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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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December 1, 2011 December 15, 2011	<b>January 3, 2012</b> <b>January 17, 2012</b>	January 30, 2012 January 30, 2012	February 29, 2012 February 29, 2012
January 3, 2012 January 17, 2012	<b>February 1, 2012</b> <b>February 15, 2012</b>	February 29, 2012 February 29, 2012	March 30, 2012 March 30, 2012
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

# Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2011), are available in the listed participating libraries, as selected by the Missouri State Library:

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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2011.

## EXECUTIVE ORDER 12-03

WHEREAS, I have been advised by the State Emergency Management Agency that on-going and forecast severe storm systems have caused, or have the potential to cause, damages associated with high winds and tornadoes impacting communities throughout the state of Missouri; and

WHEREAS, there has been loss of life, interruption of public services, infrastructure and private property damage as a result of the severe weather that began on February 28, 2012; and

WHEREAS, the severe weather that began on February 28, 2012, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of the severe weather event that started on February 28, 2012, and is continuing; and

WHEREAS, the state will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the state of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

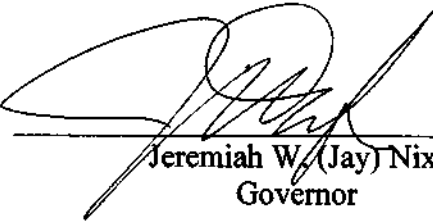
NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the state of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the state of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on April 30, 2012, unless extended in whole or in part.




IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of February, 2012.



---

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:



---

Robin Carnahan  
Secretary of State

EXECUTIVE ORDER  
12-04

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that severe storm systems have caused damages associated with high winds, driving rain, hail and tornadoes in communities across the State of Missouri; and

WHEREAS, there has been loss of life, interruption of public services, infrastructure damages and damages to private property, as a result of the severe weather that began on February 28, 2012; and

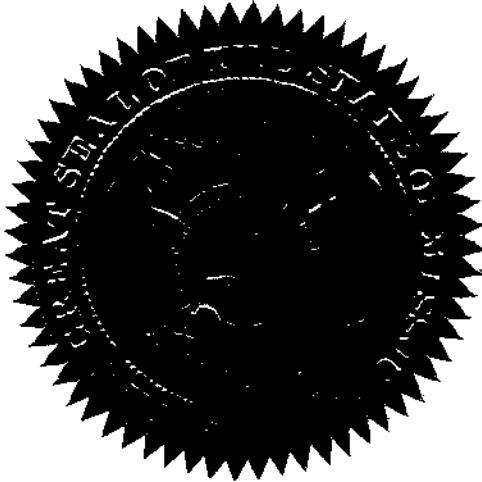
WHEREAS, the severe weather that began on February 28, 2012, has created conditions of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, I issued Executive Order 12-03 declaring a State of Emergency for the protection of the safety and welfare of the citizens of the state of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized by the Governor of this State.

This order shall terminate on April 30, 2012, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of February, 2012.

  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Robin Carnahan  
Secretary of State



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

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

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED RESCISSION

**2 CSR 80-2.010 Definitions.** This rule defined terms used in the regulation of the State Milk Board. This rule corresponded with Part II, Section 1 of the *Grade A Pasteurized Milk Ordinance with Administrative Procedures—2009 Recommendations of the United States Public Health Service/Food and Drug Administration*.

*PURPOSE: This rule is being rescinded so that a new proposed rule may replace it. A new proposed rule in place of this rescission will incorporate definitions from the Grade A Pasteurized Milk Ordinance (PMO) 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration and Title 21 of the Code of Federal Regulations.*

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Rescinded: Filed Feb. 17, 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED RULE

#### 2 CSR 80-2.010 Definitions

*PURPOSE: This rule updates and defines terms used in the regulations of the State Milk Board. This rule corresponds with the Grade A Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

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

(1) The following definitions shall apply to the interpretations and enforcement of sections 196.931–196.959, RSMo:

(A) Milk is the product defined in *Code of Federal Regulations* Title 21 section 131.110. Note: Applicable sections of parts 131 and 133 are included in Appendix L of the *Grade A Pasteurized Milk Ordinance (PMO) 2011 Revision Recommendations of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration*.

1. Goat milk is the normal lacteal secretion, practically free from colostrum, obtained by the complete milking of one (1) or more healthy goats. The word "milk" shall be interpreted to include goat milk.

2. Sheep milk is the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one (1) or more healthy sheep. The word "milk" shall be interpreted to include sheep milk;

(B) Acidified milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.111;

(C) Adulterated milk and milk products shall be deemed to be adulterated if one (1) or more of the conditions described in the *Federal Food, Drug and Cosmetic Act* Chapter IV section 402 exist;

(D) Automatic milking installation covers the entire installation of

one (1) or more automatic milking units, including the hardware and software utilized in the operation of individual automatic milking units, the animal selection system, the automatic milking machine, the milk cooling system, the system for cleaning and sanitizing the automatic milking unit, the teat cleaning system, and the alarm systems associated with the process of milking, cooling, and sanitation;

(E) Bulk milk hauler/sampler is any person who collects official samples and may transport raw milk from a farm and/or raw milk products to or from a milk plant, receiving station, or transfer station and has in their possession a permit from the State Milk Board to sample such products;

(F) Bulk milk pickup tanker is a vehicle including the truck, tank, and those appurtenances necessary for its use, used by a bulk milk hauler/sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station, or transfer station;

(G) Buttermilk is a fluid product resulting from the manufacture of butter from milk or cream. It contains not less than eight and one-quarter percent (8 1/4%) of milk solids not fat;

(H) Concentrated (condensed) milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.115.

1. Concentrated milk products shall be taken to mean and to include homogenized concentrated milk, concentrated skim milk, concentrated reduced fat or lowfat milk, and similar concentrated products made from concentrated milk or concentrated skim milk, which when combined with potable water in accordance with instructions printed on the container label, conform with the definitions of the corresponding milk products in this section.

2. Frozen milk concentrate is a frozen milk product with a composition of milkfat and milk solids not fat in proportions that when a given volume of concentrate is mixed with a given volume of water, the reconstituted product conforms to the milkfat and milk solids not fat requirements of whole milk. In the manufacturing process, water may be used to adjust the primary concentrate to the final desired concentration. The adjusted primary concentrate is pasteurized, packaged, and immediately frozen. This product is stored, transported, and sold in the frozen state;

(I) Cottage cheese is that product defined in the *Code of Federal Regulations* Title 21 section 133.128.

1. Dry curd cottage cheese is that product defined in the *Code of Federal Regulations* Title 21 section 133.129;

(J) Cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.3(a).

1. Heavy cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.150.

2. Light cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.155.

3. Light whipping cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.157.

4. Sour cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.160.

5. Acidified sour cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.162;

(K) Cultured milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.112;

(L) Dairy farm is any place or premises where one (1) or more lactating animals (cows, goats, sheep, water buffalo, or other hooved mammal) are kept for milking purposes, and from which a part or all of the milk or milk product(s) is provided, sold, or offered for sale;

(M) Department means the Missouri Department of Agriculture;

(N) Dry cream is the product defined in the *Code of Federal Regulations* Title 21 section 131.149;

(O) Dry whole milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.147;

(P) Eggnog is the product defined in the *Code of Federal Regulations* Title 21 section 131.170;

(Q) Evaporated milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.130;

(R) Half-and-half is the product defined in the *Code of Federal Regulations* Title 21 section 131.180;

(S) Milk distributor is any person who offers for sale or sells to another any milk or milk products;

(T) Milk plant is any place, premises, or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultra-pasteurized, aseptically processed, condensed, dried, packaged, or prepared for distribution;

(U) Milk producer is any person who operates a dairy farm and provides, sells, or offers milk for sale;

(V) Milk products are those products which have been manufactured under the provisions of the *Grade A Pasteurized Milk Ordinance (PMO) 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration*, Section 1(X), which is hereby incorporated by reference as published by the Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food Safety (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835;

(W) Milk tank truck is the term used to describe both a bulk milk pickup tanker and a milk transport tank;

(X) Milk tank truck cleaning facility is any place, premises, or establishment, separate from a milk plant, receiving station, or transfer station, where a milk tank truck is cleaned and sanitized;

(Y) Milk tank truck driver is any person who transports raw or pasteurized milk or milk products to or from a milk plant, receiving station, or transfer station. Any transportation of a direct farm pickup requires the milk tank truck driver to have responsibility for accompanying official samples;

(Z) Milk transport tank is a vehicle including the truck and tank used by a bulk milk hauler/sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station, or transfer station to another milk plant, receiving station, or transfer station;

(AA) Milk transportation company is the person responsible for a milk tank truck(s);

(BB) Misbranded milk and milk products are misbranded if one (1) or more of the conditions described in the *Federal Food, Drug and Cosmetic Act* Chapter IV section 403 exist;

(CC) Nonfat dry milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.125;

(DD) Nonfat dry milk fortified with vitamins A and D is the product defined in the *Code of Federal Regulations* Title 21 section 131.127;

(EE) Official laboratory is a biological, chemical, or physical laboratory which is under the direct supervision of the regulatory agency;

(FF) Officially designated laboratory is a commercial laboratory authorized to do official work by the regulatory agency, or a milk industry laboratory officially designated by the regulatory agency for the examination of producer samples of Grade A raw milk for pasteurization and commingled milk tank truck samples of raw milk for drug residues and bacteria limits;

(GG) Pasteurization, pasteurized, and similar terms shall mean the process of heating every particle of milk or milk product in properly designed and operated equipment, to one (1) of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time:

Temperature	Time
*145 °F (63 °C)	30 minutes
*161 °F (72 °C)	15 seconds
191 °F (89 °C)	1 second
194 °F (90 °C)	0.5 second
201 °F (94 °C)	0.1 second
204 °F (96 °C)	0.05 second
212 °F (100 °C)	0.01 second

\*If the fat content of the milk product is ten percent (10%) or greater, or a total solids of eighteen percent (18%) or greater, or if it contains added sweeteners, the specified temperature shall be increased by five degrees Fahrenheit (5 °F) (three degrees Celsius (3 °C)).

Provided, that eggnog shall be heated to at least the following temperature and time specifications:

Temperature	Time
155 °F (69 °C)	30 minutes
175 °F (80 °C)	25 seconds
180 °F (83 °C)	15 seconds

Provided further, that nothing in this definition shall be construed as barring any other process found equivalent to pasteurization for milk and milk products, which has been recognized by the Food and Drug Administration as provided in the *Federal Food, Drug and Cosmetic Act*, Chapter IV section 403(h)(3);

(HH) Person shall include any individual, milk plant operator, partnership, corporation, company, firm, trustee, association, or institution;

(II) Receiving station is any place, premises, or establishment where raw milk is received, collected, handled, stored, or cooled and prepared for further transporting;

(JJ) Reconstituted or recombined milk and milk products shall mean milk or milk products as defined in *Section 1 of the Grade A Pasteurized Milk Ordinance (PMO) 2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration* which result from reconstituting or recombining of milk constituents with potable water when appropriate;

(KK) Regulatory agency shall mean the State Milk Board or its authorized representative. The term regulatory agency whenever it appears in these rules shall mean the appropriate agency having jurisdiction and control over the matters embraced within these rules;

(LL) Sanitization is the application of an effective method or substance to properly cleaned surfaces for the destruction of pathogens, and other microorganisms, as far as is practicable. Such treatment shall not adversely affect the equipment, the milk, and/or milk product, or the health of consumers, and shall be acceptable to the regulatory agency;

(MM) State Milk Board is the board appointed by the governor as outlined in section 196.941, RSMo 2000. Sanitary control of fluid milk in Missouri is the responsibility of this board;

(NN) State Milk Board authorized representative shall mean the person(s) authorized by the board to perform local milk inspection activities as employees of the board or as employees of a political subdivision of the state under contractual agreement with the State Milk Board;

(OO) Sweetened condensed milk is the product defined in the *Code of Federal Regulations* Title 21 section 131.120;

(PP) Transfer station is any place, premises, or establishment where milk or milk products are transferred directly from one (1) milk tank truck to another;

(QQ) Ultra-pasteurized, when used to describe a dairy product, means that the product shall have been thermally processed at or above two hundred eighty degrees Fahrenheit (280 °F) (one hundred thirty-eight degrees Celsius (138 °C)) for at least two (2) seconds, either before or after packaging, so as to produce a product which has an extended shelf life under refrigerated conditions (refer to *Code of Federal Regulations* Title 21 section 131.3); and

(RR) Yogurt is the product defined in the *Code of Federal Regulations* Title 21 section 131.200.

1. Lowfat yogurt is the product defined in the *Code of Federal Regulations* Title 21 section 131.203.

2. Nonfat yogurt is the product defined in the *Code of Federal Regulations* Title 21 section 131.206;

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Rescinded and readopted: Filed Feb. 17, 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**PROPOSED AMENDMENT**

**5 CSR 20-100.200 A+ Schools Program.** The State Board of Education is amending sections (1)–(5) and deleting section (7).

*PURPOSE: This amendment contains changes to update the language for clarity and to include recent changes in legislation which impact this rule.*

(1) The Department of Elementary and Secondary Education [(DESE), Division of School Improvement (division)] (department) Office of Quality Schools (QS) is authorized to establish procedures for the implementation of the A+ Schools Program including:

(A) Public school district participation; and

(B) Initial and continued designation as an A+ school; and].

[(C) Initial and continued student eligibility to receive reimbursement for the cost of tuition, general fees and up to fifty percent (50%) of the book cost, subject to legislative appropriation, to attend any Missouri public community college or career-technical school.]

(2) To participate in the A+ Schools Program, the chief administrator and school board of a public school district with secondary schools must:]-

(D) Make facilities and services available for adult literacy training; and

[(E) Be classified as an accredited or provisionally accredited school district by the board under DESE's Missouri School Improvement Program; and]

[(F)](E) Schools may request a designation two (2) years after the submission of the Notification of Commitment Form and when they have met the requirements of the program.

