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SALUS POPULI SUPREMA LEX ESTO

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



JASON KANDER  
SECRETARY OF STATE

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REGISTER

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

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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

**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 symbolism under the heading of 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 10—DEPARTMENT OF NATURAL RESOURCES Division 23—Division of Geology and Land Survey Chapter 1—Definitions and Organizational Structure

### PROPOSED AMENDMENT

**10 CSR 23-1.075 Disciplinary Action and Appeal Procedures.**  
The division is amending sections (1) through (6).

*PURPOSE: This amendment clarifies the procedure for any person who is affected by a decision of the division to file an appeal with the Well Installation Board.*

*PURPOSE: This rule outlines the procedures the division and board will take when a [permittee] person is affected by disciplinary actions and contested case appeals of such disciplinary actions.*

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

(C) Division—The Department of Natural Resources' Division of Geology and Land Survey, which includes the director thereof, or the person within the division delegated the authority to render the decision, order, determination, finding, or other action that is subject to review by the board;

[(C)](D) Hearing—Any presentation to, or consideration by, the board or its hearing officer[, ] of evidence or argument on a petition seeking the board's review of an action by the department;

[(D)](E) Hearing officer—[Administrative Hearing Commission] an attorney appointed by the board to conduct an administrative hearing on behalf of the board;

[(E)](F) Person—An individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

(2) The division [may] shall cause [an] investigations to be made as appropriate in response to requests from the board or upon receipt of other information concerning alleged violations of the Water Well Driller's Act in order to determine whether there has been any violation of the law or of these rules and, in doing so, may request the permittee, well owner, or other individuals to appear before them to determine the merits of the situation in question. If requested individuals do not appear before the division, a determination [will] may be made based on the available information or the division may order a permitted well driller to appear before the division and/or produce relevant documentation. Any person who willfully obstructs, hinders, or prevents agents of the division in the performance of the duties imposed on them by sections 256.600–256.640, RSMo, is guilty of a class A misdemeanor and may be liable for civil and criminal penalties as set out in section 256.637, RSMo. If the division determines that the holder of any permit issued according to sections 256.600–256.640, RSMo, has violated any provision of this law or any rule adopted according to this law, the division shall reprimand, place a permit holder on probation, or suspend or revoke a permit[.], and may [For minor violations, the division will] issue a [reprimand or a] notice of violation[, ] describing the remediation required and the time period allowed to remedy the violation and/or pursue any additional remedy authorized by the Water Well Driller's Act.

(3) As a condition of any order, the division [will] may specify and schedule any remediation required[, and will] so that division staff can be present, if deemed necessary, while the remediation is performed. The division shall issue and serve on the permittee, [a] written notice of [the] any order issued under sections 256.600–256.640, RSMo, as provided in section 256.630, RSMo. [The order shall specify the particular part of sections 256.600–256.640, RSMo or particular rule of which the permittee is alleged to be in violation and a statement explaining the alleged violation. The order must be sent registered or certified mail, return receipt requested.]

(4) Filing an Appeal or Requesting a Hearing.

(A) Any person adversely affected or aggrieved by a decision of the [department] division or otherwise entitled to ask the board for a hearing under the Water Well Driller's Act may appeal [to have the matter heard] by filing a petition with the [Administrative Hearing Commission,] board or the division within thirty (30) days after [the date] receiving notice of the decision. [was mailed or the date it was delivered, whichever date was earlier.]

(B) A petition sent by registered mail or certified mail will be deemed filed on the date it is mailed. [If it is sent by any method other than registered mail or certified mail, it will be deemed

filed on the date it is received by the Administrative Hearing Commission.] If it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the board or the division. Such appeal shall stay the enforcement of the order until a final determination is made by the board.

(5) Procedures.

(A) [The hearing shall be conducted in accordance with the provisions of Chapter 536, RSMo, and the regulations of the Administrative Hearing Commission promulgated thereunder.] The board may appoint a hearing officer, who shall provide a recommended decision to the board based on a hearing, stipulations or agreements by the parties, disposition in the nature of a default judgment, judgment on the pleadings, or summary determination, in accordance with the Water Well Driller's Act and Chapter 536, RSMo. The board or the hearing officer shall provide the parties at least thirty (30) days advance notice of any hearing.

1. At any such hearing, all testimony taken before the board or its hearing officer shall be under oath and recorded stenographically, and the transcript shall be available to any person for the cost of reproduction, pursuant to section 256.630.4, RSMo.

(B) Upon receipt of the hearing officer's recommendation and the record in the case, the board shall—

1. Distribute the hearing officer's recommendation to the parties or their counsel;
2. Allow the parties or their counsel an opportunity to submit written arguments regarding the recommendation;
3. Allow the parties or their counsel an opportunity to present oral arguments before the board makes the final determination;
4. Complete its review of the record and deliberations as soon as practicable;
5. Deliberate and vote upon a final, written determination during an open meeting, except that the board may confer with its counsel in closed session with respect to legal questions;
6. Issue its final, written determination as soon as practicable, including findings of fact and conclusions of law, **and so notify the parties.** The decision of the board shall be based only on the facts and evidence in the record; and
7. The board may adopt the recommended decision of the hearing officer as its final decision. The board may change a finding of fact or conclusion of law made by the hearing officer, or may vacate or modify the recommended decision, only if the board states in writing the specific reason for a change.

(6) [All] Such final orders and determinations of the board [or the division made according to sections 256.600–256.640, RSMo] are subject to judicial review according to [the provisions of section 536.100, RSMo. Any person who has exhausted all administrative remedies provided by Chapter 536, RSMo and who is aggrieved by a final decision in a contested case, whether the decision is affirmative or negative in form, shall be entitled to judicial review in the form of a trial de novo in the circuit court of the county where the alleged impropriety occurred.] section 256.630.4, RSMo.

**AUTHORITY:** sections 256.1600]606, 256.623, 256.626, and 256.630, RSMo 2000. Emergency rule file Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Original rule filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed Sept. 14, 2006, effective March 30, 2007. Amended: Filed Jan. 11, 2013.

**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 Natural Resources, Division of Geology & Land Survey, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at [sheri.fry@dnr.mo.gov](mailto:sheri.fry@dnr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 41—General Tax Provisions

### PROPOSED RULE

#### 12 CSR 10-41.025 Disclosure of Confidential Taxpayer Information to Officers, Members, Partners, and Employees of a Business

**PURPOSE:** Businesses often communicate with the Missouri Department of Revenue through officers, members, partners, or employees. This rule establishes a simplified process for documenting such persons' authority to communicate with the department on behalf of a business about confidential tax matters, when a power of attorney is not necessary.

(1) The director of revenue or other designated official of the Missouri Department of Revenue may disclose all tax information relating to a particular taxpayer's return to an officer, member, or partner of the business, related to any period for which the officer, member, or partner is registered with the Department of Revenue.

(2) The director of revenue or other designated official of the Missouri Department of Revenue may disclose all tax information to any employee with job duties that include, but are not limited to, the following:

- (A) Responsibility for answering correspondence dealing with state tax matters;
- (B) Responsibility for answering verbal requests from a tax authority dealing with state tax matters;
- (C) Responsibility for reviewing state tax matters and submitting requested information to a tax authority; or
- (D) Responsibility for preparing tax documents (but not necessarily responsibility for signing such documents) to be filed with a tax authority.

(3) Before the director of revenue or other designated official of the Missouri Department of Revenue may release any confidential tax information, the business must provide the department a document stating that the employee has the authority to perform the above job duties as regular course of work on tax matters and that the information requested is strictly to be used for state tax matters, unless otherwise restricted. The document shall be on company letterhead with the company's address and phone number and must be signed by an officer, member, or partner of the company, or by the supervisor of the employee.

(A) If the employee's authority is limited, the letter shall specify the tax periods, tax types, or tax forms that may be released to the employee.

(B) If the employee's authority shall be for a limited time, the letter shall specify the time limitation on the employee's authority.

(C) If the letter does not include any limitation, the director of revenue or other designated official of the Missouri Department of Revenue may disclose all information without limitation until such time as the company revokes or limits the employee's authority in

writing.

*AUTHORITY: section 32.057.2.(1)(a), RSMo Supp. 2012. Original rule filed Jan. 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 41—General Tax Provisions**

**PROPOSED AMENDMENT**

**12 CSR 10-41.030 Power of Attorney.** The director proposes to amend the purpose and sections (2) through (4) and (6) through (9).

*PURPOSE: This proposed amendment is necessary to clarify various provisions of the rule and to establish the potential for an exception to the power of attorney requirement.*

*PURPOSE: This rule provides guidance as to when a power of attorney is required to be provided by the taxpayer to allow disclosure of confidential Missouri tax information about the taxpayer to [his/her] the taxpayer's authorized representative.*

(2) **Except as otherwise provided by regulation,** //in order for a third party to qualify as a duly authorized representative, the taxpayer must execute and file with the Department of Revenue a power of attorney designating the third party as taxpayer's duly authorized representative. *[Power of Attorney/Disclosure of Information forms are available upon request from the Department of Revenue.*

(A) *A duly authorized representative may be a person currently employed by the taxpayer with job duties that include but are not limited to the following:*

- 1. Responsible for answering correspondence dealing with state tax matters in a confidential manner;*
- 2. Responsible for answering verbal communication requests from a tax authority dealing with state tax matters;*
- 3. Responsible for reviewing state tax matters and submitting requested information from a tax authority; and*
- 4. Responsible for preparing tax documents (but not necessarily responsible for signing such documents) to be filed with a tax authority;*

(B) *The person must submit a letter, upon request by the tax authority, that s/he has the authority to perform the above job duties as his/her regular course of work on tax matters and that the information requested is strictly to be used only for the purpose of determining the taxpayer's accurate tax calculation or to determine the amount of tax payments actually submitted by the taxpayer. Such document shall be on company letterhead with the company's address and phone number.*

(C) *State tax matters include all taxes and fees administered by the Department of Revenue.]*

(3) *[Third party includes the] A duly authorized representative may include, but is not limited to, a person currently employed by the taxpayer, a tax return preparer, a certified public accountant [and], or an attorney.*

(4) The power of attorney must be executed as follows:

(C) Partnership. In the case of a partnership, by all members or by one (1) of the partners duly authorized to act for the partnership who shall certify that [s/he] **the partner** has authority;

