MCHCP has not received payment of premium at the end of the thirty-one- (31-) day grace period, the subscriber will be retroactively terminated to the date covered by his/her last paid premium. The subscriber will be responsible for the value of services rendered after the retroactive termination date, including, but not limited to, the grace period;

2. Loss of foster parent licensure as determined by the

Department of Social Services;

3. With respect to dependents, upon divorce or legal separation from the subscriber or when a child reaches age twenty-six (26). A subscriber must terminate coverage for his/her spouse and stepchild(ren) at the time his/her divorce is final.

A. When a subscriber drops dependent coverage after a divorce, s/he must submit a completed form, a copy of the divorce decree, and current addresses of all affected dependents. Coverage ends on the last day of the month in which the divorce decree and completed form are received by MCHCP or, if requested, the last day of the month in which the divorce was final;

4. Death of dependent. The dependent's coverage ends on the date of death. The subscriber must submit a completed form and a copy of the death certificate within thirty-one (31) days of death;

5. A member's act, practice, or omission that constitutes fraud or intentional misrepresentation of material fact;

6. A member's threatening conduct or perpetrating violent acts against MCHCP or an employee of MCHCP; or

7. A subscriber has obtained access to other health insurance coverage through an employer or spouse's employer.

(B) MCHCP may rescind coverage due only to non-payment of a premium, fraud, or intentional misrepresentation. MCHCP shall provide at least thirty (30) days written notice before it rescinds coverage.

(C) Termination of coverage shall occur immediately upon discontinuance of the plan, subject to the plan termination provision specified in 22 CSR 10-2.080(1).

(D) If a member receives covered services after the termination of coverage, MCHCP may recover the contracted charges for such covered services from the subscriber or the provider, plus its cost to recover such charges, including attorneys' fees.

(E) Termination of a foster parent's coverage shall terminate the coverage of dependents.

(7) Voluntary Cancellation of Coverage.

(A) A subscriber may cancel medical coverage, which will be effective on the last day of the month in which the subscriber notifies MCHCP to cancel coverage.

(B) A subscriber may retroactively cancel coverage on his/her spouse to be effective on the last day of the month in which a divorce is final. A copy of the divorce decree must accompany the change request.

(C) If a member receives covered services after the voluntary cancellation of coverage, MCHCP may recover the contracted charges for such covered services from the subscriber or the provider, plus its cost to recover such charges, including attorneys' fees.

(D) A subscriber cannot cancel medical coverage on his/her spouse or children during divorce or legal separation proceedings unless s/he submits a notarized letter from his/her spouse stating s/he is agreeable to termination of coverage pending divorce.

(E) A subscriber may only cancel dental and/or vision coverage during the year for themselves or their dependents if they are no longer eligible for coverage.

(8) Federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

(A) Eligibility. In accordance with COBRA, eligible foster parents and their dependents may temporarily continue their coverage when coverage under the plan would otherwise end. Coverage is identical to the coverage provided under MCHCP to similarly-situated eligible foster parents and family members. If members cancel COBRA coverage, they cannot enroll at a later date.

1. Eligible foster parents voluntarily or involuntarily ending licensure as a foster parent (for reasons other than gross misconduct) may continue coverage for themselves and their covered dependent(s) for eighteen (18) months at their own expense.

2. If a subscriber marries, has a child, or adopts a child while on COBRA coverage, subscriber may add such eligible dependents to

the subscriber's plan if MCHCP is notified within thirty-one (31) days of the marriage, birth, or adoption. The subscriber may also add eligible dependents during open enrollment.

3. Dependents may continue coverage for up to thirty-six (36) months at their own expense if the covered foster parent becomes eligible for Medicare.

4. A surviving spouse and dependents, who have coverage due to the death of an eligible foster parent, may elect coverage for up to thirty-six (36) months at their own expense.

5. A divorced or legally-separated spouse and dependents may continue coverage at their own expense for up to thirty-six (36) months.

6. Children who would no longer qualify as dependents may continue coverage for up to thirty-six (36) months at their (or their parent's/guardian's) expense.

7. If the Social Security Administration determines a COBRA member is disabled within the first sixty (60) days of coverage, the member may continue coverage for up to twenty-nine (29) months.

8. If the eligible member has Medicare prior to becoming eligible for COBRA coverage, the member is entitled to coverage under both.

(B) Premium Payments.

1. Initial payment for continuation coverage must be received within forty-five (45) days of election of coverage.

2. After initial premium payment, MCHCP bills on the last working day of the month. There is a thirty-one- (31-) day grace period for payment of regularly scheduled monthly premiums.

3. Premiums for continued coverage will be one hundred two percent (102%) of the total premium for the applicable coverage level. Once coverage is terminated under the COBRA provision, it cannot be reinstated.

(C) Required Notifications.

1. The subscriber or applicable member must notify MCHCP within thirty-one (31) days of a divorce, legal separation, a child turning age twenty-six (26), change in disability status, within sixty (60) days of a Medicare entitlement, or when a subscriber has obtained access to other health insurance coverage through an employer or spouse's employer.

2. The Department of Social Services Children's Division will notify MCHCP when a foster parent is no longer eligible.

3. If a COBRA participant is disabled within the first sixty (60) days of COBRA coverage and the disability continues for the rest of the initial eighteen- (18-) month period of continuing coverage, the affected individual must notify MCHCP that s/he wants to continue coverage within sixty (60) days, starting from the latest of: 1) the date on which the SSA issues the disability determination; 2) the date on which the qualifying event occurs; or 3) the date on which the qualified beneficiary receives the COBRA general notice. The affected individual must also notify MCHCP within thirty-one (31) days of any final determination that the individual is no longer disabled.

(D) Election Periods.

1. When MCHCP is notified that a COBRA-qualifying event has occurred, MCHCP notifies eligible members of the right to choose continuation coverage.

2. Eligible members have sixty (60) days from the date of coverage loss or notification from MCHCP, whichever is later, to inform MCHCP that they want continuation coverage.

3. If eligible members do not choose continuation coverage within sixty (60) days of lost coverage or notification from MCHCP, coverage ends.

(E) Continuation of coverage may be cut short for any of these reasons—

1. The state of Missouri no longer provides group health coverage to foster parents;

2. Premium for continuation coverage is not paid on time;

3. The covered foster parent or dependent becomes covered (after the date s/he elects COBRA coverage) under another group health plan that does not contain any exclusion or limitation with

respect to any pre-existing condition s/he may have;

4. The covered foster parent or dependent becomes entitled to Medicare after the date s/he elects COBRA coverage; or

5. The covered foster parent or dependent extends coverage for up to twenty-nine (29) months due to disability and there has been a final determination that the individual is no longer disabled.

(9) Missouri State Law COBRA Wrap-Around Provisions.

(A) Missouri law provides that if a member loses group health insurance coverage because of a divorce, legal separation, or the death of a spouse, the member may continue coverage until age sixty-five (65) under two (2) conditions—

1. The member continues and maintains coverage under the thirty-six- (36-) month provision of COBRA; and

2. The member is at least fifty-five (55) years old when COBRA benefits end. The qualified beneficiary must apply to continue coverage through the wrap-around provisions and will have to pay the entire premium. MCHCP may charge up to an additional twenty-five percent (25%) of the applicable premium.

(B) For a member to continue coverage under this subsection, a member must either—

1. Within sixty (60) days of legal separation or the entry of a decree of dissolution of marriage or prior to the expiration of a thirty-six- (36-) month COBRA period, the legally-separated or divorced spouse who seeks such coverage shall give MCHCP written notice of the qualifying event, including his/her mailing address; or

2. Within thirty (30) days of the death of a foster parent whose surviving spouse is eligible for continued coverage or prior to the expiration of a thirty-six- (36-) month COBRA period, the human resource/payroll representative or the surviving spouse shall give MCHCP written notice of the death and the mailing address of the surviving spouse.

(C) Within fourteen (14) days of receipt of the notice, MCHCP shall notify the legally-separated, divorced, or surviving spouse that coverage may be continued. The notice shall include:

1. A form for election to continue the coverage;
2. The amount of premiums to be charged and the method and place of payment; and
3. Instructions for returning the elections form by mail within sixty (60) days after MCHCP mails the notice.

(D) Continuation of coverage terminates on the last day of the month prior to the month the subscriber turns age sixty-five (65). The right to continuation coverage shall also terminate upon the earliest of any of the following:

1. The state of Missouri no longer provides group health coverage to foster parents;
2. Premium for continuation coverage is not paid on time;
3. The date on which the legally-separated, divorced, or surviving spouse becomes insured under any other group health plan;
4. The date on which the legally-separated, divorced, or surviving spouse remarries and becomes insured under another group health plan; or
5. The date on which the legally-separated, divorced, or surviving spouse reaches age sixty-five (65).

(10) Medicare.

(A) If a member does not enroll in Medicare when s/he is eligible and Medicare should be the member's primary plan, the member will be responsible for paying the portion Medicare would have paid. An estimate of Medicare Part A and/or Part B benefits shall be made and used for coordination or reduction purposes in calculating benefits. Benefits will be calculated on a claim-submitted basis so that if, for a given claim, Medicare reimbursement would be for more than the benefits provided by this plan without Medicare, the balance will not be considered when calculating subsequent claims for this plan's deductible and out-of-pocket maximum expenses.

(B) MCHCP's prescription drug plan is evaluated by a third party to determine whether it is creditable and considered equal to or bet-

ter than Medicare Part D. The member will receive notification of the outcome from MCHCP. If MCHCP's plan is considered creditable, the member does not need to enroll in Medicare Part D and will not be penalized if s/he signs up for Part D at a later date.

(C) If a member enrolls in a Medicare Part D plan in addition to coverage under this plan, Medicare Part D becomes the member's primary plan. Such member's benefit must be adjusted in order for the plan to avoid liability for filing claims under the subsidy reimbursement portion of Medicare Part D. This plan will pay primary with appropriate copayments or coinsurance when the member is within the donut hole.

(11) Communications to Members.

(A) It is the foster parent's responsibility to ensure that MCHCP has current contact information for the member and any dependent(s).

(B) A foster parent must notify MCHCP of a change in his/her mailing or email address as soon as possible, but no later than thirty-one (31) days after the change.

(C) It is the responsibility of all foster parents who elect to receive plan communication through email to ensure plan emails are not blocked as spam or junk mail by the member or by the member's service provider.

(D) Failure to update a mailing or email address may result in undeliverable mail/email of important informational material, delayed or denied claims, loss of coverage, loss of continuation rights, missed opportunities relating to covered benefits, and/or liability for claims paid in error.

(12) Deadlines. Unless specifically stated otherwise, MCHCP computes deadlines by counting day one as the first day after the qualifying event. If the last day falls on a weekend or state holiday, MCHCP may receive required information on the first working day after the weekend or state holiday.

(13) Premiums. Notwithstanding any other rule to the contrary, foster parents are responsible for paying the entire actuarial determined rate of total premium with no employer or MCHCP contribution.

AUTHORITY: section 103.059, RSMo 2000, and section 103.078, HB 1576, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RULE

22 CSR 10-2.120 Wellness Program

PURPOSE: This rule establishes the policy of the board of trustees in regards to the Strive for Wellness program.

EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2012, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. MCHCP's actuary has valued the savings

achievable by an experienced wellness program to be approximately a one percent (1%) reduction in the amount the Plan expects to pay for medical claims and has not included this one percent (1%) in predicting total plan costs. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2012, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. This emergency rule complies with the protections extended by the **Missouri and United States Constitutions** and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 28, 2012, becomes effective October 1, 2012, and expires March 29, 2013.

(1) Program—The wellness program is called Strive for Wellness and is administered through StayWell Health Management (vendor). Strive for Wellness is voluntary. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(2) Eligibility—The following subscribers enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or High Deductible Health Plan (HDHP) are eligible to participate in the wellness program:

- (A) Active employee subscriber;
- (B) Non-Medicare terminated vested subscriber;
- (C) Non-Medicare long-term disability subscriber;
- (D) Non-Medicare survivor subscriber;
- (E) Non-Medicare Consolidated Omnibus Budget Reconciliation Act (COBRA) subscriber; and
- (F) Non-Medicare retiree subscriber.

(3) Limitations and exclusions—The following members enrolled in an MCHCP PPO or HDHP are not eligible to participate in the wellness program:

- (A) Subscriber under the age of eighteen (18);
- (B) Dependent;
- (C) Dependent children who are covered under a parent's MCHCP plan and who are also state employees;
- (D) Medicare terminated vested subscriber;
- (E) Medicare long-term disability subscriber;
- (F) Medicare survivor subscriber;
- (G) Medicare COBRA subscriber;
- (H) Medicare retiree subscriber; and
- (I) Two (2) married retirees who are enrolled together as a retiree and spouse will be eligible for only one (1) incentive. The retiree in the subscriber status is eligible to participate.

(4) Participation—

- (A) Subscribers may earn an incentive by completing the following:
 1. The online Partnership Agreement by November 30, 2012;
 2. The online Health Assessment by November 30, 2012; and
 3. Receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider Form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's

wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.

A. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

B. Health Care Provider form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

- (I) Form not unique to submitting subscriber;
- (II) Provider printed name not legible;
- (III) Provider name or signature missing;
- (IV) Height missing or not legible;
- (V) Weight missing or not legible;
- (VI) Blood pressure missing or not legible;
- (VII) Date of physical exam missing or not legible; and
- (VIII) Handwritten changes made to the preprinted name and unique ID contained on the form.

C. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(B) A new employee or eligible subscriber adding medical coverage from November 1, 2012, through May 31, 2013, must complete the Partnership Agreement and Health Assessment within thirty-one (31) days of enrollment to receive the partnership incentive. The incentive will start the beginning of the second month after the eligible subscriber completes the Health Assessment. To continue the incentive July through December 2013, the employee must receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.

1. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

2. Health Care Provider form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

- A. Form not unique to submitting subscriber;
- B. Provider printed name not legible;
- C. Provider name or signature missing;
- D. Height missing or not legible;
- E. Weight missing or not legible;
- F. Blood pressure missing or not legible;
- G. Date of physical exam missing or not legible; and
- H. Handwritten changes made to the preprinted name and unique ID contained on the form.

3. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(C) An employee hired after May 31, 2013, will be eligible to participate in the wellness program at the next open enrollment period;

(D) Subscribers with disabilities may request special accommodations regarding participation. Appropriately documented reasonable requests will be accommodated to the extent possible;

(E) When Medicare becomes a retiree subscriber's primary insurance payer, the subscriber is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary; and

(F) Health Coaching. Subscriber data from the Health Assessment and Health Care Provider form will be used to identify health risks. Subscribers identified to be at moderate to high health risk for weight, eating, stress, exercise, tobacco use, back care, blood pressure, and cholesterol will be offered voluntary phone health coaching to reduce their risk. Health coaching is not required to receive the partnership incentive.

(5) Audit—MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from the wellness program, loss of the partnership incentive, and/or prosecution.

(6) Partnership incentive—The partnership incentive is fifteen dollars (\$15) per month as reflected in the partnership premium.

(7) Each subscriber is responsible for confirming vendor receipt and acceptability of his/her Health Care Provider form by checking his/her wellness information on myMCHCP. If the information is not reflected within a reasonable time period, it is the subscriber's responsibility to contact the vendor regarding the status of his/her Health Care Provider form at (866) 564-5235.

(8) Coordination of programs—MCHCP and its wellness vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. A proposed rule covering this same material is published in this issue of the Missouri Register.

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

Entirely new rules are printed without any special symbology 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.350 Class I Wildlife Breeder Permit. The commission proposes to amend this rule.