(3) High schools seeking designation must provide [DESE] the department with notification of their intent to seek designation. The notification must contain:]-

(C) Statement(s) of assurance that the school district will:]-

1. Demonstrate a commitment to the established goals of the A+ Schools Program;

2. Implement and annually update a partnership plan;

3. Establish a data and accountability system necessary to determine and report at least student demographics and enrollment, student completion and performance of coursework, student follow-up after leaving high school, program outcome, and student success relating to the implementation of the partnership plan, and student eligibility to receive student financial incentives available through the A+ Schools Program;

4. Comply with all reporting requirements of [DESE] the department; and

5. Develop and implement a plan in compliance with all applicable state law and regulations to report students who drop out of school;

(D) Develop a plan of implementation which addresses each of the program requirements specified in this rule, including:

1. A listing of major objectives that include:

- A. Curricular and instructional change;
- B. Lower drop-out rates;
- C. Student mastery of measurable learning expectations;
- D. Successful transition from high school to continued education or employment;

E. A description of the process of the identification of and planned services for students considered to be at risk of educational failure and dropping out of school;

F. A plan to evaluate the effectiveness of the A+ Schools Program. Such evaluation should include but not be limited to:

[1.](I) Annualized high school drop-out rate;

[2.](II) Graduation rate;

[3.](III) Number of students enrolled by grade level, kindergarten through grade twelve (K-12);

[4.](IV) Number of high school graduates continuing their education at four (4)-year colleges and universities, community colleges, or career-technical schools. This data shall be recorded separately by category of institution;

[5.](V) Number of high school graduates entering the labor force;

[6.](VI) Career education enrollment disaggregated by program/course and by location (local school district and area career-technical school); and

[7.](VII) Career education follow-up/placement rates for local school district and career education programs in the area career-technical school; and

G. Name and description of each course offered at high school(s) and area career-technical school(s).

(4) The designated A+ Schools Program coordinator shall *[be employed at least half time without additional district responsibilities, and have specified coordination and implementation duties to administer the district's proposed A+ Schools Program objectives. In addition, the designated individual must]* possess a valid Missouri certificate of license to teach in the secondary grade levels, an administrator certificate of license to teach, or a counselor certificate of license to teach.

(5) In preparation for designation, participating public high school districts must[:]-

(A) Accomplish at least the following requirements:

1. Establish measurable district-wide performance standards for each of the three (3) established program goals and specific measures to determine attainment of each standard;

2. Demonstrate that developmental activities have taken place within the district or high school to specify the knowledge, skills/competencies, and mastery in measurable terms, that students must demonstrate to successfully complete all of the individual courses offered by the school, and in any course of studies which will qualify students for graduation from high school;

3. Demonstrate that procedures have been implemented within the district or school to eliminate the offering of a general track of courses that do not provide sufficient preparation for students upon graduation to successfully enter and progress in employment or post-secondary studies;

4. Establish a schedule of rigorous coursework with standards of competency;

5. Organize a local advisory committee of individuals that will meet annually to cooperatively develop and revise the school's partnership plan. Members should include:

- A. Business person(s);
- B. Labor leaders;

C. Parents;

D. Community college and postsecondary career-technical schools;

E. Senior citizens;

F. Teachers; and

G. Students;

6. Demonstrate that specific knowledge, skills, and competencies have been identified, in measurable terms, that students must demonstrate to successfully complete all individual courses offered by the school, and any course of studies which qualify students for graduation from the school and are a part of the school's curriculum;

7. Demonstrate that specific measurement and student mastery record-keeping procedures have been developed for each item of knowledge, skill, or competency identified for each individual course that the school offers; **and**

8. Show evidence that a reduction in the number of high school students dropping out of school has occurred[; and].

[9. Show evidence that procedures to ensure students who plan to participate in the A+ Schools Program financial incentives understand that:

A. Student financial incentives will be available for a period of four (4) years after high school graduation;

B. To be eligible, each student must:

(I) Enter into a written agreement with the school prior to high school graduation;

(II) Have attended a designated A+ School for three (3) consecutive years prior to high school graduation;

(III) Graduated from high school with an overall grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale, or graduated from a high school with documented mastery of institutionally identified skills that would equate to a two and five-tenths (2.5) grade point average or higher;

(IV) Have at least a ninety-five percent (95%) attendance record overall for grades nine through twelve (9-12);

(V) Performed fifty (50) hours of unpaid tutoring or mentoring; and

(VI) Maintained a record of good citizenship and avoidance of the unlawful use of drugs and/or alcohol;

C. To maintain eligibility, each participating student must during the four (4)-year period of incentive availability:

(I) Has enrolled in and attends on a full-time basis a Missouri public community college or career-technical school; and

(II) Maintain a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale;

D. The financial incentives will be made available, subject to legislative appropriation, only after the student has made a documented good faith effort to first secure all available federal postsecondary student financial assistance funds that do not require repayment; and

E. The financial incentives will only be made available to reimburse the unpaid balance of the cost of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation after the federal postsecondary student financial assistance funds have been applied to these costs:

(I) If changes must be made to the above incentives due to legislative appropriation, DESE will endeavor to reimburse:

(a) First, the full amount of tuition;

(b) Second, the general fees; and

(c) Third, up to fifty percent (50%) of the book cost.]

[I(7) Missouri public community colleges or career-technical schools shall verify, for each student intending to participate in the A+ Schools Program, student financial incentives at

their institution that:

(A) During the first semester of the student's participation:

1. Verification of student eligibility has been received from the high school from which the student graduated;
2. The eligible student is enrolled as a full-time student;
3. A good faith effort has been made to secure federal postsecondary student financial assistance funds; and
4. After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution; and

(B) During the second and subsequent semesters of the student's participation:

1. The eligible student continues to be enrolled as a full-time student;
2. Good faith efforts continue to be made to secure federal postsecondary student financial assistance funds;
3. The student has earned and maintains a grade point average of two and five-tenths (2.5) points or higher on a four (4)-point scale; and
4. After federal postsecondary student financial assistance funds are applied, the A+ Schools Program student will receive financial incentive funds. The amount of funds will depend on the remaining costs of tuition, general fees and up to fifty percent (50%) of the book cost subject to legislative appropriation to attend that institution.]

**AUTHORITY:** sections 160.545 and 161.092, RSMo Supp. [2006] 2011. This rule was previously filed as 5 CSR 60-120.060 and 5 CSR 50-350.040. Original rule filed Nov. 10, 1993, effective June 6, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Curt Fuchs, Coordinator, Educational Support Services, PO Box 480, Jefferson City, MO 65102-0480 or by email at: [webreplyim-praplus@dese.mo.gov](mailto:webreplyim-praplus@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 AMENDMENT**

**5 CSR 20-400.150 Application for Certificate of License to Teach.** The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

**PURPOSE:** This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

**AUTHORITY:** sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2009] 2011. This rule previously filed as 5 CSR 80-800.200. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.160 Application for Certificate of License to Teach for Administrators.** The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

**PURPOSE:** This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(1) An applicant may be granted an administrator certificate of license to teach in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and criteria established in the rules promulgated by the State Board of Education (board), to an individual who possesses good moral character. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

**AUTHORITY:** sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2009] 2011, and sections 168.011, 168.405, and 168.409, RSMo 2000. This rule previously filed as 5 CSR 80-800.220. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.170 Application for a Student Services Certificate of License to Teach.** The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

**PURPOSE:** This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [April 2009] February 2012), may contact the Educator Certification Section, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions. The criteria established in the rules, promulgated by the State Board of Education (board), to an individual who possesses good moral character is:

**AUTHORITY:** sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2008] 2011, and section 168.011, RSMo 2000. This rule previously filed as 5 CSR 80-800.230. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.180 Temporary Authorization Certificate of License to Teach.** The State Board of Education is amending subsection (7)(D) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

**PURPOSE:** This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's and/or career education certificate) must comply with the following criteria:

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of study based upon required certification competencies incorporated in classes provided by an accredited college or university. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, must be submitted. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

**AUTHORITY:** sections 161.092, 168.021, 168.071, 168.081, and 168.083, RSMo Supp. [2009] 2011, and section 168.011, RSMo 2000. This rule previously filed as 5 CSR 80-800.260. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.190 Application for a Career Education Certificate of License to Teach.** The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

*PURPOSE:* This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(5) The applicant must comply with the specific requirements for the various career education certificates of license to teach as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 161.092, 168.021, 168.071, and 168.081, RSMo Supp. [2009] 2011, and section 168.011, RSMo 2000. This rule previously filed as 5 CSR 80-800.270. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.200 Application for an Adult Education and Literacy Certificate of License to Teach.** The State Board of Education is amending section (5) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

*PURPOSE:* This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(5) The following AEL professional classification certificates of license to teach may be issued and renewed as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions:

*AUTHORITY:* sections 161.092, 168.021, 168.071, and 168.081, RSMo Supp. [2009] 2011, and section 168.011, RSMo 2000. This rule previously filed as 5 CSR 80-800.280. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.250 Certificate of License to Teach Content Areas.** The State Board of Education is amending section (2) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

*PURPOSE:* The purpose of this amendment is to establish the subject area for a Mathematics Specialist, grades 1–6, teaching certificate.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board in the specialized areas as follows. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(G) Other certification areas may be added to a certificate of license to teach except for career education, adult education and literacy, temporary authorization, and/or substitute certificates of license to teach in one (1) or more of the following areas:

1. Art, grades K–9;

2. Driver education, grades 9–12;
3. English for speakers of other languages, grades K–12;
4. Family resource specialist, birth–grade 3;
5. Foreign language, grades K–9;
6. Gifted education, grades K–12;
7. Health, grades K–9; [and/or]
- 8. Mathematics specialist, grades 1–6; and/or**
- [8.]9. Special reading, grades K–12;**

*AUTHORITY:* sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2009] 2011, and section 168.011, RSMo 2000. This rule previously filed as 5 CSR 80-800.350. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.260 Certificate of License to Teach Classifications.** The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

*PURPOSE:* This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board. Anyone interested in viewing or requesting a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010] February 2012), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2009] 2011, and sections 168.011, 168.128, 168.405, and 168.409, RSMo 2000. This rule previously filed as 5 CSR 80-800.360. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.

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

**PROPOSED AMENDMENT**

**5 CSR 20-400.280 Required Assessments for Professional Education Certification in Missouri.** The State Board of Education is amending section (1) and the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

*PURPOSE:* This amendment is to update the revision date on the *Compendium of Missouri Certification Requirements*, which is incorporated by reference.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking an additional certificate(s) of license to teach in another content area(s) will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross categorical disabilities, student services, administration, career education, and adult education, and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule. Anyone interested in viewing or requesting



a copy of the compendium, published by the Department of Elementary and Secondary Education (revised [January 2010/February 2012]), may contact the Educator Certification Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5–9), assessments; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5–9), as set forth in the compendium.

*AUTHORITY: sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. [2009] 2011, and sections 168.011, 168.405, and 168.409, RSMo 2000. This rule previously filed as 5 CSR 80-800.380. Original rule filed April 26, 2000, effective Nov. 30, 2000. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of 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](mailto: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.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 140—Division of Energy**  
**Chapter 8—Certification of Renewable Energy and**  
**Renewable Energy Standard Compliance Account**

**PROPOSED AMENDMENT**

**10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account.** The division is amending section (1) by adding a new definition in subsection (1)(D) and renumbering the remaining subsections, amending subsection (2)(A), and amending section (3) by adding a new subsection (3)(D).

*PURPOSE: The purpose of this amendment is to implement the changes to sections 393.1025(5) and 393.1030(5), RSMo, resulting from the passage of Senate Bill 795, which was signed by the governor July 9, 2010, and became effective August 28, 2010. SB 795 identified additional renewable energy resources that are eligible to be used to comply with the Renewable Energy Standard. The amendment also adds a definition for professional forester and certifies one new type of renewable resource which is being certified by the department.*

(1) Definitions. For the purpose of this rule—

**(D) Professional forester—same as in 142.028.1.(4), RSMo;**

**[(D)](E) Renewable energy credit or [“]REC[”]—a tradable cer-**

tificate as defined by section 393.1025(5), RSMo, that one (1) megawatt-hour of electricity has been generated from eligible renewable energy sources;

**[(E)](F) Renewable energy generation facility or [“]facility[”]—the facility where electrical energy was generated by an eligible renewable energy resource; and**

**[(F)](G) Renewable energy resources—electrical energy as defined by section 393.1025(5), RSMo, and which is eligible to be issued a renewable energy credit (REC).**

(2) Eligible Renewable Energy Resources.

(A) Eligible Renewable Energy Resources. The electricity must be derived from one (1) of the following types of renewable energy resources or technologies, as defined in section 393.1025(5), RSMo:

1. Wind;

2. Solar thermal sources or solar photovoltaic cells and panels;

3. Dedicated crops grown for energy production—herbaceous and woody crops that are harvested specifically for energy production in a sustainable manner;

4. Cellulosic agricultural residues—organic matter remaining after the harvesting and processing of agricultural crops. They include—

A. Field residues, which are organic materials left on agricultural lands after the crops have been harvested, such as stalks, stubble, leaves, and seed pods; and

B. Process residues, which are organic materials left after the crops have been processed into a usable resource, such as husks, seeds, and roots;

5. Plant residues—the residues of plants that would be converted into energy, that otherwise would be waste material;

6. Clean and untreated wood—non-hazardous wood 1) that has not been chemically treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate; and 2) that does not contain resins, glues, laminates, paints, preservatives, or other treatments that would combust or off-gas, or mixed with any other material that would burn, melt, or create other residue aside from wood ash.

A. Eligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Forest-related resources, such as pre-commercial thinnings waste, slash (tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations), brush, shrubs, stumps, lumber ends, trimmings, yard waste, dead and downed forest products, and small diameter forest thinnings (twelve inches (12”) in diameter or less);

(II) Non-chemically treated wood and paper manufacturing waste, such as bark, trim slabs, scrap, shavings, sawdust, sander dust, and pulverized scraps;

(III) Vegetation waste, such as landscape waste or right-of-way trimmings;

(IV) Wood chips, pellets, or briquettes derived from non-toxic and unadulterated wood wastes or woody energy crops;

(V) Municipal solid waste, construction and demolition waste, urban wood waste, and other similar sources only if wood wastes are segregated from other solid wastes or inorganic wastes; and

(VI) Other miscellaneous waste, such as waste pellets, pallets, crates, dunnage, scrap wood, tree debris left after a natural catastrophe, and recycled paper fibers that are no longer suitable for recycled paper production.