(D) Corporation. In the case of a corporation, by an officer of the corporation having authority to bind the corporation[, ] who shall certify that [s/he] **the officer** has authority;

(E) *[Estate] Limited Liability Company.* In the case of *[an estate] a limited liability company,* by *[any personal representative] all members or by one (1) duly authorized to act for the limited liability company* who shall *[provide evidence of his/her status as a personal representative with regard to Missouri estate taxes;]* **certify that the member has authority;**

(G) Trustee Under Agreement or Declaration. In the case of a taxpayer who has appointed a trustee, by the trustee. If there is more than one (1) trustee appointed, all should join unless it is shown that less than all have authority to act. Department of Revenue officials may require the submission of documentary evidence of the authority of the trustee to act. Evidence may be either a copy of the trust instrument, properly certified, or certified copies of contracts from the trust instruments showing—

1. The date of the instrument;
2. That it is or is not of record in any court;
3. The beneficiaries;
4. The appointment of the trustee, the authority granted and other information as may be necessary to show that authority extends to Missouri tax matters; and
5. That the trust has not been terminated and the trustee appointed in the trust is still acting. In the event that the trustee appointed in the original trust instrument is no longer acting and has been replaced by another trustee, documentary evidence of the appointment of the new trustee should be submitted;

(H) Dissolved Partnership. In the case of a dissolved partnership, by each of the former partners, or by one (1) of the partners duly authorized to act for the partnership, who shall provide evidence of their authority to act. If one (1) or more of the partners are dead, their legal representatives must sign in their stead (see subsection *[(4)(K)] (4)(L)* of this rule), unless, under the laws of the particular state, the surviving partners, at the time of execution of the power of attorney or tax information authorization, have exclusive right to control and possession of the firm's assets for the purpose of winding up its affairs, in which case their signatures alone will be sufficient. If only the surviving partners sign the power of attorney, Department of Revenue officials may require the submission of a copy of, or a citation to the pertinent provisions of, the state law under which the surviving partners claim authority without legal representatives of the deceased partners;

(I) Dissolved Corporation. In the case of a dissolved corporation, by the liquidating trustee(s) under dissolution, if one (1) or more have been appointed, or by a trustee deriving authority under a statute of the state in which the corporation was organized. If there is more than one (1) trustee, all must join unless it is established that less than all have authority to act in the matter under consideration. Department of Revenue officials may require the submission of a properly authenticated copy of the instrument under which the trustee derives *[his/her] the trustee's* authority. If the trustee's authority is derived under a state statute, Department of Revenue officials may require the submission of a copy of or a citation to the pertinent provisions of the statute, together with a statement made under penalties of perjury setting forth the facts required by the statute as a condition precedent to the vesting of authority in the trustee and stating that in the case of any trustee, *[his/her] the trustee's* authority has not been terminated. If there is no trustee, the

power of attorney must be signed by a sufficient number of individuals to constitute a majority of the voting stock of the corporation as of the date of dissolution. Department of Revenue officials may require submission of a statement showing the total number of outstanding shares of voting stock as of the date of dissolution, the number of shares held by each signatory to the power of attorney, the date of dissolution and positive averments as to the nonexistence of any trustee;

(J) Insolvent Taxpayer. In the case of an insolvent taxpayer, by the trustee, receiver or attorney appointed by the court. Department of Revenue officials may require the submission of a certificate from the court having jurisdiction over the insolvent showing the appointment and qualification of the trustee, receiver, or attorney and that *[his/her]* authority of the appointed individual has not been terminated. In cases pending before a district court of the United States, an authenticated copy of the order approving the bond of the trustee, receiver, or attorney will meet this requirement; *[and]*

(K) *[Deceased Taxpayers] Estate*. In the case of *[a deceased taxpayer] an estate*, by *[the] any conservator or personal representative [if one (1) has been appointed and is acting and responsible for disposition], who shall provide evidence of [the matter under consideration] status as a conservator or personal representative*. Department of Revenue officials may require the submission of authenticated copies of letters testamentary or letters of administration showing that the authority of the *[executor] personal representative or [administrator] conservator* is in full force and effect at the time the power of attorney is submitted*[/]; and*

(L) *Deceased Taxpayers*. In the *[event that] case of a [trustee under the will] deceased taxpayer, by the personal representative of a probate estate if one has been appointed and is acting[, the power of attorney should be executed by the trustee, unless the personal representative has not been discharged and is] and responsible for disposition of the matter pending with the department*. *[Department of Revenue officials may require the submission of evidence of the discharge of the personal representative and appointment of the trustee, or other appropriate evidence of the authority of the trustee to act.]* If no personal representative *[or trustee under the will]* is acting or responsible for disposition of the matter *[and]*, or the estate has been distributed to the residuary legatee(s), the power of attorney should be executed by the *[residuary legatee(s)] individual appointed to handle the affairs of the deceased in a will*. Department of Revenue officials may require the submission of a statement from the court certifying that no personal representative or trustee under the will is acting or responsible for disposition of the matter*[,] and [naming the residuary legatees and indicating the proper share to which each is entitled] copies of the will*. In the event that the decedent died intestate and the personal representative has been discharged and is not responsible for disposition of the matter, or none was ever appointed, the power of attorney must be executed by the distributees. Department of Revenue officials may require the submission of evidence of the discharge of the personal representative if one had been appointed and evidence that the personal representative is not responsible for disposition of the matter and statements made under penalties of perjury and other appropriate evidence as can be produced tending to show the relationship to the deceased of the signatories to the power of attorney and the right of each of them to the respective shares claimed under the law of the domicile of the deceased.

(6) *[A power of attorney is necessary in the following situations] Instances a power of attorney is required include, but are not limited to:*

(B) When the taxpayer protests an assessment to the director of revenue and is to be represented by someone other than *[him/her-self] the taxpayer*; and

(7) If an individual taxpayer has executed a durable power of attor-

ney, it is not necessary that the taxpayer execute any other power of attorney **if the durable power of attorney specifies that the power of attorney has the authority to act on tax matters and the power to receive confidential tax information**. The duly authorized representative *[should] must* submit a copy of the durable power of attorney to the department with *[his/her] the representative's* request for confidential information. **If the power of attorney document does not provide sufficient information for the Department of Revenue to determine the identity of the taxpayer, then the Department of Revenue may request a form prescribed by the director.**

(8) **If the taxpayer executes a second power of attorney, the taxpayer shall specify whether [T]the execution of a second power of attorney [by the taxpayer for the same period as a previously filed power of attorney form] revokes the prior named representative's authority [unless otherwise indicated by the taxpayer]**. The taxpayer may revoke a power of attorney granted to a representative without authorizing a new representative. *[Upon revocation of a power of attorney when no new power of attorney is executed, the taxpayer must send a signed statement to the Department of Revenue listing the names and addresses of the representative(s) whose authority is revoked.]*

(9) If the mailing address a taxpayer has furnished the Department of Revenue is the mailing address of a third party (for example, John Doe, c/o Jane Smith, C.P.A.), the Department of Revenue will treat this as a release of confidential tax information to the named third party. As a result all tax information, returns, reports, billing notices, and deficiencies will be forwarded to the taxpayer*[,] using the address as supplied by the taxpayer for that specific tax*. Submission of a power of attorney form by a taxpayer will not in itself suffice as an official notification of mailing address change with the department.

*AUTHORITY: section 32.057.2(1)(a), RSMo [2000] Supp. 2012. Original rule filed June 17, 1986, effective Nov. 28, 1986. Amended: Filed May 12, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 1998, effective Dec. 30, 1998. Amended: Filed Jan. 10, 2002, effective July 30, 2002. Amended: Filed Jan. 15, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 104—Sales/Use Tax—Registration**

**PROPOSED AMENDMENT**

**12 CSR 10-104.030 Filing Requirements.** The director proposes to amend paragraphs (3)(B)2. and (3)(B)3.

*PURPOSE: This proposed amendment modifies the filing frequency threshold amounts.*

(3) Basic Application.



(B) The taxpayer's filing frequency is determined by the amount of state sales tax collected by the taxpayer for all business locations during the previous calendar year. The filing frequency of a new business is based on the estimated taxable sales for the first year of operation. Local, conservation, or parks and soils taxes are not considered in determining filing frequency.

1. If state tax collections equal or exceed five hundred dollars (\$500) per calendar month, the taxpayer must file and remit taxes on a monthly basis.

2. If state tax collections are less than five hundred dollars (\$500) per calendar month but equal or exceed *[forty-five] one hundred* dollars (*[\$45] \$100*) in a calendar quarter~~;~~, the taxpayer must file and remit taxes on a quarterly basis.

3. If state tax collections are less than *[forty-five] one hundred* dollars (*[\$45] \$100*) per quarter, the taxpayer must file and remit taxes on an annual basis.

*AUTHORITY: sections 144.270, RSMo Supp. 2012, and section 144.705, RSMo [1994] 2000. Original rule filed June 29, 2000, effective Dec. 30, 2000. Amended: Filed Jan. 15, 2013.*

*PUBLIC COST: This proposed amendment is estimated to save the Missouri Department of Revenue approximately one hundred thirty eight thousand seven hundred seventy-eight dollars (\$138,778) with that cost recurring annually over the life of the rule.*

*PRIVATE COST: This proposed amendment is estimated to save private entities approximately four hundred thirty-two thousand three hundred thirty dollars (\$432,330) with that cost recurring annually over the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-104.030 Filing Requirements
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimate Cost of Compliance in the Aggregate.</b>
Missouri Department of Revenue	\$138,778 (savings)

**III. WORKSHEET**

By changing filing frequency thresholds, the Department of Revenue (DOR) estimates that 11,720 filers will be able to file fewer sales tax returns, and will result in the filing of 43,233 fewer returns. It costs the DOR \$2.73 to process a typical sales tax return. The DOR expects to save \$118,026.09 (43,233 returns X \$2.73) in processing costs. In addition, the DOR's costs to print and mail sales tax returns are \$.48 per return. Therefore, the DOR also estimates annual savings to print and mail these returns of \$20,751.84 (43,233 returns X \$.48). The total annual savings for the DOR would be \$138,777.93.

**IV. ASSUMPTIONS**

Changing the filing frequency will not change the amount of sales tax collected, simply change the timing of receipt of collections from the estimated 11,720 filers.

