FISCAL NOTE
PUBLIC ENTITY COST

I. Department Title: 19 - HEALTH AND SENIOR SERVICES
Division Title: 20 - Community and Public Health
Chapter Title: 1 - Food Protection

Rule Number and Name:	19 CSR 20-1.025 Missouri Food Code
Type of Rulemaking:	PROPOSED RULE

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	**$1,934 Onetime cost; $ 3,200 Annual cost**
Local Public Health Agencies (LPHA)	**$5,405 Onetime cost**

III. WORKSHEET

Department of Health and Senior Services

Training Costs:
1. Materials $50
2. Travel Expenses $554 + $530

Mileage Roundtrip

Jefferson City to Independence (Northwest Regional Office)	300 miles x $0.37 = $111
Jefferson City to Macon (Northeast Regional Office)	180 miles x $0.37 = $67
Jefferson City to St. Louis (Eastern Regional Office)	270 miles x $0.37 = $100
Jefferson City to Poplar Bluff (Southeast Regional Office)	456 miles x $0.37 = $169
Jefferson City to Springfield (Southwest Regional Office)	290 miles x $0.37 = $107
	Total Cost $554

Lodging and Meals
($70 lodging + $36 for meals) x 5 Regional Offices = $530

Printing Costs:
1. Rule Book $4.00 per book x 200 books = $800
2. Inspection Forms $0.08 per form x 2 page inspection form x 20,000 forms = $3200

Onetime Cost:
$50 materials + $1,084 travel expenses + $800 printing rule = $1,934

Annual cost:
$3200 cost of printing inspection forms

Local Public Health Agencies

Training Costs:

Travel Expenses	$5,405	($4,255 + $1,150)

Average Roundtrip

LPHA to nearest Regional Office	100 miles
Number of LPHA's	115
Mileage Rate	$0.37/mile

100 miles x 1 LPHS x $0.37 = $37 per LPHA
100 miles x 115 LPHA's x $0.37 = $ 4,255 Total

Meals
$10 for lunch x 1 LPHA = $10 per LPHA
$10 for lunch x 115 LPHA's = $1,150 total

IV. ASSUMPTIONS

1. The fiscal impact on the Department of Health and Senior Services is associated with the cost of printing, paper, supplies and travel expenses (mileage at $0.37/mile), hotel costs and meals.
2. The fiscal impact on the Local Public Health Agencies is associated with the cost of travel expenses (mileage at $0.37/mile) to attend training as mandated by the Core Public Health Contract.
3. The fiscal impact on the Department of Health and Senior Services, in the aggregate, will be $1,934.
4. Regional Offices are strategically located throughout the state to be accessible to the public, as well as, to local public health agencies. It is assumed that the average travel distance for any local public health agency to travel to the nearest Regional Office is 100 miles.
5. Lunch will not be provided during training, therefore, it is assumed that an individual attending training will spend an average of $10 for lunch.

FISCAL NOTE
PRIVATE COST

I. Department Title: 19 - HEALTH AND SENIOR SERVICES
Division Title: 20 – Community and Public Health
Chapter Title: 1 – Food Protection

Rule Number and Title:	19 CSR 20-1.025 Missouri Food Code
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
31, 000	Food Establishments (Ordinance* and Non-ordinance)	
Estimated cost of implementation for food establishments in non-ordinance jurisdictions*		
5,000	**Food Establishments (Non-ordinance)**	**$ 1,345,000 Total Cost**
5	Food establishments purchasing a chlorinator	$ 7,500 Annual cost
250	Food establishments replacing refrigeration unit that will maintain 41°F	$ 875,000 Onetime cost
2,500	Food establishments purchasing a thin mass food thermometer	$ 50,000 Onetime cost
1,650	Food establishments updating menus to add consumer advisory	$ 412,500 Onetime cost

* Food establishments in ordinance jurisdictions account for 84% of the total food establishments in Missouri. In these jurisdictions, the most current Federal Food Code has already been adopted and/or referenced; therefore, these food establishments have already come into compliance with the sanitation and operational standards outlined in this proposed rule.

III. WORKSHEET

1. Costs to food establishment owners to purchase a chlorinator on a failing private water system will be: $1,500

2. At 5 food establishments required to purchase a chlorinator to supply potable water to the establishment, the annual cost to this classification will be:

    a. 5 food establishments x $1,500 per chlorinator
    b. 5 x $1,500 = $7,500

3. Costs to food establishment owners purchasing a refrigeration unit that can maintain food temperatures at 41°F or below: $3,500

4. At 250 food establishments required to purchase or replace a refrigeration unit, the one-time cost to this classification will be:

    a. 250 food establishments x $3,500 per refrigeration unit
    b. 250 x $3,500 = $875,000

5. Costs to food establishment owners to purchase a small-diameter probe thermometer to take temperatures of thin mass foods, such as hamburgers: $20

6. At 2,500 food establishments purchasing a new thermometer, the one-time cost to this classification will be:

    a. 2,500 food establishments x $20 per thermometer
    b. 2,500 x $20 = $50,000

7. Costs to food establishment owners to include disclosure and reminder consumer advisory language to their menus: $250

8. At 1,650 food establishments printing new menus, the one-time cost to this classification will be:

    a. 1,650 food establishments x $2.50 per menu x 100 menus
    b. 1,650 x $2.50 x 100 = $412,500

V. ASSUMPTIONS

1. **Based on data collected from a 2010-2011 Local Public Health Agency survey, it is estimated that sixteen (16%) percent of the food establishments operating in Missouri are located in jurisdictions without local food ordinances and would therefore be impacted by the new requirements outlined in this proposed rule.**

2. **An operator of a food establishment using a private water supply is required to test for total coliform bacteria. Water supplies testing positive are required to be disinfected. If after two (2) attempts at disinfecting the well and distribution system, subsequent sample results continue to be positive for coliform bacteria or a pattern of positive coliform bacteria sample results is established, this proposed rule requires the installation of a chlorinator to provide for continuous disinfection to assure a safe water supply.**

    It is estimated that twenty (20%) percent of food establishments use a private water system as their source of water.

The assumption made, is that annually 5 food establishments will be required to have continuous disinfection installed on their private water supply based on unsatisfactory sample results.

3. **This proposed rule requires all refrigeration units to maintain foods at 41°F or below. All new commercial refrigeration units are capable of maintaining foods at this temperature.**

   The current rule states, "Within 90 days of the adoption of this rule, all refrigeration equipment that is upgraded, replaced, or purchased must be able to maintain food temperatures of 41 °F or below." This rule was adopted in 1999.

   The assumption made is that the majority of industry, within the last 14 years, has upgraded, replaced, or purchased refrigeration equipment that maintains food temperatures at or below 41°F. Therefore, it is estimated that only 250 food establishments remain that will be required to purchase a replacement refrigeration unit or compressor to maintain foods at the required temperatures.

4. **This proposed rule requires operators to have a temperature measuring device with a small-diameter probe designed to accurately measure the temperature of thin massed foods such as meat patties and fish filets.**

   It is estimated that fifty (50%) percent or 2,500 food establishments prepare thin mass foods and will therefore be required to purchase a small-diameter probe thermometer.

5. **This proposed rule requires operators to inform consumers of the significantly increased risk of consuming raw or undercooked foods of animal origin (potentially hazardous foods) by way of a disclosure and reminder using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means.**

   It is estimated that thirty-three (33%) percent or 1,650 food establishments prepare and/or serve raw or partially cooked potentially hazardous foods, such as a rare hamburger.

   The first assumption made is that the operator will chose to update their menus to include a disclosure and reminder when preparing and/or serving such foods.

   The second assumption made is that the average number of menus in a food establishment is 100.

   The final assumption made is that the cost for reprinting is $2.50 per menu.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RESCISSION

19 CSR 20-1.040 Inspection of the Manufacture and Sale of Foods. This rule established food labeling and sanitation standards of public health significance which were conducive to good manufacturing practices and techniques.

PURPOSE: This rule is being rescinded as it is ambiguous, lacks specific sanitation standards for food manufacturing and distribution facilities, and is no longer necessary as it is being replaced with 19 CSR 20-1.040: Good Manufacturing Practices.

AUTHORITY: section 196.045, RSMo 1986. This rule was previously filed as 13 CSR 50-70.010. Original rule entitled Missouri Division of Health E 1.20 was filed Nov. 17, 1949, effective Nov. 27, 1949. Rescinded: Filed March 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.040 Good Manufacturing Practices

PURPOSE: This rule establishes sanitation standards of public health significance for manufactured foods.

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

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the manufacturing, packaging, transporting, or holding of human food.

(2) Standards. Manufacturers, distributors, and warehouses shall operate in accordance with 21 CFR Part 110 Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. This rule was previously filed as 13 CSR 50-70.010. Original rule entitled Missouri Division of Health E 1.20 was filed Nov. 17, 1949, effective Nov. 27, 1949. Rescinded and readopted: Filed March 11, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.042 Acidified Foods

PURPOSE: This rule establishes standards to assure the facilities, methods, practices, and controls used to manufacture, process, and package acidified foods are safe and conducted under sanitary conditions.

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

(1) Applicability. The requirements of this rule apply to any person engaged in or connected with manufacturing, processing, and/or packaging of acidified foods.