PURPOSE: This amendment imposes an indefinite restriction on new Class I wildlife breeder facilities for white-tailed deer and mule deer as an additional measure to limit the spread of chronic wasting disease in Missouri.

To exercise the privileges of a Class I wildlife breeder. **No applications for new Class I Wildlife Breeder permits will be approved for white-tailed deer or mule deer. Renewal of permits will be**

considered for existing Class I Wildlife Breeder Permit holders under established requirements. Fee: fifty dollars (\$50).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-10.750. Original rule filed Aug. 18, 1970, effective Dec. 31, 1970. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 24, 2012.

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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.560 Licensed Hunting Preserve Permit. The commission proposes to amend section (1) of this rule.

PURPOSE: This amendment imposes an indefinite restriction on new big game hunting preserve facilities as an additional measure to limit the spread of chronic wasting disease in Missouri.

(1) To maintain and operate a licensed hunting preserve and to buy, propagate, hold in captivity, hunt, and sell only legally obtained and captive-reared: pheasants, exotic partridges, quail, mallard ducks, and ungulates (hoofed animals). **No applications for new Licensed Hunting Preserve permits will be approved for big game hunting preserves. Renewal of permits will be considered for existing big game hunting preserves under established requirements.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This version of rule filed Jan. 19, 1972, effective Feb. 1, 1972. This rule previously filed as 3 CSR 10-10.760. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 24, 2012.

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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.310 Basic Education Competencies Required Prior to Admission to Approved Teacher Education Programs in Missouri. The State Board of Education is amending the purpose, sections (1)–(2), and Appendix A.

PURPOSE: The State Board of Education is amending this rule to remove the name of a specific provider and the name of a specific assessment. This will enable the State Board of Education to have options in reviewing assessments for basic education competencies.

PURPOSE: The State Board of Education is authorized to grant certificates of license to [teach] be a professional educator in any of the public schools of the state and to establish requirements and qualifications for those certificates. This regulation establishes 1) a requirement that all students shall demonstrate basic educational competencies prior to formal admission into the approved [professional teacher education] programs [of the institutions of higher education] in Missouri and 2) procedures for implementation.

(1) All [colleges and universities] **educator preparation programs** shall verify that each applicant for formal admission to an approved [professional education] **educator preparation program** has demonstrated basic educational competencies by achieving a passing score, as [determined] **approved** by the [s/State Board of Education (board)], for each subtest of the [College Basic Academic Subjects Examination (C-BASE)] **approved general knowledge and skills assessment** prior to [his/her] her/his admission [to the program] ([S/see Appendix A]).

(2) All [colleges and universities] **educator preparation programs** recommending an applicant for an initial Missouri teaching certificate shall furnish the Department of Elementary and Secondary Education (**department**) with the following information and documentation:

(A) A completed application form which shall be provided by the [Department of Elementary and Secondary Education] **department**;

(C) A computation of the applicant's grade point average[,] verified and signed by an appropriate [college or university] **program official**;

[(D)] *The applicant's ACT/SAT score results, if the applicant enrolled in college within one (1) year of high school graduation and the test was taken within the last five (5) years;*

[(E)](D) Verification that the applicant has achieved a passing score as determined by the [State Board of Education] **board** for each subtest of the [College Basic Academic Subjects Examination (C-BASE)] **general knowledge and skills assessment** for entry into teacher education (see Appendix A); and

[(F)](E) A statement of competency determination of an applicant with handicapping conditions as evaluated at the [institution] **educator preparation program** for basic educational competency through appropriate testing instruments and/or procedures by psychometrists designated or approved by the appropriate [academic officer] **official** of the [institution, signed by an appropriate college or university official] **educator preparation program**.

APPENDIX A

Policies for
[COLLEGE BASIC ACADEMIC SUBJECTS EXAMINATION

(C-BASE)] the Board-Designated General Knowledge and Skills Assessment

1. Candidates must obtain a satisfactory rating in each of the [five sections] **subtests** (English, **Language Arts including writing**, mathematics, science, **and** social studies) [and writing] of C-BASE] independently. [(Note: Candidates' scores from the April 1988 administration of C-BASE that meet or exceed the levels determined for satisfactory ratings will be valid and may be used to satisfy teacher entry requirements.)]
2. Candidates who do not obtain a satisfactory rating for any particular [section] **subtest** (English, **Language Arts including writing**, mathematics, science, **and** social studies) [or writing]] may opt to retake the entire examination or only the unsatisfactory [section(s)] **subtest(s)**.
3. Candidates will have two (2) years from the first attempt to obtain a satisfactory rating in all of the [sections] **subtests** of [C-BASE] the **general knowledge and skills assessment** (English, **Language Arts including writing**, mathematics, science, **and** social studies) [and writing]], after which time they must begin anew the requirement for obtaining a satisfactory rating in all [sections] **subtests**.
4. Once satisfactory ratings have been obtained in all of the [sections] **subtests** of [C-BASE] the **general knowledge and skills assessment**, these scores will remain valid permanently.
5. Candidates may retake the examination as many times as they choose and as frequently as it is offered, but not more than once during any single statewide test administration period.
6. In the case of retakes, the highest rating obtained will be considered for the teacher entry criterion.
7. Candidates may use hand-held calculators during administration of [C-BASE] the **general knowledge and skills assessment**.
8. Each [college or university] **educator preparation program** shall make appropriate allowances for administering [C-BASE] the **general knowledge and skills assessment** and the assessment of oral communication skills to candidates with physically handicapping conditions.
9. [C-BASE] The **general knowledge and skills assessment** will be offered several times per calendar year according to a schedule established by the [Department of Elementary and Secondary Education] **department** with the advice of a committee representative of [institutions with teacher education programs] **educator preparation programs** and other appropriate persons.
10. Through a procedure for advance registration, candidates will be strongly encouraged to preregister for [C-BASE] the **general knowledge and skills assessment**; however, candidates are permitted (at additional cost) to take the test without preregistering providing space and testing materials are available, and other logistical considerations can be accommodated at a particular test location.
11. Candidates who have achieved a baccalaureate degree from [an] a **regionally-accredited** institution of higher education prior to seeking admission into an approved teacher education program shall be deemed to have achieved a satisfactory rating on [skills assessment] **all subtests** and are not required to take [C-BASE] the **general knowledge and skills assessment**.

12. The assessment of oral communication skills will follow the criteria and procedures designed by the commissioner of education. *[This assessment is conducted locally, and the results must be communicated to the Center for Educational Assessment, University of Missouri-Columbia, where a central database of candidates who have met the criteria will be kept.]*
13. *[A clinical score of at least one standard deviation below the average student's score will be considered as passing for each subtest of the C-BASE] The board shall determine an appropriate passing score for each subtest. [This] These scores [is] are subject to periodic review and revision by the [State Board of Education] board.*

AUTHORITY: sections [161.092, 168.011, 168.021, 168.031 and 168.400, RSMo 1994] 161.092, 168.021, and 168.400, RSMo Supp. 2011, and section 168.011, RSMo 2000. This rule was previously filed as 5 CSR 80-800.050 and 5 CSR 80-805.020. Original rule filed Aug. 15, 1983, effective Dec. 12, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 28, 2012.

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 impact an estimated nine thousand (9,000) applicants who will take the test annually, with an estimated cost of forty-one dollars (\$41) per test for the life of the rule for a total cost of three hundred sixty-nine thousand dollars (\$369,000). This cost is estimated based on the current fees charged, but the fees are subject to change.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Karla Eslinger, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 5 – Department of Elementary and Secondary Education
Division Title: Division 20 - Division of Learning Services
Chapter Title: Chapter 400 - Office of Educator Quality

Rule Number and Title:	5 CSR 20-400.310 Basic Education Competencies Required Prior to Admission to Approved Teacher Education Programs in Missouri
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	State Agencies	No Cost
	Colleges/Universities	No Cost
9,000	Candidates	\$369,000 to Assessment Resource Center (ARC) for all applicants for the life of the rule

III. WORKSHEET

\$41 per test - per applicant x 9,000 = \$369,000

IV. ASSUMPTIONS

Each applicant is required to take the test once at a cost of \$41 and we anticipate 9,000 applicants each year to take this assessment. This cost estimate is based on the current fees charged, but the fees are subject to change.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.340 Administrative Procedures for the Teacher Education Scholarship Program. This rule established procedures for granting scholarships under the Teacher Education Scholarship Program.

PURPOSE: This rule is being rescinded since the program was transferred to the Department of Higher Education by Executive Order 09-09.

AUTHORITY: sections 160.276, 160.278, 160.281 and 160.283, RSMo 2000. This rule previously filed as 5 CSR 80-850.010. Original rule filed Dec. 2, 1985, effective Feb. 24, 1986. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Aug. 28, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Office of General Counsel and Governmental Affairs, PO Box 480, Jefferson City, MO 65102-0480 or by email at counsel@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.350 Administrative Procedures for the Minority Teaching Scholarship Program. This rule established procedures for granting scholarships under the Minority Teaching Scholarship Program.

PURPOSE: This rule is being rescinded since the program was transferred to the Department of Higher Education by Executive Order 09-09.

AUTHORITY: sections 161.415, 161.418, 161.421 and 161.424, RSMo 1994. This rule previously filed as 5 CSR 80-850.015. Emergency rule filed July 19, 1995, effective July 29, 1995, expired Nov. 25, 1995. Original rule filed May 24, 1995, effective Jan. 30, 1996. Moved to 5 CSR 20-400.350, effective Aug. 16, 2011. Rescinded: Filed Aug. 28, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Office of General Counsel and Governmental Affairs, PO Box 480, Jefferson City, MO 65102-0480 or by email at counsel@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RESCISSION

5 CSR 20-400.420 Urban Flight and Rural Needs Scholarship Program. This rule established procedures for granting scholarships under the Urban Flight and Rural Needs Scholarship Program.

PURPOSE: This rule is being rescinded since the program was transferred to the Department of Higher Education by Executive Order 09-09.

AUTHORITY: sections 161.092 and 173.232, RSMo Supp. 2007. This rule previously filed as 5 CSR 80-860.050. Original rule filed Jan. 18, 2008, effective Aug. 30, 2008. Moved to 5 CSR 20-400.420, effective Aug. 16, 2011. Rescinded: Filed Aug. 28, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Office of General Counsel and Governmental Affairs, PO Box 480, Jefferson City, MO 65102-0480 or by email at counsel@dese.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 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED RULE

5 CSR 20-400.440 Procedures and Standards for Approval and Accreditation of Professional Education Programs in Missouri

PURPOSE: The State Board of Education is authorized to grant certificates of license to be a professional educator in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule provides procedures and standards for approval and accreditation of educator preparation programs in Missouri.

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) Educator preparation programs in Missouri shall be established and evaluated according to the *Missouri Standards for the Preparation of Educators* (MoSPE), along with a glossary (August 2012), which are hereby incorporated by reference and made a part of this rule, as published by the Department of Elementary and Secondary Education, Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(2) For the purpose of this rule, the official definition for all terms will be those articulated in the glossary unless the context clearly indicates otherwise.

(3) Initial Approval.

(A) An educator preparation program seeking initial approval to offer either a traditional or an alternative professional education program shall submit a written proposal to the Office of Educator Quality at the Department of Elementary and Secondary Education (department) addressing the elements discussed in this section. All such programs shall be reviewed by the department and approved by the State Board of Education (board) pursuant to MoSPE and as outlined below. Only those programs which the department determines to have merit and potential for providing quality preparation for candidate certification will be considered for approval. The proposals should include at a minimum the following elements:

1. A description of the proposed program based upon a statement of the purpose and objectives for an area of the public school curriculum and a statement of the nature of the proposed program that is consistent with those objectives, the mission of the organization, and the conceptual framework for the educator preparation programs. These statements shall be based on analyses of current practices and trends in the identified area of the public school curriculum;

2. A clearly formulated statement of the competencies for educators in the identified area of the public school curriculum. These competencies shall include subject knowledge and professional skills based upon current research and practice and shall include the competencies for educators identified in the MoSPE adopted by the board;

3. A curriculum matrix delineating the courses and supervised field experiences prescribed to address competencies appropriate for candidates to meet state certification requirements, a description of the process by which the candidates will be prepared, and provisions for assessing candidates and keeping records of their progress through the program;

4. Identification of the administrative structure of the proposed program indicating where the responsibility is vested in the educator preparation program.

5. Clearly identified resources as stipulated by MoSPE to support the program. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the program shall be defined and confirmed by the controlling agency; and

6. A written plan for the continuing evaluation of the proposed program that includes definition and specifications of the kinds of evidence that will be gathered and reported to the organization and the department at designated intervals. Evaluation reports shall provide information to identify areas in the program that need to be strengthened and/or to suggest new directions for program development.

(4) Accreditation.

(A) Upon receiving initial approval, an educator preparation pro-

gram may begin the process of seeking accreditation through the collection and submission of data in the form of annual reports consistent with the rules and regulations promulgated by the board.

(B) Based upon this reporting, the commissioner shall recommend to the board that an approved educator preparation program be accredited, provisionally accredited, or unaccredited. The commissioner's recommendation shall not include the removal of accreditation of programs for which the institution was not afforded an opportunity for a hearing according to the provisions of Chapter 536, RSMo.

(C) The commissioner shall review the Annual Performance Report and may request additional information before recommendations are made to the board.

(D) The commissioner may authorize an interim review of an educator preparation program in accordance with the rules and regulations promulgated by the board. As a result of the review, and upon the recommendation of the commissioner, the board may revoke accreditation and thereby remove an educator preparation program's authorization to recommend candidates for certification.

(E) Should the board disapprove any certification and/or educator preparation program(s), the commissioner shall notify the program of the decision and inform the institution of the reasons for the decision.

(F) Requisite conditions, guidelines, procedures, and standards, as set forth in the rules and regulations promulgated by the board, shall be followed by any educator preparation program seeking board approval.

(5) Alternative Program Considerations.

(A) Alternative programs shall abide by and be evaluated according to the Missouri Standards for the Preparation of Educators included in rules promulgated by the board.

(B) Educator preparation programs shall be authorized to recommend for Initial Professional Certification (IPC) certificates of license candidates who complete approved alternative certification programs in accordance with the rules promulgated by the board.

(C) An individual may become a candidate in an alternative certification program upon meeting the following criteria:

1. The individual shall have earned a bachelor's or higher degree in the content area or a closely allied field of the desired certificate of license from a regionally accredited institution and shall have a cumulative grade point average no lower than the Missouri requirements as stipulated in the MoSPE documents, which is incorporated by reference into this rule (2.75 on a 4.0 scale), and a grade point average no lower than 3.0 in the subject content area(s);

2. The individual shall participate in a structured interview conducted by the educator preparation program for screening, diagnostic, and advising purposes;

3. The individual shall undergo a background check conducted by the Missouri State Highway Patrol (Highway Patrol) and/or the Federal Bureau of Investigation (FBI), which includes submitting to the department two (2) full sets of fingerprints in a manner acceptable to the Highway Patrol and/or FBI and paying the required fees; and

4. The candidate shall enter into a four- (4-) party academic contract with the educator preparation program offering the alternative program, an employing Missouri school district, and the department, whereupon s/he shall receive a two- (2-) year provisional certificate of license to teach and shall—

A. Be assigned by the school district a mentor who is engaged in professional education work comparable to the area the candidate is seeking certification for and who will observe and work with the candidate until the candidate completes the alternative program;

B. Receive any additional assistance, as determined by the educator preparation program, until the candidate completes the alternative program;

C. Participate in the employing school district's professional

development programs;

D. Participate in the employing school district's performance evaluation system; and

E. Prior to the expiration of her/his provisional certificate of license, the candidate must successfully complete the exit assessment(s) designated by the board for the IPC certificate of license.