B. Ineligible clean and untreated wood may include, but is not necessarily limited to, the following sources:

(I) Post-consumer wastepaper;

(II) Wood from old growth forests (one hundred fifty (150) years old or older); and

(III) Unsegregated solid waste;

7. Methane from landfills, [or from] wastewater treatment, or agricultural operations. Agricultural operations are defined as 1)

**the growing or harvesting of aquatic plants or agricultural crops grown in soil; or 2) the raising of animals for the purpose of making a profit, providing a livelihood, or conducting agricultural research or instruction.** Wastewater treatment is defined as physical, chemical, biological, and mechanical procedures applied to an industrial or municipal discharge or to any other sources of contaminated water to remove, reduce, or neutralize contaminants;

8. Hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that each generator has a nameplate rating of ten megawatts (10 MW) or less. If an improvement to an existing hydropower facility does not require a new diversion or impoundment of water and incrementally increases the nameplate rating of each generator, up to ten megawatts (10 MW) per generator, the improvement qualifies as an eligible renewable energy resource;

9. Fuel cells using hydrogen produced by one (1) of the above-named renewable energy resources. RECs based on generating electricity in fuel cells from hydrogen derived from an eligible energy resource are eligible for compliance purposes only to the extent that the energy used to generate the hydrogen did not create RECs; *[or]*

**10. Products from thermal depolymerization or pyrolysis of waste material. Waste materials are specifically segregated materials from a waste stream for the purpose of producing energy or that are capable of producing energy. Pyrolysis is a thermochemical process through which organic matters are decomposed at elevated temperatures in an oxygen-deficient atmosphere into useful energy forms. Thermal depolymerization is the thermal decomposition (hydrous pyrolysis process) of organic compounds heated to high temperatures in the presence of water resulting in liquid oil; or**

*[10.]11.* Other sources of energy, not including nuclear, that may become available after November 4, 2008, and are certified as eligible renewable energy resources as provided in section (3) of this rule.

(3) Additions to Eligible Renewable Energy Resources.

**(C) The department hereby certifies the following new type of renewable resource:**

**1. Biofuels derived from biologically-based liquid fuels through an emulsion process.**

*AUTHORITY: section 393.1030, RSMo Supp. [2010] 2011. Original rule filed June 14, 2010, effective Jan. 30, 2011. Amended: Filed Feb. 29, 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 is estimated to cost private entities one hundred twenty-two thousand five hundred dollars (\$122,500) 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 Natural Resources, Division of Energy, PO Box 176, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	10 CSR 140-8.010 Certification of Renewable Energy and Renewable Energy Standard Compliance Account
Type of Rulemaking	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<i>(your best estimate of affected businesses)</i>	<i>(SIC or NAICS descriptions work well here)</i>	
30	112 – Animal Production	\$105,000
5	562213 – Solid Waste Combustors and Incinerators	\$17,500

III. Worksheet

Calculation of estimated private entity cost based on Assumptions stated below:  
Commercial Installation Facility Certificate Application:

**TOTAL PRIVATE ENTITY COST: \$122,500.**

$\$3,500 \times 1 \times 30 = \$105,000$  (assumes 1 methane electrical corporation digester operation per year)

$\$3,500 \times 5 = \$ 17,500$  ( assumes 5 pyrolysis electrical corporation operations)

IV. Assumptions

SB 795 added additional sources of “renewable energy” to Section 393.1030, RSMo.:

1. Methane generated from the anaerobic digestion of farm animal waste; and
2. Thermal depolymerization or pyrolysis of waste materials.

For purposes of this fiscal note, it is assumed that because thermal depolymerization or pyrolysis technologies are not currently economically viable, a small number (5) of generation facilities is estimated over the life of the rule amendment.

Methane generated from farm animal waste is anticipated to result in relatively small scale energy production, and one applicant per year is estimated for purposes of this fiscal note.

The proposed rule amendment does not require action to be taken by any private entity; however, if an energy generation facility wants to be certified as a renewable energy generation facility pursuant to Section 393.1030.4, RSMo., or if a regulated electrical utility wants to seek certification of an energy generation facility, that entity will incur some costs for gathering the necessary information and preparing the application provided for and described in the above rule section. Once the application is filed, no further action or expense for the private entity is required in the application process, unless the Department of Natural Resources (DNR) requests the applicant to provide additional information.

Once an application is processed, if it is approved, the only follow-up required is to provide a copy to DNR of the Annual RES Compliance Report that will be required to be filed with the Missouri Public Service Commission (PSC) pursuant to 4 CSR 20-100(7).

The costs estimated herein would be incurred for internal personnel time to produce and transmit the application to DNR or for payments to outside experts; no fees or payments would be made to DNR in the application process.

For a major commercial facility, the cost to prepare the application and supporting information and materials could be in a range from \$1,000 to \$6,000, with an average cost of approximately \$3,500.

The number of facilities that may be in existence or that may be newly constructed for which certification may be sought is unknown and difficult to predict. However, estimates are provided in the worksheet above.

The life of the rule is not set or limited by statute. It is estimated for purposes of these calculations to be approximately 30 years.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**PROPOSED RULE**

**13 CSR 40-2.395 Spend Down Program**

*PURPOSE: This rule establishes terminology as well as provides definition of terms for the spend down program and defines valid verification of incurred medical expenses.*

(1) Spend down is a program created for persons with disabilities and persons aged sixty-five (65) and older who have income that exceeds the Medicaid qualification limits. Such individuals may qualify for Medicaid benefits when they spend down their income that exceeds the Medicaid eligibility limit. Medicaid coverage begins when the individual's incurred medical expenses equal the monthly spend down requirement.

(2) The following definitions apply throughout this regulation:

(A) Incurred medical expenses: Expenses incurred by the individual or financially responsible relatives for necessary medical and remedial services that are recognized under state law and are not subject to payment by a third party, unless the third party is a public program of a state or political subdivision of a state. Incurred medical expenses include Medicare and other health insurance premiums, deductibles and co-insurance charges, and co-payments or deductibles imposed under 42 C.F.R. Section 447.51 or Section 447.53. The term incurred medical expenses includes expenses incurred by an individual's spouse whose income is included in the Medicaid eligibility determination;

(B) Individual: Aged persons (over sixty-five (65) years), blind persons, or people with disabilities with income above limits established under section 208.151.1(24), RSMo, for old age assistance benefits, permanent and total disability benefits, or aid to the blind benefits; and

(C) Third party: A third party is Medicare, private health insurance, or other health care payer.

(3) How spend down amount is calculated. The monthly spend down amount is calculated as the difference between the individual's monthly net income and the Medicaid eligibility limits. The net income is calculated according to the provisions of 13 CSR 40-2.200.

(4) Spend down may be met in one (1) of the following ways:

(A) Incurred Costs Method. Spend down participants using this method must provide documentation of medical expenses they have incurred. Allowable medical expenses include those specified in section 208.152, RSMo. Proof of incurred costs does not require proof of payment of the incurred costs.

1. In order for an individual to claim that an incurred medical expense should be credited to the individual's spend down obligation, the individual shall provide documentation of the incurred medical expense within one (1) year of the date of the medical service.

2. No credit for incurred medical expenses shall be given without documentation that the individual has incurred and is legally obligated to pay the expense. Documentation of an incurred medical expense shall be submitted in the form of the following:

A. An invoice, billing statement, or receipt from the provider that contains the following information:

(I) Name of patient;

(II) Date of service;

(III) Type of service provided and/or description of the service;

(IV) Identification of the portion of the total charges that are billed to a third party and the portion of the total charges that are

patient's responsibility to pay; and

(V) To document incurred costs of mileage of medically necessary, nonemergency transportation, the individual shall certify the miles traveled and the purpose. Travel expenses required to obtain a medical item or service shall be determined at the State Employee Reimbursement rates established by the State of Missouri Office of Administration pursuant to 1 CSR 10-11.010 and 1 CSR 10-11.030 as of the date of travel.

B. A Family Support Division Provider Form signed and completed by the provider and the individual containing the information set out in subparagraph (4)(A)2.A. of this regulation.

3. The provider shall, upon request, provide any additional information required by the Family Support Division (FSD) to establish that the individual has incurred the medical expense.

4. When it is known that the individual has coverage by a third party and the portion subject to payment by the third party cannot be identified, the FSD shall—

A. For individuals with private health insurance or coverage by another health care payer, estimate the amount of the individual's incurred cost based upon the provisions of coverage; or

B. For individuals with Medicare Part A and/or B coverage and who do not have Qualified Medicare Beneficiary coverage, estimate the amount of the individual's incurred medical cost to be—

(I) One hundred percent (100%) of the Medicare reimbursement rate up to the individual's Medicare deductible if the deductible has not been met; and thereafter

(II) Twenty percent (20%) of the Medicare allowable reimbursement once the deductible has been met.

5. Individuals receiving Qualified Medicare Beneficiary coverage cannot use incurred medical expenses covered by Medicare towards meeting spend down.

6. If a provider provides a direct medical service based on an "ability-to-pay" or "sliding" fee scale, only the amount the individual is legally obligated to pay the provider is an incurred medical expense;

(B) Pay-in Method. An individual may pay their spend down amount to the state. The monthly spend down requirement may be paid by the individual, their spouse, a financially responsible relative, or a state-funded program.

(5) Any individual who disagrees with the FSD's decision shall have the right to request administrative review pursuant to 208.080, RSMo, and 13 CSR 40-2.160.

*AUTHORITY: section 207.020, RSMo 2000, and sections 208.151, 208.153, and 208.201, RSMo Supp. 2011. Original rule filed March 1, 2012.*

*PUBLIC COST: This proposed rule will cost the state agencies or political subdivisions less 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 Family Support Division, PO Box 2320, Jefferson City, MO 65102-2320. 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 15—ELECTED OFFICIALS  
Division 40—State Auditor  
Chapter 3—Rules Applying to Political Subdivisions**

**PROPOSED AMENDMENT**

**15 CSR 40-3.020 Reasonable Notice [of the Public Sale of] for Bonds Sold at Public Sale.** The state auditor is amending the title along with sections (1), (2), and (3).

*PURPOSE:* This amendment clarifies the reasonable notice provision of section 108.170.1., RSMo, applicable to the public sale of certain bonds issued by Missouri's political subdivisions.

(1) In determining whether or not to register bonds **sold at a public sale** pursuant to section 108.240/170.1., RSMo, compliance [with this rule] shall be deemed by the state auditor [to be in compliance with the reasonable notice provision of section 108.170.1., RSMo.] **if the sale meets the following conditions:**

[(2)](A) Notice of the public sale of bonds [shall] contains the following:

[(A)]1. The name of the issuer;

[(B)]2. The issue date, maturity date[s], amount[s] to mature on each maturity date, and interest payment date[s];

[(C)]3. The time, date, and place where bids will be received;

[(D)]4. The name, address, and telephone number of a person from whom additional information may be obtained; and

[(E)]5. Any additional information desired by the issuer[.];

[(3)](B) Notice of the public sale of bonds [shall be] is given—

[(A)]1. By publication in at least one (1) newspaper of general circulation within the boundaries of the issuer of the bonds or, if no newspaper exists, in at least one (1) newspaper of general circulation within the county where the major portion of the issuer of the bond lies. The notice of public bond sale shall be published within a reasonable time prior to the date of public bond sale. Publication of the notice of public bond sale not more than twenty-five (25) days nor less than ten (10) days prior to the date of bond sale is *prima facie* reasonable; and

[(B)]2. In addition, notice of public bond sale shall be given by one (1) of the following methods:

[1.]A. By mailing copies of the notice of public bond sale within a reasonable time prior to the date of bond sale to a reasonable number of banks, investment banking firms, and other potential bond purchasers which are engaged in the purchase and sale of bonds issued by Missouri political subdivisions and to all other persons and firms requesting copies of the notice of public bond sale. Mailing the notice of the public bond sale at least ten (10) days prior to the date of bond sale is *prima facie* reasonable; or

[2.]B. By publication in at least one (1) newspaper which is frequently subscribed to by banks, investment banking firms, and other potential bond purchasers which are engaged in the purchase and sale of bonds issued by Missouri political subdivisions. The notice shall be published within a reasonable time prior to the date of bond sale. Publication of the notice of public bond sale not more than twenty-five (25) days nor less than ten (10) days prior to the date of bond sale is *prima facie* reasonable.

[(4)](2) A list of banks, investment banking firms, and other potential bond purchasers which are engaged in the purchase and sale of bonds issued by Missouri political subdivisions may be obtained by contacting the Local Government Analyst, Missouri State Auditor's Office, Pl./Of./ Box 869, Truman State Office Building, 301 West High, Jefferson City, MO 65102. Telephone [(314)] (573) 751-4213.

*AUTHORITY:* section[s] 29.100, RSMo [Supp. 1993] 2000, and section 108.240, RSMo [1986] Supp. 2011. Original rule filed May 11, 1982, effective Aug. 12, 1982. Amended: Filed Jan. 24, 1984, effective May 11, 1984. Amended: Filed March 1, 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 Missouri State Auditor's Office, PO Box 869, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 15—ELECTED OFFICIALS Division 40—State Auditor Chapter 3—Rules Applying to Political Subdivisions

### PROPOSED AMENDMENT

**15 CSR 40-3.030 Annual Financial Reports of Political Subdivisions.** The state auditor is amending sections (1), (2), (4), and (5).

*PURPOSE:* This amendment changes the way political subdivisions file their annual financial report pursuant to section 105.145, RSMo, with the state auditor.