(2) Standards. Any person engaged in the manufacturing, processing, and/or packaging of acidified foods shall operate in accordance with 21 CFR Part 114 Acidified Foods, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.045 Food Labeling

PURPOSE: This rule establishes food labeling standards for manufactured foods.

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

(1) Applicability. The requirements of this rule apply to buildings or facilities or parts thereof, used for or in connection with the labeling of human food.

(2) Standards. Manufacturers, distributors, and warehouses shall label human food in accordance with 21 CFR Part 101 Food Labeling, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.100 Seafood Hazard Analysis and Critical Control Points (HACCP)

PURPOSE: This rule establishes standards to determine whether the facilities, methods, practices, and controls used to process fish and fishery products are safe and that those products have been processed under sanitary conditions.

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

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the processing of fish and fishery products.

(2) Standards. Any person engaged in commercial, custom, or institutional processing of fish or fishery products shall operate in accordance with 21 CFR Part 123 Fish and Fishery Products, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006 and 196.045, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 1—Food Protection

PROPOSED RULE

19 CSR 20-1.200 Juice Hazard Analysis and Critical Control Points (HACCP)

PURPOSE: This rule establishes sanitation and Hazard Analysis and Critical Control Points (HACCP) standards for the processing of fruit and vegetable juices.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be

made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements of this rule apply to buildings or facilities, or parts thereof, used for or in connection with the processing of fruit and vegetable juices.

(2) Standards. Manufacturers of any juice sold as such or used as an ingredient in beverages shall operate in accordance with 21 CFR Part 120 Hazard Analysis and Critical Control Point (HACCP) Systems, revised as of April 1, 2012, hereby incorporated by reference and made a part of this rule as published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, (202) 512-1800, http://bookstore.gpo.gov. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 192.006, 196.045 and 196.050, RSMo 2000, and section 192.020, RSMo Supp. 2012. Original rule filed March 11, 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 Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 82—General Licensure Requirements

PROPOSED RESCISSION

19 CSR 30-82.070 Alzheimer's Demonstration Projects. This rule was promulgated to describe the general requirements and process by which project participants would be selected in order to implement Alzheimer's Demonstration Projects in accordance with section 198.086, RSMo Supp. 1999.

PURPOSE: This rule is being rescinded because the department concluded the demonstration status of the project on April 3, 2007, after successful completion and evaluation of the program and project participants.

AUTHORITY: section 198.534, RSMo Supp. 1999. This rule was originally filed as 13 CSR 15-10.070. Emergency rule filed April 14, 2000, effective April 24, 2000, expired Feb. 1, 2001. Original rule filed April 14, 2000, effective Nov. 30, 2000. Moved to 19 CSR 30-82.070, effective Aug. 28, 2001. Rescinded: Filed March 11, 2013.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with Jeanne Serra, Acting Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 2085—Board of Cosmetology and Barber Examiners
Chapter 11—Sanitation Rules—Barber and Cosmetology

PROPOSED AMENDMENT

20 CSR 2085-11.020 Cosmetology Sanitation Rules. The board is proposing to amend paragraph (2)(L)1., add new paragraph (2)(L)2., and renumber the subsequent paragraph.

PURPOSE: This amendment requires all cosmetology establishments to post a color flyer regarding the prohibited use of razor-type instruments.

(2) Sanitation Requirements.

(L) Prohibited Practices. To prevent the risk of injury or infection—

1. A licensee shall not use or offer to use in the performance of cosmetology services, or possess on the premises of a licensed cosmetology establishment, any razor-type callus shaver designed or intended to cut growths of skin on hands or feet such as corns and calluses including, but not limited to, a credo blade or similar type instrument. Any licensee using a razor-type callus shaver prohibited by this rule at a licensed cosmetology establishment or in the performance of any cosmetology, manicuring, or esthetician services shall be deemed to be rendering services in an unsafe and unsanitary *[matter]* **manner**. **Cosmetology** *[E]***e**stablishment licensees shall ensure that razor-type callus shavers are not located or used on the premises of the **cosmetology** establishment; *[and]*

2. The board shall provide a flyer prohibiting the use of these razor-type callus shavers. Every cosmetology establishment and cosmetology school shall post such flyer in plain view of the public in each of their establishment(s) and school(s); and

*[2.]***3.** Violation of this rule shall constitute grounds for discipline under section 329.140.2(15), RSMo.

*AUTHORITY: section 329.025.1, RSMo Supp. [2008] **2012**. Original rule filed Aug. 1, 2007, effective Feb. 29, 2008. Amended: Filed April 3, 2009, effective Sept. 30, 2009. Amended: Filed March 8, 2013.*

PUBLIC COST: This proposed amendment will cost public entities approximately one thousand, four hundred thirty-seven dollars and six cents ($1,437.06) during the first year of implementation of the rule and seven hundred forty-three dollars and seventy-five cents ($743.75) recurring annually after the first year of implementation and annually thereafter 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 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 Cosmetology and Barber Examiners, PO Box 1062, Jefferson City, MO 65102, by facsimile at (573) 751-8176, or via email at cosbar@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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2085 - Board of Cosmetology and Barber Examiners
Chapter 11 - Sanitation Rules - Barber and Cosmetology
Proposed Amendment - 20 CSR 2085-11.020 Cosmetology Sanitation Rules
Prepared March 5, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Total Cost
Board of Cosmetology and Barber Examiners	$1,437.06
Total Expense during first year of implementation of the Rule	$1,437.06

Affected Agency or Political Subdivision	Total Cost
Board of Cosmetology and Barber Examiners	$743.75
Total Expense recurring annually after the first year of implementation and Annually Thereafter for the Life of the Rule	$743.75

III. WORKSHEET

The Investigator II delivers the flyer, verifies compliance, mails compliance letters, and schedules non-compliant licensees for board appearance.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TOTAL TIME	TOTAL COST
Investigator II	$34,644	$52,454.48	$25.22	2 hours	$50.44
		Total Estimated Annual Personal Expense for the Life of the Rule			$50.44

The number of items listed in the table reflect the amount of expenses that the board will have due to the implementation of this amendment.

Expense Dollars During First Year of Implementation

Item	Cost Per Item	Number of Items	Total
Flyers	$0.09	16,000	$1,386.62
	Total Estimated Biennial Expense for the Life of the Rule		$1,386.62

Expense Dollars After the First Year of Implementation and Annually Thereafter for the Life of the Rule

Item	Cost Per Item	Number of Items	Total
Flyers	$0.09	8,000	$693.31
	Total Estimated Annual Expense for the Life of the Rule		**$693.31**

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.
2. The board anticipates distributing 16,000 flyers during the first year of implementation to all of the licensed cosmetology establishments. The board anticipates distributing 8,000 flyers after the first year of implementation to new licensees and replacing lost or destroyed flyers.
3. It is anticipated that the total cost will recur annually 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 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.010 Licensure by Examination—Dentists. The board is proposing to amend section (3) and to change paragraphs into subsections.

PURPOSE: This amendment decreases the number of times an applicant for licensure can fail a clinical competency exam before being required to complete board approved remediation.

(3) *[In order to take the competency examination for a sixth or subsequent time, the applicant shall—*

(A) Complete remedial instruction in the deficient area(s) from an accredited dental school. An applicant failing the operative or periodontal portions of the examination must obtain three (3) credit hours of clinical and one (1) credit hour of didactic remedial instruction.] **Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental school before further re-examination. If the applicant fails a third examination, the board may deny the applicant further examination.** Before entering a program of remedial instruction, the applicant shall—

*[1.]***(A)** Have a statement sent to the board from the program director of the accredited dental school outlining the remedial instruction to be completed by the applicant and confirming the applicant's acceptance into the program; and

*[2.]***(B)** Receive board approval of the remedial instruction; and

*[3.]***(C)** Upon completion, have a written statement submitted to the board from the program director verifying the applicant's successful completion of the remedial instruction.

*AUTHORITY: sections 332.031, 332.141, and 332.151, RSMo 2000, and section 332.181, RSMo Supp. [2011] **2012**. This rule originally filed as 4 CSR 110-2.010. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 8, 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 between ten thousand six hundred twenty dollars ($10,620) and twelve thousand six hundred dollars ($12,600) 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 Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@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 2110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2110-2.010 Licensure by Examination - Dentists
Prepared September 10, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of 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 during the first year of implementation:
6	Dentists Competency Examination Fee (Competency Examination Fee @ $1,700-$2,000)	$10,200 - $12,000
6	Dentists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Cost of Compliance for the First Year of Implementation	**$10,620 - $12,600**

Beginning in FY14 and Continuing Annually 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 beginning in FY14 and Continuing Annually for the Life of the Rule:
6	Dentists Competency Examination Fee (Competency Examination Fee @ $1,700-$2,000)	$10,200 - $12,000
6	Dentists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Annual Cost of Compliance Beginning in FY14 and Recurring	**$10,620 - $12,600**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 and FY12 averages.

2. On average, the board sees 5 to 6 applicants a year who have had to retake part of the competency exam. In an average year, the board sees 1 applicant who has had to take the exam for a third time.
3. The board has not sent an applicant back to a dental school for remediation under the current requirements that allow an applicant to fail a competency exam 5 times before remediation is required. The cost of remediation will vary from case to case depending on the particular skill set remediation is needed in and the amount of time the remediation takes.
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 2110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

20 CSR 2110-2.050 Licensure by Examination—Dental Hygienists. The board is proposing to amend section (3) and renumber the paragraphs as subsections.