AUTHORITY: sections 161.092 and 168.021, RSMo Supp. 2011, and sections 161.097 and 161.099, RSMo 2000. Original rule filed Aug. 28, 2012.

PUBLIC COST: This proposed rule will not increase the cost to state agencies or political subdivisions and may reduce the cost due to the elimination of activities and related expenses incurred during the seven (7) year review cycle previously established.

The assessment contractors will be providing the department with data downloads which will negate the cost per institution for processing data for the Annual Performance Report for Educator Preparation Programs. This will result in a cost savings of approximately five thousand five hundred eighty-eight dollars (\$5,588).

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: Dr. Karla Eslinger, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 5 - Department of Elementary and Secondary Education
Division Title: Division 20 - Division of Learning Services
Chapter Title: Chapter 400 - Office of Educator Quality

Rule Number and Name:	5 CSR 20-400.440 Procedures and Standards for Approval and Accreditation of Professional Education Programs in Missouri
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
State Agencies	No Cost
Colleges/Universities	Decrease cost due to eliminated activities

III. WORKSHEET

- The cost of lodging, meal, and travel expenses for a group of 6 to 15 trained review team members who remained on campus for a period beginning on a Saturday and concluding on a Wednesday.
 - Estimated cost savings using Conus Rates for a review in central Missouri with a 10 member team:
 - Lodging – 4 Nights @ \$80.00 = \$320.00 x 10 team members = \$3,200.00
 - Meals – 5 Days @ \$30.00 = \$150.00 x 10 team members = \$1,500.00
 - Travel Expenses – 240 Miles Round Trip @ \$.37 per mile = \$88.80 x 10 = \$888.00
 - Total Cost Savings = \$5,588.00 Based on a 10 member team in central Missouri.

IV. ASSUMPTIONS

The Missouri Standards for the Preparation of Educators establishes an Annual Performance Report that eliminates the seven (7) year on-campus review cycle. The cost savings estimate is based upon the elimination of the individual on-campus reviews.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 600—Office of Early and Extended Learning**

PROPOSED RULE

5 CSR 20-600.130 General Provisions Governing Programs Authorized Under Early Childhood Development, Education, and Care

PURPOSE: The Department of Elementary and Secondary Education (department) is authorized by the Early Childhood Development Education and Care Fund to administer a program of competitive grants to governmental entities, public schools, or private agencies for voluntary, early childhood development, education, and care programs serving children in every region of the state not yet enrolled in kindergarten. This rule sets forth the general provisions governing those programs.

(1) The Department of Elementary and Secondary Education (department) is authorized to establish procedures for the implementation of the Missouri Preschool Program (MPP) including:

(A) Grants or contracts may be provided for—

1. Start-up funds for necessary materials, supplies, equipment, and facilities;
2. Ongoing costs associated with the implementation of a sliding parental fee schedule based on income; and
3. Grants or contracts may be for up to a maximum of five (5) years, with decreasing amounts in the last three (3) years;

(B) Grant and contract applications shall, at a minimum, include:

1. A funding plan which demonstrates funding from a variety of sources including parental fees and a method of sustaining the program when the grant ends;
2. A child development, education, and care plan that is appropriate to meet the needs of children;
3. The identity of any partner agencies or contractual service providers;
4. Documentation of community input into program development;
5. Demonstration of financial and programmatic accountability on an annual basis; and
6. The establishment of a parent advisory committee within each program;

(C) Governmental entities, public schools, or private agencies may apply in a competitive bid process to provide preschool education.

1. Religious entities are not eligible to apply to the department for funds based on the *Missouri Constitution* article 9, section 8.
2. All contractors/grantees applying must have the appropriate child care license granted from the Missouri Department of Health and Senior Services (DHSS), Section for Child Care Regulation and continue to maintain it throughout the entire contract period and all renewal periods.
3. The contractor must provide preschool services to age-eligible children. Only age-eligible children should be served in the MPP classroom.
4. Contractors/grantee must serve a minimum of ten (10) age-eligible children per classroom and have no more than twenty (20) age-eligible children in a classroom.
5. Lead teachers and teacher assistants must meet the teacher qualifications. Classrooms with ten (10) children must have a lead teacher. A teacher assistant is required if more than ten (10) children are enrolled in the MPP classroom.
6. The contractor/grantees cannot decrease a program's current license capacity for any age group in order to increase the license

capacity of age-eligible children for the purpose of receiving MPP funds.

7. The program must adopt one (1) of the department-approved curriculum models. Lead teachers and teacher assistants in the MPP classrooms must be trained in and implement the curriculum in the classroom.

8. The program must implement a sliding scale fee to ensure all families, regardless of income, have an opportunity to participate.

9. The program must obtain Missouri Accreditation (MoA) or the National Association for the Education of Young Children (NAEYC) Accreditation.

10. Staff evaluations must be completed and documented annually.

11. Lead teachers and teacher assistants must participate in continuous professional development associated with the selected curriculum model.

12. The contractor must maintain records and fiscal information.

13. The MPP funds cannot be used to supplant or replace any existing preschool program or staff.

14. Private agency contractors who failed to meet the requirements of a previously awarded MPP bid will not be eligible for application for five (5) years after the year in which they defaulted.

15. The contractor must ensure an annual health and nutrition screening and a developmental screening for MPP children.

16. The program must offer no less than two (2) parent-teacher conferences annually;

(D) Program Development Requirements.

1. The contractor must agree and understand that the department must have complete and total approval authority of the contractor's activity plan or any part thereof and must have the expressed right to modify, change, or delete all or any part of the plan at any time.

2. The contractor may be required to develop and submit a new or revised activity plan at other times throughout the contract period as well as for each renewal period, if the contract is renewed for additional periods. The contractor must prepare and submit all such future activity plans within a time frame stipulated by the department.

3. Community involvement. A community advisory committee must assist in planning the Preschool Program for age-eligible children and in completing the Community Needs Assessment.

4. Community-based planning. Strong community commitment, leadership, and planning are critical to the success of the programs and services offered under the MPP.

A. Step I – Administration. The contractor appoints an administrator who has both leadership ability and a strong commitment to early childhood education, especially preschool education. This administrator must be able to—

- (I) Be knowledgeable and respectful of preschool opportunities within the community;
- (II) Set goals and coordinate implementation timetables;
- (III) Analyze the results of the programs;
- (IV) Exercise sufficient authority within a collaborative framework to accomplish the desired results;
- (V) Be knowledgeable about business practices necessary to successfully sustain the program; and

(VI) Report regularly to the Community Advisory Committee and should be prepared to manage a program organizational structure consisting of several different types of operation.

B. Step II – Community Advisory Committee. The Community Advisory Committee, whose membership of citizens representing a variety of community organizations, is established. Primary responsibilities of the Community Advisory Committee are to—

- (I) Assist in gathering information needed to complete the Community Needs Assessment;

(II) Make recommendations on the goals and objectives of the MPP;

(III) Assist on options for coordinating programs and services among community, school, and other preschool programs;

(IV) Assist in the Invitation For Bid (IFB) process; and

(V) Serve as a resource.

C. Step III – Program Design. Based on the community needs assessment, the program will be designed to meet the needs of each community.

5. Teacher qualifications. All preschool programs funded by the MPP must utilize teachers and teacher assistants who have one (1) of the following minimum qualifications at the time the program begins operation. These qualifications must be maintained throughout the contract period.

A. Lead teacher—

(I) Early Childhood Teacher Certification;

(II) Early Childhood Special Education Teacher Certificate; or

(III) A four- (4-) year college degree in child development.

B. Teacher assistant, at a minimum—

(I) Child Development Associate;

(II) Two- (2-) Year Associate Degree in Child Care/Education; or

(III) Sixty (60) college hours with a minimum of three (3) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families.

6. Curriculum models. Preschool programs must implement a nationally recognized preschool curriculum model that is approved by the department. The lead teacher and teacher assistant involved in the MPP must be trained in the curriculum model. It is also highly recommended that the director/program administrator be trained in the chosen curriculum model. All curriculum trainings must be provided by the curriculum source. Programs must contact the source to schedule trainings. Any training not scheduled through the source will not be funded and will not meet the requirement. The selected preschool curriculum models meet the following criteria:

A. Based on valid research;

B. Have positive evaluation results;

C. Provide ongoing professional development; and

D. Developmentally appropriate for children ages three (3) to five (5).

7. Accreditation. Programs are required to obtain accreditation from either the MoA or the NAEYC. The program must be accredited prior to the beginning of year four (4) operation. MPP operating in a center will be required to accredit the entire center including the infant/toddler classrooms and school age classrooms.

8. Plans for program activities.

A. Parent advisory committee plan. An advisory committee of parents with children in the MPP classrooms must meet at least twice annually. The plan should include the roles of the members, selection procedure, replacement procedure, number of members, and frequency of meetings.

B. Funding plan. The plan must demonstrate funding from a variety of sources including parental fees. A sliding scale fee schedule based on family income is required for families whose income does not exceed one hundred eighty-five percent (185%) of the federal poverty level.

C. Child development, education, and care plan. The plan should describe how the preschool program will be designed and how it will meet the needs of preschool children as identified from the Community Needs Assessment. Information must include how program growth issues will be addressed such as recruitment methods.

D. Professional development plan. Professional development opportunities include college-credit courses, follow-up/advanced training of the selected curriculum model provided only by the approved curriculum source, professional conferences, seminars, consultants, and the department-required meetings. MPP funds only

support professional development opportunities that are in addition to the DHSS required clock hours for child care providers. The plan should include a list of the specific professional development opportunities to be provided. Evidence of continuous professional development associated with the selected curriculum model must be included each year in the plan. Professional development opportunities should reflect the general philosophy of the selected curriculum model.

E. Parent education/involvement/communication plan. The plan must address how parents will be informed about their child's development, opportunities to be involved in the preschool program, and how the preschool program will communicate with parents on an ongoing basis. Preschool programs are strongly recommended to collaborate with the district's Parents as Teachers program for parent education. Parent involvement could include serving on the Parent Advisory Committee, classroom volunteer, forming a preschool parent organization, etc. Communication with parents could include newsletters, parent-teacher conferences, phone calls, etc.

F. Community set-aside plan. The community set aside is a portion of the award that may be designated to provide professional development opportunities for licensed early care and education providers within the contractor's community. These licensed providers must be caring for children that are one (1) to two (2) years prior to kindergarten entry;

(E) Funding.

1. Funds may be requested for costs associated with expenses necessary to implement a quality preschool program.

2. These may include the following:

A. Initial staff training on a selected curriculum model;

B. Minor remodeling associated with licensing requirements;

C. Appropriate equipment;

D. Necessary furniture; and

E. Appropriate staffing.

3. Payments will not be made until the program has met contractual requirement, the program is licensed, and a copy of the appropriate child care license granted from the DHSS, Section for Child Care Regulation is on file with the Early Learning Section within the department.

4. Subject to appropriations and the phased reduction, subsequent contract amounts may be reduced.

AUTHORITY: sections 161.092 and 313.835, RSMo Supp. 2011. Original rule filed Aug. 30, 2012.

PUBLIC COST: This proposed rule is estimated to cost eleven million, seven hundred fifty-seven thousand, six hundred dollars (\$11,757,600) for Fiscal Year 2013, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, Attention: General Counsel, PO Box 480, Jefferson City, MO 65102-0480 or by email at counsel@dese.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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 5 Department of Elementary and Secondary Education
Division Title: Division 20 Division of Learning Services
Chapter Title: Office of Early and Extended Learning

Rule Number and Name:	5 CSR 20-600.130 General Provisions Governing Programs Authorized Under Early Childhood Development, Education and Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivisions	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	Eleven million, seven hundred fifty-seven thousand, six hundred dollars (\$11,757,600) was appropriated for this program in Fiscal Year 2013

III. WORKSHEET

The proposed rule is estimated to cost eleven million, seven hundred fifty-seven thousand, six hundred dollars (\$11,757,600) for Fiscal Year 2013, with the cost recurring annually for the life of the rule based upon yearly appropriations from the General Assembly.

IV. ASSUMPTIONS

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.191 Sewage Sludge Incinerators. If the commission adopts this rule action, it will be the department's intention to submit this new rule to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: This rule incorporates by reference the federal regulatory requirements for existing sewage sludge incineration units in Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is **Federal Register Notice 76 FR 15372, dated March 21, 2011.**

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) Applicability.

(A) This rule applies to each sewage sludge incineration (SSI) unit, as defined in section (2) of this rule, for which construction was commenced on or before October 14, 2010, except as provided in subsection (1)(C) of this rule.

(B) If the owner or operator of an SSI unit makes physical or operational changes to an SSI unit for which construction commenced on or before September 21, 2011, primarily to comply with this rule, 10 CSR 10-6.070 New Source Performance Regulations does not apply to that unit.

(C) Exemptions to this rule are as follows:

1. Combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. Owners or operators of combustion units claiming exemption under this paragraph must notify the director; and

2. Any SSI unit that becomes subject to 10 CSR 10-6.070 New Source Performance Regulations because the owner or operator made changes after September 21, 2011, that meet the definition of modification, as defined in section (2) of this rule.

(2) Definitions.

(A) The provisions of 40 CFR 60.5250, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Definitions of certain terms specified in this rule, other than those defined in subsection (2)(A) of this rule, may be found in 10 CSR 10-6.020.

(3) General Provisions. The following references to 40 CFR 60.5085 through 60.5225, 40 CFR 60.5240 through 60.5245, and 40 CFR 60, Subpart MMMM Tables 1 through 6, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this

rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(A) Increments of Progress—40 CFR 60.5085 through 60.5125;

(B) Operator Training and Qualifications—40 CFR 60.5130 through 60.5160;

(C) Emission Limits, Emission Standards, and Operating Limits and Requirements—40 CFR 60.5165 through 60.5181;

(D) Initial Compliance Requirements—40 CFR 60.5185 through 60.5200;

(E) Continuous Compliance Requirements—40 CFR 60.5205 through 60.5215;

(F) Performance Testing, Monitoring, and Calibration Requirements—40 CFR 60.5220 through 60.5225;

(G) Title V Operating Permit—40 CFR 60.5240 through 60.5245; and

(H) Table 1 through Table 6. The compliance dates for the increments of progress are—

1. For Increment 1, submit final control plan within one (1) year of the effective date of this rule; and

2. For Increment 2, final compliance by March 21, 2016.

(4) Reporting and Record Keeping. The provisions of 40 CFR 60.5230 through 40 CFR 60.5235, promulgated as of July 1, 2011, shall apply and are hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, DC 20408. This rule does not incorporate any subsequent amendments or additions.