(1) The annual financial report of each political subdivision shall be set forth on the financial report form [dated June 29, 2006, created and published by the State Auditor's Office, and] available from the State Auditor's Office and on [our] its website, [www.auditor.mo.gov,] or may be in a form as determined by the political subdivision, but shall contain, as a minimum, the following:

(E) A statement of the bonded indebtedness at the beginning and end of the reporting period; **and**

(F) The property tax rate levied for each fund expressed in cents per one hundred dollars (\$100) assessed valuation. [; and]

[(G)] An attestation under oath of the chief financial officer that the financial report is a true and accurate summary account of all financial transactions of the political subdivision for the reporting period.]

(2) In lieu of filing an annual financial report in the form described in section (1), a political subdivision may file an independent audit report prepared [in conformity with generally accepted governmental auditing standards] by a certified public accountant.

(4) The annual financial report shall be [filed with] **mailed to** the State Auditor's Office, PO Box 869, Jefferson City, MO 65102[.], **or emailed to PolySubFS@auditor.mo.gov.**

(5) [The] **An unaudited** annual financial report shall be [filed] **submitted** within four (4) months after the end of the political subdivision's fiscal year; [if an unaudited financial report is filed and] **an audit report prepared by a certified public accountant** shall be [filed] **submitted** within six (6) months after the end of the political subdivision's fiscal year [if an audit report prepared by a certified public accountant is filed].

*AUTHORITY:* section 105.145, RSMo [2000] Supp. 2011. Original rule filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed June 29, 2006, effective Jan. 30, 2007. Amended: Filed March 1, 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 Missouri State Auditor's Office, PO Box 869, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 40—State Auditor  
Chapter 5—Fiscal Notes**

**PROPOSED RESCISSION**

**15 CSR 40-5.010 Submission of Proposed Statements of Fiscal Impact.** This rule provided the formatting procedure for proponents or opponents of any proposed initiative petition to submit a proposed statement of fiscal impact estimating the cost of the proposed initiative petition.

*PURPOSE:* This rule is being rescinded because it is no longer needed since the courts do not require any set procedure for the state auditor to accept input.

*AUTHORITY:* sections 29.100 and 116.175, RSMo Supp. 1997. Original rule filed March 30, 1998, effective Oct. 30, 1998. Rescinded: Filed March 1, 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 Missouri State Auditor's Office, PO Box 869, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 26—Sexually Transmitted Diseases**

**PROPOSED RESCISSION**

**19 CSR 20-26.030 Human Immunodeficiency Virus (HIV) Test Consultation and Reporting.** This rule defined the manner in which the sampling and client-centered counseling for HIV antibody testing was to be administered by persons authorized by the Department of Health and positive test results reported to the Department of Health.

*PURPOSE:* This rule is being rescinded due to revised Centers for Disease Control and Prevention recommendations to implement routine opt-out HIV testing. In addition, 19 CSR 20-26.040 was revised to allow routine opt-out testing.

*AUTHORITY:* sections 191.653, 191.656, and 192.006, RSMo Supp. 1999, and 192.020, RSMo 1994. Original rule filed March 14, 1989, effective July 13, 1989. Rescinded and readopted: Filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed March 1, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirby, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**

**Division 20—Division of [Environmental Health and  
Communicable Disease Prevention] Community and  
Public Health**

**Chapter 26—Sexually Transmitted Diseases**

**PROPOSED AMENDMENT**

**19 CSR 20-26.040 Physician Human Immunodeficiency Virus (HIV) Test Consultation and Reporting.** The Department of Health and Senior Services is amending the division title and sections (1)–(4), adding a new section (5), and renumbering the remaining sections.

*PURPOSE:* This amendment encourages following the current Centers for Disease Control and Prevention (CDC) guidelines and recommendations for HIV testing.

(1) The following definitions shall be used in administering this rule:  
(C) Department means the Missouri Department of Health and Senior Services;

(2) The physician or the physician's delegated representative shall provide consultation with the patient or his/her legal guardian or custodian prior to conducting HIV testing, and to the patient, guardian, or custodian during the reporting of the test results or diagnosis. The scope of the consultation shall be governed by the physician's professional judgment based on the clinical situation and shall be consistent with Centers for Disease Control and Prevention (CDC) guidelines and recommendations as stated in the CDC's Morbidity and Mortality Weekly Report, September 22, 2006 / 55(RR14);1-17: Revised Recommendations for HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings, which are incorporated by reference. Copies may be found at <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5514a1.htm> or by writing to the Department of Health and Human Services, Centers for Disease Control and Prevention, 1600 Clifton Rd., Atlanta, GA 30333. This rule does not include any later amendments or additions.

*[(B) The scope of the consultation shall be governed by the physician's professional judgment based on the clinical situation, including the purpose of and need for HIV testing, and shall be at least as comprehensive as the type of consultation provided for other diagnostic tests or procedures.]*

(3) The physician, or the person who performs or conducts HIV sampling, shall report to the department or its designated representative the identity of any person with confirmed HIV infection along with related clinical and identifying information within three (3) days of receipt of the test results on forms provided by the department (see Form #1) [following 19 CSR 20-26.030] included herein.

(4) Physicians testing persons under the following situations shall be exempt from reporting the identity of the persons testing positive for HIV. In these situations, physicians shall report HIV positive test results as well as related clinical and other information within three (3) days of receipt of the test results on forms provided by the department (see Form #1) *[following 19 CSR 20-26.030]* **included herein**, but shall be exempt from reporting the patient's name and street address~~[-]~~, instead a unique patient identifier shall be used~~[-]~~:

**(A) Persons tested anonymously at department designated anonymous testing sites;**

*[(A)](B)* Persons tested as part of a research project which is approved by an institutional review board and in which, as part of the research, subjects are tested for HIV infection. Written documentation of institutional review boards approval must be submitted to the department's *[Office of Surveillance]* **HIV surveillance program**; or

*[(B)](C)* Where prohibited by federal law or regulation.

**(5) If test results are positive, post-test counseling shall include a discussion of the client's responsibility to ensure that sex and needle sharing partners are advised of their potential exposure to HIV. If the test results are negative, the person shall be advised of the window period and possible need for retesting if exposure has occurred within the window period. If the test result is equivocal, the person shall be counseled on the result and the significance of a retest.**

*[(5)](6)* All persons reported with HIV infection to the department or its designated representative can be contacted by public health personnel for partner elicitation/notification services according to protocols and procedures established by the department.

*[(6)](7)* Laboratories which perform HIV testing shall report identifying information as specified in 19 CSR 20-20.080.



**PROVIDER'S CONFIDENTIAL REPORT OF HIV/AIDS INFECTION**

PATIENT INFORMATION					PATIENT HISTORY					
1. PATIENT ID NUMBER (FROM LAB SLIP)					15. AFTER 1977, THIS PATIENT HAD: (CHECK ALL THAT APPLY)					
2. PATIENT NAME (LAST, FIRST, MI)					<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Sex With Male <input type="checkbox"/> Sex With Female <input type="checkbox"/> Injected Non-Prescription Drugs <input type="checkbox"/> Received Clotting Factor <input type="checkbox"/> VIII <input type="checkbox"/> IX <input type="checkbox"/> Other: _____ <input type="checkbox"/> Blood Transfusion: First _____ / _____ Last _____ / _____ <input type="checkbox"/> Worked In Health Care Setting: Occupation: _____ <input type="checkbox"/> Recipient Of Tissue/Organs/Artificial Insemination Date: _____ / _____					
3. ADDRESS (STREET, APT. #, P.O. BOX NO.)					<b>HETEROSEXUAL RELATIONS WITH:</b>					
CITY, STATE, ZIP CODE					<input type="checkbox"/> Injection Drug User <input type="checkbox"/> Bisexual Male (Female Only) <input type="checkbox"/> Person With Hemophilia/Coagulation Disorder <input type="checkbox"/> Transfusion/Transplant Recipient With Documented HIV Infection <input type="checkbox"/> Person With AIDS/HIV Infection Whose Risk Is Not Known					
COUNTY		4. TELEPHONE ( ) ( ) ( )			16. FOR PEDIATRIC/PERINATAL CASES					
5. SS #		6. OCH #			<input checked="" type="checkbox"/> <input type="checkbox"/> IF < 13 YEARS OF AGE, MOTHER WITH HIV/AIDS?					
7. DATE OF BIRTH		8. AGE		9. MARITAL STATUS <input type="checkbox"/> S <input type="checkbox"/> M <input type="checkbox"/> D <input type="checkbox"/> W		10. SEX <input type="checkbox"/> M <input type="checkbox"/> F			If Yes, Mother's Name: _____ Mother's DOB: _____ / _____ / _____	
11. RACE <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Asian/Pacific Is. <input type="checkbox"/> Am. Indian/AK Native <input type="checkbox"/> Other: _____		12. Hispanic Ethnicity <input type="checkbox"/> Yes <input type="checkbox"/> No			If Yes, Mother's Name: _____ Mother's DOB: _____ / _____ / _____					
13. VITAL STATUS <input type="checkbox"/> Living <input type="checkbox"/> Deceased - Date of Death: _____ / _____ / _____					If Newborn, Date Anti-Retroviral Therapy for HIV Prevention Began: _____ / _____ / _____					
14. COUNTRY OF BIRTH <input type="checkbox"/> U.S. <input type="checkbox"/> Other: _____ <input type="checkbox"/> Unknown					Number of Live-Born Infants Delivered in the Last 18 Months: _____					
17. FOR ADULT FEMALES Hepatitis B: HBsAg <input type="checkbox"/> Pos <input type="checkbox"/> Neg					Provide Birth Information for Most Recent Birth(s):					
<input checked="" type="checkbox"/> <input type="checkbox"/> Patient is Currently Pregnant EDC: _____ / _____ / _____					DOB: _____ / _____ / _____ Birth Hospital: _____ Breastfed <input checked="" type="checkbox"/> <input type="checkbox"/>					
If Yes, Week of Pregnancy Antiretroviral Therapy Began: _____					DOB: _____ / _____ / _____ Birth Hospital: _____ Breastfed <input checked="" type="checkbox"/> <input type="checkbox"/>					
<input type="checkbox"/> ZDV (AZT) <input type="checkbox"/> Other: _____										

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LABORATORY DATA																																							
18. CURRENT HIV TEST(S)					20. IF HIV TESTS ARE NOT DOCUMENTED, IS HIV DIAGNOSED BY A PHYSICIAN?																																		
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;"></th> <th style="width:10%; text-align: center;">Pos</th> <th style="width:10%; text-align: center;">Neg</th> <th style="width:10%; text-align: center;">Incon-clusive</th> <th style="width:10%; text-align: center;">Not Done</th> <th style="width:10%; text-align: center;">TEST DATE MM/DD/YY</th> </tr> </thead> <tbody> <tr> <td>HIV-1 EIA</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">___/___/___</td> </tr> <tr> <td>HIV-1 Western Blot/IFA</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">___/___/___</td> </tr> <tr> <td>HIV-1/HIV-2 Combination EIA</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">___/___/___</td> </tr> <tr> <td>Other: _____</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">___/___/___</td> </tr> </tbody> </table>						Pos	Neg	Incon-clusive	Not Done	TEST DATE MM/DD/YY	HIV-1 EIA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___/___/___	HIV-1 Western Blot/IFA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___/___/___	HIV-1/HIV-2 Combination EIA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___/___/___	Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___/___/___	<input checked="" type="checkbox"/> <input type="checkbox"/> If Yes, Diagnosis Date: _____ / _____ / _____				
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HIV Antibody Test Specimen Was: <input type="checkbox"/> Serum <input type="checkbox"/> Oral Fluid <input type="checkbox"/> Urine <input type="checkbox"/> Other: _____					Provider: _____ City/State: _____																																		
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	Pos	Neg	Incon-clusive	Not Done	TEST DATE MM/DD/YY																																		
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Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	___/___/___																																		
HIV VIRAL LOAD TESTING: (Record most recent testing) <input type="checkbox"/> Detectable <input type="checkbox"/> Non-Detectable Test Type* _____ Copies/ml _____ <small>Type 11. NASBA (Organon) 12. RT-PCR (Roche) 13. bDNA (Chiron) 18. Other 19. Unspecified</small>					22. PREVIOUS HIV TEST? <input checked="" type="checkbox"/> <input type="checkbox"/> If Yes, Most Recent Result: <input type="checkbox"/> P <input type="checkbox"/> N <input type="checkbox"/> In																																		
19. TESTING LABORATORY NAME(S), ADDRESS(ES), TELEPHONE NUMBER(S):					Type of Test: <input type="checkbox"/> Antibody <input type="checkbox"/> Antigen <input type="checkbox"/> PCR <input type="checkbox"/> Culture <input type="checkbox"/> Qualitative PCR <input type="checkbox"/> Quantitative PCR (VL) <input type="checkbox"/> Other (specify) _____ Test Date: _____ / _____ / _____ Provider: _____ City/State: _____ <b>If Previously Tested, Reason for Retest:</b> <input type="checkbox"/> Case Management Eligibility <input type="checkbox"/> Medicaid/Medicare Eligibility <input type="checkbox"/> High Risk Negative <input type="checkbox"/> Client Request <input type="checkbox"/> Confirm Diagnosis <input type="checkbox"/> Other: _____																																		
					23. CD4+ LYMPHOCYTE COUNT: TEST DATE MO/YR																																		
					Most Recent CD4+ Count ... [ ] [ ] [ ] [ ] cells/µL _____ / _____																																		
					CD4+ Percent ... [ ] [ ] [ ] [ ] % _____ / _____																																		
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(CONTINUED ON BACK)