PURPOSE: This amendment lowers the number of times an applicant for licensure can fail a clinical competency examination before being required to complete board approved remediation.

(3) *[In order to take the competency examination for a sixth or subsequent time, the applicant shall—*

(A) Complete remedial instruction at an accredited dental hygiene school.] **Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental hygiene school before further re-examination. If the applicant fails a third examination, the board may deny the applicant further examination.** Before entering a program of remedial instruction, the applicant shall—

*[1.]***(A)** Have a statement sent to the board from the program director of the accredited dental hygiene institution outlining the remedial instruction to be completed by the applicant and confirming the applicant's acceptance into the program; and

*[2.]***(B)** Receive board approval of the remedial instruction; and

*[3.]***(C)** Upon completion, have a written statement submitted to the board from the program director verifying the applicant's successful completion of the remedial instruction.

*AUTHORITY: sections 332.031, 332.231, 332.241, and 332.251, RSMo 2000, and section 332.261, RSMo Supp. [2011] **2012**. This rule originally filed as 4 CSR 110-2.050. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 8, 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 between four thousand nine hundred twenty dollars ($4,920) and six thousand dollars ($6,000) 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 Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@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 2110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Amendment - 20 CSR 2110-2.050 Licensure by Examination - Dental Hygienists
Prepared September 10, 2012 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of 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 during the first year of implementation:
6	Dental Hygienists Competency Examination Fee (Competency Examination Fee @ $750-$900)	$4,500 - $5,400
6	Dental Hygienists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Cost of Compliance for the First Year of Implementation	**$4,920 - $6,000**

Beginning in FY14 and Continuing Annually 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 beginning in FY14 and Continuing Annually for the Life of the Rule:
6	Dental Hygienists Competency Examination Fee (Competency Examination Fee @ $750-$900)	$4,500 - $5,400
6	Dental Hygienists CE Remediation (CE Remediation @ $70-$100)	$420 - $600
	Estimated Annual Cost of Compliance Beginning in FY14 and Recurring	**$4,920 - $6,000**

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 and FY12 averages.

2. On average, the board sees 5 to 6 applicants a year who have had to retake part of the competency exam. In an average year, the board sees 1 applicant who has had to take the exam for a third time.
3. The board has not sent an applicant back to a dental school for remediation under the current requirements that allow an applicant to fail a competency exam 5 times before remediation is required. The cost of remediation will vary from case to case depending on the particular skill set remediation is needed in and the amount of time the remediation takes.
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 2200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

20 CSR 2200-4.022 Nurse Licensure Compact. The board is proposing to amend subsections (2)(F) and (2)(G).

PURPOSE: The Missouri State Board of Nursing is authorized to promulgate uniform rules and regulations for the nurse licensure compact pursuant to 335.325(4), RSMo. The nurse licensure compact has been in existence since 2000; however, Missouri joined the compact in 2009. Experience with the compact has shown that nurses need longer than thirty (30) days to obtain a license in a new compact state. This amendment increases the amount of time a nurse can practice on the former home state license from thirty (30) days to ninety (90) days.

(2) Issuance of a License by a Compact Party State. For the purpose of this compact—

(F) A nurse changing primary state of residence, from one party state to another party state, may continue to practice under the former home state license and multi-state licensure privilege during the processing of the nurse's licensure application in the new home state for a period not to exceed *[thirty (30)]* **ninety (90)** days;

(G) The licensure application in the new home state of a nurse under pending investigation by the former home state shall be held in abeyance and the *[thirty (30)-]* **ninety- (90-)** day period as stated in subsection (2)(F) shall be stayed until resolution of the pending investigation;

AUTHORITY: sections 335.300, ***335.325, and 335.335,*** *RSMo Supp. [2009]* ***2012****. Original rule filed Oct. 8, 2009, effective April 30, 2010. Amended: Filed March 8, 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 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 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.020 Definitions. The board is proposing to delete section (11), renumber the remaining sections accordingly, and amend the new section (15).

PURPOSE: This amendment clarifies language used to describe terms used throughout this chapter.

[(11) Intravenous bolus drug administration—the rapid, untimed administration of a discrete amount of a drug according to specific guidelines for administering such drug.]

*[(12)]***(11)** Intravenous catheter or cannula—a hollow tube made of silastic, plastic, or metal used for accessing the venous system.

*[(13)]***(12)** Intravenous drug administration—any prescribed therapeutic or diagnostic substance delivered into the bloodstream via a vein including, but not limited to, medications, nutrients, contrast media, blood, blood products, or other fluid solutions.

*[(14)]***(13)** Intravenous infusion treatment modality—refers to a variety of means/methods utilized in the introduction of a prescribed substance and/or solution into an individual's venous system.

*[(15)]***(14)** Intravenous piggyback administration—a secondary infusion into an established patent primary intravenous line for the intermittent delivery of medications.

*[(16)]***(15)** Intravenous **bolus or** push drug administration—*[means the administration of a drug over a timed interval, generally at least one (1) minute, or according to specific guidelines for administering such drug.]* **the administration of medication rapidly into a vein, to enter the blood stream in a short period of time, and to provide a specific systemic effect.**

*[(17)]***(16)** Licensed practical nurse (LPN)—a licensed practical nurse as defined in section 335.016, RSMo**,** and licensed to practice in the state of Missouri and referred to as LPN throughout this chapter.

*[(18)]***(17)** Life threatening circumstances—refers to a physiologic crisis situation wherein prescribed drug administration via manual intravenous bolus or push drug administration is immediately essential to preserve respiration and/or heartbeat.

*[(19)]***(18)** Mid-line catheter—a catheter that is inserted into a vein in the antecubital fossa and then advanced three inches to twelve inches (3"–12") into the proximal upper arm.

*[(20)]***(19)** Needleless system—a substitute for a needle or other sharp access device, which may be available in blunt, recessed**,** or valve designs.

*[(21)]***(20)** Packaged drug systems—use-activated containers which are compartmentalized and have pre-measured ingredients that form a solution when mixed.

*[(22)]***(21)** Parenteral nutrition—the intravenous administration of total nutritional needs for a patient who is unable to take appropriate amounts of food enterally.

*[(23)]***(22)** Peripheral venous catheter—a catheter that begins and terminates in a vein in an extremity (i.e., arm, hand, leg, or foot) or in a vein in the scalp.

*[(24)]***(23)** Policy—a written statement of a recommended course of action intended to guide decision making.

*[(25)]***(24)** Premixed drugs for intravenous administration—those drugs compounded or prepared by a pharmacy department, parenteral fluid or drug manufacturer, or mixed by a licensed registered professional nurse who possesses documented evidence of the necessary cognitive and psychomotor instruction by a licensed pharmacist.

*[(26)]***(25)** Procedure—a written statement of steps required to complete an action.

*[(27)]***(26)** Qualified practical nurses—for the purpose of this chapter, this term includes:

(A) Graduate practical nurses practicing in Missouri within the time frame as defined in 20 CSR 2200-4.020(3);

(B) Practical nurses with temporary permits to practice in Missouri; and

(C) Practical nurses currently licensed to practice in Missouri, unless specifically stated otherwise within the text of the specific rule.

*[(28)]***(27)** Registered professional nurse (RN)—a registered professional nurse as defined in section 335.016, RSMo, and licensed to practice in the state of Missouri and referred to as RN throughout this chapter.

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.020. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.020, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed March 8, 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 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.030 Intravenous Infusion Treatment Administration by Qualified Practical Nurses; Supervision by a Registered Professional Nurse. The board is proposing to amend sections (5) and (6).

PURPOSE: This amendment clarifies that the functions of graduate practical nurses are aligned with licensed practical nurses in the ninety- (90-) day period after they have graduated from an accredited program until their licensure exam has been taken.

(5) In addition to the functions and duties set forth in section (4), *[a]* graduate practical nurse**s** *[who graduated after February 28, 1999 from a generic practical nursing program approved by the board,]* and IV-Certified licensed practical nurses who have documented competency verification by the individual's employer, may*[:]***—**

(6) In addition to the functions and duties set forth in sections (4) and (5), and with additional individualized education and experience that includes documented competency verification by the individual's employer, **graduate practical nurses and** IV-Certified licensed practical nurses may*[:]***—**

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.030. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.030, effective Aug. 28, 2006. Amended: Filed Oct. 30, 2007, effective April 30, 2008. Amended: Filed March 8, 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 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.040 Venous Access and Intravenous Infusion Treatment Modalities Course Requirements. The board is proposing to amend sections (2), (3), and (4).

PURPOSE: This amendment allows each course provider to develop an individual curriculum by removing the requirement that each provider use the prescribed curriculum outlined in the IV Therapy Manual published by the Instructional Materials Laboratory of the College of Education at the University of Missouri, Columbia, Missouri which are no longer available for purchase or utilization.

(2) Course providers shall only design and conduct a venous access and intravenous infusion treatment modalities course as specified in this rule. The course shall provide sufficient instruction for the following qualified practical nurse participants to become IV-Certified in Missouri:

(C) A graduate practical nurse of a non-Missouri practical nursing education program seeking licensure in Missouri; **or**

[(D) A graduate practical nurse completing a Missouri practical nursing education program prior to February 28, 1999 and seeking licensure in Missouri; or]

*[(E)]***(D)** A federal employee who possesses a current license as a practical nurse in another state who is enrolling in a course provided by a federal facility located in Missouri.