**FISCAL NOTE  
 PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-104.030 Filing Requirements
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
11,720	Vendors	\$432,330 (Savings)

**III. WORKSHEET**

The Department of Revenue expects to require 43,233 fewer sales tax returns per year from approximately 11,720 sales tax filers. The estimated cost to prepare and file a return per business is \$10 per filed return. These filers will save \$432,330 (43,233 X \$10).

**IV. ASSUMPTIONS**

The estimated cost to prepare and file a return includes costs for postage, paper, envelopes, and other preparation expenses.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2165-2.025 Application Procedures.** The board is proposing to add section (5).

*PURPOSE: This amendment sets a time period of three (3) years to complete the application process.*

**(5) Applications for licensure are valid for a period of three (3) years from the date the application is received in the board's office. If an applicant has not completed the application process within the three- (3-) year period, the applicant will be denied and must complete a new application for licensure, submit all required documentation, and pay all applicable fees. If an applicant must reapply for licensure, all current licensure requirements must be met.**

*AUTHORITY: sections 346.050, 346.055, [and] 346.115, [RSMo 2000] and [section] 346.125, RSMo Supp. [2008] 2012. Original rule filed Sept. 8, 2008, effective March 30, 2009. Amended: Filed Jan. 10, 2013.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions between fifty-seven dollars and ninety-three cents (\$57.93) and sixty-two dollars and fifty-one cents (\$62.51) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately one thousand six hundred fifty-nine dollars (\$1,659) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Examiners for Hearing Instrument Specialists, PO Box 1335, Jefferson City, MO 65102, by facsimile transmission to (573) 526-3856, or via email at behis@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
 Division 2265 - Board of Examiners for Hearing Instrument Specialists  
 Chapter 2 - Licensure Requirements  
 Proposed Rule - 20 CSR 2165-2.025 Application Procedures  
 Prepared January 4, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
Board of Examiners for Hearing Instrument Specialists	\$57.93 to
	\$62.51
	<b>Total Annual Cost of Compliance for the Life of the Rule</b>
	\$57.93 to
	\$62.51

III. WORKSHEET

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Administrative Office Support Assistant	\$25,944 to \$28,140	\$39,282 to \$42,607	\$18.89 to \$20.48	\$0.31 to \$0.34	15 minutes	\$4.72 to \$5.12	3	\$14.16 to \$15.36
Licensing Technician II	\$24,576 to \$26,640	\$37,211 to \$40,336	\$17.89 to \$19.39	\$0.30 to \$0.32	45 minutes	\$13.42 to \$14.54	3	\$40.25 to \$43.63
								\$54.42 to
								<b>Total Personal Service Costs</b> \$59.00

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Correspondence Mailing	\$0.45	3	\$1.35
License Printing and Postage	\$0.72	3	\$2.16
<b>Total Expense and Equipment Costs</b>			<b>\$3.51</b>

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 51.41% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The board anticipates three applicants to reapply for licensure. It is anticipated three applicants will request the board office mail an application packet to them as the applications will be made available on the website.
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2165 - Board of Examiners for Hearing Instrument Specialists****Chapter 2 - Licensure Requirements****Proposed Rule - 20 CSR 2165-2.025 Application Procedures**

Prepared January 4, 2013 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT****Annual Cost of Compliance for the Life of the Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Hearing Instrument Specialists Applicants (License by Exam Written Fee of \$375)	\$1,125
3	Hearing Instrument Specialists Applicants (License by Exam Practical Fee of \$150)	\$450
3	Hearing Instrument Specialists Applicants (Transcript of \$10)	\$30
3	Hearing Instrument Specialists Applicants (Verification of \$10)	\$30
3	Hearing Instrument Specialists Applicants (Photograph of \$7.50)	\$23
3	Hearing Instrument Specialists Applicants (Application Postage of \$.65)	\$1.95
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$1,659</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates that there will be two or three applicants each year that will resubmit applications after the expiration of the three year period.
2. Most states have eliminated the verification fee, however, the \$10 amount is an average verification fee charged by the remaining states.
3. The board only receives about one reciprocity application per year. It is not anticipated that reciprocity applicants will reapply after three years.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2165-2.030 Licensure by Examination.** The board is proposing to amend subsection (7)(F).

*PURPOSE: This amendment clarifies that board approval must be obtained prior to a fourth attempt to pass the licensure examination.*

(7) Requirements for Passing the Examination.

(F) An applicant who fails either the written or practical portions of the examination and two (2) subsequent re-examinations shall be disqualified from retaking the examination a fourth time, until meeting with the board, [and] presenting a written plan for passing the examination, and obtaining the board's approval for retaking the examination. In the case of a hearing instrument specialist in training, the current registered supervisor, as defined in section 346.010(15), RSMo, must be present at the meeting with the board.

*AUTHORITY: section[s] 346.085 [and 346.115.1(7)], RSMo 2000, and sections 346.060[,] and 346.125, RSMo Supp. [2008] 2012. This rule originally filed as 4 CSR 165-2.030. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Original rule filed Oct. 16, 1996, effective May 30, 1997. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 10, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Examiners for Hearing Instrument Specialists, PO Box 1335, Jefferson City, MO 65102, by facsimile transmission to (573) 526-3856, or via email at behis@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.001 Definitions.** The board is proposing to amend subsection (1)(D), add a new subsection (1)(E), renumber subsections (1)(E) to (1)(X) accordingly, amend the new subsection (1)(M), delete the current subsection (1)(Y), amend the current subsection (1)(BB), add a new subsection (1)(NN), renumber the remaining subsections accordingly, and amend the new subsection (1)(TT).

*PURPOSE: This amendment adds and amends definitions to keep language within the Minimum Standards for Programs of Professional*

*Nursing internally congruent.*

(1) When used in 20 CSR 2200-2, the following terms mean:

(D) Annual [survey] report—Report submitted annually by the administrator of the program that updates information on file with the board and validates continuing compliance with minimum standards;

(E) Appeal policy and procedure—An established procedure for processing complaints; may also be known as a complaint procedure, due process, appeals procedure, or problem resolution;

((E))(F) Associate degree program—Program leading to associate degree in nursing conducted by an accredited degree granting institution;

((F))(G) Baccalaureate degree program—Program leading to baccalaureate degree in nursing conducted by an accredited degree granting institution;

((G))(H) Board—Missouri State Board of Nursing;

((H))(I) Campus—A specific geographic program location with a distinct student body and coordinator at which all appropriate services and facilities are provided;

((I))(J) Certificate of approval—Document issued by the board to programs of nursing which have met minimum standards;

((J))(K) Class—A discrete cohort of students admitted to a nursing program, designed to begin a course of study together on a specific date and to graduate together on a specific date;

((K))(L) Clinical experience—Faculty planned and guided learning activities designed to meet course objectives or outcomes and to provide a nursing student with the opportunity to practice cognitive, psychomotor, and affective skills in the delivery of nursing care to an individual, group, or community;

((L))(M) Clinical simulation—An educational experience [utilizing simulation experience to] that creates realistic scenarios where students engage in nursing practice under the direction of nursing faculty;

((M))(N) Clinical skills laboratory—Designated area where skills and procedures can be demonstrated and practiced;

((N))(O) Conditional approval—Status of a program that has failed to meet or maintain the regulations or requirements, or both, set by the board. This status is subject to the program conforming to the requirements and recommendations within a time period set by the board;

((O))(P) Cooperating agency—A corporation, hospital, or other organization which has a written agreement with the program to provide clinical education opportunities;

((P))(Q) Coordinator—Registered professional nurse with authority and responsibility for a campus nursing program as delegated by the administrator of the nursing program;

((Q))(R) Course objectives—Measurable statements that guide experiences and activities that help learners meet established requirements for a specific course;

((R))(S) Curriculum—Planned studies and learning activities designed to lead students to graduation and eligibility for application for licensure;

((S))(T) Diploma program—Program leading to diploma in nursing sponsored by a health care institution;

((T))(U) Direct care—A clinical experience in which patient care is given by the student under the direction of the faculty member or preceptor;

((U))(V) Distance learning—Curriculum provided from a main campus location to another geographic location, primarily through electronic or other technological methods;

((V))(W) Endorsement—Process of acquiring licensure as a nurse based on original licensure by examination in another state, territory, or country;

((W))(X) Faculty—Individuals designated by sponsoring institution with responsibilities for development, implementation, and evaluation of philosophy and/or mission, objectives, and curriculum of nursing program;

~~[(X)]~~(Y) Full-time—Those individuals deemed by sponsoring institution to meet definition for full-time employment;

~~[(Y)]~~(Generic)—*Initial educational program in nursing leading to entry-level licensure;*

(BB) ~~[(Grievance policy and procedure—An established procedure for processing complaints; may also be known as a complaint procedure, due process, appeals procedure or problem resolution;)]~~ **Information Technology**—The study designed for development, implementation, support, or management of computer-based information systems, particularly software applications and computer hardware;

(NN) **Pre-licensure—Initial educational program in nursing leading to entry-level licensure;**

~~[(NN)]~~(OO) Program—Course of study leading to a degree or diploma;

~~[(OO)]~~(PP) Program outcomes—Measurable statements defining aggregate student achievements;

~~[(PP)]~~(QQ) Requirement—A mandatory condition that a school or program meets in order to comply with minimum standards;

~~[(QQ)]~~(RR) Satellite location—A site geographically separate from but administered and served by a primary program campus;

~~[(RR)]~~(SS) Sponsoring institution—The institution that is financially and legally responsible for the nursing program;

~~[(SS)]~~(TT) Statement of need and feasibility—Current evidence of need for professional and practical nurses, additional nursing program(s), and *[of]* community support;

~~[(TT)]~~(UU) Systematic evaluation plan—Written plan developed by faculty for comprehensive evaluation of all aspects of the program; and

~~[(UU)]~~(VV) Written agreement—Formal memorandum of understanding or contract between a nursing education program and a cooperating agency, which designates each party's responsibilities for the education of nursing students.

*AUTHORITY: section[s] 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.001. Original rule filed Sept. 25, 1991, effective March 9, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.010 Approval.** The board is proposing to amend sections (1), (2), (4), (5), and (6).