(5) Test Methods. (*Not applicable*)

AUTHORITY: section 643.050, RSMo Supp. 2011. Original rule filed Aug. 27, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 6, 2012. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 13, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcrulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED RESCISSION

10 CSR 10-6.368 Control of Mercury Emissions From Electric Generating Units. This rule restricted the emission of mercury from electric generating units at power plants through a regional mercury trading program. This rulemaking will remove this rule because the federal Clean Air Mercury Rule (CAMR) regulations

are being replaced with the new Mercury and Air Toxics Standards (MATS). If the commission adopts this rule action, it will be the department's intention to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: *This rule restricted the emission of mercury from electric generating units at power plants through a regional mercury trading program. This rulemaking will remove this rule because the federal Clean Air Mercury Rule (CAMR) regulations are being replaced with the new non-trading Mercury and Air Toxics Standards (MATS) regulations. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is a Federal Register Notice dated February 16, 2012, that removes the CAMR regulation.*

AUTHORITY: *section 643.050, RSMo 2000. Original rule filed Oct. 2, 2006, effective May 30, 2007. Rescinded: Filed Aug. 20, 2012.*

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: *A public hearing on this proposed rescission will begin at 9:00 a.m., December 6, 2012. The public hearing will be held at the Elm Street Conference Center, 1730 East Elm Street, Lower Level, Bennett Springs Conference Room, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., December 13, 2012. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED RESCISSION

11 CSR 45-4.050 Application Period and Fees for Class A License.
This rule established an application period and fees.

PURPOSE: *This rule is being rescinded because the commission is no longer taking applications for Class A licenses.*

AUTHORITY: *sections 313.004 and 313.812, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 3, 2007, changed to amended April 25, 2008, effective July 30, 2008. Rescinded: Filed Aug. 30, 2012.*

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 Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.055 Application Period and Fees for Class A and Class B Licenses. The commission is amending sections (2) and (4), deleting section (5), and renumbering sections (6) and (7).

PURPOSE: *This amendment changes time for application period and fees for Class A and Class B licenses.*

(2) The one (1)-time nonrefundable application fee for a Class B license shall be fifty thousand dollars (\$50,000). *[, except that any applicant for a Class A license shall be entitled to one (1) Class B license with no additional fees other than fees required to cover any additional costs of the investigation, if the Class B application is submitted simultaneously with the Class A application.]* The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

(4) The annual fee for a Class A license and a Class B license shall be twenty-five thousand dollars (\$25,000) each *[, except each Class A licensee shall be entitled to one (1) Class B license at no additional fee,]* and is due upon issuance of the initial license and thereafter is due *[upon the application for renewal of the license. When licenses are renewed for multiple years, fees for all licensed years shall be paid with the application]* annually. The Class A and all Class B licenses owned by the same Class A license shall renew all licenses within the same month, after the second year. The commission may adjust renewal dates of the Class A and Class B licenses so as not to consume commission resources in any particular month. Any such adjustments shall result in a pro rata adjustment of fees. This fee is nonrefundable and is due regardless of whether the renewal applicant obtains a renewed license. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

[(5) Any holder of a Class A license, at the time these rules become effective, shall without further investigation or fees be granted a Class A and Class B license consistent with these rules. The renewal dates for Class A and Class B licenses issued under this rule shall remain the original anniversary dates as existed prior to the adoption of this rule.]

[(6)](5) A Class A license is not transferable except by change of control as provided in Chapter 11 CSR 45-10.

[(7)](6) A Class B license is transferable to a Class A licensee with prior approval of the commission as provided in Chapter 11 CSR 45-10.

AUTHORITY: *sections 313.004 and 313.812, RSMo 2000[.], and section 313.807, HCS for HB 1644, Second Regular Session,*

Ninety-sixth General Assembly, 2012. This rule originally filed as II CSR 45-4.050, renumbered as II CSR 45-4.055, effective May 30, 2008. Original rule filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.190 License Renewal. The commission is amending section (1).

PURPOSE: This amendment changes the interval for Class A and Class B license renewals.

(1) At least ninety (90) days before the first anniversary of its license, second anniversary of its license, and every [two (2)] **four (4)** years thereafter, each Class A and Class B licensee shall file for license renewal on forms [provided by] **available on the commission's website.**

AUTHORITY: section 313.004, RSMo 2000, and sections 313.800–313.850, RSMo 2000, [and] Supp. [2009] 2011, and HCS for HB 1644, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.205 Affiliate Supplier's License. The commission is amending section (8).

PURPOSE: This amendment changes the interval for Class A or Class B affiliate supplier's license renewals.

(8) At least [ninety (90)] **one hundred twenty (120)** days before license expiration, each affiliate supplier licensee shall register on forms [provided by] **available on the commission's website** for renewal of its license.

AUTHORITY: sections 313.004[,] and 313.812, RSMo 2000, [and] sections 313.800[,] and 313.805, RSMo Supp. [2007] 2011, and section 313.807, HCS for HB 1644, Second Regular Session, Ninety-sixth General Assembly, 2012. Original rule filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 29, 2001, effective May 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.240 Supplier's License Application and Annual Fees. The commission is amending section (3).

PURPOSE: This amendment changes the interval for supplier's license renewals.

(3) The annual fee for supplier's licenses is due upon issuance of the initial license and thereafter is due [upon application for renewal of the license] **annually.** This fee is nonrefundable and is due regardless of whether the renewal applicant obtains a renewed license.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000, [and] Supp. [2007] 2011, and HCS for HB 1644, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State

Regulations. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.250 Supplier's License Renewal. The commission is amending section (1).

PURPOSE: This amendment changes the interval for renewal of a supplier's license and the method for acquiring forms from the commission.

(1) At least [ninety (90)] **one hundred twenty (120)** days before license expiration, each supplier licensee shall register on forms [provided by] **available on** the commission's **website** for renewal of its license.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000, [and] Supp. [2007] 2011, and HCS for HB 1644, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.260 Occupational Licenses for Class A, Class B, Suppliers and Affiliate Suppliers. The commission is amending section (3).

PURPOSE: This amendment changes the method for acquiring forms from the commission.

(3) On forms [provided by] **available on** the commission's **website**, the applicant must demonstrate that his/her experience, reputation, competence and financial responsibility are consistent with the best interest of gaming and the provisions of the statutes of Missouri and the United States.

AUTHORITY: section[s] 313.004, RSMo 2000, and section 313.805, RSMo [2000] Supp. 2011. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.380 Occupational and Key Person/Key Person Business Entity License Application and Annual Fees. The commission is amending sections (6) and (7).

PURPOSE: This amendment changes the interval for occupational and key person/key person business entity license renewals.

(6) The initial annual fee for occupational licenses shall be paid in full to cover the first year of licensure. The license expires [annually] **biennially** on the last day of the month of issue. The annual occupational license renewal fee will be billed to the Class A, Class B, or supplier licensee.

(7) Each occupational license shall expire [annually] **biennially** on the last day of the month of issue, but the licensing hearing shall be subject to being reopened at any time.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000, [and] Supp. [2007] 2011, and HCS for HB 1644, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31,

1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.390 Occupational License Renewal. The commission is amending section (1).

PURPOSE: This amendment changes the method for acquiring forms from the commission.

(1) At least sixty (60) days for key person and Level I licensees and fifteen (15) days for Level II licensees before the first day of the month of expiration, each licensee shall file for renewal on forms [provided by] available on the commission's website or authorize a Class A or Class B licensee to submit an application for renewal on his/her behalf in accordance with 11 CSR 45-10.110. Alternatively, each licensee may file for renewal as provided in 11 CSR 45-10.110(2).

AUTHORITY: section[s] 313.004, RSMo 2000, and sections 313.800, 313.805, and 313.822, RSMo Supp. [2007] 2011. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming**

PROPOSED AMENDMENT

11 CSR 45-5.184 Table Game Cards—Receipt, Storage, Inspections, and Removal from Use. The commission is amending sections (2), (6), (7), (9)–(11), and (16), adding new sections (8), (18), and (20), deleting section (17), and renumbering the remaining sections.

PURPOSE: This amendment clarifies current procedures for handling of table game cards.

(2) All primary and secondary storage areas shall have two (2) separate locks. The casino security department shall [maintain] be the authorized user of one (1) key and the [table games department shall maintain the other key; provided, however, that no person employed by the table games department below the] pit manager, poker room manager, or supervisor thereof in the organizational hierarchy shall [have access to the table games department key for the primary and secondary storage areas] be the authorized user of the other key.

(6) [If the cards are kept overnight, the cards shall be kept in a separate, single locked storage unit that is within a pit area that is completely enclosed or encircled by gaming tables. This storage compartment may be used to store cards for future play within that enclosed or encircled area for up to one (1) week if only the pit manager or above has access to the compartment in which the cards are stored, there is continuous, dedicated surveillance coverage of the storage compartment and surrounding area, the pit manager or above maintains an approved log current at all times inside the card storage compartment that reflects the current number and color of decks in the compartment, and any discrepancies are immediately reported to the commission agent on duty.] Cards will not be moved outside of the enclosed or encircled area without a security escort and notification to surveillance except for when being collected by security as detailed in section [(14)] (15) of this rule.

(7) Prior to being placed into play, all decks shall be inspected by the dealer, and the inspection [verified] observed by a floor supervisor or above. Card inspection at the gaming table shall require each deck to be sorted into sequence and into suit to ensure that all cards are in the deck. The dealer shall also check the back of each card to ensure that it is not flawed, scratched, or marked in any way.

(B) The unsuitable card(s) shall be placed in a transparent sealed envelope or container, identified by the table number, date, and time removed from the table and shall be signed by the dealer and floor supervisor assigned to that table. The floor supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a security officer.

(8) When cards are placed in play, the Class B licensee shall record on each deck box the table number, the date, and the time the cards were placed on the table for use.

[(8)](9) All envelopes and containers used to hold or transport cards collected by security shall be transparent.

(A) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(B) The envelopes or containers and seals shall be approved by the commission.

~~[(9)](10)~~ Any cards which have been opened and placed on a gaming table shall be changed at least once every twenty-four (24) hours. In addition—

(A) Cards opened for use *[on a traditional “full” baccarat table] on games in which dealing procedures require the cards to be dealt only once (e.g., baccarat)* shall be changed upon the completion of each shoe; **and**

(B) Cards opened for use on any table game in which the cards are handled by the players shall be changed at least every six (6) hours.

~~[(C) Cards opened for use on any table game and dealt from the dealer’s hand or held by players shall be changed at least every four (4) hours.]~~

~~[(10)](11)~~ Card(s) damaged during the course of play shall be replaced by the dealer who shall request a floor supervisor or above to bring a replacement card(s) from the pit stand.

(A) The damaged card(s) shall be placed in a sealed envelope, identified by table number, date, and time **removed from the table** and shall be signed by the dealer and the floor supervisor or above who brought the replacement card to the table.

(B) The floor supervisor or above shall maintain the envelope or container in a secure place within the pit until collected by a casino security officer.

~~[(11)](12)~~ At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee and approved by the commission, and at other times as may be necessary, the floor supervisor or above shall collect all used cards.

(A) These cards shall be counted down **manually by the dealer or by an automated shuffler** and placed in *[a sealed envelope or container.] the original deck boxes. The time the decks were removed from the table shall be recorded on the deck boxes. The boxes shall be placed in a sealed envelope or container. For games in which dealing procedures require cards to be dealt only once, the sealed envelopes or containers shall be a translucent color different than those used for all other table games. The bags will be conspicuously labeled as containing single-use cards.*

(B) A label shall be attached to each envelope or container which *[shall identify] identifies* the table number, date, and time and shall be signed by the dealer and floor supervisor assigned to the table.

~~[(B)](C)~~ The floor supervisor or above shall maintain the envelopes or containers in a secure place within the pit until collected by a casino security officer.

~~[(12)](13)~~ The licensee shall remove any cards from use any time there is indication of tampering, flaws, scratches, marks, or other defects that might affect the integrity or fairness of the game, or at the request of the commission.

~~[(13)](14)~~ All extra decks with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container which identifies the date and time and is signed by the floor supervisor and the pit manager or above.

~~[(14)](15)~~ At the end of the gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the licensee in the internal controls and approved by the commission, and at other times as may be necessary, a casino security officer shall collect *[and sign] all sealed envelopes or containers with damaged cards, cards used during the gaming day, and all other decks with broken seals. [and] The collection shall be recorded on the Card and Dice Collection Log. The casino security officer shall return the envelopes or containers and the log to the [security department] card and dice inspection room.*

~~[(15)](16)~~ At the end of each gaming day or, in the alternative, at least once each gaming day, as designated by the licensee in the inter-

nal controls and approved by the commission, and at other times as may be necessary, a pit manager or above may collect all extra decks of cards. If collected, all sealed decks shall be canceled, destroyed, or returned to an approved storage area.

~~[(16)](17)~~ When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected within forty-eight (48) hours by a member of the security department who has been trained in proper card inspection procedures. The cards will be inspected for tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play.

(A) With the exception of cards *[used on a traditional “full” baccarat table]* which are changed upon the completion of each shoe~~,~~ **and dealt only once**, all cards used in table games in which the cards are handled by the player *[will] shall* be inspected. **Cards that are changed upon completion of each shoe and are dealt only once shall be recorded separately on the Card Inspection Log and are not required to be inspected.**

(B) In other table games, if less than three hundred (300) decks are used in the gaming day, at least ten percent (10%) of those decks will be selected at random to be inspected. If three hundred (300) or more decks are used that gaming day, at least five percent (5%) of those decks but no fewer than thirty (30) decks will be selected at random to be inspected.

(C) The licensee shall also inspect—

1. Any cards which the commission requests the licensee to remove for the purpose of inspection; and

2. Any cards the licensee removed for indication of tampering.

(D) The procedures for inspecting all decks required to be inspected under this subsection shall, at a minimum, include:

1. The sorting of cards sequentially by suit;

2. The inspection of the backs of the cards with an ultraviolet light; and

3. The inspection of the sides of the cards for crimps, bends, cuts, and shaving.

(E) The individuals performing said inspection shall complete *[a work order form] the Card Inspection Log* which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

~~[(F) The licensee shall submit the training procedures for those employees performing the inspection, which shall be approved by the commission.]~~

~~[(G)](F)~~ Evidence of tampering, marks, alterations, missing or additional cards, or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the commission by the completion and delivery of a Card Discrepancy Report.

1. The report shall accompany the card(s) when delivered to the commission.

[2. The card(s) shall be retained for further inspection by the commission.]

[3. The commission agent receiving the report shall sign the Card Discrepancy Report and retain the original at the commission office.]

2. The commission agent on duty will sign the two (2)-part report, retain the original report and determine whether the card(s) will be retained for further inspection or released for destruction.

3. Security shall maintain the second part of the discrepancy report.

~~[(17) The licensee shall submit to the commission for approval procedures for—~~

~~(A) A card inventory system which shall include, at a minimum, documentation of the following:~~

~~1. The balance of cards on hand;~~

2. The cards removed from storage;
3. The cards returned to storage or received from the manufacturer;

4. The date of the transaction; and
5. The signatures of the individuals involved;

(B) A verification on a daily basis of the number of decks distributed, the decks destroyed or canceled, the decks returned to the storage area and, if any, the decks left in the pit podium; and

(C) A physical inventory of the cards at least once every three (3) months.

1. This inventory shall be performed by an employee from compliance or a supervisory Level II licensee from the cage, slot or accounting department and shall be verified to the balance of decks on hand required in subsection (17)(A) above.

2. Any discrepancies shall immediately be reported to the commission.]

(18) The Class B licensee shall—

(A) Maintain a card inventory ledger for each primary and secondary storage location, which shall document the following:

1. Balance of decks on hand;
2. Decks removed from storage;
3. Decks returned to storage or received from the manufacturer;
4. Date of the transaction; and
5. Signatures of the security officer and the pit manager or poker room manager conducting the transaction;

(B) Verify on a daily basis the number of decks stored, distributed, destroyed, or canceled, and returned to the storage area; and

(C) Perform an independent inventory of the cards at least once each calendar quarter.

1. This inventory shall be performed by an employee from the compliance or accounting department and shall be verified to the balance of decks on hand as recorded on the inventory ledger.

2. The employee conducting this inventory shall make an entry and sign the card and dice inventory ledger in a manner that clearly distinguishes this count as the independent inventory.