(3) Curriculum.

(B) The curriculum to be offered *[must]* **shall** be approved by the board.

[1. The board has approved the most current edition of the Venous Access and Intravenous Infusion Treatment Modalities Manual, which is incorporated by reference herein,

available from the University of Missouri Instructional Materials Laboratory (IML) as a standard curriculum. Copies of instructor and student manuals may be obtained by contacting the Instructional Materials Laboratory, College of Education, University of Missouri- Columbia, 1400 Rock Quarry Center, Columbia, MO 65211 or by phone at (800) 669-2465. This rule does not include any subsequent amendments or additions.]

*[2.]***1.** *[If the]* **The course** provider *[of a course chooses to]* **shall** develop *[its own]* **the** curriculum**.***[, it must contain]* **The course provider may select an IV Therapy text of choice. The text may be utilized as the curriculum stem. Content specific to IV Therapy certification in Missouri shall be added. The curriculum shall contain** all of the components listed in *[subsection]* **paragraphs** (3)(A)1.–5. of this rule and be submitted to the board for approval.

(C) A course shall, at a minimum, consist of:

1. Thirty (30) hours of classroom and skills laboratory instruction or its equivalent, (e.g., faculty-student interactive study); and

2. Eight (8) hours of supervised clinical practice, which *[must]* **shall** include at least one (1) successful performance of peripheral venous access and the initiation of an intravenous infusion treatment modality on an individual.

(E) The course participant *[must]* **shall** complete a pretest(s) in pharmacology, anatomy and physiology, and asepsis to determine the participant's level of knowledge at the beginning of the course.

(F) All classroom and clinical instruction and practice *[must]* **shall** be supervised by a registered professional nurse designated by the provider and who meets the faculty qualifications as stated in section (4) of this rule.

(4) Faculty Qualifications and Responsibilities.

(A) Nursing faculty *[must]* **shall** hold a current**,** undisciplined license or temporary permit to practice as a registered professional nurse in Missouri**;** and **the license to practice professional nursing has never been disciplined in any jurisdiction. Nursing faculty shall** have a minimum of two (2) years of clinical experience within the last five (5) years that included responsibility for performing venous access and intravenous infusion treatment modalities.

(C) For the clinical component of the course, the maximum faculty to student ratio shall be one to three (1:3) for observational experiences and the performance of non-invasive procedures and functions. The faculty to student ratio *[must]* **shall** be one to one (1:1) during the performance of peripheral venous access and initiation of an intravenous infusion treatment modality on an individual.

*AUTHORITY: section[s] 335.017 [and 335.036], RSMo 2000, **and section 335.036, RSMo Supp. 2012**. This rule originally filed as 4 CSR 200-6.040. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.040, effective Aug. 28, 2006. Amended: Filed March 8, 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 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.050 Approval Process for a Venous Access and Intravenous Infusion Treatment Modalities Course. The board is proposing to amend section (1), subsections (2)(A)–(2)(D), and subsection (3)(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) To obtain initial approval of a venous access and intravenous infusion treatment modalities course, the course provider *[must]* **shall** submit a written proposal to the board.

(2) Requirements for Maintaining Course Approval.

(A) The provider of an approved course shall comply with any subsequent changes in this rule beginning with the first course participants following the effective date of the rule change. The course provider shall submit a written report to the board specifying the manner in which it will comply with the rule change(s). The board *[must]* **shall** approve the submitted report prior to the entrance of the next course participants.

(B) The course provider *[must]* **shall** notify the board in writing of all changes in information that was submitted in its approved proposal. Changes *[must]* **shall** be approved by the board prior to implementation.

(C) The course provider *[must]* **shall** keep the board current as to the names of faculty and clinical facilities utilized.

(D) The course provider *[must]* **shall** submit an annual report to the board using the form provided by the board. Failure to submit the annual report will be cause for the board to withdraw its approval of the course.

(3) Discontinuing an Approved Course.

(C) If a course provider desires to reestablish an approved venous access and intravenous infusion treatment modalities course after a course has been officially discontinued, a new proposal *[must]* **shall** be submitted as required by section (1).

*AUTHORITY: section[s] 335.017**, RSMo 2000,** and **section** 335.036, RSMo [2000] **Supp. 2012**. This rule originally filed as 4 CSR 200-6.050. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.050, effective Aug. 28, 2006. Amended: Filed March 8, 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 6—Intravenous Infusion Treatment Administration

PROPOSED AMENDMENT

20 CSR 2200-6.060 Requirements for Intravenous Therapy Administration Certification. The board is proposing to amend subsections (2)(D) and (3)(F), and section (5).

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

(2) A practical nurse who is currently licensed to practice in another state or territory of the United States, who is an applicant for licensure by endorsement in Missouri and has been issued a temporary permit to practice in Missouri and is not IV-Certified in another state or territory can obtain IV-Certification upon successful completion of a board-approved venous access and intravenous infusion treatment modalities course.

(D) If licensure requirements are not met by the expiration date stated on the Verification of IV-Certification letter and temporary permit, the individual *[must]* **shall** cease performing all practical nursing care acts including those related to intravenous infusion treatment administration.

(3) A practical nurse who is currently licensed to practice in another state or territory of the United States, who is an applicant for licensure by endorsement in Missouri and has been issued a temporary permit to practice in Missouri, and is IV-Certified in another state or territory of the United States, or who has completed a venous access and intravenous infusion treatment modalities course in another state or territory of the United States, can obtain IV-Certification in Missouri by:

(F) If licensure requirements are not met by the expiration date stated on the Verification of IV-Certification letter and temporary permit, the individual *[must]* **shall** cease performing all practical nursing care acts including those related to intravenous infusion treatment administration.

(5) Graduate practical nurses as specified in subsections 20 CSR 2200-6.040(2)(C) and (D) of this chapter who are seeking licensure by examination in Missouri and for whom the board has received confirmation of successful completion of an approved venous access and intravenous infusion treatment modalities course *[must]* **shall** meet all licensure requirements before a license stating LPN IV-Certified can be issued.

*AUTHORITY: section 335.017, RSMo 2000, and section 335.036, RSMo Supp. [2007] **2012**. This rule originally filed as 4 CSR 200-6.060. Original rule filed Sept. 1, 2005, effective April 30, 2006. Moved to 20 CSR 2200-6.060, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed March 8, 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.*

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

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan

ORDER OF RULEMAKING

By the authority vested in the Commissioner of the Office of Administration under § 33.103, RSMo Supp. 2012, the commissioner amends a rule as follows:

1 CSR 10-15.010 Cafeteria Plan **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 7–81). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.431 Deer Hunting Seasons: General Provisions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2013 (38 MoReg 248). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

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

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2013 (38 MoReg 248–249). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 82–86). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.030 Safety Standards—Transportation of Gas by Pipeline **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 86–98). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-40.080 Drug and Alcohol Testing **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2013 (38 MoReg 99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission adopts a rule as follows:

10 CSR 10-6.191 Sewage Sludge Incinerators **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1460). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received ten (10) comments from four (4) sources: the City of Independence Water Pollution Control Department; the Association of Missouri Cleanwater Agencies; the City of Kansas City, Missouri, Water Services Department; and the Metropolitan St. Louis Sewer District.

COMMENT #1: The City of Independence Water Pollution Control Department commented that they appreciate the program's efforts to maintain state primacy in implementing the provisions of 40 CFR 60, subpart MMMM Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, which is the federal regulation incorporated in 10 CSR 10-6.191.
RESPONSE: The department's Air Pollution Control Program thanks the City of Independence for their support of the proposed rule. No changes have been made to the rule text as a result of this comment.

COMMENT #2: The City of Independence Water Pollution Control Department commented that the National Association of Clean Water Agencies (NACWA) initiated a lawsuit in 2011 seeking judicial review of the federal sewage sludge incinerator (SSI) rule. NACWA expects final document submittal in January 2013 with oral arguments likely to occur in March or April of 2013. With the prospect of future legal proceeding on the federal SSI rule, the City of Independence requested assurance that regulated sources will not be expected to comply with provisions of federal regulations incorporated in 10 CSR 10-6.191 that may be stayed as a result of legal action.
RESPONSE: The department's Air Pollution Control Program does not intend to enforce any provisions of this rule, 10 CSR 10-6.191, that are incorporated by reference from any provisions of 40 CFR 60, subpart MMMM if they are subsequently stayed by legal action. This assurance is also provided by 643.055, RSMo, which prevents the state from being sooner or stricter than federal regulations and effectively prevents Missouri from enforcing provisions of incorporated federal regulations that are not enforceable on a federal level. No changes have been made to the rule text as a result of this comment.

COMMENT #3: The City of Independence commented that the incorporated federal SSI rule includes requirements for SSI operator training and qualification that must be obtained through a state-approved program or by completing an incinerator operator training course that includes an examination designed and administered by the state-approved program. They requested the department keep regulated sources informed regarding plans for a state-approved SSI training program or available alternatives.
RESPONSE: The department's Air Pollution Control Program is developing a plan to meet the state's requirements for operator training and certification and will inform owners and operators of SSI units when the plan is available. No changes have been made to the rule text as a result of this comment.