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CLINICAL STATUS																																																																														
24. <input checked="" type="checkbox"/> <input type="checkbox"/> PATIENT MEDICALLY EVALUATED? If Yes, Check All That Apply																																																																														
<input type="checkbox"/> Asymptomatic <input type="checkbox"/> Symptomatic, No History of AIDS-Defining Illness <input type="checkbox"/> CD4+ is now or has been <200/14% <input type="checkbox"/> Symptomatic, AIDS-Defining Illness Diagnosed																																																																														
<ul style="list-style-type: none"> <li>• Candidiasis, bronchi, trachea, lungs</li> <li>• Candidiasis, esophageal</li> <li>• Carcinoma, invasive cervical</li> <li>• Coccidioidomycosis, disseminated or extrapulmonary</li> <li>• Cryptococcosis, extrapulmonary</li> <li>• Cryptosporidiosis, chronic intestinal</li> <li>• Cytomegalovirus disease (other than liver, spleen, or nodes)</li> <li>• Cytomegalovirus retinitis (vision loss)</li> <li>• HIV encephalopathy</li> <li>• Herpes simplex: chronic ulcer(s); or bronchitis, pneumonitis, esophagitis</li> <li>• Histoplasmosis, dissem. or extrapulm.</li> <li>• Isosporiasis, chronic intestinal (&gt;1 mo)</li> </ul>	<table border="0"> <tr> <th style="text-align: left;">Def.</th> <th style="text-align: left;">Pres.</th> <th style="text-align: left;">Mo/Yr</th> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>___/___/___</td> </tr> </table>	Def.	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25. If AIDS, Facility of Diagnosis: _____ City/State: _____ <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Federal																																																																														
TYPE OF FACILITY WHERE AIDS WAS DIAGNOSED: (Check One) <input type="checkbox"/> Hospital Inpatient <input type="checkbox"/> Hospital Outpatient <input type="checkbox"/> Public Clinic <input type="checkbox"/> Physician's Office <input type="checkbox"/> Other: _____																																																																														
Def. = definitive diagnosis    Pres. = presumptive diagnosis    Mo/Yr = date of initial diagnosis																																																																														

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INTERVENTION/PREVENTION SERVICES			
26. <input checked="" type="checkbox"/> <input type="checkbox"/> Patient (or Parent/Guardian) Informed of HIV Infection Status <input checked="" type="checkbox"/> <input type="checkbox"/> Physician Requests Support/Referral Information Services <input checked="" type="checkbox"/> <input type="checkbox"/> Physician Has Performed Spousal Notification <input checked="" type="checkbox"/> <input type="checkbox"/> Patient is Receiving Treatment for HIV/AIDS <input checked="" type="checkbox"/> <input type="checkbox"/> Physician Requests Partner Notification Assistance    If Yes, <input type="checkbox"/> Antiretroviral <input type="checkbox"/> OI Prophylaxis			
27. PATIENT'S MEDICAL TREATMENT PRIMARILY REIMBURSED BY: <input type="checkbox"/> Private Insurance, HMO <input type="checkbox"/> Medicaid Managed Care <input type="checkbox"/> Medicare <input type="checkbox"/> No Coverage <input type="checkbox"/> Private Insurance, Non HMO <input type="checkbox"/> Medicaid Fee-for-Service <input type="checkbox"/> Self Pay <input type="checkbox"/> Other: _____			
28. PROVIDER/PHYSICIAN NAME, ADDRESS, TELEPHONE: _____			
29. PERSON COMPLETING HIV REPORT: _____		30. DATE: _____	
31. COMMENTS: _____			
<b>To Report Confirmed HIV/AIDS Infection (within 3 Days of Diagnosis) or Obtain Additional Report Forms, Contact the Missouri Department of Health and Senior Services or Appropriate City Health Department (Addresses Below)</b>			
<b>SUBMIT REPORT TO:</b>	Missouri Department of Health & Senior Serv. - BHSH 930 Wildwood, P.O. Box 570 Jefferson City, MO 65102-0570 Tel: (573) 751-6463	Kansas City Health Department Suite 2200, Surveillance Unit 2400 Troost Ave., Kansas City, MO 64108 Tel: (816) 513-6364	City of St. Louis Department of Health Surveillance Unit 1520 Market St., Room 4027, St. Louis, MO 63103 Tel: (314) 612-5188

MO 580-1641 (3-12)

SHP-22

*AUTHORITY: sections 191.653 and 192.006, RSMo [Supp. 1999] 2000, and sections 191.656 and 192.020, RSMo [1994] Supp 2011. Original rule filed April 14, 1992, effective Dec. 3, 1992. Emergency amendment filed June 1, 2000, effective June 15, 2000, expired Dec. 11, 2000. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed March 1, 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 Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**PROPOSED AMENDMENT**

**19 CSR 30-40.365 Reasons and Methods the Department Can Use to Take Administrative Licensure Actions.** The department is amending sections (2) and (3).

*PURPOSE: This amendment adds reasons the department can use to take administrative licensure actions on licensees.*

(2) The department may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate, permit, or license required by the comprehensive emergency medical services systems act or any person who has failed to renew or has surrendered his or her certificate, permit, or license for failure to comply with the provisions of the comprehensive emergency medical services systems act or for any of the following reasons:

(M) Use of any advertisement or solicitation which is false, misleading, or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed; *[and]*

(N) Violation of the drug laws or rules and regulations of this state, any other state, or the federal government./.;

(O) **Refusal of any applicant or licensee to cooperate with the Department of Health and Senior Services during any investigation;**

(P) **Any conduct or practice which is or might be harmful or dangerous to the mental or physical health of a patient or the public; and**

(Q) **Repeated negligence in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245, RSMo.**

(3) The Department of Health and Senior Services may suspend any certificate, permit, or license required pursuant to the comprehensive emergency medical services systems act simultaneously with the filing of the complaint with the Administrative Hearing Commission, if the department finds that there is an imminent threat to the public health. The notice of suspension shall include the basis of the suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to suspend the license, certificate,

or permit to the department. The appeal shall be filed within ten (10) days from the date of the filing of the complaint. A hearing shall be conducted by the department within ten (10) days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent jurisdiction, or stayed by the Administrative Hearing Commission.

*AUTHORITY: sections 190.165 and 190.185, RSMo Supp. [1998] 2011. Emergency rule filed Jan. 14, 1999, effective Jan. 24, 1999, expired July 22, 1999. Original rule filed Jan. 14, 1999, effective June 30, 1999. Amended: Filed March 1, 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 Teresa Generous, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 81—Certification**

**PROPOSED RESCISSION**

**19 CSR 30-81.015 Resident Assessment Instrument.** This rule designated the resident assessment instrument to be used by nursing facilities certified under the Title XIX (Medicaid) program and Title XVIII (Medicare) program for all residents in certified beds.

*PURPOSE: This rule is being rescinded as the requirements for the Resident Assessment Instrument (RAI) are for facilities certified under the Title XIX (Medicaid) program and Title XVIII (Medicare) program. The RAI is not a requirement for state licensure.*

*AUTHORITY: section 536.021, RSMo Supp. 1993. This rule originally filed as 13 CSR 15-9.015. Emergency rule filed Dec. 18, 1990, effective Dec. 31, 1990, expired April 29, 1991. Emergency rule filed May 7, 1991, effective May 17, 1991, expired Sept. 13, 1991. Original rule filed Dec. 18, 1990, effective June 10, 1991. For intervening history, please consult the Code of State Regulations. Rescinded: Filed March 1, 2012.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than 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 Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 86—Residential Care Facilities and Assisted  
Living Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-86.043 Administrative, Personnel, and Resident Care Requirements for Facilities Licensed as a Residential Care Facility II on August 27, 2006 that Will Comply with Residential Care Facility II Standards.** The department is amending the editor's note and amending sections (2), (7), (11), and (12).

*PURPOSE:* This amendment clarifies administrator requirements, updates criminal background check and employee disqualification requirements, and makes grammatical changes.

[Editor's Note] **AGENCY NOTE:** All rules relating to long-term care facilities licensed by the department are followed by a Roman Numeral notation which refers to the class (either Class I, II, or III) of standard as designated in section 198.085.1., RSMo.

(2) A person shall be designated to be an administrator who is currently licensed as [a nursing home] an administrator [under] by the Missouri Board of Nursing Home Administrators, in accordance with Chapter 344, RSMo. II

(7) The administrator shall designate, in writing, a staff person in charge in his/her absence. If the administrator is absent for more than thirty (30) consecutive days, during which time s/he is not readily accessible for consultation by telephone with the person in charge or if the administrator is absent from the facility for more than sixty (60) working days during the course of a calendar year the person designated to be in charge shall be [a licensed nursing home] an administrator currently licensed by the Missouri Board of Nursing Home Administrators, in accordance with Chapter 344, RSMo. II/III

(11) All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner which would materially and adversely affect the health, safety, welfare, or property of residents. No person who is listed on the Employee Disqualification List (EDL) maintained by the department as required by section 198.070, RSMo, shall work or volunteer in the facility in any capacity whether or not employed by the operator. For the purpose of this rule, a volunteer is an unpaid individual formally recognized by the facility as providing a direct care service to residents. The facility is required to check the EDL for individuals who volunteer to perform a service for which the facility might otherwise have to hire an employee. The facility is not required to check the EDL for individuals or groups such as scout groups, bingo leaders, or sing-along leaders. The facility is not required to check the EDL for an individual such as a priest, minister, or rabbi visiting a resident who is a member of the individual's congregation. However, if the minister, priest, or rabbi serves as a volunteer facility chaplain, the facility is required to check the EDL since the individual would have potential contact with all residents. I/II

(12) [Effective August 28, 1997, each facility shall, not later than two (2) working days of the date an applicant for a position to have contact with residents is hired, request a criminal background check, as provided in sections 43.530, 43.540 and 610.120, RSMo. Each facility must maintain in its record documents verifying that the background checks were requested and the nature of the response received for each such request. The facility must ensure that any appli-

cant who discloses prior to the check of his/her criminal records that he/she has been convicted of, plead guilty or nolo contendere to, or has been found guilty of any Class A or B felony violation of Chapter 565, 566, or 569, RSMo, or any violation of subsection 3 of section 198.070, RSMo, or of section 568.020, RSMo, will not be allowed to work in contact with patients or residents until and unless a check of the applicant's criminal record shows that no such conviction occurred. II/III] Prior to allowing any person who has been hired in a full-time, part-time, or temporary position to have contact with any resident, the facility shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall, prior to sending a temporary employee to a facility:

(A) Request a criminal background check for the person, as provided in section 660.317, RSMo. Each facility shall maintain documents verifying that the background checks were requested, the date of each such request, and the nature of the response received for each such request. II

1. The facility shall ensure that any person hired or retained to have contact with any resident who discloses that he or she has been convicted of, found guilty of, pled guilty to, or pled nolo contendere to a crime, in this state or any other state, which if committed in Missouri would be a class A or B felony violation of Chapter 565, 566, or 569, RSMo, or any violation of section 198.070.3., RSMo, or section 568.020, RSMo, shall not be retained in such a position. I/II

2. Upon receipt of the criminal background check, the facility shall ensure that if the criminal background check indicates that the person hired or retained by the facility has been convicted of, found guilty of, pled guilty to, or pled nolo contendere to a crime, in this state or any other state, which if committed in Missouri would be a class A or B felony violation of Chapter 565, 566, or 569, RSMo, or any violation of section 198.070.3., RSMo, or section 568.020, RSMo, the person shall not have contact with any resident unless and until the facility obtains verification from the department that a good cause waiver has been granted for each qualifying offense and maintains a copy of the verification in the individual's personnel file; I/II

(B) Make an inquiry to the department, as provided in section 660.315, RSMo, as to whether the person is listed on the EDL. Each facility shall maintain documents verifying that the EDL checks were requested, the date of each such request, and the nature of the response received for each such request. The inquiry may be made through the department's website; II/III

(C) For persons for whom the facility has contracted for professional services (e.g., plumbing or air conditioning repair) that will have contact with any resident, the facility shall either require a criminal background check or ensure that the individual is sufficiently monitored by facility staff while in the facility to reasonably ensure the safety of all residents; and I/II

(D) If the person has registered with the department's Family Care Safety Registry (FCSR), the facility may utilize the FCSR in order to meet the requirements of subsections (12) (A) and (12) (B) of this rule. The FCSR is available through the department's website.

*AUTHORITY:* sections [198.005, 198.006 and] 198.073[, RSMo Supp. 2006] and 198.076, RSMo [2000] Supp. 2011. Original rule filed Aug. 23, 2006, effective April 30, 2007. Amended: Filed March 1, 2012.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than 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 Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 86—Residential Care Facilities and Assisted  
Living Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-86.047 Administrative, Personnel, and Resident Care Requirements for Assisted Living Facilities.** The department is amending the agency note, subsection (4)(K), and sections (5), (8), (12), and (13).