3. Any discrepancies shall immediately be reported to the commission agent on duty.

[[18]](19) Where cards in an envelope or container are inspected and found to be without any indication of tampering marks, alterations, missing or additional cards, or anything that might indicate unfair play, those cards shall be destroyed or canceled. Once released by the commission, the cards submitted as evidence shall immediately be destroyed or canceled. **Cards shall be destroyed or canceled prior to removal from inventory. The destruction/cancellation shall be recorded on the Card and Dice Cancellation/Destruction Log.**

(A) Destruction shall occur by shredding or other method approved by the commission.

(B) Cancellation shall occur by drilling a circular hole of at least one-fourth of one inch (1/4") in diameter through the center of each card in the deck, or by removing at least one-fourth of an inch (1/4") from at least one (1) corner of each card, or other method approved by the commission.

(C) The destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the commission, and shall be performed by a member of the casino security department specifically trained in proper procedures.

(20) The Class B licensee shall not allow players to handle cards except as permitted by the Class B licensee's internal control system Rules of the Game.

AUTHORITY: sections 313.004[,] and 313.845, RSMo 2000, and sections 313.805[,] and 313.830, RSMo Supp. 2011. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed Feb. 28, 2007, effective Oct. 30, 2007. Amended: Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

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

PROPOSED AMENDMENT

11 CSR 45-8.130 Tips and Gifts. The commission is amending sections (1) and (4).

PURPOSE: This amendment changes regulations for acceptance of loans by occupational licensees.

(1) Except as provided in this rule, no occupational licensee may accept a tip, [or] gift, or loan from any player or patron.

(4) No occupational license applicant or occupational licensee shall solicit any tip, [or] gift, or loan from any player, patron, or vendor of the Class B licensee where the occupational licensee is employed or working. This in no way prohibits an occupational licensee with the written consent of the general manager or the general manager's designee of the Class B licensee from soliciting a vendor for the purposes of a gift to a charitable or civic event or fundraiser or allowing the name of a licensee from appearing on a general invitation or solicitation.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.805 and 313.817, RSMo Supp. 2011. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 30, 2012.

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

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of

this notice in the *Missouri Register*. A public hearing is scheduled for November 7, 2012, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [1—General Organization]
3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-1.010] **11 CSR 50-3.010 Organization and Methods of Operation.** The Department of Public Safety is moving the rule and amending the purpose statement and sections (1)–(4).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes other technical changes consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: This rule describes the organization and methods of operation of the Missouri State *[Water]* Highway Patrol. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

(1) In 1959, the 70th General Assembly enacted legislation which created the Missouri Boat Commission to provide boating safety for the state through the registration and inspection of boats, education of the boating public, and the enforcement of laws upon the waters of Missouri. The Omnibus State Reorganization Act of 1974 abolished the Missouri Boat Commission and transferred its powers, duties, and functions to the Division of Water Safety within the Department of Public Safety. In 1989, S.B. 135 transferred all powers, duties, and functions to the Missouri State Water Patrol by type I transfer within the Department of Public Safety. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

[(2) The Missouri State Water Patrol is headed by a commissioner appointed by the governor with the advice and consent of the senate. Directly responsible to the director of public safety, the commissioner is charged with the administration and enforcement of Chapter 306, RSMo.]

[(3)](2) The *[commissioner]* superintendent of the *[water]* highway patrol, who holds the rank of colonel, delegates authority, by rank, to *[patrolmen]* members who are held accountable for carrying out the policies of the *[commissioner]* superintendent. All *[patrolmen]* members are granted the powers of a peace officer to enforce all laws of this state within the jurisdictions stated in 43.020, 306.165, and 306.167, RSMo. The Missouri State *[Water]* Highway Patrol provides a multitude of services to the public. Among these services are: conducting safety education courses; providing safety exhibits; inspection of safety equipment in boats; investigating boating and water related accidents; investigating criminal activities; patrolling regattas and other organized water related events; administering first aid; authorizing placement of navigational aids and regulatory markers; investigating complaints; providing rescue and recovery assistance; providing a law enforcement presence in flooded areas; and diving for accident and drowning victims, homicide victims, and evidence in felony crimes.

[(4)](3) Any person desiring information or assistance on any matter falling within the scope of the Missouri State *[Water]* Highway

Patrol should contact the *[Commissioner]* Superintendent of the Missouri State *[Water]* Highway Patrol, P.*[O.]* Box *[1368]* 568, Jefferson City, MO 65102-*[1368]* 0568. Telephone (573) 751-*[3333]* 3313.

AUTHORITY: sections *[306.161, RSMo 1994] 43.390, 306.165, and 536.023(3), RSMo Supp. [1999] 2011.* This rule originally filed as *11 CSR 80-1.010.* Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [2—Diver's Flag Regulations]
3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-2.010] **11 CSR 50-3.020 Diver's Flag.** The Highway Patrol is moving the rule and amending the purpose statement and sections (4), (5), and (6).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes a technical change in section (4) consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol and corrects a statutory reference in section (5).

PURPOSE: The Missouri State *[Water]* Highway Patrol shall establish safety standards for divers for the public health and welfare. This rule establishes diver's flag regulations. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

(4) No diving flag shall be placed so as to impede the normal flow of motorboat traffic unless by special permission *[of]* from the superintendent of the Missouri State *[Water]* Highway Patrol. Special permission may be obtained by writing to the Missouri State *[Water]* Highway Patrol, P.*[O.]* Box *[1368]* 568, Jefferson City, MO 65102-*[1368]* 0568, fifteen (15) days before the water activity.

(5) Any diver not complying with this law or any boat operator within fifty (50) yards of the diver flag shall be guilty of a misdemeanor and upon conviction shall be punished by law as provided by section *[306.217(4)] 306.217.4.*, RSMo *[1986]*.

(6) Flags must be displayed so *[that]* the top of the flag shall be a minimum of three feet (3') above the water, if *[they are]* displayed on any type of buoyant device with the exception of a boat or a raft; then displayed so as to be visible at a three hundred sixty degree (360°) angle.

AUTHORITY: sections 43.390 and 306.165, RSMo Supp. 2011, and section 306.217, RSMo [1994] 2000. This rule originally filed as II CSR 80-2.010. Original rule filed March 8, 1973, effective March 18, 1973. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter 3—[Skiing Standards] Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-3.010] II CSR 50-3.030 Ski Mirror. The Department of Public Safety is moving the rule and amending the purpose.

PURPOSE: This amendment moves the rule into the Highway Patrol chapter consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: Under section 306.120, RSMo, the Missouri State [Water] Highway Patrol shall establish an approved ski mirror for the safety and well-being of the public. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

AUTHORITY: sections 43.390 and 306.165, RSMo Supp 2011, and section 306.120, RSMo [1994] 2000. This rule originally filed as II CSR 80-3.010. Original rule filed July 18, 1975, effective July 28, 1975. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [4—Identification Numbers for Boats and Vessels] 3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-4.010] II CSR 50-3.040 Display of Identification Numbers. The director of the Department of Public Safety is moving the rule and amending the purpose.

PURPOSE: This amendment moves the rule into the Highway Patrol chapter consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: The Missouri State [Water] Highway Patrol shall establish a uniform manner of displaying identification numbers for motorboats and vessels as prescribed in section 306.030, RSMo. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

AUTHORITY: sections 43.390, 306.030, and 306.165, RSMo Supp. [1999] 2011. This rule originally filed as II CSR 80-4.010. Original rule filed May 22, 1975, effective June 1, 1975. Amended: Filed March 25, 1980, effective July 11, 1980. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [7—Expiration (Renewal) Stickers for Boats and Vessels] 3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-7.010] II CSR 50-3.050 Display of Expiration (Renewal) Stickers. The Department of Public Safety is moving the rule and amending the purpose.

PURPOSE: This amendment moves the rule into the Highway Patrol chapter consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: The Missouri State [Water] Highway Patrol shall establish a uniform manner of displaying expiration (renewal) stickers for motorboats and vessels as prescribed in section 306.030, RSMo, Supp. 1999]. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

AUTHORITY: sections 43.390, 306.030, and 306.165, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 80-7.010. Original rule filed March 25, 1980, effective July 11, 1980. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [5—Aids to Navigation and Regulatory
Markers] 3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-5.010] 11 CSR 50-3.060 [Approval of] Aids to Navigation and Regulatory Markers. The Department of Public Safety is moving the rule and amending the rule title, the purpose, and sections (1) to (4), (6), and (9) to (11).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes other technical changes consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: This rule regulates the placement of aids to navigation and regulatory markers on the waterways of the state of Missouri to ensure that such aids and markers are uniform and promote the public safety and welfare. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

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

(1) All persons requesting permission to place or have placed an aid to navigation or regulatory marker as defined in section 306.124, RSMo, on the waterways of the state of Missouri must submit a completed application form **Missouri State Highway Patrol-Application for Buoys for the Waters of the State of Missouri, January 1, 2011, (incorporated by reference)** supplied by the Missouri State [Water] Highway Patrol, PO Box [1368] 568, Jefferson City, MO 65102-[1368/0568]. **This form does not include any later amendments or additions.** All applications must be [submitted to] received by the Missouri State [Water] Highway Patrol [General Headquarters] in Jefferson City at least thirty (30) days before the date permission is requested. The application will be reviewed by the

Missouri State [Water] Highway Patrol at a public hearing after notice of the hearing has been published in the county paper at least ten (10) days before the hearing. Hearings will be conducted only once per month during the months of September, November, January, March, and May. The [commissioner] superintendent of the Missouri State [Water] Highway Patrol, or his/her designated representative, shall approve or disapprove all applications within a reasonable length of time after the conclusion of the hearing.

(2) Applications for buoys one hundred feet (100') from a dock—
(C) The application must show the proposed placement of the buoy(s) requested in relationship to the [applicant's] applicant's dock;

(G) Buoy placement will be centered one hundred feet (100') out from the most lakeward portion of the applicant's dock unless extenuating circumstances determined by the Missouri State [Water] Highway Patrol dictate otherwise. Placement of buoy(s) must comply with the approved permit.

(3) Applications to buoy the full width of a cove—
(A) All applications, including appeals, to regulate boating traffic for the full width of any portion of a cove shall be heard [at] by the Missouri State [Water] Highway Patrol [Headquarters in Jefferson City];

(B) If the width of the cove is such that the distance between docks on opposite sides of the cove is in excess of four hundred feet (400'), the cove shall not be buoyed unless in the opinion of officials of the Missouri State [Water] Highway Patrol the volume of boating traffic is significantly disproportionate to similar coves on the same body of water, or traffic accident data support the need for "no wake-idle speed" buoys. If the distance between opposing docks is disputed, the applicant, at his/her expense, shall have an official survey conducted by a Missouri-registered surveyor to determine the exact distance;

(H) If there are permitted buoys within the area that is to be controlled, the permit number of the existing buoys must be submitted with the application. If the new application is approved, all existing permits within the new controlled area will be cancelled and the previously permitted buoys removed unless the officials of the Missouri State [Water] Highway Patrol determine that it is in the interest of public safety to retain some or all existing permitted buoys;

(L) Applications for "no-anchor" designation on all or any portion of a cove may be approved if in the opinion of the officials of the Missouri State [Water] Highway Patrol the anchoring of boats unnecessarily impedes the normal flow of traffic, interferes with a dock owner's ability to navigate from or to his/her property, or if electric cables, gas lines, or similar utilities could be vulnerable to damage as a result of anchoring;

(M) Lighted signs and flashing lights on buoys will be discouraged unless seventy-five percent (75%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of proposed lighted signs on buoys must agree to the placement of the lights. If lighted signs or buoys are approved, affected property owners may, by petition, request to have the lights removed. The Missouri State [Water] Highway Patrol Buoy Committee may not consider removal of permitted lights unless the petition to remove the lights bears the validated signatures of twenty-six percent (26%) or more of the current property owners in the permitted area. Shoreline property owners within two hundred feet (200') of the permitted area may be included in the revocation petition. Lighted signs and flashing lights may be required by the Missouri State [Water] Highway Patrol in some instances if deemed necessary for safe navigation; and

(4) Modification(s) to an existing buoy permit must be approved by the Missouri State [Water] Highway Patrol. A request to modify an existing permit may require a new application and hearing if the modification would have a significant effect on boating traffic in the

immediate area as determined by the Missouri State *[Water]* Highway Patrol. The Missouri State *[Water]* Highway Patrol shall determine if a permit modification requires a public hearing. New applications must conform to current rules. Modifications of an existing permit for name or ownership change only, does not require a new hearing. Permit holders are required to notify the Missouri State *[Water]* Highway Patrol if they have a change of mailing address or transfer of property ownership.

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

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

(10) Buoys that have shifted in position because of water level, boat waves, or some force of nature and the buoy still performs the purpose set forth in the application shall remain a legal navigation marker unless determined otherwise by the *[commissioner]* superintendent.

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

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

AUTHORITY: sections 43.390, 306.124, and 306.165, RSMo Supp. [2003] 2011. This rule originally filed as II CSR 80-5.010. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. For intervening

history, please consult the Code of State Regulations. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [6—Boating Accident Reports]
3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-6.010] 11 CSR 50-3.070 Reporting Requirements. The director of the Department of Public Safety is moving the rule and amending the purpose statement and section (3).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes other technical changes consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: This rule specifies reporting requirements for boating accidents in the state of Missouri. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

(3) All reports must be submitted to the Missouri State *[Water]* Highway Patrol, *[P.O.]* Box *[1368]* 568, Jefferson City, MO 65102-*[1368]* 0568.

AUTHORITY: sections 43.390, 306.140(2), and 306.165, RSMo [1994] Supp. 2011. This rule originally filed as II CSR 80-6.010. Original rule filed Feb. 10, 1977, effective May 12, 1977. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [8—Water Event Permit]
3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-8.010] **11 CSR 50-3.080 Reporting a Cancellation or Change in Regatta Permit.** The director of the Department of Public Safety is moving the rule and amending the rule title, the purpose, and section (1).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes other technical changes consistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol.

PURPOSE: This rule will require that the Missouri State [Water] Highway Patrol be notified in regard to a cancellation or any change in a water event permit. In 2010, H.B. 1868 transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

(1) A cancellation or any change to a regatta permit *[as shown on form SWP-35]* shall be reported either in writing or by telephone by the chairman of the event or a designated representative to the office of the Missouri State [Water] Highway Patrol at least five (5) days prior to the date of the event. Failure to do so will be taken into consideration in the decision to approve or disapprove a permit application for a future event.

AUTHORITY: sections 43.390, 306.130, and 306.165, RSMo [1994] 2000. This rule originally filed as 11 CSR 80-8.010. Original rule filed Oct. 23, 1981, effective Feb. 11, 1982. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
[Division 80—Missouri State Water Patrol]
Division 50—Missouri State Highway Patrol
Chapter [9—Mandatory Boater Safety Education Program] 3—Marine Operations and Administration

PROPOSED AMENDMENT

[11 CSR 80-9.010] **11 CSR 50-3.090 Mandatory Boater Safety Education Program.** The director of the Department of Public Safety is moving the rule and amending the purpose and sections (3), (4), and (6)–(8).

PURPOSE: This amendment moves the rule into the Highway Patrol chapter and makes a technical change in sections (3) and (4) con-

sistent with the consolidation of the Missouri State Water Patrol into the Missouri State Highway Patrol and corrects a statutory reference in section (6).