Due to the similarity in the following two (2) comments, one (1) response that addresses these comments is presented after the two (2) comments.
COMMENT #4: The Association of Missouri Cleanwater Agencies and the City of Kansas City, Missouri, Water Services Department commented that there is no requirement for the department to adopt the proposed rule at this time and requests deferral of the adoption until the lawsuit by NACWA is resolved.
COMMENT #5: The Metropolitan St. Louis Sewer District commented that the proposed rule is not necessary and is not consistent with Missouri Air Conservation Law (MACL), the Missouri Administrative Procedures Act, and Titles V and VI of the federal Clean Air Act. The only requirement the state has at this time to comply with the new federal SSI rule is to submit a state plan to the U.S. Environmental Protection Agency (EPA) for EPA approval. The department should refrain from promulgating this proposed rule as it is unnecessary.
RESPONSE: The proposed state rule is part of the state plan pursuant to federal rule 40 CFR 60, subpart MMMM. This federal rule establishes the requirement for regulation of existing SSI units under a state plan and mandates submission of a state plan to EPA no later

than March 21, 2013. There is no provision in the federal rule for deferral of the state plan pending the outcome of any known or future legal proceedings. Therefore, the regulatory requirements of 40 CFR 60, subpart MMMM remain in effect even though legal action has been initiated, and these provisions are enforceable until such time as the court orders a stay, vacatur, or other similar action. As stated in the response to comment #2, the department's Air Pollution Control Program will not enforce provisions of 10 CSR 10-6.191 that are stayed at the federal level. No changes have been made to the rule text as a result of this comment.

COMMENT #6: The Association of Missouri Cleanwater Agencies; the City of Kansas City, Missouri, Water Services Department; and the Metropolitan St. Louis Sewer District requested that, if the department proceeds with the rulemaking, language be added to the rule to automatically stay its requirements if a court vacates or remands the incorporated federal rule, or if parties to litigation agree to a settlement agreement that invalidates all or part of the federal rule.
RESPONSE: Similar language to exempt provisions of an incorporated federal rule that are stayed was proposed in amendments to 10 CSR 10-6.070, 6.075, and 6.080 in June 2012 (37 MoReg 966-971). EPA objected to this language (37 MoReg 1610-1611) on the basis it may create confusion and cause additional concerns or issues. In addition, EPA noted that this language may function as a delegation of state authority to EPA or federal courts in litigation to which the department is not a party. Due to EPA's objection, the language exempting provisions of the incorporated federal rule was deleted from the amendments to 10 CSR 10-6.070, 6.075, and 6.080 as adopted and similar language will not be added to the SSI rule. Regulated sources are assured they will not be expected to comply with provisions of incorporated federal regulations that are stayed, as stated in the response to comment #2. No changes have been made to the rule text as a result of this comment.

Due to the similarity in the following three (3) comments, one (1) response that addresses these comments is presented after the three (3) comments.
COMMENT #7: The Association of Missouri Cleanwater Agencies commented that it is important that Missouri's publicly-owned treatment works are not asked to spend significant sums to address the new emissions limits ahead of the court's review of the validity of the EPA final rule. They disagree with the contention in the proposed rule that the public cost will be not more than five hundred dollars ($500) in the aggregate. If this is based on the department's adoption of the federal rule, then it should be qualified to require a revised financial analysis for any aspects of EPA's final rule which are adopted by the department but later invalidated through ongoing litigation.
COMMENT #8: The City of Kansas City, Missouri, Water Services Department suggested that the lack of fiscal note is problematic despite the department's articulation that one is not necessary due to the existence of the federal rule. Real costs of Missouri adoption and permit implementation is not less than five hundred dollars ($500), as stated in the proposed rule. They reference 536.200.1, RSMo, which mandates the issuance of a fiscal note, and Attorney General Opinion 21-92, which illustrates that fiscal notes are required for regulation that is imposed, mandated, or otherwise necessitated by third parties. A natural and logical extension can be made for a purported federal mandate or the state's election to adopt a federal model rule.
COMMENT #9: The Metropolitan St. Louis Sewer District commented that the proposed rule will have real and costly impact on the facilities impacted by the proposed rule. Early estimates of the district's cost of compliance with this proposed rule include an initial cost of twenty-five to forty million dollars ($25M–40M) in addition to an ongoing annual cost of about one hundred thousand dollars ($100,000) per year. These costs have not been accounted for with the proposed rulemaking.
RESPONSE: The proposed state rule adopts by reference the regulatory requirements of 40 CFR 60, subpart MMMM and imposes no additional requirements. Compliance costs such as training, permitting, testing, record keeping, retrofitting controls, etc., were imposed on the owners and operators of regulated SSI units with the federal rule promulgated on March 21, 2011. The federal rule requires Missouri to submit a state plan for regulation of existing SSI units that is at least as protective as the federal rule, and the proposed state rule is the legal mechanism for enforcement of the state plan. In the absence of a state plan, EPA will develop a federal plan to implement the provisions of 40 CFR 60, subpart MMMM, and owners and operators of existing SSI units not covered under an approved state plan would have to comply with the federal plan. Therefore, the proposed state rule does not contribute to the cost of compliance for the owners and operators of the regulated SSI units and a fiscal note is not required pursuant to 536.200.1, RSMo. Attorney General Opinion (AGO) 21-92 addresses fiscal notes that are required by 536.200, RSMo, and is not relevant to this rulemaking since no fiscal note is required. However, this opinion does reconfirm that 536.200 fiscal notes only include estimated costs attributable to proposed state rulemakings and not costs associated with the mandate requirements (in this case, the federal rule) which was subject to its own cost analysis. The department rulemaking information on the web clearly stated that public agency costs were included in the federal rulemaking and that the state rulemaking will not impose any additional costs. No changes have been made to the rule text as a result of this comment.

COMMENT #10: The Metropolitan St. Louis Sewer District commented the state's approach for complying with the rule should propose economically-feasible methods for compliance with the federal rule in order to make it consistent with the general intent of the MACL. The proposed rule should be more narrowly tailored to meet the federal rule's requirement of issuing a state plan outlining how the state will comply with the federal rule.
RESPONSE: The federal rule implementing requirements for prevention, abatement, and control of SSI emissions is already promulgated, and incorporating its provisions into a state rule is the most practical and economically-feasible method of regulating SSI emissions in Missouri. The federal rule requires any deviation from the federal rule to be as protective as the federal rule, while MACL prevents the state from being sooner or stricter than federal regulations. Therefore, the proposed state rule must implement the federal requirements without being stricter or more lax. No changes have been made to the rule text as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 2012, the commission rescinds a rule as follows:

10 CSR 10-6.368 Control of Mercury Emissions From Electric Generating Units **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2012 (37 MoReg 1460–1461). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received no comments on the proposed rescission.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission adopts a rule as follows:

11 CSR 45-5.193 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2012 (37 MoReg 1583). Changes have been made to the text of the proposed rule, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed rule on December 12, 2012. Written comments were received from Thompson Coburn LLP on behalf of Bally Technologies, and International Gaming Technology (IGT). The MGC staff also commented on the rule.

COMMENT #1: A staff member requested adding "the bet with the lowest amount of the non-linear pay table" to the last sentence in subsection (1)(A).
RESPONSE AND EXPLANATION OF CHANGE: The staff agreed to a modified version of the suggested language and the change was made to subsection (1)(A).

Comments from Thompson Coburn LLP on behalf of Bally Technologies:
COMMENT #2: For the sake of clarity, additional parentheses should be added in subsection (1)(A), in the standard deviation calculation as follows:

$$((Net\ Pay_i - E.V.)^2 \times probability_i)$$

We suggest this so that it is clear the summation operation applies to the full term under the radical and not just the first portion. It is also worth noting that there are alternate methods of calculating the standard deviation of a game which are mathematically equivalent to the one indicated.

The more customary calculation is as shown, but with Net Pay_i defined as "the amount of each individual pay divided by the number of coins wagered" (note that the "1 minus" is not included here) and with E.V. defined as "the game's payback percentage."

We suggest that these alternate (but mathematically equivalent) methods, including the more customary calculation detailed above, should also be considered acceptable under this standard.
RESPONSE AND EXPLANATION OF CHANGE: This rule has been changed to add the parentheses to the equation, and to reword the key.

COMMENT #3: Subsection (1)(B)—Regarding Probability Accounting Report (PAR) sheets—"Calculate PAR sheets to a ninety-nine percent (99%) confidence value utilizing theoretical analysis" is not a mathematically correct statement. If the game is calculated theoretically, then it is one hundred percent (100%) correct, and there is no "confidence value" involved. For fully theoretical calculations, either the calculation is correct or it is not. Please see the final comment on subsection (1)(B) for Bally's suggested language.
RESPONSE AND EXPLANATION OF CHANGE: MGC agreed to incorporate the changes to make it mathematically correct.

COMMENT #4: Subsection (1)(B)—The ninety-nine percent (99%) confidence requirement for games is especially stringent. Many industry standards utilize a similar policy that applies a ninety-five percent (95%) confidence interval; Bally recommends that for this standard, Missouri also adopt the ninety-five percent (95%) confidence value. This will provide a clear requirement, consistent with industry, which manufacturers are prepared to work toward. Please see the final comment on subsection (1)(B) for Bally's suggested language.
RESPONSE AND EXPLANATION OF CHANGE: MGC agrees to change the confidence value to ninety-five percent (95%).