*PURPOSE: This amendment clarifies administrator requirements, updates and clarifies criminal background check requirements and employee disqualification list requirements, and makes grammatical changes.*

*AGENCY NOTE: All rules relating to long-term care facilities licensed by the department are followed by a Roman Numeral notation which refers to the class (either Class I, II, or III) of standard as designated in section 198.085.1., RSMo.*

(4) Definitions. For the purpose of this rule, the following definitions shall apply:

(K) Physical restraint—Any manual method or physical or mechanical device, material, or equipment attached to or adjacent to the resident's body that the individual cannot remove easily which restricts freedom of movement or normal access to one's body. Physical restraints include, but are not limited to, leg restraints, arm restraints, hand mitts, soft ties or vests, lap cushions, and lap trays the resident cannot remove easily. Physical restraints also include facility practices that meet the definition of a restraint, such as the following:

1. Using side rails that keep a resident from voluntarily getting out of bed;
2. Tucking in or using Velcro to hold a sheet, fabric, or clothing tightly so that a resident's movement is restricted;
3. Using devices in conjunction with a chair, such as trays, tables, bars, or belts, that the resident cannot remove easily, that prevent the resident from rising;
4. Placing the resident in a chair that prevents a resident from rising; and
5. Placing a chair or bed so close to a wall that the wall prevents the resident from rising out of the chair or voluntarily getting out of bed;

(5) The operator shall designate an individual for administrator who is currently licensed as *[a nursing home] an administrator [under] by the Missouri Board of Nursing Home Administrators, in accordance with Chapter 344, RSMo. II*

(8) The administrator shall designate, in writing, a staff member in charge in the administrator's absence. If the administrator is absent for more than thirty (30) consecutive days, during which time he or she is not readily accessible for consultation by telephone with the delegated individual, the individual designated to be in charge shall be *[a currently licensed nursing home] an administrator currently licensed by the Missouri Board of Nursing Home Administrators, in accordance with Chapter 344, RSMo. Such thirty- (30-)[-] consecutive[-]*

day absences may only occur once within any consecutive twelve-(12)-[-] month period. II/III

(12) All persons who have any contact with the residents in the facility shall not knowingly act or omit any duty in a manner that would materially and adversely affect the health, safety, welfare, or property of residents. No person who is listed on the *[department's] Employee Disqualification List (EDL) maintained by the department as required by section 198.070, RSMo*, shall work or volunteer in the facility in any capacity whether or not employed by the operator. For the purpose of this rule, a volunteer is an unpaid individual formally recognized by the facility as providing a direct care service to residents. The facility is required to check the EDL for individuals who volunteer to perform a service for which the facility might otherwise have to hire an employee. The facility is not required to check the EDL for individuals or groups such as scout groups, bingo leaders, or sing-along leaders. The facility is not required to check the EDL for an individual such as a priest, minister, or rabbi visiting a resident who is a member of the individual's congregation. However, if a minister, priest, or rabbi serves as a volunteer facility chaplain, the facility is required to check *[to determine if the individual is listed on]* the EDL since the individual would have **potential** contact with all residents. I/II

(13) Prior to allowing any person who has been hired in a full-time, part-time, or temporary *[employee]* position to have contact with any *[residents] resident*, the facility shall, or in the case of temporary employees hired through or contracted from an employment agency, the employment agency shall, prior to sending a temporary employee to a *[provider] facility*:

(A) Request a criminal background check for the person, as provided in section *[43.540] 660.317, RSMo*. Each facility *[must] shall* maintain *[in its record]* documents verifying that the background checks were requested, **the date of each such request**, and the nature of the response received for each such request. **II**

1. The facility *[must] shall* ensure that any *[applicant or]* person hired or retained **to have contact with any resident** who discloses *[prior to the receipt of the criminal background check]* that *[he/she] he or she* has been convicted of, **found guilty of**, pled guilty **to**, or pled *nolo contendere* to a crime, in this state or any other state *[or has been found guilty of a crime]*, which if committed in Missouri would be a *[Class] class* A or B felony violation of Chapter 565, 566, or 569, RSMo, or any violation of *[subsection] section* 198.070.3., RSMo, or *[of]* section 568.020, RSMo, *[will not have contact with residents] shall not be retained in such a position. [II/III] I/II*

2. Upon receipt of the criminal background check, the facility *[must] shall* ensure that if the criminal background check indicates that the person hired or retained by the facility has been convicted of, **found guilty of**, pled guilty **to**, or pled *nolo contendere* to a crime, in this state or any other state *[or has been found guilty of a crime]*, which if committed in Missouri would be a *[Class] class* A or B felony violation of Chapter 565, 566, or 569, RSMo, or any violation of *[subsection] section* 198.070.3., RSMo, or *[of]* section 568.020, RSMo, the person *[will] shall* not have contact with *[residents] any resident* unless **and until** the facility obtains verification from the department that a good cause waiver has been granted **for each qualifying offense** and maintains a copy of the verification in the individual's personnel file.*]; [II/III] I/II*

(B) Make an inquiry to the department, **as provided in section 660.315, RSMo, as to whether the person is listed on the [employee disqualification list as provided in section 660.315, RSMo] EDL. Each facility shall maintain documents verifying that the EDL checks were requested, the date of each such request, and the nature of the response received for each such request.** The inquiry may be made *[via Internet at www.dhss.mo.gov/EDL/]* through the department's website.*]; II/III*

(C) If the person has registered with the department's Family Care Safety Registry (FCSR), the facility may utilize the *[Registry]* **FCSR** in order to meet the requirements of subsections (13)(A) and (13)(B) of this rule. The FCSR is available *[via Internet at [www.dhss.mo.gov/FCSR/BackgroundCheck.html](http://www.dhss.mo.gov/FCSR/BackgroundCheck.html) II/III]* **through the department's website; and**

(D) For persons for whom the facility has contracted for professional services (e.g., plumbing or air conditioning repair) that will have contact with any resident, the facility *[must]* **shall** either require a criminal background check or ensure that the individual is sufficiently monitored by facility staff while in the facility to reasonably ensure the safety of all residents. I/II

*AUTHORITY: sections 198.073 and 198.076, RSMo Supp. [2007] 2011. Original rule filed Aug. 23, 2006, effective April 30, 2007. Amended: Filed March 13, 2008, effective Oct. 30, 2008. Amended: Filed March 1, 2012.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than 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 Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 240—Public Service Commission Chapter 4—Standards of Conduct

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.410, RSMo 2000, the commission withdraws a proposed amendment as follows:

#### 4 CSR 240-4.020 Ex Parte and Extra-Record Communications is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2230-2232). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The public comment period ended December 1, 2011, and on December 5, 2011, the commission held a public hearing on the proposed amendment. Timely written comments were received from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; AARP Missouri and the Consumers Council of Missouri; the Missouri Retailers Association; and the Missouri Industrial Energy Consumers. In addition, each of the entities that offered written comments offered comments at the hearing. The comments generally opposed the proposed amendment. **RESPONSE:** The commission intended to amend its ex parte and extra-record rule simply to improve the operation of the rule in light of experience gained since the rule went into effect. The comments

express concern that the amendments will have the effect of weakening the ethical standards established by the rule. The commission never intended to weaken those standards, but the concerns raised in the comments point out implications of the proposed modifications that may go beyond what the commission intended to accomplish. Rather than attempt to modify its amendment at this time, the commission will withdraw the proposed amendment. The commission will seek input from interested stakeholders in undertaking a review of the operations of its ex parte and extra-record rule before again proposing to amend that rule.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 300—Office of Special Education

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.900-160.925 and 161.092, RSMo Supp. 2011, the board hereby amends a rule as follows:

5 CSR 20-300.120 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were not held because the Office of Special Education Programs (OSEP) required the change and did not require public hearings be held.

This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes Missouri's services for infants and toddlers with disabilities, in accordance with Part C of the Individuals with Disabilities Education Act (IDEA), Public Law 105-17.

**5 CSR 20-300.120 Individuals with Disabilities Education Act, Part C.** This order of rulemaking makes changes to section (2) and amends the incorporated by reference material, *Regulations Implementing Part C of the Individuals with Disabilities Education Act First Steps Program*.

(2) The Missouri state plan for the regulations implementing Part C of the Individuals with Disabilities Education Act (IDEA) First Steps Program contains the administrative provisions for the delivery of the state's federally assisted early intervention system. The Missouri state plan for the IDEA, Part C is hereby incorporated by reference and made a part of this rule. A copy of the IDEA, Part C (revised January 2012) is published by and can be obtained from the Department of Elementary and Secondary Education, Special Education Compliance Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 160.900-160.925 and 161.092, RSMo Supp. 2011. This rule previously filed as 5 CSR 70-742.141. Executive Order 94-22 of the Governor, Individuals with Disabilities Education Act, 20 U.S.C. Section 1431, et seq. Original rule filed Dec. 29, 1997, effective March 30, 1998. Amended: Filed July 31, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2000, effective Feb. 28, 2001. Amended: Filed Dec. 7, 2000, effective March 30, 2001. Amended: Filed Feb. 18, 2003, effective April 30, 2003. Amended: Filed Jan. 5, 2004, effective March 30, 2004. Amended: Filed Nov. 14, 2005, effective Jan. 30, 2006. Amended: Filed Jan. 5, 2007,

effective March 30, 2007. Amended: Filed May 12, 2010, effective July 30, 2010. Amended: Filed March 1, 2011, effective May 30, 2011. Moved to 5 CSR 20-300.120, effective Aug. 16, 2011. Amended: Filed Feb. 29, 2012, effective May 30, 2012.

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

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 5—Laboratory and Analytical Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

10 CSR 60-5.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2374-2375). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. One (1) written comment letter was received.

**COMMENT #1:** Sections (1)–(5) should refer to the U.S. Environmental Protection Agency (EPA) instead of the department. EPA approves analytical methods, rather than the department.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with the comment and the changes have been made.

**COMMENT #2:** Subsection (6)(B) should be deleted because it is no longer in the *Code of Federal Regulations* (CFR). This was removed from the CFR as part of the Stage 2 Disinfectants/Disinfection By-Products rulemaking.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agreed with the comment and the change has been made.

**COMMENT #3:** The commenter recommended changing subsection (8)(F) to refer minimum reporting requirements rather than detection limits.

**RESPONSE:** The commission considered the comment but felt that this change goes beyond the scope of this Lead and Copper Rule rulemaking and needs more consideration. The commission will review this proposed change in the next rulemaking.

**10 CSR 60-5.010 Acceptable and Alternate Procedures for Analysis**

(1) Inorganic and Secondary Contaminants. Unless substitute methods are approved by the U.S. Environmental Protection Agency (EPA), analysis shall be conducted in accordance with the inorganic and secondary contaminant analytical methods in paragraphs 40 CFR 141.23(k)(l) and 40 CFR 143.4(b) of the July 1, 2011, *Code of Federal Regulations*, which are incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing

Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(2) Organic Contaminants. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the organic contaminant analytical methods in paragraph 40 CFR 141.24(e) of the July 1, 2011, *Code of Federal Regulations*, which is incorporated by reference in this rule. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(3) Microbiological Contaminants and Turbidity. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the microbiological contaminant and turbidity analytical methods in 40 CFR 141.21(f), 40 CFR 141.74(a)(1), and 40 CFR 141.704(a) of the July 1, 2011, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(4) Radiological Contaminants. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the radiological contaminant analytical methods in paragraphs 40 CFR 141.25(a) and (b) of the July 1, 2011, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(5) Disinfection By-Products, Residual Disinfectant Concentrations, and Disinfection By-Product Precursors. Unless substitute methods are approved by the EPA, analysis shall be conducted in accordance with the disinfection by-product, residual disinfectant concentration, and disinfection by-product precursor analytical methods in 40 CFR 141.74(a)(2) and 40 CFR 141.131 of the July 1, 2011, *Code of Federal Regulations*, which are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

(6) Sample collection for the contaminants referenced in this rule must be conducted using the sample preservation, container, and maximum holding time procedures specified in the following procedures, which are incorporated by reference, or in accordance with procedures contained in the appropriate analytical method. The incorporation by reference does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to <http://bookstore.gpo.gov>.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 7—Reporting**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission



under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-7.020** Reporting Requirements for Lead and Copper Monitoring is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2375–2379). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 8—Public Notification**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-8.030** Consumer Confidence Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2380). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.010** General Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2380–2381). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This pro-

posed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.020** Applicability of Corrosion Control Treatment Steps to Small, Medium-Size, and Large Water Systems is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2381–2383). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.040** Source Water Treatment Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2384). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions

and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.050 Lead Service Line Replacement Requirements is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2384–2385). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission rescinds a rule as follows:

**10 CSR 60-15.060 Public Education and Supplemental Monitoring Requirements is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2385). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this rescission was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed rulemaking rescinds the current version of the rule and replaces it with a new rule containing the same subject matter. No public comments were received. The rule is rescinded as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission adopts a rule as follows:

**10 CSR 60-15.060 Public Education Requirements is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2385–2390). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this rule was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed rule adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is adopted as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.070 Monitoring Requirements for Lead and Copper in Tap Water is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2391–2393). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.080 Monitoring Requirements for Water Quality Parameters is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2393–2394). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed

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

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 60—Safe Drinking Water Commission  
Chapter 15—Lead and Copper**

**ORDER OF RULEMAKING**

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2011, the commission amends a rule as follows:

**10 CSR 60-15.090** Monitoring Requirements for Lead and Copper in Source Water **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2011 (36 MoReg 2394–2395). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this amendment was held December 20, 2011, and the public comment period ended December 20, 2011. At the public hearing the department testified that the proposed amendment adopts the U.S. Environmental Protection Agency's Lead and Copper Rule Short-Term Revisions and is necessary in order to maintain primacy. No public comments were received. The rule is amended as proposed.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

**11 CSR 45-1.015** Code of Ethics **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2270). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 14, 2011. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 1—Organization and Administration**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

**11 CSR 45-1.080** Participation in Games by Employees of the Commission **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2270). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 14, 2011. No one commented at the public hearing, and no written comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

**11 CSR 45-5.030** Participation in Gambling Games by a Holder of a Class A or Supplier License, and the Directors, Officers, Key Persons or Employees of Such Licensees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2270–2271). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 14, 2011. Jack Godfrey, Executive Vice President, Secretary and General Counsel of Pinnacle Entertainment, Inc.; and Mike Winter, Missouri Gaming Association, spoke at the public hearing. Written comments were also received from Pinnacle.

COMMENT #1: Pinnacle has no issue with the amendment to clarify that any director, officer, key person, or other employee of a Class A licensee cannot engage in gaming activities at any of the Class A licensee's subsidiaries that hold a Class B license. However, Pinnacle does oppose the amendment to the regulation which extends the restriction to another Class B licensee owned by a common Class A licensee.

COMMENT #2: Mike Winter, Missouri Gaming Association, reiterated the casinos concerns and noted there have been no problems as the rule is currently written. He requested that the amendment be withdrawn.

RESPONSE: The MGC notes this rule treats all licensees equally. The MGC cannot grant an exception for Pinnacle properties, even though they are in close proximity, since all other properties will be required to abide by the rule. Employees cannot gamble at another casino in Missouri owned by the parent company of the licensee by which they are employed. This holds true for all properties. After consideration of the comments, the staff determined no changes will be made to the rule.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

**11 CSR 45-5.065 Patrons Unlawfully on Excursion Gambling Boat—Not Eligible for Gambling Game Winnings is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2271). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 14, 2011. No one commented at the public hearing, and no written comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 12—Liquor Control**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2011, the commission amends a rule as follows:

11 CSR 45-12.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2271-2272). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 14, 2011. Jack Godfrey, Executive Vice President, Secretary and General Counsel of Pinnacle Entertainment, Inc.; and Mike Winter, Missouri Gaming Association, spoke at the public hearing. Written comments were also received from Pinnacle.