*PURPOSE: This amendment revises the approval process and sequence for establishment of new programs of professional nursing.*

(1) ~~[(Generic)]~~ **Pre-licensure** programs granting diploma, associate degree, *[or]* baccalaureate degree, **or master degree** with a major in nursing shall obtain approval from the board.

(2) Purposes of Approval.

(D) To assist programs of professional nursing in developing and maintaining academic standards (*[didactic]* theory and clinical) that are congruent with current educational and nursing practice standards.

(4) Initial Approval Status.

(A) Process for Obtaining Initial Approval~~[:]~~—

1. An **accredited** institution of **higher education** desiring to establish a program of professional nursing shall submit a *[letter of intent]* **petition** to the board at least three (3) months prior to the submission of a proposal. **Prior to submission of a petition, nursing programs operating under the institution's sponsorship shall meet requirements for full program approval.** The *[letter of intent must]* **petition shall include: the name and location of the sponsoring institution and its accreditation status; the mission statement of the sponsoring institution; and the mission statement of the proposed program; the proposed location (and satellites) in relation to the administrative offices of the sponsoring institution; statement of need and feasibility; type and length of the nursing program proposed; and tentative budget plans including evidence of financial resources adequate for planning, implementing, and continuing the nursing program. The statement of need and feasibility shall include:**

**A. Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation of employers' need for graduates of the proposed program;**

**B. Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;**

**C. Number and source of anticipated student population;**

**D. Letters of support for the proposed nursing program;**

**E. Letter(s) from potential clinical sites; including a description of potential clinical sites, average daily patient census, and the ability to provide clinical placement to potential students in addition to those of existing nursing programs to meet program objectives and outcomes; and**

**F. Source of potential qualified faculty and anticipated ratio of faculty to student enrollment. Upon board review of the petition, the board shall have the authority to approve or deny the petition. The petition shall be accepted by the board prior to submission of a proposal. Revised petitions may be submitted to the board. Each petition shall remain active for no more than one (1) calendar year from the date of review by the board. The board will electronically notify nursing programs of the *[letter of intent]* accepted petition;**

2. Each sponsoring institution shall have only one (1) program proposal under consideration for initial approval at any one (1) time;

3. A program proposal shall be written and presented to the board by the administrator of the proposed program. **The proposal shall be written to reflect compliance with the Minimum Standards for Programs of Professional Nursing as prescribed in 20 CSR 2200-2.050 through 20 CSR 2200-2.130.** The proposal shall bear the signature of the administrator who shall meet the criteria in 20 CSR 2200-2.060(1)(B) and shall be active in the position on a full-time basis at least nine (9) months and preferably one (1) year prior to the entry of the first class. The number of copies of the proposal, as specified by the board, *[must]* **shall be accompanied with the required application fee. Submission of the application fee shall initiate review of the proposal.** The proposal *[must]* **shall be**



prepared following the reporting format and include each component as indicated in paragraph (4)(A)4. of this rule. **The proposal shall remain active for no more than one (1) calendar year from the date of review by the board. No more than two (2) proposal revisions shall be accepted. Members designated by the board shall review the proposal and make recommendations prior to presentation of the proposal to the board.** Board approval of the proposal with or without contingencies *[must]* shall be obtained no later than six (6) months prior to the anticipated opening date;

4. A proposal submitted shall contain the following information:

*[A. Statement of need and feasibility study, which includes:*

*(I) Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation of employers' need for graduates of the proposed program;*

*(II) Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;*

*(III) Number and source of anticipated student population;*

*(IV) Letters of support for the proposed nursing program; and*

*(V) Source of potential qualified faculty;]*

*[B.]A. Curriculum.*

*(I) Philosophy and/or mission.*

*(II) Graduate competencies.*

*(III) Curriculum sequence.*

*(IV) Course descriptions and objectives with number of credit hours for all courses.*

*(V) Systematic evaluation plan[;].*

**(VI) Evidence of eligibility for articulation of credits related to baccalaureate completion programs;**

*[C.]B. Students.*

*(I) Maximum number of students per class.*

*(II) Number of classes admitted per year.*

*(III) Number of students anticipated in initial class.*

*(IV) Plan for increase to maximum enrollment, if applicable.*

*(V) Admission criteria.*

*(VI) Plans for progression and retention of students.*

**(VII) *[Formal complaint procedure]* Appeal policies and procedures.**

**(VIII) Availability and accessibility of student services *[and personnel]*;**

*[D.]C. Faculty.*

**(I) *[Number of full-time and part-time faculty.] Plan for hiring full-time and part-time theory and clinical faculty. This shall include full-time equivalents, student to faculty ratios, and full-time to part-time faculty ratios to meet initial and increasing enrollment.***

*(II) Position descriptions;*

*[E.]D. Support services personnel.*

*(I) Number of full-time and part-time ancillary support services personnel.*

*(II) Position descriptions;*

*[F.]E. Sponsoring institution.*

*(I) Evidence of authorization to conduct the program of professional nursing by the governing body of the sponsoring institution.*

*(II) Evidence of accreditation by an agency recognized by the United States Department of Education.*

*(III) *[Provision of administrative structure/organizational charts of the sponsoring institution and the nursing program.] Current organizational chart(s) illustrating the relationship of the program to the sponsoring institution and the faculty structure within the proposed program.**

*(IV) Evidence of financial stability and resources of the sponsoring institution and the program of nursing; and*

*[G.]F. Facilities.*

*(I) Description of educational facilities to be used by the professional nursing program such as classrooms, library, offices, clinical skills laboratory, and other facilities.*

*(II) Description of planned or available learning resources to include such items as equipment, supplies, library services, computers, and technology.*

*(III) *[Description of proposed clinical sites that will provide appropriate educational experience.] Letter(s) from potential clinical sites; including a description of potential clinical sites, average daily patient census and the ability to provide clinical placement to potential students in addition to those of existing nursing programs to meet program objectives and outcomes.**

*(IV) A letter of intent from each proposed cooperating agency stating its ability to provide the appropriate educational experiences to meet program objectives and outcomes;*

5. Site survey. Representatives from the board shall make an on-site survey to verify implementation of the proposal and compliance with 20 CSR 2200-2.050 through 20 CSR 2200-2.130; and

6. The board's decision to grant initial approval is contingent upon evidence from the site survey that the program is being implemented in compliance with 20 CSR 2200-2.050 through 20 CSR 2200-2.130. **Initial program approval contingent on the site survey shall remain active for no more than one (1) calendar year prior to program start.**

(C) Upon graduation of the program's first class and receipt of results of the National Council Licensure Examination for Registered Nurses (NCLEX-RN®), the board will review the following:

1. The program's compliance with minimum standards during initial approval including the program's adherence to the approved proposal and changes authorized by the board;

2. Report of an on-site survey *[if conducted]*;

3. Report of National Council Licensure Examination for Registered Nurses results (see 20 CSR 2200-2.180(1));

4. Identification and analysis of class graduation rate; and

5. Submission of program's ongoing **systematic** evaluation plan with available data.

(5) Full Approval Status.

(A) Annual *[Survey]* Report. Each program and each campus of each program shall complete and submit the board's annual survey *[prior to]* by the established deadline. Following review by the board, each program shall be notified of the board's action(s).

**(B) A program's approval status shall be subject to review by the board if the required annual report is not received within thirty (30) days from the established deadline.**

*[(B)](C) On-Site Surveys.* On-site surveys shall be made on a scheduled basis, at the direction of the board, or upon request of the nursing program. Each nursing program shall be surveyed typically at five- (5-)/-/ year intervals. If the program is accredited by a national nursing accreditation agency, the nursing program may request that the on-site survey be scheduled in coordination with a national nursing accreditation agency visit. **Representatives of the board shall form a survey team to conduct each on-site survey. Each survey team shall consist of two (2) or more persons qualified to conduct on-site surveys. The program shall solicit public comments in preparation for each scheduled on-site survey. Evidence of solicitation of public comments shall be available for review during the on-site survey.**

*[(C)](D) Additional Visits/Surveys.* *[A representative]* **At least two (2) representatives** of the board shall make additional visits/surveys as deemed necessary by the board. A program may request additional visits.

(6) Conditional Approval Status.

**(B) Should circumstances be such that instructional quality and integrity of the program is jeopardized, the board may impose a moratorium on student admissions.**

*/(B)/(C)* A program may be placed on conditional approval status if it has failed to meet or maintain the rules/regulations or requirements, or both, set by the board. The program will remain on conditional approval status until such time as the deficiencies are corrected to the satisfaction of the board.

*/(C)/(D)* A program's approval may be withdrawn pursuant to section 335.071.3., RSMo, for noncompliance with minimum standards. A program which fails to correct identified deficiencies to the satisfaction of the board shall, after notice and hearing, be removed from the board's listing of approved programs.

*AUTHORITY: section[s] 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.010. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.020 Discontinuing and Reopening Programs.** The board is proposing to amend subsections (1)(A) and (B) and adding new subsection (1)(G).

*PURPOSE: This amendment clarifies requirements for program closure. It adds a new requirement of a program closure summary.*

(1) Program Discontinuation.

(A) *[A letter of intent]* A plan for closure shall be submitted to the board, at least six (6) months and, preferably, one (1) year prior to closing the program and shall include:

1. Closing date; and
2. Plans for completion of program for currently enrolled students.

(B) The plan for closure *[must]* shall be approved by the board prior to implementation.

(G) A program closure summary indicating compliance with the requirements of this rule shall be submitted to the board no later than thirty (30) days after the actual date for program closure.

*AUTHORITY: section[s] 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.020. This version of rule filed April 20, 1973, effective May 1, 1973. For*

*intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

*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.*

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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.030 Change of Sponsorship.** The board is proposing to amend section (3).

*PURPOSE: This amendment clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.*

(3) Any proposed changes that affect the criteria included in 20 CSR 2200-2.010(4)(A)1.-4. *[must]* shall be approved by the board prior to implementation.

*AUTHORITY: section[s] 335.036, RSMo Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.030. This version filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

*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.*

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**Title 20—DEPARTMENT OF INSURANCE,  
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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.035 Multiple Campuses.** The board is proposing to amend sections (3) and (4).