COMMENT #5: Subsection (1)(B)—We request clarification be added within the standard for the following: By "tolerance of 0.01%", is the intent that the half-width of the confidence interval must be $\leq 0.01\%$ (so a 90.00% game would be $90.00\% \pm 0.01\%$) or that the full width of the confidence interval must be $\leq 0.01\%$ (so a 90.00% game would be $90.00\% \pm 0.005\%$)? Again, by comparison, the independent test lab Bally employs applies a policy which uses the latter $\pm 0.005\%$, but at ninety-five percent (95%) confidence). Please see Bally's suggested language for subsection (1)(B) in the next comment section.

Taking all the comments on subsection (1)(B) together, Bally suggests the following change: "(B) Calculate PAR sheets utilizing theoretical analysis where feasible. When the Return to Player (RTP) percentage cannot be feasibly computed using theoretical analysis, the RTP percentage shall be computed such that the half-width of the ninety-five percent (95%) confidence interval is not more than 0.005%."
COMMENT #6: Subsection (1)(B)—We assert that the "at least one hundred (100) million simulations" requirement is unnecessary and recommend that it not be included in the rule. Proper calculation of the confidence interval already includes consideration for the sample size:

$$\text{Confidence Interval} = \frac{\kappa\sigma}{\sqrt{n}}$$

where:
κ is the z-value for the confidence level
σ is the standard deviation
n is the number of samples

COMMENT # 7: If a game meets the confidence interval requirements with fewer than one hundred (100) million games, it still meets the confidence interval requirements. And although experience shows that more than one hundred (100) million games are required for even the ninety-five percent (95%) confidence interval (Bally's internal baseline is greater), we would recommend that the one hundred (100) million simulations requirement not be included, if for no other reason that it is an unnecessary requirement in the context of the math.

It is also worth noting that as currently written, the requirement of "one hundred (100) million simulations" is unclear. We understand the intent to be some number of simulation runs totaling one hundred (100) million games played. If this requirement is kept in the standard, it should be reworded to read ". . . using at least one hundred (100) million simulated games."
RESPONSE AND EXPLANATION OF CHANGE: Taking the comments into consideration, the staff made changes to clarify the intent of the rule. The staff agrees with the last comment and the phrase "at least one hundred (100) million simulations" has been removed from subsection (1)(B).

COMMENT #8: Subsection (1)(C)—This requirement is very unclear. Bally requests clarification and example(s) regarding "features which

introduce independent VIs." It will be difficult to determine the need for the "written authorization," as required in this rule, without understanding the commission's comprehension of such features.
RESPONSE AND EXPLANATION OF CHANGE: MGC revised the rule to clarify the meaning based on a conference call to explain the intent of the rule.

COMMENT #9: Subsection (2)(B)—Bally requests clarification regarding independent testing laboratories:
1. Our understanding is that the standard confidence intervals in subsection (2)(B) is provided in the certification letter for informational purposes only, and that there are no threshold requirements on either the VI or the Percent Payback ± VI. Is that correct?
2. If this is more than just informational, what is the "number of games played" that should be used in the formula?
RESPONSE AND EXPLANATION OF CHANGE: MGC revised the rule to clarify the confidence levels at different intervals.

Comments from IGT:
COMMENT #10: Carrie Porterfield from IGT has the following feedback and requests for commission consideration:
Subsections (1)(A) and (1)(B)—IGT utilizes a ninety-five percent (95%) confidence level when computing the volatility index of all nonskill-based EGD themes. The proposed ninety-nine percent (99%) confidence level within a tolerance of 0.01% is a possible calculation but introduces a unique requirement for the Missouri market that would require an additional amount of time, effort and cost to achieve. Thus, IGT requests consideration to change this requirement to utilize a ninety-five percent (95%) confidence level. IGT is available to discuss the specifics regarding our calculation methodology for ninety-five percent (95%) confidence level upon commission request.
Should the commission choose to keep the ninety-nine percent (99%) confidence level, IGT would like to understand the timing of implementation and the disposition of the existing products already in the Missouri market. IGT requests that those products already placed in the market be permitted to remain in use indefinitely and that skill-based games are excluded from this requirement. Lastly, IGT requests further dialogue with the commission to understand the calculation in regards to specific cases, such as: minimum bet is greater than one (1)-line played or when bonus features are utilized.
RESPONSE AND EXPLANATION OF CHANGE: MGC agrees to change the confidence level to ninety-five percent (95%).

COMMENT #11: Subsection (1)(C)—IGT seeks confirmation regarding a feature which introduces an independent volatility index to include top boxes, community bonus games and games with an external progressive controller with a minimum contribution rate reflected on the base game PAR sheet.
RESPONSE AND EXPLANATION OF CHANGE: MGC made contact with IGT to clarify the intent of the rule.

COMMENT #12: Subsection (1)(D)—The current practice in Missouri and most other jurisdictions is that the base amount of most payouts derived from conventional progressive controllers is calculated into the PAR sheet of the base game. In addition, some PAR sheets include a fixed or minimum increment rate built into the PAR sheet. In that scenario, the best practice is that the associated progressive payout meter would be incremented rather than the coin-out meter or hand-paid meter.
RESPONSE AND EXPLANATION OF CHANGE: Subsection (1)(D) was reworded to clarify the intent of the rule to increment the meters appropriately to correspond with the PAR sheets of the game.

COMMENT #13: Subsection (1)(D)—The staff has recommended this subsection should only apply to EGD software submitted after January 1, 2014, to allow manufacturers time to revise their system designs.
RESPONSE AND EXPLANATION OF CHANGE: An extension date was added to subsection (1)(D) to exempt current games, and any games that are submitted prior to January 2, 2014, that do not meet this metering standard.

COMMENT #14: Comments received by IGT included their opinion that the adoption of the rule would result in an expenditure by private entities in excess of five hundred dollars ($500).
RESPONSE AND EXPLANATION OF CHANGE: A revised private fiscal note is published with this order of rulemaking.

11 CSR 45-5.193 Statistical Performance of Electronic Gaming Devices

(1) Gaming equipment suppliers shall—

(A) Provide the volatility index (VI) on all Probability Accounting Report (PAR) sheets. The volatility index shall be calculated at ninety-five percent (95%) confidence level and at one (1)-line played, or the electronic gaming device (EGD) minimum bet where applicable. For EGDs with non-linear pay tables, the bet with the lowest payout shall be used. The calculations shall be accomplished by utilizing the below formulas:

$$VI = \kappa\sigma$$

Where κ equals the z score for the required confidence level and σ is the standard deviation for the game.

The standard deviation is calculated as follows:

$$\sigma = \sqrt{\sum_{i=1}^{n}((\text{Net Pay}_i - \text{E.V.})^2 \times \text{probability}_i)}$$

Net Pay_i = (the amount of each individual pay divided by the number of coins wagered)
E.V. = the payback percentage for the game
Probability_i = probability of each Net Pay_i

(B) Calculate PAR sheets utilizing theoretical analysis where feasible. When the Return To Player (RTP) percentage cannot be feasibly computed using theoretical analysis the RTP percentage shall be computed such that the half-width of the ninety-five percent (95%) confidence interval is not more than .01%. Within these PAR sheets, provide standard confidence intervals at a confidence level of ninety-five percent (95%) with each interval showing 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000 games played;

(C) Obtain written authorization from the commission prior to submitting any EGDs that support features which introduce independent VIs, separate from the base game VI, to an independent testing laboratory;

(D) All EGD software submitted for approval after January 1, 2014, shall ensure each EGD payout that is calculated into the PAR sheet's RTP for the game increments the appropriate coin-out, attendant-paid jackpot, attendant-paid progressive payout, or machine-paid progressive payout meter to allow for the analysis of game performance. Any features not calculated into the PAR sheet's RTP of the game shall not increment these meters; and

(2) Independent testing laboratories shall—

(B) Provide standard confidence intervals at a confidence level of ninety-nine percent (99%) in the certification letters using this formula—

$$\text{Percent Payback} \pm \frac{VI}{\sqrt{\text{number of games played}}}$$

with the number of games played for each interval being 10,000, 100,000, 1,000,000, 10,000,000, and 100,000,000.

REVISED PRIVATE COST: Comments received by IGT included their opinion that the adoption of the rule would result in an expenditure by private entities in excess of five hundred dollars ($500). A revised private fiscal note is published with this order of rulemaking.

REVISED FISCAL NOTE
PRIVATE COST

I. Department Title: 11—DEPARTMENT OF PUBLIC SAFETY
Division Title: 45—Missouri Gaming Commission
Chapter Title: 5—Conduct of Gaming

Rule Number and Title:	**11 CSR 45-5.193 Statistical Performance of Electronic Gaming Devices**
Type of Rulemaking:	Order of Rulemaking

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
One	**Manufacturer**	**$500,000 annually**

III. WORKSHEET

The estimated annual cost submitted by one manufacturer is $500,000 annually.