COMMENT #1: Pinnacle does not object to the current restrictions in 11 CSR 45-12.090 on the service of intoxicating liquor to employees of a Class B licensee at their establishment, but does not believe it is necessary to restrict such activities at a "sister property" at which they are not employed. Further, Pinnacle believes the proposed amendments to these particular regulations disproportionately impact Pinnacle's St. Louis employees as Pinnacle Entertainment, Inc. is the only Class A licensee with two (2) Class B licensees in such close proximity to one another—Lumiere Place and River City are located only approximately ten (10) miles apart from one another.

COMMENT #2: Mike Winter, Missouri Gaming Association, reiterated the casino concerns and noted there have been no problems as the rule is currently written. He requested that the amendment be withdrawn.

RESPONSE AND EXPLANATION OF CHANGE: After consideration of the comments and discussion with the participants of the hearing, changes have been made to the proposed amendment.

**11 CSR 45-12.090 Rules of Liquor Control**

(5) Employees.

(A) Except upon written authorization from the director as provided in subsection (5)(B), no Class B licensee as holder of an excursion liquor license shall give to, sell or permit to be given to or sold any intoxicating liquor, in any quantity, to any employee of the Class B licensee, nor shall the holder of an excursion liquor license permit any patron to give to any employee any intoxicating liquor, in any quantity, or to purchase it for or drink it with any employee in the establishment or on the premises of the licensee.

(B) An excursion liquor licensee may submit to the director a written request for authorization for—

1. Level I licensees or applicants, the licensee's food and beverage director, or corporate officers to consume alcoholic beverages in the nongaming areas of the premises for business purposes. The director's authorization or denial shall be in writing;

2. Employees to consume alcoholic beverages in the nongaming areas of the premises at specific functions sponsored by the excursion liquor licensee. The director's authorization or denial shall be in writing; or

3. Training beverage servers in the nongaming areas of the premises by using taste testing in order to inform the beverage server about the characteristics of beverages offered by the licensee. The director's authorization or denial shall be in writing.

(C) Except upon written authorization from the director as provided in subsection (5)(B) or as specifically required to provide intoxicating liquor service to patrons in the performance of one's job functions, no employee of a Class B licensee shall, while on the premises of the riverboat gaming operation by which so employed, purchase, consume, or otherwise possess any intoxicating liquor in any quantity.

(D) An excursion liquor licensee may not permit a person under the age of twenty-one (21) years to sell or assist in the sale or dispensing of intoxicating liquor, except persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in areas where the excursion liquor licensee sells food for on-premises consumption, and if at least fifty percent (50%) of all sales in those areas consists of food or if two hundred thousand dollars (\$200,000) in gross sales is from the sale of prepared meals or food. Nothing in this section shall authorize persons under twenty-one (21) years of age to mix or serve intoxicating liquors across the bar.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 35—Dental Program**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2011, the division amends a rule as follows:

13 CSR 70-35.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2273-2274). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received a total of nine (9) letters of comment on the proposed amendment.

COMMENT #1: Seven (7) letters of comment were received from Jeff Nickel, DMD, MSc, PhD – UMKC School of Dentistry; Katie

Plax, M.D. – Washington University School of Medicine; Osmond G. Jones, D.D.S. – Orthodontic Center of Missouri; Joseph M. Dorsey, Jr., D.D.S., M.S. – Gateway Orthodontics; Suhail A. Khouri, D.D.S.; Jeffrey Colvin, M.D., Kathleen Farrell, M.D., Jessica Bettenhausen, M.D., – Pediatricians of Kansas City, Missouri; Jo Anne Morrow and Joel D. Ferber, Legal Services of Eastern Missouri, Jennifer Wieman, Legal Aid of Western Missouri, Steven M. Kuntz, Mid-Missouri Legal Services, Corporation indicating a determination of medical necessity should be made by a board certified orthodontist or dental practitioner, not a physician.

**RESPONSE AND EXPLANATION OF CHANGE:** The MO HealthNet Division believes this comment is based on a misreading of the proposed amendment. The regulation does not replace the need for a dental screen by a dentist and an orthodontist's recommendation as to the medical necessity; it simply requires the claimant to seek the necessary additional documentation to support declaration that conditions of physical and mental illnesses exist and that the additional documentation is completed by those who are board certified to make those diagnoses. This information is to be considered in addition to the dental screening and orthodontist's recommendation. Orthodontists are not the proper medical professionals to make diagnoses of physical and mental illnesses and conditions. They may weigh in on the diagnosis of other medical professionals as to how that diagnosis affects the dental health of the individual and how orthodontic treatment will correct or ameliorate the illness. As a result of this comment, subsection (5)(C) has been amended by adding an additional subsection regarding information that may be submitted in reference to medical necessity and the previously proposed information reworded to provide clarification of when a recommendation must be provided by a licensed medical doctor.

**COMMENT #2:** One (1) comment letter was received from Jeffrey Colvin, M.D., Kathleen Farrell, M.D., Jessica Bettenhausen, M.D., – Pediatricians of Kansas City, Missouri indicating the requirement that the patient be diagnosed with a psychiatric condition by a child psychologist or a child psychiatrist seems unreasonable due to the extreme shortage of pediatric mental health providers.

**RESPONSE:** Orthodontists are not the proper medical professionals to make diagnoses of mental illnesses and conditions. The MO HealthNet Division feels a licensed psychiatrist or a licensed psychologist who has limited his or her practice to child psychiatry or child psychology is the appropriate medical professional to make diagnoses of mental illnesses or conditions.

A limited number of individuals in the profession of child psychiatry or child psychology do not change the reasonableness of this requirement. No changes have been made to the rule as a result of this comment.

**COMMENT #3:** Two (2) comment letters were received from Jeff Nickel, DMD, MSc, PhD – UMKC School of Dentistry; Joseph M. Dorsey, Jr., D.D.S., M.S. – Gateway Orthodontics indicating the Handicapping Labio-Lingual Deviation (HLD) Score of twenty-eight (28) is too high and arbitrary.

**RESPONSE:** The HLD Index is the preliminary measurement tool used to determine the degree of the handicapping malocclusion. The HLD index score is not the sole consideration of determining eligibility; furthermore, a score of twenty-eight (28) is not the highest or the lowest of the scores provided by all of the states. Also, the Medicaid Act allows for the state to choose the proper mix of amount, scope, and duration (limitations) on coverage. No changes have been made to the rule as a result of this comment.

**COMMENT #4:** Four (4) comment letters were received from Joseph M. Dorsey, Jr., D.D.S., M.S. – Gateway Orthodontics; Osmond G. Jones, D.D.S. – Orthodontic Centers of Missouri; Suhail A. Khouri, D.D.S. indicating a patient with crossbite should qualify even if there is no soft tissue damage.

**RESPONSE:** The requirement of a crossbite with soft tissue damage

present is an automatic qualifier. The regulation provides an alternative means for a participant to establish that orthodontic treatment is medically necessary for other types of conditions. No changes have been made to the rule as a result of this comment.

**COMMENT #5:** Three (3) comment letters were received from Joseph M. Dorsey, Jr., D.D.S., M.S. – Gateway Orthodontics; Suhail A. Khouri, D.D.S.; Jeff Nickel, DMD, MSc, PhD – UMKC School of Dentistry indicating a patient should qualify if they have any impacted upper central incisor, upper lateral incisor, or upper cuspid (canine).

**RESPONSE:** The requirement of an impacted central incisor is an automatic qualifier. An impacted central incisor is more significant than an impacted lateral incisor or upper cuspid (canine) which causes this condition to be an automatic qualifier. No changes have been made to the rule as a result of this comment.

**COMMENT #6:** Two (2) comment letters were received from Jeff Nickel, DMD, MSc, PhD – UMKC School of Dentistry; Katie Plax, M.D. – Washington University School of Medicine indicating the requirement that a child be unable to function in order to receive orthodontic treatment is too severe and too late.

**RESPONSE:** When a child does not have any of the automatic qualifiers and does not reach a score of twenty-eight (28) on the HLD index, orthodontic treatment will be provided based upon other evidence that orthodontic services are medically necessary. There is not a requirement that the child's condition has had "a significant and immediate impact on the normal function of the body and the individual's ability to function." If the child has a condition that, based on medical evidence, has had or if left untreated would result in irreversible damage to the teeth and underlying structures and would result in pain, infection, illness, or significant and immediate impact on the normal function of the body and the individual's ability to function, the child would qualify as the treatment would be medically necessary. No changes have been made to the rule as a result of this comment.

**COMMENT #7:** One (1) comment letter was received from Jeff Nickel, DMD, MSc, PhD – UMKC School of Dentistry indicating the requirement that a child must have developed a mental illness or emotional distress or dysfunction, as defined in the Diagnostic Statistical Manual (DSM) of the American Psychiatric Association, in order to qualify for orthodontic care, contradicts the current data that dental teams must have a better knowledge and greater insight into the life of families to prevent the development of emotional trauma.

**RESPONSE:** Orthodontists are not the proper medical professionals to make diagnoses of mental illnesses and conditions. A licensed psychiatrist or a licensed psychologist who has limited his or her practice to child psychiatry or child psychology is the appropriate medical professional to make diagnoses of mental illnesses or conditions. Data indicating dental teams must have a better knowledge and greater insight into the life of families to prevent the development of emotional trauma does not change the reasonableness of this requirement. No changes have been made to the rule as a result of this comment.

**COMMENT #8:** One (1) comment letter was received from Osmond G. Jones, D.D.S. – Orthodontic Center of Missouri indicating points need to be given for oral hygiene.

**RESPONSE:** The existing HLD index provides for documentation of the patient's oral hygiene. Adding points to the HLD would change the HLD tool itself which is not the purpose of the regulation. No changes have been made to the rule as a result of this comment.

**COMMENT #9:** One (1) comment letter was received from Suhail A. Khouri, D.D.S. indicating orthodontists worldwide measure overjet

from the labial surface of the most anterior maxillary incisor whether it is lateral or central, not only central.

RESPONSE: Changing how the overjet is measured would change the HLD tool itself which is not the purpose of the regulation. No changes have been made to the rule as a result of this comment.

COMMENT #10: One (1) comment letter was received from Suhail A. Khouri, D.D.S. indicating that setting a nine millimeter (9 mm) overjet for orthodontic coverage is arbitrary and not scientifically supported, because even 7 or 8 mm overjet inflicts a similar negative psychological trauma on affected patients.

RESPONSE: The requirement of a nine millimeter (9 mm) overjet is an automatic qualifier. The regulation provides an alternative means for a participant to establish that orthodontic treatment is medically necessary for other types of conditions. No changes have been made to the rule as a result of this comment.

COMMENT #11: One (1) comment letter was received from Suhail A. Khouri, D.D.S. indicating that measuring severity of overbite should be either by amount of millimeters, or by the percentage the maxillary incisors block or mask the mandibular incisors. Clinically, overbite of one hundred to two hundred percent (100–200%) coverage of mandibular incisors is strongly considered among orthodontists as a very severe overbite.

RESPONSE: The instruction for completion of the HLD index includes a measurement of the severity of an overbite in millimeters. To ensure consistency in measurement and review, and to ensure all individuals are treated the same, the division feels it is important there be one (1) standard for measuring the severity of an overbite for all participants. No changes have been made to the rule as a result of this comment.

COMMENT #12: One (1) comment letter was received from Jo Anne Morrow and Joel D. Ferber, Legal Services of Eastern Missouri; Jennifer Wieman, Legal Aid of Western Missouri; Steven M. Kuntz, Mid-Missouri Legal Services, Corporation indicating that the language in subsection (5)(C) appears to be borrowed from the Americans with Disabilities Act (ADA) and other disability law, and children should not need to show that they are disabled to qualify for orthodontic treatment.

RESPONSE: The language in subsection (5)(C) was not derived from ADA. Specifically, the division used as a model the Connecticut regulation delineating the steps required for its Medicaid eligible residents to become recipients of orthodontic treatment. Section 17-134d-35(e) of the Regulation of Connecticut State Agencies. No changes have been made to the rule as a result of this comment.

COMMENT #13: One (1) comment letter was received from Jo Anne Morrow and Joel D. Ferber, Legal Services of Eastern Missouri; Jennifer Wieman, Legal Aid of Western Missouri; Steven M. Kuntz, Mid-Missouri Legal Services, Corporation indicating the Medicaid Act's comparability provisions, 42 U.S.C. 1396a(a)(10)(B) and 42 C.F.R. 440.240(a) are not met. The language in subsection (5)(C) creates two (2) similarly situated groups of medically-needy children; a) those who opt-in due to a sufficient score on the HLD index, and b) those that have a medical need for orthodontic treatment. These two (2) groups are in conflict with the Medicaid Act's protections to prevent discrimination among similarly situated individuals; the "comparability" requirement.

RESPONSE: The division disagrees with the assertion that the regulation violates the comparability provisions of federal law cited above. The HLD index is a tool used in the process to determine medical necessity and is not used as the sole means of determining medical necessity. The initial step of an HLD index score as an opt-in inclusion coupled with the additional review of information does not discriminate against similarly-situated children. All children are being reviewed for medical necessity. No changes have been made to the rule as a result of this comment.

COMMENT #14: One (1) comment letter was received from Jo Anne Morrow and Joel D. Ferber, Legal Services of Eastern Missouri; Jennifer Wieman, Legal Aid of Western Missouri; Steven M. Kuntz, Mid-Missouri Legal Services, Corporation indicating the Medicaid Act's reasonableness standards, 42 U.S.C. 1396a(a)(17) and 1396a(a)(10)(B) and 42 C.F.R. 440.230, are not met. The proposed regulation conflicts with the Medicaid Act's "reasonableness standards" because the regulation fails to cover non-experimental, medically necessary services within a covered Medicaid category.