*PURPOSE:* This amendment clarifies academic and experiential requirements for full-time faculty. It also clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(3) The sponsoring institution *[must]* shall submit a proposal as indicated in 20 CSR 2200-2.010(4)(A) and receive approval from the board before opening an additional campus. Each additional campus shall be surveyed.

(4) Each campus shall have a full-time faculty person designated as the coordinator who reports to the program administrator. **Each program coordinator shall meet the faculty requirements for appointment.**

*AUTHORITY:* section[s] 335.036[(2), (3), (4), (5) and (6)], *RSMo Supp. 2012*, and section 335.071, *RSMo 2000*. This rule originally filed as 4 CSR 200-2.035. Original rule filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-2.035, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007, effective Dec. 30, 2007. Amended: Filed Jan. 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
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**PROPOSED AMENDMENT**

**20 CSR 2200-2.040 Program Changes Requiring Board Approval, Notification, or Both.** The board is proposing to amend subsection (1)(C).

*PURPOSE:* This amendment aligns terms throughout the minimum standards chapter and clarifies the rule by changing the term from admission to enrollment.

(1) Board approval is required for changes of the following:

(C) Increase number of students by *[admission]* **enrollment** or transfer, by more than one (1) beyond the number approved by the board;

*AUTHORITY:* section 335.036, *RSMo [2000] Supp. 2012*, and section 335.071, *RSMo 2000*. This rule originally filed as 4 CSR 200-2.040. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
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**PROPOSED AMENDMENT**

**20 CSR 2200-2.060 Administrator/Faculty.** The board is proposing to amend sections (1) through (3).

*PURPOSE:* This amendment addresses the requirements for nursing program administrators and faculty for board approval.

(1) Program Administrator.

(B) Criteria for Appointment[:]-

1. Current, *[undisciplined license to practice professional nursing in Missouri]* **active licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined in any jurisdiction;**

2. Graduate degree in nursing with a clinical component in either the bachelor's or master's degree; **a doctoral degree is recommended;**

3. Academically and experientially qualified and maintains expertise in area of responsibility; and

4. Approved by the board prior to appointment. **Academic transcript(s) that reflects eligibility for the position shall be submitted to the board for approval prior to appointment.**

(C) Program administrators with responsibility for two (2) or more nursing programs shall designate full-time faculty as program coordinators. The coordinator's workload shall allow time for day-to-day management of one (1) nursing program under the direction of the program administrator. Each program coordinator shall meet faculty requirements for appointment.

(2) Nursing Faculty.

(B) Criteria for Appointment[:]-

1. Current, *[undisciplined license to practice professional nursing in Missouri]* **active licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined in any jurisdiction;**

2. Educational requirements[:]-

A. Nursing faculty teaching in associate degree or diploma programs shall have a minimum of a baccalaureate degree in nursing with a clinical component. A graduate degree in nursing is recommended; and

B. Nursing faculty teaching in baccalaureate programs shall have a minimum of a graduate degree. Seventy-five percent (75%) of **full-time** faculty shall have a graduate degree with major in nursing. A doctoral degree is recommended. Faculty without a nursing major in their graduate degree shall have a bachelor's degree in nursing

with a clinical component;

3. Academically and experientially qualified and maintain expertise in areas of responsibility; *[and]*

4. *[Approved by the board prior to appointment.]*

**Contingent faculty approval may be granted if—**

**A. The program meets requirements for full board program approval;**

**B. The program presents sufficient evidence that all options to fill the respective position with a candidate who meets academic requirements have been exhausted;**

**C. The candidate has current licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined in any jurisdiction;**

**D. The candidate is experientially qualified and maintains expertise in areas of responsibility;**

**E. The candidate is projected to receive the required degree within twelve (12) months of hire; faculty candidates working on a doctoral degree shall complete the required degree within twenty-four (24) months of hire; and**

**F. Faculty approved on contingency shall work under the direction of a board-approved faculty; and**

**5. Academic transcript(s) that reflects eligibility for the position shall be submitted to the board. Faculty candidates shall be approved by the board prior to appointment.**

(3) Responsibilities. The administrator and faculty of the program shall be responsible for, but not limited to:*:/—*

(H) Maintenance of clinical and educational competencies in areas of instructional responsibilities. Professional competence activities may include nursing practice, continuing education, writing for publication, and/or participation in professional associations; *[and]* **evidence of ongoing professional competence related to specialty area instruction shall be maintained;**

(I) Participation in the development of program and institutional policies and decision making*./;* **and**

(J) **Experienced faculty shall serve as assigned mentors for less seasoned and new faculty. Records of assigned mentors shall be maintained.**

*AUTHORITY: section 335.036, RSMo [2000] Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.060. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

*PRIVATE COST: This proposed amendment will cost private entities approximately six thousand one hundred thirty-four dollars and fifteen cents (\$6,134.15) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2200 - State Board of Nursing**  
**Chapter 2 - Minimum Standards for Approved Programs of Professional Nursing**  
**Proposed Rule - 20 CSR 2200-2.060 Administrator/Faculty**  
 Prepared January 2, 2013 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
27	Applicants for Program Administrator (Transcript @ \$10.00)	\$270.00
27	Applicants for Program Administrator (Postage @ \$0.45)	\$12.15
560	Applicants for Program Faculty (Transcript @ \$10.00)	\$5,600.00
560	Applicants for Program Faculty (Postage @ \$0.45)	\$252.00
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$6,134.15</b>

**III. WORKSHEET**

See Table Above

**IV. ASSUMPTION**

1. The figures reported above are based on FY12 actuals.
2. There is a total of 56 professional nursing programs (23 BSN, 35 Associate Degree and one diploma program). There is a total of 27 program administrators. Some of the administrators manage more than one program. The number of faculty is dependent upon the size of each program. On average, nursing programs employ ten faculty members.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
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Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.070 Physical Facilities.** The board is proposing to add new paragraph (5)(B)1. and renumbering subsequent paragraphs accordingly.

*PURPOSE: This amendment requires designated faculty time to manage skills lab resources.*

(5) Clinical Skills Laboratory.

(B) Management of clinical skills laboratory shall include:

**1. Designated faculty time to manage skills lab resources;**

[1.]2. Budget allocation for equipment and supplies;

[2.]3. Plan for acquisition and maintenance of equipment and supplies; and

[3.]4. Policies and procedures governing the administration and the use of the clinical skills laboratory. These policies and procedures shall be in writing and available to students and faculty.

*AUTHORITY: section 335.036, RSMo [2000] Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.070. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
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**PROPOSED AMENDMENT**

**20 CSR 2200-2.080 Clinical Sites.** The board is proposing to amend section (1) by relettering sections (2) and (3) as subsections (1)(A) and (1)(B), add subsections (1)(C)–(1)(E), renumber section (4), and delete section (5).

*PURPOSE: This amendment changes requirements of direct patient care experiences.*

(1) Clinical sites shall be selected which will provide direct care and observational learning experiences to meet the objectives of the course.

[(2)](A) Observational experiences shall provide learning experiences to meet the course objectives and shall not exceed twenty percent (20%) of the total clinical program hours. Orientation to the facility does not contribute to the twenty percent (20%).

[(3)](B) Clinical simulation and clinical skills lab time is at the discretion of the nursing program.

(C) Direct patient care experiences shall be sufficient to achieve identified competencies as well as course and program outcomes.

(D) The ratio of faculty to students in the clinical area shall be designed to promote patient safety and to facilitate student learning.

(E) There shall be evidence of clinical orientation for each nursing course with a clinical component.

[(4)](2) Each program shall have written evidence of an agreement with each clinical site which includes time frames for a notification of termination and periodic review.

[(5) There shall be evidence of clinical orientation for each nursing course with a clinical component.]

*AUTHORITY: section 335.036, RSMo [2000] Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.080. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

*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.*

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**PROPOSED AMENDMENT**

**20 CSR 2200-2.085 Preceptors.** The board is proposing to amend subsection (1)(D), add new section (3), renumber subsequent sections, amend new subsections (4)(E) and (F), and delete current section (4).

*PURPOSE: This amendment clarifies the use of preceptors by nursing program faculty.*

(1) Preceptors may be used as role models, mentors, and supervisors of students in professional nursing programs—

(D) Preceptors shall supervise no more than two (2) students [at a time.] during any given shift. Supervision by a preceptor means that the preceptor is present and available to the student(s) in the clinical setting.

**(3) Responsibilities of preceptors shall include:**

(A) Possess current license to practice as a registered professional nurse with at least one (1) year experience in the area of clinical specialty for which the preceptor is used;

(B) Perform the responsibilities as determined by the nursing program; and

(C) Provide written documentation to faculty regarding the student's performance in relation to meeting designated course objectives.

*[(3)](4) Responsibilities of the nursing program faculty in regards to utilization of preceptors shall include:*

*(A) Select the preceptor in collaboration with the clinical site;*

*(B) Provide the preceptor with information as to the duties, roles, and responsibilities of the faculty, the student, and the preceptor including the communication processes;*

*(C) Provide the preceptor a copy of the objectives of the course in which the student is enrolled and directions for assisting the student to meet objectives specific to the clinical experience;*

*(D) Assume responsibility for each student's final evaluation and the assigning of a performance rating or grade;*

*(E) [Faculty shall b]Be readily available to students and clinical preceptors during clinical learning experiences[.]; and*

*(F) [The designated faculty member s]Shall meet periodically with the clinical preceptors and student(s) for the purpose of monitoring and evaluating learning experiences.*

*[(4) Responsibilities of the preceptor shall include:*

*(A) Possess current license to practice as a registered professional nurse with at least one (1) year experience in the area of clinical specialty for which the preceptor is used;*

*(B) Perform the responsibilities as determined by the nursing program; and*

*(C) Provide written documentation to faculty regarding the student's performance in relation to meeting designated course objectives.]*

*AUTHORITY: section 335.036, RSMo [2000] Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.085. Original rule filed May 4, 1993, effective March 10, 1994. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-2.085, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007, effective Dec. 30, 2007. Amended: Filed Jan. 11, 2013.*

*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.*

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Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.090 Students.** The board is proposing to move the current section (2) under section (1), renumber the current section (3) to section (2), remove subsection (3)(D) from the current section and make it the new section (3), and amend the new section (3).

*PURPOSE: This amendment aligns terms to be congruent throughout the Minimum Standards for Programs of Professional Nursing and Practical Nursing.*

(1) Admission, Readmission, and Transfer.