IV. ASSUMPTIONS

Based on discussion, one manufacturer noted that the meters that shall be incremented to reflect a payment from a feature that is not calculated into the PAR sheet RTP of the game is the "External System Bonus" meters. As this unique requirement utilizes a non-industry standard metering model for progressive functionality, the manufacturer submits an initial fiscal impact estimate of over $500,000 for products planned for release May 2013 through December 2013 as well as a substantial ongoing cost for each additional product placed into the Missouri market. The manufacturer did not indicate the amount of the "substantial ongoing costs" for each additional product for future years.

No other manufacturers noted any costs associated with this rule.

The anticipated total cost for this rule will recur annually for the life of the rule.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-9.105 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2012 (37 MoReg 1583–1586). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter E, and those changes are explained in the comments below. Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 12, 2012. Written comments were received from Mike Winter, Executive Director of the Missouri Gaming Association (MGA), International Gaming Technology (IGT), and Bally Technologies (Bally). No additional verbal comments were made at the public hearing. The MGC staff also commented on the rule.

COMMENT #1: Some of our MGA members are still working with their vendor to determine if they can comply with the provisions contained in E §1.05. If the vendor is unable to produce the report, we would request a modification to the regulation to accommodate those properties unable to produce the required report.
RESPONSE: This standard is written "if configurable" to address the one (1) manufacturer whose system does not send the door lock alarms when the machine is powered down. No change has been made as a result of this comment.

COMMENT #2: In E §2.02, MGA would again raise the same concern as was noted in E §1.05 regarding a vendor's ability to produce the required report.
RESPONSE: The staff believes this comment is referring to E §2.20. Manufacturers have assured the commission this report can be made available prior to the implementation of this rule. No changes have been made as a result of this comment.

COMMENT #3: For the Jackpot Chart in E §2.04, MGA noted that the commission is proposing to require MGC security seal verification for jackpot amounts of $15,000–$49,999.99. MGA would request the commission to consider modifying the proposed changes so that no MGC security seal verification is required for jackpot amounts of $15,000–$49,999.99. If MGC feels verification is necessary for jackpots above $25,000, MGA would suggest creating another box, similar to what is currently in place, for jackpots between $15,000–$24,999.99 where no seal verification is required.
RESPONSE: The new rule already increased the amount from ten thousand dollars ($10,000) to fifteen thousand dollars ($15,000). Jackpots of fifteen thousand dollars ($15,000) are not that common. No change has been made as a result of this comment.

COMMENT #4: In E §2.06, MGA would suggest MGC allow for different supervisors to provide jackpot verification at the beginning of the transaction and at the completion of the transaction; therefore, allowing for two (2) separate verifiers. By allowing two (2) separate supervisor verifiers, you have additional confirmation that the correct amount is being paid to the guest. We are confident a process could be put in place to provide the proper verification and safeguards. This could be determined by the property and provided to the MGC in their internal control submissions.
RESPONSE AND EXPLANATION OF CHANGE: The same person needs to witness the reel combination and the payout to ensure the correct jackpot amount is paid based on the winning combination displayed on the machine. No change has been made as a result of this comment; however, the word "winning" was added before "patron" in E §2.06 for consistency with E §2.10.

COMMENT #5: An MGC staff member asked, why does it say that jackpots may not be paid from a slot wallet in E §2.08? E §9.02 allows slot wallets to be used to pay out jackpots under five thousand dollars ($5,000) and to redeem tickets when the ticket validation system is down. Please look at revising this standard or removing "however, jackpots may not be paid from a slot wallet."
RESPONSE: The staff rewrite committee upon reviewing E §2.08 concluded there is no conflict between the rules. No change has been made as a result of this comment.

COMMENT #6: The staff suggested a change to E §2.10, to make it clear that the casino has to pay the winning patron of the jackpot. E §2.10 "Jackpots (chips, currency, check, etc.) shall be paid to the winning patron upon successful verification of the winning combination(s). If requested by a patron, payouts via casino issued check shall be paid to the winning patron from the casino cage."
RESPONSE AND EXPLANATION OF CHANGE: This change will be made to clarify that only the winning patron may be paid.

COMMENT #7: In E §2.11, MGA made the recommendation to increase the jackpot amount from fifteen thousand dollars ($15,000) to fifty thousand dollars ($50,000) or more.
RESPONSE: The new rule already increased the amount from ten thousand dollars ($10,000) to fifteen thousand dollars ($15,000). Jackpots of fifteen thousand dollars ($15,000) are not that common. No change has been made as a result of this comment.

COMMENT #8: The staff noted the rule in E §2.16, as proposed, states the override jackpots shall be paid and witnessed according to the Jackpot Chart, but in the next sentence it says a supervisor processes the jackpot. According to the chart, a supervisor would not always be the payor or processor of the jackpot, so that conflict needs to be resolved.
RESPONSE AND EXPLANATION OF CHANGE: We revised the first sentence to state, "Override jackpots shall be paid by a slot supervisor and witnessed according to the Jackpot Chart."

COMMENT #9: in E §4.01 the staff recommended changing "reel strip test" to "reel strip/pay table test."
RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #10: The staff suggested clarifying the requirement in E §4.01 to make it more technically correct. "Any time the CPSM is changed and prior to bringing the EGD in service, a reel strip test for the top award shall be conducted verifying the combination and payout listed on the pay glass/pay screen matches the reel strip combination displayed, and the award credits displayed."
RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #11: Bally recommends updating the MICS to clarify technical (T) and operational (O) requirements within each standard. We recognize that the MGC applies certain aspects of a standard to a licensee's operational process and other aspects to an EGD's technical functionality. However, in other jurisdictions where this is practiced, additional clarification is often provided by including identifiers within the standard for how and where it applies. To provide a

direct correlation to how this might be done in the MICS Chapter E draft, here is an example of the new E §4.01 with this enhancement applied:

> E § 4.01. "(T) (O) Any time the CPSM is changed and prior to bringing the EGD in service, a reel strip test for the top award shall be conducted verifying the pay glass/pay screen, the reel strip award, and the award display amount match."

This example shows there are both technical and operational requirements to be met. A manufacturer and test lab can clearly identify the technical requirements and design appropriate test cases. A licensee can quickly see the standard contains an operational requirement and establish the necessary control process.

This enhancement will reduce the risk of misinterpretations and unintentional non-compliance; and therefore, benefits all participants in the Missouri gaming industry.

RESPONSE: Suppliers and test laboratories have an obligation to know the testing standards. No change has been made as a result of this comment.

COMMENT #12: For some of our MGA members, an information technology (IT) employee does not assign cards to the tech department, as proposed in E §4.03(A). In those instances, cards are created and provided to the lead or manager of the slot techs for assignment to the techs. We would request this type of process be allowed under the internal controls. We would also like some clarification if the last sentence in E §4.03(A) means cards cannot be made for slot floor persons or whom this statement pertains to.

RESPONSE AND EXPLANATION OF CHANGE: The standard allows for the tech slot supervisor to assign cards. The last sentence has been deleted, since all test cards for Phase II testing must be assigned.

COMMENT #13: The staff commented that E §4.16 should be changed to be technically correct to clarify that central processing unit (CPU) boards, whether they are installed or not, need to be locked in EGDs when they are stored on or off property. The way this is written the requirement to lock the CPU compartment and the EGD is contingent on whether the CPU is installed.

RESPONSE AND EXPLANATION OF CHANGE: E §4.16 has been revised to require constant surveillance coverage on property. "Off site" has been changed to "off property" and that site is still required to be alarmed. The rule was revised to clarify that EGDs may be stored with CPU boards with locks only on property. The last sentence of E §4.16(B) has been deleted.

COMMENT #14: The staff noted the rule in E §4.16 should also clarify whether the locks on the EGD main door and CPU compartment door require sensitive keys when the EGDs are stored off property. Sensitive keys cannot leave the property. If a sensitive key is required then an EGD will have to be returned to the property for it to be opened if the critical program storage media (CPSM) or CPU is locked inside.

RESPONSE AND EXPLANATION OF CHANGE: Changed rule to not allow sensitive locks off property.

COMMENT #15: E §5.02 requires the Class B licensee to provide a copy of the gaming device manufacturer's Random Access Memory (RAM) clear procedures. MGA would again note that since these vendors are licensed as suppliers by the commission, it would be appropriate for the commission to request these procedures directly from the manufacturer rather than requiring the Class B licensee to provide them.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees to delete the last sentence in E §5.02.

COMMENT #16: In E §5.03, MGA would request the commission to consider adding the flexibility if a casino system can produce a document showing the meter reading, that it can be used in lieu of a RAM clear slip and provide proper supervisory signatures regarding this process.

RESPONSE: The RAM clear slip is currently a MICS required form. Each casino has the required form included in their internal control system. We are removing the meter reading and reel position requirements in MICS Chapter R. The RAM clear slip requirements in MICS Chapter R § 7.01(Y) will be updated to be consistent with the changes in MICS Chapter E.

COMMENT #17: Staff requested a revision to E §5.03(B) to change the phrase "with the" to "by the."

RESPONSE AND EXPLANATION OF CHANGE: This change has been made.

COMMENT #18: In the second sentence of E §6.08, MGA believes the comparison needs to be done by device and not pay table; therefore, we recommend changing "Any pay table" to "Any EGD." Since some games have multiple pay tables, if not modified, this could become a significant task.

RESPONSE AND EXPLANATION OF CHANGE: The staff agrees and the appropriate change has been made.