RESPONSE: The division disagrees with the assertion that the regulation violates the cited provisions of federal law. Elective medical/dental treatments that are for cosmetic purposes and are not necessary to remediate a medical/dental condition are not "medically necessary" and hence are not covered services. The regulation sets out objective processes and consistent standards for determining whether orthodontic services are medically necessary. No changes have been made to the rule as a result of this comment.

COMMENT #15: One (1) comment letter was received from Jo Anne Morrow and Joel D. Ferber, Legal Services of Eastern Missouri; Jennifer Wieman, Legal Aid of Western Missouri; Steven M. Kuntz, Mid-Missouri Legal Services, Corporation indicating the Medicaid statute and regulatory scheme create a presumption in favor of the judgment of the examining orthodontists and dentists in determining the medical necessity of orthodontic treatment.

RESPONSE: The division disagrees with this comment. While the state agrees that there is a presumption in favor of the medical judgment of the physician, orthodontist, dentist, etc., the presumption is one that may be overcome by a properly promulgated, reasonable regulation. The state cannot agree to the determination of one (1) professional without supporting documentation or opinions. The law does not require the state to accept solely the recommendation of the treating orthodontist. No changes have been made to the rule as a result of this comment.

COMMENT #16: One (1) comment letter was received from David Thielemier, Manager, Regulatory Compliance HealthCare USA indicating the proposed regulation will actually increase the number of children receiving orthodontia. The provision of a child's self-esteem is taxpayer-funded orthodontia for cosmetic reasons and is not appropriate in times of a significant state budget shortage related to unemployment. The proposed increase in cost of five hundred dollars (\$500) seems shortly underestimated. The requirement for board certified child psychiatrist and child psychologists is much appreciated and should include an extra requirement for "in-network" board certified child psychiatrist and child psychologist.

RESPONSE: The division agrees that federal and state law do not require the Medicaid program to pay for orthodontic services in cases where the treatment is for cosmetic purposes only. This regulation is intended to set out a clear, objective method for determining whether orthodontic treatment is medically necessary in a particular child's case. In some cases where it is demonstrated that orthodontic treatment is medically necessary there will be a cosmetic benefit to the individual, but the standard of medical necessity does not change. The MO HealthNet Division does not believe the rule as written will result in an increase in children receiving orthodontia services. No changes have been made to the rule as a result of this comment.

COMMENT #17: One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to section (5) of the proposed regulation. The suggested changes are as follows:

- Change the word recipient to participant.
- Removed the words "based upon the screening requirements of the 'handicapping Labio Lingual Deviation Index.'"
- Add the sentence: The fact that the participant has moderate or even severe orthodontic problems, or has been advised by a dentist or orthodontist to have treatment is not, by itself, a guarantee that the

patient will qualify for orthodontia services through MO HealthNet. Coverage is determined solely by meeting the criteria listed below in subsections (5)(A) and (5)(B) or (5)(C).

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions noted in the comment above and made the revisions to section (5).

**COMMENT #18:** One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to Subsection (5)(A) of the proposed regulation. The suggested changes are as follows:

- Move the first two (2) sentences to Subsection (5)(B).
- Revise the third sentence and subsequent criteria to read as follow:
  - (A) To be eligible for orthodontia services, the participant must meet all of the following general requirements:
    1. Be under twenty-one (21) years of age; and
    2. Have good oral hygiene documented in the child's treatment plan; and
    3. Have permanent dentition. Exceptions to having permanent dentition are as follows:
      - A. Participant has a primary tooth retained due to ectopic or missing permanent tooth.
      - B. Participant may have primary teeth present if they have cleft palate, severe traumatic deviations, or an impacted maxillary central incisor.
      - C. Participant may have primary teeth if they are 13 years of age or older.

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions noted in the comment above and made the revisions to subsection (5)(A).

**COMMENT #19:** One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to subsection (5)(B) of the proposed regulation. The suggested changes are as follows:

- Add the two (2) sentences removed from subsection (5)(A).
- Revise the previous first sentence to reference the criteria listed in subsection (5)(A) above instead of relisting it.
- Revise the numbering of the remaining criteria.
- Add the criteria removed in the revision of the third sentence in subsection (5)(A) that an individual qualifies for orthodontia services if the individual scores twenty-eight (28) points or greater on the HLD Index.

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions noted in the comment above and made the revisions to subsection (5)(B).

**COMMENT #20:** One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to subsection (5)(C) of the proposed regulation. The suggested changes are as follows:

- Revise the first sentence of subsection (5)(C) to reference the criteria noted in subsections (5)(A) and (5)(B).
- In paragraph 1. under subsection (5)(C), the word "recipient" was changed to "participant," the words "pain, infection, illness or" were removed from the first and second sentences, and the word "individual's" was changed to "participant's."
- In section (1) under paragraph (5)(C)1., the word "recipient" was changed to "participant."
- In paragraph 2. under subsection (5)(C), the word "recipient's" was changed to "participant," the word "Department" was changed to "MO HealthNet Division."

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions except for removal of the words "pain, infection, illness, or". These changes have been incorporated with the changes in response to comment #1.

**COMMENT #21:** One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to subsection (5)(D) of the proposed regulation. The suggested changes are as follows:

- Change subsection (5)(D) to be paragraph 3. under subsection

(5)(C), correct the spelling of the word orthodontic and change the number paragraphs 1., 2., 3., to a., b., c., respectively.

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions noted in the comment above and made the revisions to subsection (5)(C) and (5)(D).

**COMMENT #22:** One (1) comment letter was received from Robert Waxler, D.M.D., M.S. suggesting changes to subsection (5)(E) of the proposed regulation. The suggested changes are as follows:

- Change subsections (5)(E) to (5)(D) due to the above comment and title the subsection "Transfer Participants."
- Number the current paragraph as number 1., change the word "recipient" to "participant," add the wording "through an entity other than a State Medicaid Agency," and correct the subsection references to (5)(A), and subsection (5)(B) or (5)(C).
- Add paragraph number 2. regarding participants who become MO HealthNet eligible that were already receiving orthodontic treatment services through another state Medicaid agency.

**RESPONSE AND EXPLANATION OF CHANGE:** The division concurs with the suggestions noted in the comment above and made the revisions to subsection (5)(E).

### 13 CSR 70-35.010 Dental Benefits and Limitations, MO HealthNet Program

(5) Orthodontia Services. When an eligible participant is believed to have a condition that may require orthodontic treatment, the attending dentist should refer the participant to a qualified dentist or orthodontist for preliminary examination to determine if the treatment will be approved. The fact that the participant has moderate or even severe orthodontic problems, or has been advised by a dentist or orthodontist to have treatment is not, by itself, a guarantee that the patient will qualify for orthodontia services through MO HealthNet. Coverage is determined solely by meeting the criteria listed below in subsections (5)(A) and (5)(B) or (5)(C).

(A) To be eligible for orthodontia services, the participant must meet all of the following general requirements:

1. Be under twenty-one (21) years of age; and
2. Have good oral hygiene documented in the child's treatment plan; and
3. Have permanent dentition. Exceptions to having permanent dentition are as follows:

A. Participant has a primary tooth retained due to ectopic or missing permanent tooth; or

B. Participant may have primary teeth present if they have cleft palate, severe traumatic deviations, or an impacted maxillary central incisor; or

C. Participant may have primary teeth if they are thirteen (13) years of age or older.

(B) The determination whether or not a participant will be approved for orthodontic services shall be initially screened using the Handicapping Labio-Lingual Deviation (HLD) Index. The HLD Index must be fully completed in accordance with the instructions. The division will approve orthodontic services when the individual meets all of the criteria in subsection (5)(A) above and one (1) of the criteria listed in paragraphs 1. to 7. below—

1. Has a cleft palate;
2. Has a deep impinging overbite when the lower incisors are damaging the soft tissue of the palate (lower incisor contact only on the palate is not sufficient);
3. Has a cross-bite of individual anterior teeth when damage of soft tissue is present;
4. Has severe traumatic deviations;
5. Has an over-jet greater than nine millimeter (9 mm) or reverse over-jet of greater than three and one-half millimeters (3.5 mm);
6. Has an impacted maxillary central incisor; or

7. Scores twenty-eight (28) points or greater on the HLD Index.

(C) If the participant meets the criteria in subsection (5)(A) above but does not meet any of the criteria in subsection (5)(B), the division will consider whether orthodontic services should be provided based upon other evidence that orthodontic services are medically necessary—

1. The division shall consider additional information of a substantial nature about the presence of severe deviations affecting craniofacial health. Other deviations shall be considered to be severe if, left untreated, they would cause irreversible damage to the teeth and underlying structures, result in disease related bone and tooth loss, or craniofacial deformities associated with developmental disabilities in chewing or speaking.

2. Other evidence shall include information of a substantial nature about the presence of a medical condition which is directly affected by the condition of the mouth or underlying structures. Orthodontic treatment shall be considered to be medically necessary if, without the orthodontic treatment, the medical condition would be adversely affected and would result in pain, infection, illness or significant and immediate impact on the normal function of the body and the individual's ability to function. In addition, such orthodontic treatment must be demonstrated to be 1) of clear clinical benefit to the eligible participant; 2) Appropriate for the injury or illness in question; and 3) Conform to the standards of generally accepted orthodontic practice as supported by applicable medical and scientific literature. In addition to documentation from an orthodontist or dentist, a recommendation for orthodontic treatment in relation to a medical condition must also be supported by documented evidence of the medical condition from a licensed medical doctor, board certified to diagnose the medical condition.

3. In addition, the division may consider information of a substantial nature about the presence of mental, emotional, and/or behavioral problems, disturbances or dysfunctions, as defined in the most current edition of the *Diagnostic Statistical Manual* of the American Psychiatric Association, and which may be caused by the participant's daily functioning as it relates to a dentofacial deformity. The MO HealthNet Division will only consider cases where a diagnostic evaluation has been performed by a licensed psychiatrist or a licensed psychologist who has accordingly limited his or her practice to child psychiatry or child psychology. The evaluation must clearly and substantially document how the dentofacial deformity is related to the child's mental, emotional, and/or behavioral problems and must clearly and substantially document that orthodontic treatment is medically necessary and will significantly ameliorate the problems.

4. Orthodontic treatment shall not be considered to be medically necessary when—

A. The orthodontic treatment is for aesthetic or cosmetic reasons only; or

B. The orthodontic treatment is to correct crowded teeth only, if the child can adequately protect the periodontium with reasonable oral hygiene measures; or

C. The child has demonstrated a lack of motivation to maintain reasonable standards of oral hygiene and oral hygiene is deficient.

(D) Transfer Participants.

1. A participant who becomes MO HealthNet eligible and is already receiving orthodontic treatment through an entity other than a State Medicaid Agency must demonstrate that the need for service requirements specified in subsection (5)(A) and subsection (5)(B) or (5)(C) of these regulations were met before orthodontic treatment commenced, meaning that prior to the onset of treatment the participant would have met the need for service requirements.

2. A participant who becomes MO HealthNet eligible and is already receiving orthodontic treatment through the Medicaid Agency in another state may continue to receive covered orthodontic treatment services through MO HealthNet Division.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 3—Conditions of Probation and Parole**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Probation and Parole under section 217.755, RSMo 2000, and section 217.690, RSMo Supp. 2011, the board amends a rule as follows:

**14 CSR 80-3.010** Conditions of Probation and Parole is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2011 (36 MoReg 2695-2697). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 3—Conditions of Probation and Parole**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Probation and Parole under section 217.755, RSMo 2000, and sections 217.735 and 559.106, RSMo Supp. 2011, the board adopts a rule as follows:

**14 CSR 80-3.020** Conditions of Lifetime Supervision is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2011 (36 MoReg 2697). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 5—Intervention Fee**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Probation and Parole under sections 217.040 and 217.755, RSMo 2000, and section 217.690, RSMo Supp. 2011, the board amends a rule as follows:

**14 CSR 80-5.010** Definitions for Intervention Fee is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2011 (36 MoReg 2697-2698). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.



**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 5—Intervention Fee**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Probation and Parole under sections 217.040 and 217.755, RSMo 2000, and section 217.690, RSMo Supp. 2011, the board amends a rule as follows:

**14 CSR 80-5.020** Intervention Fee Procedure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2011 (36 MoReg 2698). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Dietitians under section 324.228, RSMo 2000, and section 324.212.4, RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2115-1.040** Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2922–2924). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Dietitians under sections 324.210.4, 324.212, and 324.215, RSMo Supp. 2011, and section 324.228, RSMo 2000, the committee amends a rule as follows:

**20 CSR 2115-2.010** Application for Licensure/Grandfather Clause/Reciprocity is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2925). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Dietitians under section 324.210, RSMo Supp. 2011, and section 324.228, RSMo 2000, the committee amends a rule as follows:

**20 CSR 2115-2.020** Qualifications for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2925). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Dietitians under section 324.212, RSMo Supp. 2011, and section 324.228, RSMo 2000, the committee amends a rule as follows:

**20 CSR 2115-2.040** License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2925–2926). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Dietitians under sections 324.210 and 324.216, RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2115-2.045** Inactive Status is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2926). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700, 337.715, and 337.727, RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2233-2.020** Supervised Marital and Family Work Experience is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2930–2932). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700, 337.715, and 337.727, RSMo Supp. 2011, the committee rescinds a rule as follows:

**20 CSR 2233-2.021** Registered Supervisors and Supervisory Responsibilities is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2932). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700, 337.715, and 337.727, RSMo Supp. 2011, the committee adopts a rule as follows:

**20 CSR 2233-2.021** Registered Supervisors and Supervisory Responsibilities is **adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2932–2933). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700(9), 337.706.2, and 337.727.1(6) and (10), RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2233-2.030** Application for Licensure is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2933). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700, 337.712, and 337.727(1) and (10), RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2233-2.050** Renewal of License is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2934–2935). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

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

**Chapter 3—Ethical Standards**

**ORDER OF RULEMAKING**

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.700, 337.727(6) and (10), and 337.730.2(15), RSMo Supp. 2011, the committee amends a rule as follows:

**20 CSR 2233-3.010 General Principles is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2011 (36 MoReg 2935–2936). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.