*[(2)](F) Students for whom English is a second language shall meet the same general admission requirements as other students.*

*[(3)](2) Student Services.*

(A) Housing. If the school provides housing for students, there shall be written policies governing the facilities.

(B) Health. If the school provides health services for students, there shall be information available regarding a process for accessing and obtaining health care.

(C) Academic Advisement and Financial Aid Services. Academic advisement and financial aid services shall be accessible to all students.

*[(D)](3) [Grievance] Appeal Procedure.* Policies and procedures which afford students due process shall be available for managing academic and nonacademic *[grievances] appeals*. Due process for student *[grievances] appeals* shall include the providing of written notice of all decisions affecting an individual student[,]. *[an opportunity for the student to contest those decisions either in writing or in person, the] An* opportunity to contest facts serving as the basis for *[the] decisions and [the opportunity] opportunities* to appeal *[the] decisions to a higher level [higher] than the original decision-maker shall be included.*

*AUTHORITY: section 335.036, RSMo [2000] Supp. 2012, and section 335.071, RSMo 2000. This rule originally filed as 4 CSR 200-2.090. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

*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.*

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Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.100 Educational Program.** The board is proposing to amend sections (1)–(5).

*PURPOSE: This amendment clarifies requirements related to curriculum and clinical learning.*

(1) General Purpose.

(B) *[Graduate competencies shall be derived from the philosophy and/or mission of the program.]* The curriculum incorporates established professional standards, guidelines, and competencies with clearly stated objectives, graduate competencies, and program outcomes.

(D) The educational program shall provide clinical education to facilitate transition to professional nursing practice.

(2) Curriculum Organization and Development.

(B) There shall be a written curriculum plan *[which reflects the program's philosophy and/or mission and objectives and shall be logically consistent between and within courses.]* that is logically structured to achieve expected individual and aggregate student outcomes.

(C) Curriculum design of programs of professional nursing shall foster seamless articulation toward Bachelor of Science in Nursing (B.S.N.) completion.

*[(C)](D)* The curriculum shall be planned so that the number of hours/credits/units of instruction are distributed between theory and clinical hours/credits/units to permit achievement of graduate competencies and program outcomes.

*[(D)](E)* Curriculum shall be planned so that each division of the curriculum (whether it be a quarter, term, or semester) has a reasonably equal number of credit hours of instruction and has a beginning and ending date.

*[(E)](F)* The number of credit hours required for completion of the nursing program shall not exceed the number of credit hours required for a comparable degree program.

*[(F)](G)* Student learning experiences shall be directed and evaluated by the faculty and be consistent with the curriculum plan.

(3) Curriculum Requirements. *[There shall be a general written plan for the total curriculum which will show the courses taught, sequence, correlation and integration of classroom and clinical instruction.]* Content may be developed as a separate course or integrated. Integrated concepts shall be evident in the course objectives. *[Instruction will be provided in the following areas]* Coursework shall include, but is not limited to:

*[(A)]* Biological and physical sciences;

*[(B)]* Behavioral and social sciences; and

*[(C)]* Nursing courses shall include content reflecting concepts across the life span in—

1. Growth and development;

2. Prevention of illness;

3. Promotion, maintenance, and restoration of health;

4. Communications;

5. Legal and ethical aspects of nursing;

6. Evidence-based practice; and

7. Patient-centered care.]

(A) Content in the biological, physical, social, and behavioral sciences to provide a foundation for competent, safe, and effective nursing practice;

(B) Didactic content and supervised clinical experience in the prevention of illness and the promotion, restoration, and maintenance of health in patients across the life span and in a variety of clinical settings, to include:

1. Using information technology to communicate, manage knowledge, mitigate error, and support decision-making;

2. Employing evidence-based practice to integrate best research with clinical expertise and patient values for optimal care, including skills to identify and apply best practices to nursing care;

3. Considering moral, legal, and ethical standards in decision-making processes;

4. Understanding quality improvement processes to measure

patient outcomes, identify hazards and errors, and develop changes in processes of patient care;

5. Considering the impact of policy and finance of the healthcare system;

6. Involving patients in decision-making and care management;

7. Coordinating and managing continuous patient care;

8. Promoting healthy lifestyles for patient and populations;

9. Working in interdisciplinary teams to cooperate, collaborate, communicate, and integrate patient care and health promotion; and

10. Providing patient-centered culturally sensitive care with focus on respect for patient differences, values, preferences, and expressed needs.

(C) External nursing examinations, if used, shall not be the sole basis for program progression or graduation.

(4) Syllabus Construction. Syllabi shall be current and available to all faculty, *[and]* students, and cooperating agencies. Each syllabus shall include:

*[(A)]* *[The objectives of each course]* Course description;

*[(B)]* Course objectives;

*[(B)](C)* *[The t/Teaching/]* or learning strategies *[to be used]*;

*[(C)](D)* Evaluation methodologies; *[and]*

*[(E)]* Grading scale;

*[(D)](F)* Course policies*[.]*; and

*[(G)]* Clock or credit hour requirements related to theory, lab, and clinical instruction.

(5) Distance Education. Courses/programs of study that utilize distance education shall have—

(D) Clinical courses *[must]* shall be faculty *[directed]* supervised and include direct patient care activities with faculty oversight;

(E) Learning and technology resources, *[including library access]* to include library resources, that are selected with input of the faculty and are comprehensive, current, and accessible to faculty and students;

*AUTHORITY: section 335.071, RSMo 2000, and section 335.036, RSMo Supp. [2000] 2012. This rule originally filed as 4 CSR 200-2.100. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**



**20 CSR 2200-2.110 Records.** The board is proposing to amend paragraph (1)(B)2. and add a new section (3).

*PURPOSE:* This amendment eliminates the requirement to post name and location of the credit-granting institution.

(1) Transcripts.

(B) The official transcript shall identify the following:

1. Date of admission, date of separation from the program, [and] hours/credits/units earned, and the diploma/degree awarded; and

2. Transferred credits, including course titles[,] and credits earned. [, and the name and location of the credit-granting institution.] **Name and location of the credit-granting institution shall be maintained as part of graduate records.**

**(3) Compliance with the Family Education Rights and Privacy Act (FERPA) and any applicable regulations shall be strictly maintained.**

*AUTHORITY:* section[s 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-2.110. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 11, 2013.

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

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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.120 Publications.** The board is proposing to amend subsections (4)(D) and (H).

*PURPOSE:* This amendment aligns terms to keep language congruent with other sections in this chapter.

(4) The following information shall be available to the student in writing upon entry:

(D) Faculty roster with [qualifications] credentials;

(H) [Due process] Appeal policies and procedures.

*AUTHORITY:* section[s 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-2.120. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 11, 2013.

*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.

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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.130 Program Evaluation.** The board is proposing to amend the purpose and sections (1), (2), and (3).

*PURPOSE:* This amendment clarifies expectations of the systematic program evaluation process.

*PURPOSE:* This rule provides for evaluation of the professional nursing program by students, [and] faculty, and coordinating agencies.

(1) There shall be a written plan for systematic evaluation of all aspects of the program **that includes student objectives, graduate competencies, and program outcomes.** [The plan shall include] **The systematic evaluation of the program will document the following:**

(B) Methods of evaluation; [and]

(C) Person(s) responsible for the evaluation[.];

(D) **Program-specific benchmarks;**

(E) **Actual outcomes with trended data; and**

(F) **Program planning and improvement based on analysis of the benchmarks and actual outcomes.**

(2) [The s]Systematic evaluation [plan provides for the] of the program shall include evaluation of the following:

(A) **Student achievement of program outcomes;**

(B) **Adequacy of program resources to include, but not limited to, fiscal, human, and technical learning resources;**

(C) **Clinical experiences to include, but not limited to, evaluation of:**

[(A)]1. Clinical sites by students and faculty;

[(B)]2. Course and faculty by students; and

[(C)]3. Students and faculty by representative(s) of clinical site(s); and

(D) [Program preparation for nursing employment by] **Multiple measures of program outcomes to include, but not limited to, National Council Licensure Examination (NCLEX) pass rates, graduation and job placement rates, and graduate/employer satisfaction with program preparation for new graduates at [nurses,] six (6) months or more[,] after graduation.**

(3) Documentation shall indicate that [the systematic evaluation plan] **data collected through systematic evaluation** has been utilized in the planning and improvement of the program.

**AUTHORITY:** section 335.071, RSMo 2000, and section 335.036, RSMo [2000] Supp. 2012. This rule originally filed as 4 CSR 200-2.130. This version of rule filed April 20, 1973, effective May 1, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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**Division 2200—State Board of Nursing  
Chapter 2—Minimum Standards for Approved  
Programs of Professional Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-2.180 Licensure Examination Performance.** The board is proposing to amend sections (2) and (3).

**PURPOSE:** This amends the requirement of the plan of correction for pass rates below eighty (80%) percent.

(2) First-time candidates [will] shall include only those graduates of the program who take the licensure examination for the first time within one (1) year of graduation.

(3) The nursing program with a pass rate lower than eighty percent (80%) [will] shall:

(A) First year—Provide the board with a report analyzing all aspects of the education program, identifying areas contributing to the unacceptable pass rate and plan of [action] correction to resolve low pass rate[.];. The plan of correction shall include:

1. Mission or philosophy of the nursing program;
2. Program governance as defined in 20 CSR 2200-2.050(5);
3. General faculty resources and workload;
4. Student support services;
5. Program admission, progression, and graduation policies;
6. Program graduation rates for the last five (5) years;
7. National Council Licensure Examination for Registered Nurses (NCLEX-RN<sup>®</sup>) pass rates for the last five (5) years;
8. Job placement rates for the last five (5) years;
9. Program satisfaction, to include student, graduate, and employer data;
10. Number of nursing faculty teaching on full-time and part-time basis; to include part-time clinical faculty and faculty on contingent approval; and
11. Use of systematic program evaluation data related to program planning and improvement;

(B) Second consecutive year—The program may be placed on conditional approval status. The program administrator will be required to appear before and present to the board a[n] current analysis of program effectiveness, problems identified, and plans of correction[.]; [Program effectiveness may include evidence of:

1. Class graduation rates;
2. National Council Licensure Examination for Registered Nurses (NCLEX-RN<sup>®</sup>) pass rates;
3. Student satisfaction;
4. Graduate satisfaction;
5. Job placement rates; and
6. Employer satisfaction.]