PURPOSE: This rule defines the responsibilities and procedures regarding mandatory boater safety education pursuant to section 306.127, RSMo, for vessel operators on the waterways of the state of Missouri to ensure and promote public safety and welfare. In 2010, H.B. 1868 created a Water Patrol Division within the Missouri State Highway Patrol and transferred all powers, duties, and functions from the Missouri State Water Patrol to the Missouri State Highway Patrol.

(3) Any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.127, 306.132, or 306.141, RSMo, shall not operate a vessel until he or she possesses a certification card issued by the Missouri State [Water] Highway Patrol.

(4) It shall be the responsibility of the person to whom a boater education certification card is issued to notify the Missouri State [Water] Highway Patrol of name and address changes. Upon notification, the Missouri State [Water] Highway Patrol shall issue a replacement certification card for a fee that does not substantially exceed the administrative and production costs of the certification cards.

(6) As used in section 306.127, RSMo, subsection 4, *[paragraph 8]* subdivision (8), the term "previously" means prior to January 1, 2005, but does not exempt the boat operator from the requirement to carry the certification card.

(7) Except as provided for in 11 CSR 50-3.100, *[E]*very non-resident boat operator pursuant to section 306.127 or 306.128, RSMo, shall possess a boating safety certification card from their home state, United States Coast Guard Auxiliary, U.S. Power Squadron, or the Missouri State [Water] Highway Patrol.

(8) Every resident boat operator pursuant to section 306.127 or 306.128, RSMo, shall possess a certification card issued by the Missouri State [Water] Highway Patrol.

AUTHORITY: sections 43.390, 306.129, and 306.165, RSMo Supp. [2003] 2011. This rule originally filed as 11 CSR 80-9.010. Original rule filed Nov. 26, 2003, effective May 30, 2004. Moved and amended: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 3—Marine Operations and Administration

PROPOSED RULE

11 CSR 50-3.100 Nonresident Temporary Boater Identification Certificate

PURPOSE: This proposed rule defines the responsibilities and procedures regarding the Nonresident Temporary Boater Identification Certificate pursuant to section 306.127.7., RSMo, for nonresidents born after January 1, 1984, who want to operate a rental vessel, or vessel presented for sale, on the lakes of the state of Missouri.

(1) A livery (vessel rental) operator or vessel retailer may issue a Nonresident Temporary Boater Identification Certificate to eligible individuals.

(2) An eligible individual is a person who—

- (A) Is a nonresident;
- (B) Was born after January 1, 1984;
- (C) Has a valid driver's license; and

(D) Has not previously been issued a Nonresident Temporary Boater Identification Certificate.

(3) If a livery operator or vessel retailer opts to issue Nonresident Temporary Boater Identification Certificates to eligible individuals, the operator or retailer shall maintain a computer capable of connecting to a designated website maintained by the Missouri State Highway Patrol.

(4) At the time it issues a Nonresident Temporary Boater Identification Certificate to an eligible individual, a livery operator or vessel retailer must also make available "A Handbook of Missouri Boating Laws and Responsibilities" to that individual. A livery operator or boat retailer may obtain copies of the handbook by contacting the Missouri State Highway Patrol at (573) 751-5071.

(5) A livery operator or vessel retailer shall, before issuing the Nonresident Temporary Boater Identification Certificate for an eligible individual, enter the following information on the designated website maintained by the Missouri State Highway Patrol: first name, last name, middle initial, date of birth, street address to include city and state, and driver license number.

(6) When processing the Nonresident Temporary Boater Identification Certificate of an eligible applicant, the livery operator or vessel retailer shall assess a charge of nine dollars (\$9). The livery operator or vessel retailer shall process this charge by either credit card or debit card.

(7) The applicant for a Nonresident Temporary Boater Identification Certificate shall acknowledge that he or she has read and agrees to the following terms and conditions before the applicant may be issued the certificate:

(A) The certificate holder must carry the certificate and a current driver license at all times while operating a vessel;

(B) If operating a personal watercraft (PWC), the operator understands—

1. All PWC occupants must wear a proper fitting personal flotation device, and the operator must have the kill switch attached;
2. PWC operators must be at idle speed when operating within fifty feet (50') of any other vessel, PWC, or person in the water;
3. It is illegal to become airborne while crossing the wake of another vessel within one hundred feet (100') of the vessel creating the wake, or when visibility is obstructed. PWC operators may not weave through congested traffic; and
4. Jet powered vessels can only be turned while under power;

(C) The operator of the vessel is responsible for the safety of the vessel's occupants and for ensuring that all required safety equipment is onboard;

(D) All children under seven (7) must wear a personal flotation device while on a vessel, unless in a totally enclosed cabin. (The railing of a pontoon boat does not meet this requirement); and

(E) Boating while intoxicated laws are strictly enforced.

AUTHORITY: section 306.127, RSMo Supp. CCS 2/SS/SCS/SB 719 and CCS/HCS/SB 568, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Sept. 4, 2012, effective Sept. 14, 2012, expires March 12, 2013. Original rule filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 11—DEPARTMENT OF PUBLIC SAFETY
Division 80—Missouri State Water Patrol
Chapter 9—Mandatory Boater Safety Education
Program**

PROPOSED RESCISSION

11 CSR 80-9.020 Temporary Nonresident Rental Vessel Operator Permits. This rule provided for the issuance of temporary nonresident rental vessel operator permits.

PURPOSE: The rule containing processes and procedures conducted by the Missouri State Water Patrol to administer and issue temporary nonresident rental vessel operator permits terminated on December 31, 2010, as noted in section 306.127(7), RSMo Supp. 2004. Also, S.B. 719, adopted in 2012, repealed the underlying statute and replaced it with a new process for obtaining temporary boating safety identification certificates from the Missouri State Highway Patrol. That process is set out in proposed rule 11 CSR 50-3.100.

AUTHORITY: section 306.127(7), RSMo Supp. 2004. Original rule filed Feb. 8, 2005, effective Aug. 30, 2005. Rescinded: Filed Sept. 4, 2012.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Public Safety, Director's Office, Attention: James Klahr, PO Box 749, Jefferson City, MO 65102 or to james.klahr@dps.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 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 2—Original Assessment**

PROPOSED AMENDMENT

12 CSR 30-2.015 Utility Property to be Assessed Locally and by the State Tax Commission. The commission is amending this rule by adding section (6).

PURPOSE: This amendment clarifies the state tax commission's authority and procedures to assess commercial aircraft not owned by an airline.

(6) The real and tangible personal property of commercial aircraft not owned by an airline company is to be assessed as follows for *ad valorem* tax purposes:

(A) The owner of commercial aircraft not owned by an airline company, hereinafter referred to as owner, shall make the claim of commercial aircraft upon submission of their personal property list to the assessor;

(B) Claims by owners, to either the State Tax Commission or the assessor, being made after May 1 but before September 1 will be processed by the State Tax Commission;

(C) The owner must notify their county assessor that they will be making a claim of commercial aircraft out of time and provide proof of such to the State Tax Commission; and

(D) Claims by a taxpayer filed for omitted property for prior years will not be processed by the State Tax Commission and the aircraft will be assessed by the county assessor.

AUTHORITY: sections 138.410, 138.420, and Chapters 151 and 153, RSMo [1994] 2000. Original rule filed Dec. 16, 1985, effective May 11, 1986. Amended: Filed Aug. 16, 2012.

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 Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. 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 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.010 Appeals From the Local Board of Equalization. The commission is amending section (1) by revising subsection (1)(E) and adding section (9).

PURPOSE: This amendment allows the commission to hold and conduct conferences and hearings related to appeals at any location within the state of Missouri it deems convenient for conducting of same, allows for conducting the conferences and hearings by electronic means, and adds a section prohibiting the use of electronic devices at conferences or hearings.

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

(E) [The State Tax Commission, upon the filing of the complaint, shall set the matter for hearing at the office of the county court at the county seat, or at another place in the county of assessment, as the commission considers convenient, and notice of the hearing shall be given in the manner provided by law.] The State Tax Commission shall set appeals for conferences and hearings in the county of assessment or in any other location in the state as the commission deems necessary for the efficient management of the appeal docket. Conferences and hearings may be conducted by electronic means where practicable.

(9) No cameras, lights, or mechanical recording devices shall be operated in the hearing room while the hearing is in progress, other than by personnel of the commission or by a court reporter with the permission of the commission.

AUTHORITY: section 138.430, RSMo Supp. [2010] 2011. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 16, 2012.

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 Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. 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 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals
From Local Boards of Equalization**

PROPOSED AMENDMENT

12 CSR 30-3.065 Appraisal Evidence. The commission is amending the purpose statement and section (2) by clarifying the requirements of personal property appraisal reports.

PURPOSE: This amendment sets forth the requirements of personal appraisal reports used as evidence in tax commission hearings in compliance with *Missouri Revised Statutes*.

PURPOSE: This rule describes the [suggested] content and guidelines for the composition of appraisal reports as exhibits and is consistent with sections 137.122, and 339.500 to 339.549, RSMo, which limit who may provide real and personal property appraisal services for a fee in hearings before the State Tax Commission and the requirements of an appraisal report used as evidence at a State Tax Commission hearing.

(2) As used in this rule, an appraisal report for personal property [should, at a minimum, conform to Uniform Standards of Professional Appraisal Practice (USPAP) requirements for a summary appraisal.] must be a narrative appraisal report in accordance with the Uniform Standards of Professional Appraisal

Practice.

AUTHORITY: sections 137.122.4., 138.430, and 138.431, RSMo [2000] Supp. 2011. Original rule filed Aug. 23, 1995, effective Jan. 30, 1996. Amended: Filed March 30, 1999, effective Oct. 30, 1999. Amended: Filed Dec. 29, 2005, effective Aug. 30, 2006. Amended: Filed Aug. 16, 2012.

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 Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. 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 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership

PROPOSED AMENDMENT**

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations. The Missouri Consolidated Health Care Plan is amending sections (1)–(4), adding section (5), and renumbering as necessary.

PURPOSE: This amendment establishes the policy of the board of trustees in regard to the tobacco-free incentive benefit.

(1) Eligibility—*[All Missouri Consolidated Health Care Plan (MCHCP) subscribers and covered spouses who do not have the TRICARE Supplement Plan or Medicare as primary coverage are eligible. A spouse of a Medicare primary employee who is a retiree, long-term disability (LTD), or survivor may not participate in the tobacco-free incentive regardless of the spouse's Medicare eligibility status. Each eligible member must participate separately.]* The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or High Deductible Health Plan (HDHP) are eligible to participate in the tobacco-free incentive:

- (A) *[Eligible members must attest when they become eligible for coverage or during the open enrollment period to receive the incentive.]* Active employee subscriber;
- (B) *[Eligible members with a break in coverage within the same plan year must complete the tobacco-free attestation by fax or mail.]* Non-Medicare terminated vested subscriber;
- (C) Non-Medicare long-term disability subscriber;
- (D) Non-Medicare survivor subscriber;
- (E) Non-Medicare Consolidated Omnibus Budget Reconciliation Act (COBRA) subscriber;
- (F) Non-Medicare retiree subscriber; and
- (G) Non-Medicare spouses covered by any other tobacco-free incentive eligible subscriber.

(2) Limitations and *[E]xclusions[.]*—The following members enrolled in a PPO or HDHP are not eligible to participate in the tobacco-free incentive:

(A) Dependent children *[are not eligible to receive the incentive.]*;

(B) Dependent children who are covered under a parent's MCHCP plan and who are also state employees *[are not eligible to receive the incentive.]*;

(C) *[When Medicare becomes a subscriber's primary insurance payer, the subscriber and participating spouse are no longer eligible to receive the incentive.]* Medicare terminated vested subscriber;

(D) *[When Medicare becomes a spouse's primary insurance payer, the spouse is no longer eligible to receive the incentive. The non-Medicare subscriber may continue to receive the incentive.]* Medicare long-term disability subscriber;

(E) Medicare survivor subscriber;

(F) Medicare COBRA subscriber;

(G) Medicare retiree subscriber;

(H) Medicare spouses covered by any other eligible subscriber; and

(I) Non-Medicare spouses covered by any tobacco-free incentive ineligible subscriber.

(3) Incentive Participation Requirement.

(A) Each eligible member must participate separately.

[[A)](B) To receive the incentive beginning on January 1, *[2012] 2013*, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2011] 2012*, through November *[25, 2011] 30, 2012*. The form must be received by November *[25, 2011] 30, 2012*; or

2. Tobacco cessation program attestation.

A. Participate in an MCHCP-approved tobacco cessation program as defined in sections *[(3)] (4) and (5)* and complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, *[2011] 2012*, through November *[25, 2011] 30, 2012*. The form must be received by November *[25, 2011] 30, 2012*.

(I) If a subscriber and his/her spouse become and remain tobacco-free three (3) months prior to May *[25, 2012] 31, 2013*, s/he may continue to receive the incentive through December 31, *[2012] 2013*, if s/he completes a tobacco-free attestation through myMCHCP or submit a completed form by fax or mail by May *[25, 2012] 31, 2013*. The form must be received by May *[25, 2012] 31, 2013*.

[[B)](C) For a new employee or an employee *[added during a special enrollment period]* adding medical coverage from December 1, 2012, through May 31, 2013, and his/her spouse to receive the incentive from the employee's effective date of coverage, the employee must complete a tobacco-free attestation or tobacco cessation program attestation at the time of enrollment. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May *[25, 2012] 31, 2013*, s/he can continue to receive the incentive through December 31, *[2012] 2013*, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May *[25, 2012] 31, 2013*. A form must be received by May *[25, 2012] 31, 2013*.

(D) A new employee and spouse *[added during a special enrollment period]* adding medical coverage after May *[25, 2012] 31, 2013*, must complete the tobacco-free attestation form to receive the incentive within thirty-one (31) days of enrollment.

[[C)](E) A waiver may be granted if a member provides a physician certification that a medical condition prevents the member from achieving tobacco-free status.

[[D)](E) Eligible members with a break in coverage within the same plan year must again attest to be tobacco-free through an online attestation or submit a paper attestation form to

MCHCP]

[(E)](F) If a member attests to be tobacco-free but starts to use tobacco products, *[he/she] s/he* must contact MCHCP through myMCHCP or by phone, fax, or mail immediately to change his/her status. MCHCP will adjust his/her premium for coverage beginning the second month after the member self reports.

(G) The subscriber or his/her spouse is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes his/her primary payer.

(H) The subscriber and his/her spouse are no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes the subscriber's primary payer.

[(F)](I) MCHCP may audit the attestation for accuracy.

(4) MCHCP-approved tobacco cessation programs **for a subscriber** are—

(A) StayWell Tobacco NextSteps: *[P]*phone coaching (866-564-5235);

(B) Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669);
or

(C) American Cancer Society Quit for Life: (866-784-8454).

(5) MCHCP-approved tobacco cessation programs for a spouse are—

(A) Missouri Tobacco Quitline: 800-QUIT-NOW (800-784-8669); or

(B) American Cancer Society Quit for Life: (866-784-8454).

[(5)](6) MCHCP may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. Emergency amendment filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. Amended: Filed Aug. 28, 2012.

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

PRIVATE COST: This proposed amendment will cost private entities \$4,104,300 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan
Division Title: Division 10
Chapter Title: Chapter 2**

Rule Number and Title:	22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
13,681 individuals that do not attest to being tobacco-free or participating in tobacco cessation program for CY 2013	Eligible subscribers and spouses that do not attest to being tobacco-free or participating in a tobacco cessation program in CY 2013	\$4,104,300

III. WORKSHEET

- Estimated cost is the annual additional premium cost to MCHCP eligible subscribers and spouses that do not attest to being tobacco-free or participating in a tobacco cessation program for calendar year 2013.
- Non-participant calculation is based on actual 2012 results, as follows:
 - 13,681 did not attest
 - 13,681 non-participants x \$25 per month x 12 months = \$4,104,300

IV. ASSUMPTIONS

- Projected 13,681 eligible subscribers and spouses do not attest to being tobacco-free or participating in a tobacco cessation program

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RULE

22 CSR 10-2.110 General Foster Parent Membership Provisions

PURPOSE: This rule establishes the policy of the board of trustees in regard to the general membership provisions for foster parents covered under the Missouri Consolidated Health Care Plan.