COMMENT #19: Bally recommends the requirement in E §6.08 be removed. A formal analysis of this extent is likely outside the scope of what a typical licensee (i.e., casino) could easily accomplish, which creates a hardship for the licensees. We also see potential in the requirement for additional investigation of EGDs that "fall outside of the calculated return to player (RTP)" to become extremely taxing on the MGC audit staff. Based on the following assessment, the expense will likely exceed the value of the effort with regard to actual discrepancies found.

Because EGD outcomes are random occurrences, it is expected that some number of games would have an RTP variance outside that indicated by the confidence intervals. On average, one percent (1%) of EGDs will report RTPs outside of the ninety-nine percent (99%) confidence interval. For a casino with two thousand (2,000) EGDs, that means that twenty (20) (on average) would report RTPs outside the confidence interval.

When including games with strategy decisions, where that decision affects RTP (such as video poker), that percentage of games that are outside the confidence intervals will increase as RTPs and volatility are calculated assuming optimal play, but suboptimal play can reduce RTPs significantly. For video poker, specifically, that RTP reduction due to suboptimal play is generally estimated to be on the order of about four to five percent (4% to 5%) (which could mean that all video poker games on a casino's floor might normally report a "discrepancy").

The problem with the standard is that in most cases, "further investigation to determine the source of the discrepancy" will not turn up any meaningful cause since the "discrepancy" is in fact merely the normal variance of on EGD driven by random outcomes. That is, for all manufacturers' games, some variance outside the confidence intervals is to be expected as part of the normal operation of the EGD.

Further, because everything is based on the randomness of outcomes, the number of games with RTPs outside the confidence interval is itself driven by randomness. Again in a casino with two thousand (2,000) EGDs finding that twenty-one (21) fall outside the confidence interval does not automatically mean that twenty (20) are due to normal operation and one (1) is due to some other kind of (non-normal) issue. The meta-analysis needed to determine what is truly a statistical outlier is fairly complex, and generally requires formal training in statistics and probability.

For the reasons stated above, we believe that even with the "100,000 life-to-date handle pulls of activity" qualifier, this standard will be overly burdensome to the MGC and licensees.

If removing this requirement is not an option, Bally would suggest the following language allowing the MGC to determine the need for (A) any additional analysis to be done, and (B) any further investigation of the analysis results by the MGC. This will give the MGC a more responsive control over the extent and expense of the standard.

"Class B licensees shall on a semi-annual basis within the first and third calendar quarters perform a theoretical-to-actual percentage return to player (RTP) comparison for each Electronic Gaming Device (EGD) deploying the game of chance and/or skill, that has had at least 100,000 life-to date handle pulls of activity. All findings and facts regarding any pay table displaying a variance of ±4% shall be submitted to the EGD department in a format approved by the Commission within fifteen days of the end of the calendar quarter. Should the EGD department determine a need for more detail:

(A) The licensee will perform an additional analysis which shall include a review of the pay table to determine the proper RTP percentage confidence intervals as calculated using the number of games played, the theoretical RTP percentage and the Volatility Index (VI) as provided within the manufacturer's PAR (Probability Accounting Report) or exactomizer-index sheet(s).

(B) Upon completion of the additional analysis, any pay table(s) where the actual RTP percentage falls outside of the calculated RTP percentage confidence intervals shall be submitted to EGD department to be investigated further to determine the source of the discrepancy."

RESPONSE: The staff believes this rule has value to ensure that the EGDs are performing according to their design specifications and also to ensure that pay tables do not have vulnerabilities. No change has been made as a result of this comment.

COMMENT #20: MGA would suggest the following change to E §8.02: Delete the last sentence and replace it with "Any found U.S. currency, tickets or coupons shall be handled in accordance with Chapter H."
RESPONSE AND EXPLANATION OF CHANGE: The staff agrees and this change has been made.

COMMENT #21: The staff recommends a revision to E §11.06 to clarify/change the MGC notification requirements when removing or converting progressive EGDs. Currently, the proposed E §11.06 requires a notification to the "MGC boat supervisor." Staff discussed this process during a recent enforcement meeting and recognized this should be streamlined throughout the EGD department.
RESPONSE AND EXPLANATION OF CHANGE: After reviewing the comment to E §11.06, the rewrite committee agrees and the notification will be to the EGD department. To be consistent within the chapter, the job title for the MGC coordinator has also been updated to the MGC EGD coordinator in E §4.07.

COMMENT #22: Staff recommended we draft a standardized form for all properties to use for notification as per E §11.06 when submitting a request to the MGC EGD department.
RESPONSE: No specific form will be provided. Notification to the EGD department shall be provided in a format approved by the MGC.

COMMENT #23: IGT noted that E §12.11 defines that an EGD shall lock up and result in a hand pay when it has lost communication from the validation system; whereas, E §12.12 defines an EGD that contains a system component that is capable of retaining all information for ticket validation to not be considered to have lost communication. This results in a perceived difference when reviewing E §12.11 independently.
RESPONSE AND EXPLANATION OF CHANGE: The staff has decided to combine the two (2) sections. E §12.12 was designed to clarify that the casino does not have to process a hand-paid jackpot, if the EGD could still print the ticket, even though the EGD is offline.

COMMENT #24: IGT noted that recent technical and protocol developments provide a robust process for offline ticket redemption that are supported in technical standards such as Nevada 3.150(11) and GLI-11. In resolving the perceived difference noted above, IGT would encourage consideration of these developments with regard to E §12.11.
RESPONSE: We will consider changes in the future rewrites. No change has been made as a result of this comment.

COMMENT #25: The staff recommended E §12.14 be deleted and replaced with a rule that states, "The TITO system shall not allow for tickets to be reprinted."
RESPONSE AND EXPLANATION OF CHANGE: The section has been changed to read, "EGDs shall not be capable of printing duplicate tickets."

COMMENT #26: The staff recommended E §12.20 be clarified to only allow a database administrator to access ticket validation numbers. Occasionally, IT will have to research a ticket validation number for the audit department; however, access needs to be restricted to prevent ticket theft.
RESPONSE AND EXPLANATION OF CHANGE: A sentence has been added to specify that access is limited to IT staff or other positions approved by MGC. The third sentence of E §12.20 has been changed to read, " Any EGD or system hardware on the EGD that holds ticket information shall not have any options or methods that would allow for viewing of the full validation number prior to redemption."

COMMENT #27: The staff recommended that E §14.07(G) be removed. This requirement was removed from the *Code of State Regulations* earlier this year.
RESPONSE AND EXPLANATION OF CHANGE: This deletion has been made.

11 CSR 45-9.105 Minimum Internal Control Standards (MICS)—Chapter E

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter E—Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on January 30, 2013.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission (MGC) under section 313.805, RSMo Supp. 2012, the commission amends a rule as follows:

11 CSR 45-9.118 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1,

2012 (37 MoReg 1587). Changes have been made to the *Minimum Internal Control Standards* (MICS) as incorporated by reference in Chapter R, and those changes are explained in the comments below. Changes have been made to the text of the proposed amendment, so it is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on this proposed amendment on December 12, 2012. No one commented at the public hearing. Written comments were received from Mike Winter, Executive Director of the Missouri Gaming Association (MGA). The MGC staff also had two (2) comments.

COMMENT #1: In Chapter R §7 Forms Description, MGA suggested adding the same clarifying statement in R §7.01(P)7) as is provided in R §7.01(P)3) for the EGD Hand-Paid Jackpot Form. We suggest adding the following: "Alpha is optional if another unalterable method is used for evidencing the amount of the jackpot."
RESPONSE AND EXPLANATION OF CHANGE: Changed as requested. Also made same change for the Table Games Jackpot Slip in §7.01(BBB)9).

COMMENT #2: The staff noted the RAM Clearing Slip listed in R §7.01(Y) should be revised to remove the meter reading and reel position requirements to be consistent with the changes made to MICS Chapter E §5.03.
RESPONSE AND EXPLANATION OF CHANGE: The RAM Clearing Slip requirements in R §7.01(Y) will be updated to be consistent with the changes in MICS Chapter E.

COMMENT #3: Several staff members commented that the Personnel Access List form was removed from MICS Chapter E on June 30, 2011; however, it was not removed from MICS Chapter R §7.01(YY).
RESPONSE AND EXPLANATION OF CHANGE: Since the form is no longer required in MICS Chapter E, it will be removed in MICS Chapter R.

COMMENT #4: In R §7.01(BBB)3), MGA would like some clarification on why the alpha and numeric is required on the gross amount and would suggest that it be removed.
RESPONSE AND EXPLANATION OF CHANGE: The change has been made. The staff made the same change to R §7.01(BBB)9).

COMMENT #5: MGA would also like some clarification on why this level of detail is needed in R §7.01(BBB)4).
RESPONSE AND EXPLANATION OF CHANGE: This information on the amount wagered and the odds of the bet at the time of the wager is necessary to verify, after the incident, whether the bet and outcome were in fact a taxable event.

COMMENT #6: In R §7.01(EEE) staff noted the reference to 11 CSR 45-5.184 and 11 CSR 45-5.185 should be removed following the form title.
RESPONSE AND EXPLANATION OF CHANGE: The change has been made.

11 CSR 45-9.118 Minimum Internal Control Standards (MICS)—Chapter R

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards* (MICS) Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on January 30, 2013.