(C) Side-by-side comparison of first-year and second-year analyses of program effectiveness shall be included;

[(C)](D) The nursing program placed on conditional approval shall remain on ["/]conditional approval[/] (as per 20 CSR 2200-2.010(6) until it has two (2) consecutive years of pass rates of at least eighty percent (80%) or until the board removes approval pursuant to section 335.071.3., RSMo; and

[(D)](E) If, after two (2) years of conditional approval, a [school] nursing program has not demonstrated consistent measurable progress toward implementation of the correction plan and NCLEX-RN<sup>®</sup> pass rates remain below eighty percent (80%), the board [will] shall withdraw approval pursuant to section 335.071.3., RSMo.

**AUTHORITY:** section[s] 335.036(2), (3), (4), (5) and (6) and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-2.180. Original rule filed Sept. 1, 1998, effective Feb. 28, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
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**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.001 Definitions.** The board is proposing to amend subsections (1)(J) and (1)(PP); delete subsections (1)(V) and (1)(Y); add new subsections (1)(E) and (1)(Z); and renumbering the subsections accordingly.

**PURPOSE:** This amendment adds and amends language to keep language within the Minimum Standards for Programs of Practical Nursing internally congruent.

(1) When used in 20 CSR 2200-3, the following terms mean:

(D) Annual [survey] report—Report submitted annually by the administrator of the program that updates information on file with the board and validates continuing compliance with minimum standards;

(E) Appeal policy and procedure—An established procedure for processing complaints; may also be known as a complaint

**procedure, due process, appeals procedure, or problem resolution;**

*[(E)](F)* Board—Missouri State Board of Nursing;

*[(F)](G)* Campus—A specific geographic program location with a distinct student body and coordinator at which all appropriate services and facilities are provided;

*[(G)](H)* Certificate of approval—Document issued by the board to programs of nursing which have met minimum standards;

*[(H)](I)* Class—A discrete cohort of students admitted to a nursing program, designed to begin a course of study together on a specific date and to graduate together on a specific date;

*[(I)](J)* Clinical experience—Faculty planned and guided learning activities designed to meet course objectives or outcomes and to provide a nursing student with the opportunity to practice cognitive, psychomotor, and affective skills in the delivery of nursing care to an individual, group, or community;

*[(J)](K)* Clinical simulation—An educational experience *[utilizing simulation experience to]* that creates realistic scenarios where students engage in nursing practice under the direction of nursing faculty;

*[(K)](L)* Clinical skills laboratory—Designated area where skills and procedures can be demonstrated and practiced;

*[(L)](M)* Conditional approval—Status of a program that has failed to meet or maintain the regulations or requirements, or both, set by the board. This status is subject to the program conforming to the requirements and recommendations and within a time period set by the board;

*[(M)](N)* Cooperating agency—A corporation, hospital, or other organization which has a written agreement with the program to provide clinical education opportunities;

*[(N)](O)* Coordinator—Registered professional nurse with authority and responsibility for a campus nursing program as delegated by the administrator of the nursing program;

*[(O)](P)* Course objectives—Measurable statements that guide experiences and activities that help learners meet established requirements for a specific course;

*[(P)](Q)* Curriculum—Planned studies and learning activities designed to lead students to graduation and eligibility for application for licensure;

*[(Q)](R)* Direct care—A clinical experience in which patient care is given by the student under the direction of the faculty member or preceptor;

*[(R)](S)* Distance learning—Curriculum provided from a main campus location to another geographic location primarily through electronic or other technological methods;

*[(S)](T)* Endorsement—Process of acquiring licensure as a nurse based on original licensure by examination in another state, territory, or country;

*[(T)](U)* Faculty—Individuals designated by sponsoring institution with responsibilities for development, implementation, and evaluation of philosophy and/or mission, objectives, and curriculum of nursing program;

*[(U)](V)* Full-time—Those individuals deemed by sponsoring institution to meet definition for full-time employment;

*[(V)] Generic—Initial educational program in nursing leading to entry-level licensure;*

*[(Y)] Grievance policy and procedure—An established procedure for processing complaints; may also be known as a complaint procedure, due process, appeals procedure or problem resolution;*

*[(Z)](Y)* Initial approval—Status granted a program of practical nursing until full approval status is granted or denied;

**(Z) Information Technology—The study designed for development, implementation, support, or management of computer-based information systems, particularly software applications and computer hardware;**

(PP) Statement of need **and feasibility**—Current evidence of need for professional and practical nurses, **additional nursing program(s)**, and *[of]* community support;

*AUTHORITY: section/s 335.036 and/ 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.001. Original rule filed March 25, 1993, effective Dec. 9, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.010 Approval.** The board is proposing to amend sections (2), (4), (5), and (6).

*PURPOSE: This amendment revises the approval process and sequence for establishment of new programs of practical nursing.*

(2) Purposes of *[a]*Approval *[are]*—

(D) To assist programs of practical nursing in developing and maintaining academic standards (*[didactic]* theory and clinical) that are congruent with current educational and nursing practice standards.

(4) Initial Approval Status.

(A) Process for Obtaining Initial *[Status]* Approval:—

1. An **accredited institution of education** desiring to establish a program of practical nursing shall submit a *[letter of intent]* petition to the board at least three (3) months prior to the submission of a proposal. **Prior to submission of a petition, nursing programs operating under the institution's sponsorship shall meet requirements for full program approval.** The *[letter of intent must]* petition shall include: **the name and location of the sponsoring institution and its accreditation status;** the mission statement of the sponsoring institution*;* and the mission statement of the proposed program; **the proposed location (and satellites) in relation to the administrative office of the sponsoring institution;** **statement of need and feasibility;** type and length of the nursing program proposed; and tentative budget plans including evidence of financial resources adequate for planning, implementing, and continuing the nursing program.

A. The statement of need and feasibility shall include:

(I) Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation

of employers' need for graduates of the proposed program;

(II) Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;

(III) Number and source of anticipated student population;

(IV) Letters of support for the proposed nursing program;

(V) Letter(s) from potential clinical sites; including a description of potential clinical sites, average daily patient census, and the ability to provide clinical placement to potential student(s) in addition to those of existing nursing programs to meet program objectives and outcomes; and

(VI) Source of potential qualified faculty and anticipated ratio of faculty to student enrollment.

B. Upon board review of the petition, the board shall have the authority to accept or deny the petition. The petition shall be accepted by the board prior to submission of a proposal. Revised petitions may be submitted to the board. Each petition shall remain active for no more than one (1) calendar year from the date of review by the board.

C. The board will electronically notify nursing programs of the *[letter of intent]* accepted petition;

2. Each sponsoring institution shall have only one (1) program proposal under consideration for initial approval at any one (1) time;

3. A program proposal shall be written and presented to the board by the administrator of the proposed program. **The proposal shall be written to reflect compliance with the Minimum Standards for Program of Practical Nursing as prescribed in 20 CSR 2200-3.050 through 20 CSR 2200-3.130.** The proposal shall bear the signature of the administrator who shall meet the criteria in 20 CSR 2200-3.060(1)(B) and shall be active in the position on a full-time basis for at least nine (9) months and preferably one (1) year prior to the entry of the first class. The number of copies of the proposal, as specified by the board, *[must]* shall be accompanied with the required application fee. **Submission of the application fee shall initiate review of the proposal.** The proposal *[must]* shall be prepared following the reporting format and include each component as indicated in paragraph (4)(A)4. of this rule. **The proposal shall remain active for no more than one (1) calendar year from the date of receipt at the board office. No more than two (2) proposal revisions shall be accepted. Members designated by the board shall review the proposal and make recommendations to the board.** Board approval of the proposal with or without contingencies *[must]* shall be obtained no later than six (6) months prior to the anticipated opening date;

4. A proposal submitted shall contain the following information:

*[A. Statement of need and feasibility study which includes:*

*(I) Documentation of the need for the nursing program including community and economic development need, rationale for why the program should be established, and documentation of employers' need for graduates of the proposed program;*

*(II) Number of professional nursing and practical nursing programs in the area and potential impact on those nursing programs;*

*(III) Number and source of anticipated student population;*

*(IV) Letters of support for the proposed nursing program; and*

*(V) Source of potential qualified faculty;]*

*[B.]A. Curriculum.*

*(I) Philosophy and/or mission.*

*(II) Graduate competencies.*

*(III) Curriculum sequence.*

*(IV) Course descriptions and objectives with number of credit hours or clock hours for all courses.*

*(V) Systematic evaluation plan;]*

**(VI) Evidence of eligibility for articulation of credits related to completion of a program of professional nursing;**

*[C.]B. Students.*

*(I) Maximum number of students per class.*

*(II) Number of classes admitted per year.*

*(III) Number of students anticipated in initial class.*

*(IV) Plan for increase to maximum enrollment, if applicable.*

*(V) Admission criteria.*

*(VI) Plans for progression and retention of students.*

**(VII) *[Formal complaint procedure]* Appeal policies and procedures.**

**(VIII) Availability and accessibility of student services *[and personnel]*;**

*[D.]C. Faculty.*

**(I) *[Number of full-time and part-time faculty.] Plan for hiring full-time and part-time theory and clinical faculty. This shall include full-time equivalents, student to faculty ratios, and full-time to part-time faculty ratios to meet initial and increasing enrollment.***

*(II) Position descriptions;*

*[E.]D. Support services personnel.*

*(I) Number of full-time and part-time ancillary support services personnel.*

*(II) Position descriptions;*

*[F.]E. Sponsoring institution.*

*(I) Evidence of authorization to conduct the program of practical nursing by the governing body of the sponsoring institution.*

*(II) Evidence of accreditation by an agency recognized by the United States Department of Education.*

**(III) *[Provision of administrative structure/organizational charts of the sponsoring institution and the nursing program.] Current organizational chart(s) illustrating the relationship of the program to the sponsoring institution and the faculty structure within the proposed program.***

*(IV) Evidence of the financial stability and resources of the sponsoring institution and the program of nursing; and*

*[G.]F. Facilities.*

*(I) Description of educational facilities to be used by the practical nursing program such as classrooms, library, offices, clinical skills laboratory, and other facilities.*

*(II) Description of planned or available learning resources to include such items as equipment, supplies, library services, computers, and technology.*

**(III) *[Description of proposed clinical sites that will provide appropriate educational experiences.] Letter(s) from potential clinical site; including a description of potential clinical sites, average daily patient census, and the ability to provide clinical placement to potential students in addition to those of existing nursing programs to meet program objectives and outcomes.***

*(IV) A letter of intent from each proposed cooperating agency stating its ability to provide the appropriate educational experiences to meet program objectives and outcomes;*

5. Site survey. Representatives from the board shall make an on-site survey to verify implementation of the proposal and compliance with 20 CSR 2200-3.050 through 20 CSR 2200-3.130; and

6. The board's decision to grant initial approval is contingent upon evidence from the site survey that the program is being implemented in compliance with 20 CSR 2200-3.050 through 20 CSR 2200-3.130. **Initial program approval contingent on the site survey shall remain active for no more than one (1) calendar year prior to program start.**

(C) Upon graduation of the program's first class and receipt of results of the National Council Licensure Examination for Practical Nurses (NCLEX-PN® examination), the board shall review the following:

1. The program's compliance with minimum standards during initial approval including the program's adherence to the approved proposal and changes authorized by the board;

2. Report of an on-site survey *[(if conducted)]*;

3. Report of the National Council Licensure Examination for Practical Nurses results (as per 20 CSR 2200-3.180(1));

4. Identification and analysis of class graduation rate; and *[,]*

5. Submission of program's ongoing **systematic** evaluation plan with available data.

(5) Full Approval Status.