(1) Terms and Conditions. This rule provides the terms and conditions for membership in the Missouri Consolidated Health Care Plan (MCHCP). A foster parent and his/her dependents are required to provide complete, true, and accurate information to MCHCP in connection with enrollment, change, or cancellation processes, whether by online, written, or verbal communication. MCHCP may rely on, but reserves the right to audit, any information provided by the foster parent and seek recovery and/or pursue legal action to the extent the foster parent has provided incomplete, false, or inaccurate information. Purchase of the insurance is at the foster parent's own expense. MCHCP does not contribute toward the premium. The term "foster parent" means any approved specialized foster parent as defined in section 210.543, RSMo, also referred to as Elevated Needs Level B, and licensed under Chapter 210, RSMo, who provides temporary foster care for children who have a documented history of presenting behaviors or diagnoses which render the child unable to effectively function outside of a highly structured setting, not in anticipation of adoption and not for children related to such Elevated Needs Level B foster parent.

(2) Eligibility Requirements.

(A) Foster Parent Coverage. The Department of Social Services shall provide appropriate documentation to MCHCP of initial and ongoing eligibility of a foster parent who qualifies for the purchase of state health insurance. Documentation of eligibility for the purchase of state health insurance shall be required prior to enrollment. A foster parent may enroll dependents as long as the foster parent is also enrolled. In order to be eligible, a foster parent shall not have access to other health insurance coverage through an employer or spouse's employer.

(B) Dependent Coverage. Eligible dependents include:

1. Spouse. If both spouses are eligible foster parents, each spouse must enroll separately;

2. Children.

A. Children may be covered through the end of the month in which they turn twenty-six (26) years old if they meet one (1) of the following criteria:

(I) Natural child of subscriber or spouse;

(II) Legally-adopted child of subscriber or spouse;

(III) Child legally placed for adoption of subscriber or spouse;

(IV) Stepchild of subscriber;

(V) Foster child of subscriber or spouse. Such child will continue to be considered a dependent child after the foster child relationship ends by operation of law when the child ages out if the foster child relationship between the subscriber or spouse and the child was in effect the day before the child ages out;

(VI) Grandchild for whom the covered subscriber or covered spouse has legal guardianship or legal custody;

(VII) A child for whom the subscriber or spouse is the court-ordered legal guardian under a guardianship of a minor. Such child will continue to be considered a dependent child after the guardianship ends by operation of law when the child becomes eighteen (18) years old if the guardianship of a minor relationship between the subscriber or spouse and the child was in effect the day

before the child became eighteen (18) years old;

(VIII) Newborn of a dependent;

(IX) Child for whom the subscriber or covered spouse is required to provide coverage under a Qualified Medical Child Support Order (QMCSO).

B. A child who is twenty-six (26) years old or older and is permanently disabled in accordance with subsection (5)(C) may be covered only if such child was disabled the day before the child turned twenty-six (26) years old and has remained continuously disabled.

C. A child may only be covered by one (1) parent if his/her parents are married to each other and are both covered under an MCHCP medical plan.

D. A child may have dual coverage if the child's parents are divorced or have never married, and both have coverage under an MCHCP medical plan. MCHCP will only pay for a service once, regardless of whether the claim for the child's care is filed under multiple subscribers' coverage. If a child has coverage under two (2) subscribers, the child will have a separate deductible, copayment, and coinsurance under each subscriber. MCHCP will process the claim and apply applicable cost-sharing using the coverage of the subscriber who files the claim first. The second claim for the same services will not be covered. If a provider files a claim simultaneously under both subscribers' coverage, the claim will be processed under the subscriber whose birthday is first in the calendar year. If both subscribers have the same birthday, the claim will be processed under the subscriber whose coverage has been in effect for the longest period of time; or

3. Changes in dependent status. If a covered dependent loses his/her eligibility, the subscriber must notify MCHCP within thirty-one (31) days to terminate his/her coverage effective the end of the month eligibility ceases.

(3) Enrollment Procedures.

(A) An eligible foster parent must enroll for coverage within thirty-one (31) days of his/her license date. If enrolling dependents, proof of eligibility must be submitted as defined in section (5).

(B) An eligible foster parent may elect coverage and/or change coverage levels during the annual open enrollment period.

(C) An eligible foster parent may apply for coverage for himself/herself and/or for his/her dependents if one (1) of the following occurs:

1. Occurrence of a life event, which includes marriage, birth, adoption, and placement of children. A special enrollment period of thirty-one (31) days shall be available beginning with the date of the life event. It is the eligible foster parent's responsibility to notify MCHCP of the life event; or

2. Employer-sponsored group coverage loss. An eligible foster parent and his/her dependents may enroll within sixty (60) days if s/he involuntarily loses employer-sponsored coverage under one (1) of the following circumstances:

A. Employer-sponsored medical, dental, or vision plan terminates;

B. Eligibility for employer-sponsored coverage ends;

C. Employer contributions toward the premiums end; or

D. Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends; or

3. If an eligible foster parent or his/her dependent loses MO HealthNet or Medicaid status, s/he may enroll in an MCHCP plan within sixty (60) days of the date of loss; or

4. If an eligible foster parent or eligible foster parent's spouse receives a court order stating s/he is responsible for coverage of dependent, the eligible foster parent may enroll the dependent in an MCHCP plan within sixty (60) days of the court order.

(4) Effective Date Provisions. In no circumstances can the effective date be before the eligibility date or before January 1, 2013. The

effective date of coverage shall be determined, subject to the effective date provisions as follows:

(A) Eligible Foster Parent and Dependent Effective Dates.

1. Unless stated otherwise by these rules, an eligible foster parent and his/her eligible dependents' effective date of coverage is the first of the month coinciding with or after the eligibility date. Except for newborns, the effective date of coverage cannot be prior to the date of receipt of the enrollment by MCHCP.

2. The effective date of coverage for a life event shall be as follows:

A. Marriage.

(I) If a subscriber enrolls and/or enrolls his/her spouse before a wedding date, coverage becomes effective on the wedding date subject to receipt of proof of eligibility. The monthly premium is not prorated.

(II) If an eligible foster parent enrolls within thirty-one (31) days of a wedding date, coverage becomes effective the first of the month coinciding with or after receipt of the enrollment form and proof of eligibility;

B. Newborn.

(I) If a subscriber or eligible foster parent enrolls his/her newborn or a subscriber enrolls a newborn of his/her dependent within thirty-one (31) days of birth date, coverage becomes effective on the newborn's birth date.

(II) If a subscriber does not elect to enroll a newborn of a dependent within thirty-one (31) days of birth, s/he cannot enroll the dependent of a dependent at a later date;

C. Adoption or placement for adoption.

(I) If a subscriber or eligible foster parent enrolls an adopted child within thirty-one (31) days of adoption or placement of a child, coverage becomes effective on the date of adoption or placement for adoption;

D. Legal guardianship and legal custody.

(I) If a subscriber or eligible foster parent enrolls a dependent due to legal guardianship or legal custody within thirty-one (31) days of guardianship or custody effective date, coverage becomes effective on the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day;

E. Foster care.

(I) If a subscriber or eligible foster parent enrolls a foster child due to placement in the subscriber or eligible foster parent's care within thirty-one (31) days of placement, coverage becomes effective on the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day; or

F. Eligible Foster Parent.

(I) If an eligible foster parent enrolls due to a life event, the effective date for the eligible foster parent is the first day of the next month after enrollment is received, unless enrollment is received on the first day of a month, in which case coverage is effective on that day.

3. An eligible foster parent and his/her eligible dependent(s) who elect coverage and/or change coverage levels during open enrollment shall have an effective date of January 1 of the following year.

4. If a foster parent gains state employment, s/he must enroll as a new state employee.

5. Coverage is effective for a dependent child the first of the month coinciding with or after the Qualified Medical Child Support Order is received by the plan or date specified by the court.

(5) Proof of Eligibility. Proof of eligibility documentation is required for all dependents. Enrollment of a dependent is not complete until proof of eligibility is received by MCHCP. A subscriber must include his/her MCHCPid or Social Security number on the documentation. If proof of eligibility is not received, MCHCP will send a letter requesting it from the subscriber. Except for open enrollment, documentation must be received within thirty-one (31) days of the letter

date, or eligible dependent(s) will not be added. MCHCP reserves the right to request that such proof of eligibility be provided at any time upon request. If such proof is not received or is unacceptable as determined by MCHCP, coverage for the applicable dependent will terminate or never take effect. If enrolling dependents during open enrollment, proof of eligibility must be received by November 20, or eligible dependents will not be added for coverage effective the following January 1.

(A) Addition of Dependents. Required documentation should accompany the enrollment for coverage, except when adding a newborn. Failure to provide acceptable documentation with the enrollment will result in the dependent not having coverage until such proof is received, subject to the following:

1. If proof of eligibility is not received with the enrollment, such proof will be requested by letter sent to the subscriber. The enrollment will not be processed until after proof of eligibility is received. Documentation shall be received no later than thirty-one (31) days from the date of the letter requesting such proof. If invalid proof of eligibility is received, the subscriber is allowed an additional ten (10) days from the initial due date to submit valid proof of eligibility. Failure to provide the required documentation within the above stated time frames will result in the dependent being ineligible for coverage until the next open enrollment period;

2. Coverage is provided for a newborn of a member from the moment of birth. The member must initially notify MCHCP of the birth verbally or in writing within thirty-one (31) days of the birth date. MCHCP will then send an enrollment form and letter notifying the member of the steps to continue coverage. The member is allowed an additional ten (10) days from the date of the plan notice to return the enrollment form. Coverage will not continue unless the enrollment form is received within thirty-one (31) days of the birth date or ten (10) days from the date of the notice, whichever is later. Newborn proof of eligibility must be submitted within ninety (90) days of the date of birth. If proof of eligibility is not received, coverage will terminate on day ninety-one (91) from the birth date. If invalid proof of eligibility is received, the subscriber is allowed an additional ten (10) days from the initial due date to submit valid proof of eligibility;

3. If placement papers or filed petition for adoption were used as proof of eligibility, final adoption papers must be submitted to MCHCP within one hundred eighty (180) days from the enrollment date; and

4. Acceptable forms of proof of eligibility are included in the following chart:

Circumstance	Documentation
Birth of dependent(s)	Government-issued birth certificate or other government-issued or legally-certified proof of eligibility listing subscriber as parent and newborn's full name and birth date
Addition of step-child(ren)	Marriage license to biological or legal parent/guardian of child(ren); and government-issued birth certificate or other government-issued or legally-certified proof of eligibility for child(ren) that names the subscriber's spouse as a parent or guardian and child's full name and birth date
Addition of foster child(ren)	Placement papers in subscriber's care
Adoption of dependent(s)	Adoption papers; Placement papers; or Filed petition for adoption listing subscriber as adoptive parent
Legal guardianship or legal custody of dependent(s)	Court-documented guardianship or custody papers listing member as guardian or custodian (Power of Attorney is not acceptable)
Newborn of covered dependent	Government-issued birth certificate or legally-certified proof of eligibility for newborn listing covered dependent as parent with newborn's full name and birth date
Marriage	Marriage license or certificate recognized by Missouri law
Divorce	Final divorce decree; or Notarized letter from spouse stating s/he is agreeable to termination of coverage pending divorce or legal separation
Death	Government-issued death certificate
Loss of MO HealthNet or Medicaid	Letter from MO HealthNet or Medicaid stating who is covered and the date coverage terminates
MO HealthNet Premium Assistance	Letter from MO HealthNet or Medicaid stating member is eligible for the premium assistance program
Qualified Medical Child Support Order	Qualified Medical Child Support Order
Prior Group Coverage	Letter from previous insurance carrier or former employer stating date coverage terminated, length of coverage, reason for coverage termination, and list of dependents covered

(B) The eligible foster parent is required to notify MCHCP on the appropriate form of the dependent's name, date of birth, eligibility date, and Social Security number.

(C) Permanently disabled children will continue to be eligible beyond age twenty-six (26) during the continuance of a permanent disability, provided the following documentation is submitted to the plan prior to the dependent's twenty-sixth birthday or within thirty-one days (31) days of enrollment of a new foster parent and his/her permanently disabled child:

1. The Supplemental Security Income (SSI) Notice of Award from the Social Security Administration (SSA) verifying the dependent is entitled to and receiving disability benefits as of a specific date;

2. A letter from the dependent's physician describing the current disability and verifying that the disability predates the original SSA determination; and

3. A current benefit verification letter from the SSA confirming the dependent is still considered disabled by SSA.

(D) Members who are eligible for Medicare benefits under Part A, B, or D must notify MCHCP of their eligibility and provide a copy

of the member's Medicare card within thirty-one (31) days of the Medicare eligibility date. Claims will not be processed until the required information is provided. If Medicare coverage begins before turning age sixty-five (65), the member will receive a Medicare disability questionnaire. The member must submit the completed questionnaire to MCHCP for the Medicare eligibility to be submitted to the medical plan.

(6) Termination.

(A) Unless stated otherwise, termination of coverage shall occur on the last day of the calendar month coinciding with or after any of the following events, whichever occurs first:

1. Failure to make premium payment for the cost of coverage. If MCHCP has not received payment of premium at the end of the thirty-one- (31-) day grace period, the subscriber will be retroactively terminated to the date covered by his/her last paid premium. The subscriber will be responsible for the value of services rendered after the retroactive termination date, including, but not limited to, the grace period;

2. Loss of foster parent licensure as determined by the

Department of Social Services;

3. With respect to dependents, upon divorce or legal separation from the subscriber or when a child reaches age twenty-six (26). A subscriber must terminate coverage for his/her spouse and stepchild(ren) at the time his/her divorce is final.

A. When a subscriber drops dependent coverage after a divorce, s/he must submit a completed form, a copy of the divorce decree, and current addresses of all affected dependents. Coverage ends on the last day of the month in which the divorce decree and completed form are received by MCHCP or, if requested, the last day of the month in which the divorce was final;

4. Death of dependent. The dependent's coverage ends on the date of death. The subscriber must submit a completed form and a copy of the death certificate within thirty-one (31) days of death;

5. A member's act, practice, or omission that constitutes fraud or intentional misrepresentation of material fact;

6. A member's threatening conduct or perpetrating violent acts against MCHCP or an employee of MCHCP; or

7. A subscriber has obtained access to other health insurance coverage through an employer or spouse's employer.

(B) MCHCP may rescind coverage due only to non-payment of a premium, fraud, or intentional misrepresentation. MCHCP shall provide at least thirty (30) days written notice before it rescinds coverage.

(C) Termination of coverage shall occur immediately upon discontinuance of the plan, subject to the plan termination provision specified in 22 CSR 10-2.080(1).

(D) If a member receives covered services after the termination of coverage, MCHCP may recover the contracted charges for such covered services from the subscriber or the provider, plus its cost to recover such charges, including attorneys' fees.

(E) Termination of a foster parent's coverage shall terminate the coverage of dependents.

(7) Voluntary Cancellation of Coverage.

(A) A subscriber may cancel medical coverage, which will be effective on the last day of the month in which the subscriber notifies MCHCP to cancel coverage.