(A) Annual *[Survey]* Report. Each program and each campus of each program shall complete and submit the board's annual survey *[prior to]* by the established deadline. Following review by the board, each program shall be notified of the board's action(s).

**(B) A program's approval status shall be subject to review by the board if the required annual report is not received within thirty (30) days from the established deadline.**

*[(B)](C)* On-Site Surveys. On-site surveys shall be made on a scheduled basis, at the direction of the board, or upon request of the nursing program. Each nursing program shall be surveyed typically at five- (5-)*[-]* year intervals. If the program is accredited by a national nursing accreditation agency, the nursing program may request that the on-site survey be scheduled in coordination with a national nursing accreditation agency visit. **Representatives of the board shall form a survey team to conduct each on-site survey. Each survey team shall consist of two (2) or more persons qualified to conduct on-site surveys. The program shall solicit public comments in preparation for each scheduled on-site survey. Evidence of solicitation of public comments shall be available for review during the on-site survey.**

*[(C)](D)* Additional Visits/Surveys. *[A representative]* At least two (2) representatives of the board shall make additional visits/surveys as deemed necessary by the board. A program may request additional visits.

(6) Conditional Approval Status.

**(B) Should circumstances be such that instructional quality and integrity of the program is jeopardized, the board may impose a moratorium on student admissions.**

*[(B)](C)* A program may be placed on conditional approval status if it has failed to meet or maintain the rules/regulations or requirements, or both, set by the board. The program will remain on conditional approval status until such time as the deficiencies are corrected to the satisfaction of the board.

*[(C)](D)* A program's approval may be withdrawn pursuant to section 335.071.3., RSMo, for noncompliance with minimum standards. A program which fails to correct identified deficiencies to the satisfaction of the board shall, after notice and hearing, be removed from the board's listing of approved programs.

**AUTHORITY:** *section[s 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.010. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at*

*nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.020 Discontinuing and Reopening Programs.** The board is proposing to amend subsections (1)(A) and (B) and add new subsection (1)(G).

**PURPOSE:** *This amendment clarifies the requirements related to program closure.*

(1) Program Discontinuation.

(A) A *[letter of intent]* plan for closure shall be submitted to the board, at least six (6) months and, preferably, one (1) year prior to closing the program and shall include:

1. Closing date; and

2. Plans for completion of program for currently enrolled students.

(B) The plan for closure *[must]* shall be approved by the board prior to implementation.

**(G) A program closure summary indicating compliance with the requirements of this rule shall be submitted to the board no later than thirty (30) days after the actual date for program closure.**

**AUTHORITY:** *section[s 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.020. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.*

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

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

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**PROPOSED AMENDMENT**

**20 CSR 2200-3.030 Change in Sponsorship.** The board is proposing to amend section (3).

*PURPOSE:* This amendment clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(3) Any proposed changes that affect the criteria included in 20 CSR 2200-3.010(4)(A)1.-4. *[must]* shall be approved by the board prior to implementation.

*AUTHORITY:* section[s] 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.030. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.035 Multiple Campuses.** The board is proposing to amend sections (3) and (4).

*PURPOSE:* This amendment clarifies the criteria for full-time faculty. It also clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(3) The sponsoring institution *[must]* shall submit a proposal as indicated in 20 CSR 2200-3.010(4)(A) and receive approval from the board before opening an additional campus. Each additional campus shall be surveyed.

(4) Each campus shall have a full-time faculty person designated as the coordinator who reports to the program administrator. **Each program coordinator shall meet the faculty requirements for appointment.**

*AUTHORITY:* section[s] 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.035. Original rule filed March 25, 1993, effective Dec. 9, 1993. Amended: Filed Aug. 6, 1998, effective Feb. 28, 1999. Moved to 20 CSR 2200-3.035, effective Aug. 28, 2006. Rescinded and readopted: Filed April 17, 2007, effective Dec. 30, 2007. Amended: Filed Jan. 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.040 Program Changes Requiring Board Approval, Notification, or Both.** The board is proposing to amend subsection (1)(C).

*PURPOSE:* This amendment clarifies the rule by aligning the language used in this rule with language used in other rules within this chapter.

(1) Board approval is required for changes of the following:

(C) Increase number of students by *[admission]* enrollment or transfer, by more than one (1) beyond the number approved by the board;

*AUTHORITY:* section 335.071, RSMo 2000, and section 335.036, RSMo [2000] Supp. 2012. This rule originally filed as 4 CSR 200-3.040. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Jan. 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**Division 2200—State Board of Nursing  
Chapter 3—Minimum Standards for Approved  
Programs of Practical Nursing**

**PROPOSED AMENDMENT**

**20 CSR 2200-3.060 Administrator/Faculty.** The board is proposing to amend sections (1)–(3).

*PURPOSE:* This amendment addresses requirements for nursing program administrators for board approval.

(1) Program Administrator.

(B) Criteria for Appointment:/—

1. Current *[undisciplined license to practice professional nursing in Missouri;]* active licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined in any jurisdiction;

2. Baccalaureate or graduate degree in nursing that includes a clinical component. Any program administrator appointed to the position prior to December 9, 1993, is exempt from the requirement of having a Bachelor of Science in Nursing;

3. Academically and experientially qualified and maintains expertise in area of responsibility; and

4. Approved by the board prior to appointment. Academic transcript(s) that reflects eligibility for the position shall be submitted to the board for approval prior to appointment.

(C) Program administrators with responsibility for two (2) or more nursing programs shall designate full-time faculty as program coordinators. The coordinator's workload shall allow time for day-to-day management of one (1) nursing program under the direction of the program administrator. Each program coordinator shall meet faculty requirements for appointment.

(2) Nursing Faculty.

(B) Criteria for Appointment:/—

1. Current *[undisciplined license to practice professional nursing in Missouri;]* active licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined in any jurisdiction;

2. Educational requirements:/—

A. Nursing faculty teaching in a practical nursing program shall have a minimum of a Bachelor of Science in Nursing degree with a clinical component; and

B. Nursing faculty appointed prior to January 1, 1999, are exempt from this requirement;

3. Academically and experientially qualified and maintain expertise in areas of responsibility; *[and]*

4. *[Approved by the board prior to appointment.]*

Contingent faculty approval may be granted if—

A. The program meets requirements for full board program approval;

B. The program presents sufficient evidence that all options to fill the respective position with a candidate who meets academic requirements have been exhausted;

C. The candidate has current licensure to practice professional nursing in Missouri; the candidate's license to practice professional nursing has never been disciplined;

D. The candidate is experientially qualified and maintains expertise in areas of responsibility;

E. The candidate is projected to receive the required degree within twelve (12) calendar months of hire; and

F. Faculty approved on contingency shall work under the direction of a board-approved faculty; and

5. Academic transcript(s) shall be submitted to the board. Faculty candidates shall be approved by the board prior to appointment.

(3) Responsibilities. The administrator and faculty of the program shall be responsible for, but not limited to:/—

(H) Maintenance of clinical and educational competencies in areas of instructional responsibilities. Professional competence activities may include nursing practice, continuing education, writing for publication, and/or participation in professional associations; *[and]* evidence of ongoing professional competence related to specialty area instruction shall be maintained;

(I) Participation in the development of program and institutional policies and decision making./; and

(J) Experienced faculty shall serve as assigned mentors for less seasoned and new faculty. Records of assigned mentors shall be maintained.

*AUTHORITY:* section/s 335.036 and] 335.071, RSMo 2000, and section 335.036, RSMo Supp. 2012. This rule originally filed as 4 CSR 200-3.060. Original rule filed Jan. 29, 1974, effective Feb. 8, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 11, 2013.

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

*PRIVATE COST:* This proposed amendment will cost private entities approximately five thousand three hundred sixty dollars and eighty-five cents (\$5,360.85) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075, or via email at nursing@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**PRIVATE FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2200 - State Board of Nursing****Chapter 3 - Minimum Standards for Approved Programs of Practical Nursing****Proposed Rule - 20 CSR 2200-3.060 Administrator/Faculty**

Prepared January 2, 2013 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the amendment by affected entities:</b>
43	Applicants for Program Administrator (Transcript @ \$10.00)	\$430.00
43	Applicants for Program Administrator (Postage @ \$0.45)	\$19.35
470	Applicants for Program Faculty (Transcript @ \$10.00)	\$4,700.00
470	Applicants for Program Faculty (Postage @ \$0.45)	\$211.50
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$5,360.85</b>

**III. WORKSHEET**

See Table Above

**IV. ASSUMPTION**

1. The figures reported above are based on FY12 actuals.
2. There are a total of 47 practical nursing programs, with a total of 43 program administrators. Some of the administrators manage more than one program. The number of faculty is dependent upon the size of each program. On average, nursing programs employ ten faculty members.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.