(B) A subscriber may retroactively cancel coverage on his/her spouse to be effective on the last day of the month in which a divorce is final. A copy of the divorce decree must accompany the change request.

(C) If a member receives covered services after the voluntary cancellation of coverage, MCHCP may recover the contracted charges for such covered services from the subscriber or the provider, plus its cost to recover such charges, including attorneys' fees.

(D) A subscriber cannot cancel medical coverage on his/her spouse or children during divorce or legal separation proceedings unless s/he submits a notarized letter from his/her spouse stating s/he is agreeable to termination of coverage pending divorce.

(E) A subscriber may only cancel dental and/or vision coverage during the year for themselves or their dependents if they are no longer eligible for coverage.

(8) Federal Consolidated Omnibus Budget Reconciliation Act (COBRA).

(A) Eligibility. In accordance with COBRA, eligible foster parents and their dependents may temporarily continue their coverage when coverage under the plan would otherwise end. Coverage is identical to the coverage provided under MCHCP to similarly-situated eligible foster parents and family members. If members cancel COBRA coverage, they cannot enroll at a later date.

1. Eligible foster parents voluntarily or involuntarily ending licensure as a foster parent (for reasons other than gross misconduct) may continue coverage for themselves and their covered dependent(s) for eighteen (18) months at their own expense.

2. If a subscriber marries, has a child, or adopts a child while on COBRA coverage, subscriber may add such eligible dependents

to the subscriber's plan if MCHCP is notified within thirty-one (31) days of the marriage, birth, or adoption. The subscriber may also add eligible dependents during open enrollment.

3. Dependents may continue coverage for up to thirty-six (36) months at their own expense if the covered foster parent becomes eligible for Medicare.

4. A surviving spouse and dependents, who have coverage due to the death of an eligible foster parent, may elect coverage for up to thirty-six (36) months at their own expense.

5. A divorced or legally-separated spouse and dependents may continue coverage at their own expense for up to thirty-six (36) months.

6. Children who would no longer qualify as dependents may continue coverage for up to thirty-six (36) months at their (or their parent's/guardian's) expense.

7. If the Social Security Administration determines a COBRA member is disabled within the first sixty (60) days of coverage, the member may continue coverage for up to twenty-nine (29) months.

8. If the eligible member has Medicare prior to becoming eligible for COBRA coverage, the member is entitled to coverage under both.

(B) Premium Payments.

1. Initial payment for continuation coverage must be received within forty-five (45) days of election of coverage.

2. After initial premium payment, MCHCP bills on the last working day of the month. There is a thirty-one- (31-) day grace period for payment of regularly scheduled monthly premiums.

3. Premiums for continued coverage will be one hundred two percent (102%) of the total premium for the applicable coverage level. Once coverage is terminated under the COBRA provision, it cannot be reinstated.

(C) Required Notifications.

1. The subscriber or applicable member must notify MCHCP within thirty-one (31) days of a divorce, legal separation, a child turning age twenty-six (26), change in disability status, within sixty (60) days of a Medicare entitlement, or when a subscriber has obtained access to other health insurance coverage through an employer or spouse's employer.

2. The Department of Social Services Children's Division will notify MCHCP when a foster parent is no longer eligible.

3. If a COBRA participant is disabled within the first sixty (60) days of COBRA coverage and the disability continues for the rest of the initial eighteen- (18-) month period of continuing coverage, the affected individual must notify MCHCP that s/he wants to continue coverage within sixty (60) days, starting from the latest of: 1) the date on which the SSA issues the disability determination; 2) the date on which the qualifying event occurs; or 3) the date on which the qualified beneficiary receives the COBRA general notice. The affected individual must also notify MCHCP within thirty-one (31) days of any final determination that the individual is no longer disabled.

(D) Election Periods.

1. When MCHCP is notified that a COBRA-qualifying event has occurred, MCHCP notifies eligible members of the right to choose continuation coverage.

2. Eligible members have sixty (60) days from the date of coverage loss or notification from MCHCP, whichever is later, to inform MCHCP that they want continuation coverage.

3. If eligible members do not choose continuation coverage within sixty (60) days of lost coverage or notification from MCHCP, coverage ends.

(E) Continuation of coverage may be cut short for any of these reasons—

1. The state of Missouri no longer provides group health coverage to foster parents;

2. Premium for continuation coverage is not paid on time;

3. The covered foster parent or dependent becomes covered (after the date s/he elects COBRA coverage) under another group

health plan that does not contain any exclusion or limitation with respect to any pre-existing condition s/he may have;

4. The covered foster parent or dependent becomes entitled to Medicare after the date s/he elects COBRA coverage; or

5. The covered foster parent or dependent extends coverage for up to twenty-nine (29) months due to disability and there has been a final determination that the individual is no longer disabled.

(9) Missouri State Law COBRA Wrap-Around Provisions.

(A) Missouri law provides that if a member loses group health insurance coverage because of a divorce, legal separation, or the death of a spouse, the member may continue coverage until age sixty-five (65) under two (2) conditions—

1. The member continues and maintains coverage under the thirty-six- (36-) month provision of COBRA; and

2. The member is at least fifty-five (55) years old when COBRA benefits end. The qualified beneficiary must apply to continue coverage through the wrap-around provisions and will have to pay the entire premium. MCHCP may charge up to an additional twenty-five percent (25%) of the applicable premium.

(B) For a member to continue coverage under this subsection, a member must either—

1. Within sixty (60) days of legal separation or the entry of a decree of dissolution of marriage or prior to the expiration of a thirty-six- (36-) month COBRA period, the legally-separated or divorced spouse who seeks such coverage shall give MCHCP written notice of the qualifying event, including his/her mailing address; or

2. Within thirty (30) days of the death of a foster parent whose surviving spouse is eligible for continued coverage or prior to the expiration of a thirty-six- (36-) month COBRA period, the human resource/payroll representative or the surviving spouse shall give MCHCP written notice of the death and the mailing address of the surviving spouse.

(C) Within fourteen (14) days of receipt of the notice, MCHCP shall notify the legally-separated, divorced, or surviving spouse that coverage may be continued. The notice shall include:

1. A form for election to continue the coverage;

2. The amount of premiums to be charged and the method and place of payment; and

3. Instructions for returning the elections form by mail within sixty (60) days after MCHCP mails the notice.

(D) Continuation of coverage terminates on the last day of the month prior to the month the subscriber turns age sixty-five (65). The right to continuation coverage shall also terminate upon the earliest of any of the following:

1. The state of Missouri no longer provides group health coverage to foster parents;

2. Premium for continuation coverage is not paid on time;

3. The date on which the legally-separated, divorced, or surviving spouse becomes insured under any other group health plan;

4. The date on which the legally-separated, divorced, or surviving spouse remarries and becomes insured under another group health plan; or

5. The date on which the legally-separated, divorced, or surviving spouse reaches age sixty-five (65).

(10) Medicare.

(A) If a member does not enroll in Medicare when s/he is eligible and Medicare should be the member's primary plan, the member will be responsible for paying the portion Medicare would have paid. An estimate of Medicare Part A and/or Part B benefits shall be made and used for coordination or reduction purposes in calculating benefits. Benefits will be calculated on a claim-submitted basis so that if, for a given claim, Medicare reimbursement would be for more than the benefits provided by this plan without Medicare, the balance will not be considered when calculating subsequent claims for this plan's deductible and out-of-pocket maximum expenses.

(B) MCHCP's prescription drug plan is evaluated by a third party to determine whether it is creditable and considered equal to or better than Medicare Part D. The member will receive notification of the outcome from MCHCP. If MCHCP's plan is considered creditable, the member does not need to enroll in Medicare Part D and will not be penalized if s/he signs up for Part D at a later date.

(C) If a member enrolls in a Medicare Part D plan in addition to coverage under this plan, Medicare Part D becomes the member's primary plan. Such member's benefit must be adjusted in order for the plan to avoid liability for filing claims under the subsidy reimbursement portion of Medicare Part D. This plan will pay primary with appropriate copayments or coinsurance when the member is within the donut hole.

(11) Communications to Members.

(A) It is the foster parent's responsibility to ensure that MCHCP has current contact information for the member and any dependent(s).

(B) A foster parent must notify MCHCP of a change in his/her mailing or email address as soon as possible, but no later than thirty-one (31) days after the change.

(C) It is the responsibility of all foster parents who elect to receive plan communication through email to ensure plan emails are not blocked as spam or junk mail by the member or by the member's service provider.

(D) Failure to update a mailing or email address may result in undeliverable mail/email of important informational material, delayed or denied claims, loss of coverage, loss of continuation rights, missed opportunities relating to covered benefits, and/or liability for claims paid in error.

(12) Deadlines. Unless specifically stated otherwise, MCHCP computes deadlines by counting day one as the first day after the qualifying event. If the last day falls on a weekend or state holiday, MCHCP may receive required information on the first working day after the weekend or state holiday.

(13) Premiums. Notwithstanding any other rule to the contrary, foster parents are responsible for paying the entire actuarial determined rate of total premium with no employer or MCHCP contribution.

AUTHORITY: section 103.059, RSMo 2000, and section 103.078, HB 1576, Second Regular Session, Ninety-sixth General Assembly, 2012. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. Original rule filed Aug. 28, 2012.

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

PRIVATE COST: This proposed rule will cost private entities \$3,391,896 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 22 - Missouri Consolidated Health Care Plan
Division Title: Division 10
Chapter Title: Chapter 2**

Rule Number and Title:	22 CSR 10-2.110 General Foster Parent Membership
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
552 foster parents eligible to enroll in MCHCP plans for CY 2013	Individuals enrolled in MCHCP plans for CY 2013	\$3,391,896

III. WORKSHEET

- Estimated cost is the annual premium cost to MCHCP eligible foster parents for calendar year 2013.
- Cost estimates are as follows:

	% active state employees enrolled	Estimated no. of foster parents in each plans	Monthly Premium (Leave of Absence Rate)	Total Monthly Premium	Total Annual Premium
PPO 300	37.43%	207	\$524	\$108,468	\$1,301,616
PPO 600	59.35%	328	\$505	\$165,640	\$1,987,680
HDHP	3.21%	18	\$475	\$ 8,550	\$ 102,600
	100.00%	553		\$282,658	\$3,391,896

IV. ASSUMPTIONS

- Total eligible enrollment as of July 31, 2012 (data obtained from DSS Children's Division)
- Assume all eligible members will enroll
- Calendar year 2013 rates based on full state premium as developed by MCHCP's actuary
- Enrollment distribution across plan types (PPO 300, PPO 600, HDHP) mirrors 2012 active state enrollment

- **Actual claim costs for individual subscribers will vary based upon actual utilization of services. The above summary of fiscal impact does not include out-of-pocket costs that members will incur at the time of service**

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RULE

22 CSR 10-2.120 Wellness Program

PURPOSE: This rule establishes the policy of the board of trustees in regards to the Strive for Wellness program.

(1) Program—The wellness program is called Strive for Wellness and is administered through StayWell Health Management (vendor). Strive for Wellness is voluntary. Subscribers are responsible for enrolling, participating, and completing requirements by applicable deadlines.

(2) Eligibility—The following subscribers enrolled in a Missouri Consolidated Health Care Plan (MCHCP) Preferred Provider Organization (PPO) or High Deductible Health Plan (HDHP) are eligible to participate in the wellness program:

- (A) Active employee subscriber;
- (B) Non-Medicare terminated vested subscriber;
- (C) Non-Medicare long-term disability subscriber;
- (D) Non-Medicare survivor subscriber;
- (E) Non-Medicare Consolidated Omnibus Budget Reconciliation Act (COBRA) subscriber; and
- (F) Non-Medicare retiree subscriber.

(3) Limitations and exclusions—The following members enrolled in an MCHCP PPO or HDHP are not eligible to participate in the wellness program:

- (A) Subscriber under the age of eighteen (18);
- (B) Dependent;
- (C) Dependent children who are covered under a parent's MCHCP plan and who are also state employees;
- (D) Medicare terminated vested subscriber;
- (E) Medicare long-term disability subscriber;
- (F) Medicare survivor subscriber;
- (G) Medicare COBRA subscriber;
- (H) Medicare retiree subscriber; and
- (I) Two (2) married retirees who are enrolled together as a retiree and spouse will be eligible for only one (1) incentive. The retiree in the subscriber status is eligible to participate.

(4) Participation—

(A) Subscribers may earn an incentive by completing the following:

1. The online Partnership Agreement by November 30, 2012;
2. The online Health Assessment by November 30, 2012; and
3. Receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider Form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.

A. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

B. Health Care Provider form errors. Forms submitted with errors will not be accepted. Unacceptable errors include, but are not limited to:

- (I) Form not unique to submitting subscriber;
- (II) Provider printed name not legible;
- (III) Provider name or signature missing;
- (IV) Height missing or not legible;

- (V) Weight missing or not legible;
- (VI) Blood pressure missing or not legible;
- (VII) Date of physical exam missing or not legible; and
- (VIII) Handwritten changes made to the preprinted name and unique ID contained on the form.

C. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(B) A new employee or eligible subscriber adding medical coverage from November 1, 2012, through May 31, 2013, must complete the Partnership Agreement and Health Assessment within thirty-one (31) days of enrollment to receive the partnership incentive. The incentive will start the beginning of the second month after the eligible subscriber completes the Health Assessment. To continue the incentive July through December 2013, the employee must receive an annual wellness exam between June 1, 2012, and May 31, 2013, and submit the Health Care Provider form that includes the subscriber's height, weight, blood pressure, date of exam, and health care provider name and signature to MCHCP's wellness vendor by May 31, 2013. The vendor must receive the form by May 31, 2013.

1. Health Care Provider form. The Health Care Provider form is unique for each subscriber and may only be obtained by the subscriber through myMCHCP. The form must be downloaded by each subscriber for his/her use only.

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- A. Form not unique to submitting subscriber;
- B. Provider printed name not legible;
- C. Provider name or signature missing;
- D. Height missing or not legible;
- E. Weight missing or not legible;
- F. Blood pressure missing or not legible;
- G. Date of physical exam missing or not legible; and
- H. Handwritten changes made to the preprinted name and unique ID contained on the form.

3. Annual wellness exam. An annual wellness exam is an annual preventive exam for men or women;

(C) An employee hired after May 31, 2013, will be eligible to participate in the wellness program at the next open enrollment period;

(D) Subscribers with disabilities may request special accommodations regarding participation. Appropriately documented reasonable requests will be accommodated to the extent possible;

(E) When Medicare becomes a retiree subscriber's primary insurance payer, the subscriber is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary; and

(F) Health Coaching. Subscriber data from the Health Assessment and Health Care Provider form will be used to identify health risks. Subscribers identified to be at moderate to high health risk for weight, eating, stress, exercise, tobacco use, back care, blood pressure, and cholesterol will be offered voluntary phone health coaching to reduce their risk. Health coaching is not required to receive the partnership incentive.

(5) Audit—MCHCP and/or the vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to termination from the wellness program, loss of the partnership incentive, and/or prosecution.

(6) Partnership incentive—The partnership incentive is fifteen dollars (\$15) per month as reflected in the partnership premium.

(7) Each subscriber is responsible for confirming vendor receipt and acceptability of his/her Health Care Provider form by checking his/her wellness information on myMCHCP. If the information is not reflected within a reasonable time period, it is the subscriber's responsibility to contact the vendor regarding the status of his/her Health Care Provider form at (866) 564-5235.

(8) Coordination of programs—MCHCP and its wellness vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, expires March 29, 2013. Original rule filed Aug. 28, 2012.

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