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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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

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HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.060 Delegation of Authority to Administer Missouri Drivers License Examinations. The director proposes to remove the form following this rule in the *Code of State Regulations*.

PURPOSE: This proposed amendment removes the outdated *Drivers Examination Record* form that follows this rule in the *Code of State Regulations* that is no longer used by the *Missouri State Highway Patrol* to conduct testing.

AUTHORITY: section 302.173, *RSMo Supp. [1989] 2014*. Original rule filed July 14, 1986, effective Nov. 28, 1986. Emergency amendment filed March 18, 1992, effective April 1, 1992, expired July 29,

1992. Emergency amendment filed July 22, 1992, effective Aug. 1, 1992, expired Nov. 28, 1992. Amended: Filed March 18, 1992, effective Sept. 6, 1992. Amended: Filed Feb. 17, 2015.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.200 Driver License Classes. The director proposes to amend sections (7), (11), and (15), and add a new section (17).

PURPOSE: This proposed amendment modifies language to replace the reference to a school bus permit with a school bus endorsement and adds new language which specifies standardized restrictions for commercial driver license holders as defined by section 302.700, *RSMo*, and changes to sections 49 CFR 383, 384, and 385 in the *Commercial Driver's License Testing and Commercial Learner's Permit Standards* rule (Docket No. FMCSA-2007-27659).

(7) Class M—The holder of a Class M license may drive only a motorcycle or motortricycle, however, the holder of a Class M license with a [W] U201 restriction may drive only a motortricycle.

(11) In addition to holding the appropriate class of license as prescribed, a driver of any motor vehicle designed to transport sixteen (16) or more passengers, including the driver, must have qualified for and obtained a P endorsement. **In addition to any other restrictions prescribed by the director, the holder of a P endorsement may be issued a restriction of M or N limiting the passenger vehicle classification which the driver may operate. The restriction is determined by the classification of the passenger vehicle in which the driving skills examination was completed. The restriction M limits passenger vehicle operation to Class B or Class C types only. The restriction N limits passenger vehicle operation to Class C type only.**

(15) In addition to holding the appropriate class of license as prescribed, the driver of a school bus owned by or under contract with a public school or the State Board of Education, must have qualified for and obtained an [school bus permit] S endorsement in accordance with the requirement of section 302.272, *RSMo*. **In addition, the holder of an S endorsement may be issued a restriction limiting the classification of school bus which the driver may operate. The restriction is determined by the school bus in which the driving skills examination was completed.**

(17) In addition to any other restrictions prescribed by the director, the holder of a Class A, Class B, or Class C license may be issued an E restriction limiting the driver to a commercial motor vehicle with an automatic transmission if the driving skills examination was completed in a vehicle equipped with an automatic transmission.

AUTHORITY: sections 302.015 and 302.765, RSMo 2000, and section 302.700, RSMo [2000] Supp. 2014. Original rule filed Jan. 16, 1990, effective May 11, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 2015.

PUBLIC COST: This proposed amendment is estimated to cost the state approximately one hundred thirty-one thousand six hundred thirty-two dollars (\$131,632) in the aggregate.

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

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

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** TITLE 12—DEPARTMENT OF REVENUE
Division Title: Division 10—Director of Revenue
Chapter Title: Chapter 24— Driver License Bureau Rules

Rule Number and Title:	12 CSR 10-24.200 Driver License Classes
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$32,851
Missouri Office of Administration-ITSD	\$98,781

III. WORKSHEET

Missouri Department of Revenue –Driver License Bureau	
Update operating procedures and commercial driver license manual, and test the license issuance system and supporting applications to include the new endorsement and restriction provisions.	
Administrative Analyst I	\$10,032
Administrative Analyst III	\$836
Management Analysis Specialist I	\$3,800
Management Analysis Specialist II	\$14,421
Revenue Band Manager II	\$3,762
Missouri Department of Revenue	\$32,851 (Total)

Office of Administration - Information Technology Services Division	
Programming	\$98,781

IV. ASSUMPTIONS

The estimated costs are based on the department's experience in implementing similar requirements. To determine the cost, the department and Office of Administration-ITSD used estimated number of hours to complete requirements and current staff salaries.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.305 Commercial Driver License Requirements/Exemptions. The director proposes to amend sections (1) and (2), and adding section (3).

PURPOSE: This proposed amendment modifies language to include a requirement for new and upgrading commercial license applicants to complete the required written testing and obtain a commercial learner's permit and hold such permit for a minimum of fourteen (14) days prior to completing driving skills testing as defined by changes to section 302.720, RSMo, and sections 49 CFR 383, 384, and 385 in the Commercial Driver's License Testing and Commercial Learner's Permit Standards rule (Docket No. FMCSA-2007-27659).

(1) To obtain a commercial driver license, an applicant must take and successfully pass written and driving tests for the operation of a commercial motor vehicle. **The issuance of a commercial learner's permit is a precondition to the initial issuance of a commercial driver license or an upgrade of a commercial driver license if the upgrade requires a skills test. The commercial learner's permit holder is not eligible to take the commercial driver license skills test in the first fourteen (14) days after initial issuance of the permit.**

(2) The only drivers operating a commercial motor vehicle as defined in section 302.700, RSMo, who are not required to possess a Class A, Class B, or Class C license are—

(A) Any person driving a farm vehicle, exclusively for the transportation of agricultural products, farm machinery, farm supplies, or fertilizers, which may include, but are not limited to, ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel, or special fuel, provided the Gross Vehicle Weight Rating (GVWR) of the farm vehicle does not exceed twenty-six thousand one pounds (26,001 lbs.) when transporting these hazardous materials, or a combination of them, within one hundred fifty (150) air miles of the farm, if the person is a farmer, a family member of a farmer, or an employee of a farmer and who is not a common or contract carrier;

(B) Any person driving vehicles for military purposes, which includes active duty military personnel, a member of the reserves or national guard on full-time training duty or inactive duty for training, and national guard military technicians;

(C) Any person in the employ of a fire organization or a member of a volunteer fire organization driving emergency or fire equipment;

(D) Any person in the employ of a federal, state, or local government forest service, police department, rescue and emergency squads, or departments of safety who drive emergency or firefighting equipment which shall include, but not be limited to, riot buses or volunteers who perform wilderness search and rescue functions and disaster relief activities in government-owned vehicles only when such vehicles are used in the execution of emergency governmental functions performed under emergency conditions;

(E) Any person driving or pulling, strictly for family or personal use, a recreational vehicle as defined in sections 301.010 and 700.010, RSMo;

(F) Any person driving, for personal use, a vehicle which is a commercial motor vehicle under section 302.700, RSMo, while transporting personal property of his/her own or of another, but not for hire nor as a common or contract carrier;

(G) Any person driving, in connection with construction activities, for a limited distance on the highways of this state, construction equipment which by design, appearance, and function is not intended for use on the highways. This equipment would include motorscrap-

ers, backhoes, motor graders, compactors, excavators, tractors, trenchers, and bulldozers, but not dump trucks, tank trucks, or any equipment designed to transport materials or construction equipment overland; and

(H) Any person driving a vehicle, such as amusement park trams, used exclusively on private property and not operated on any highway, state, county, or public road.

[(2)](3) A driver exempted under this rule from possessing a Class A, Class B, or Class C license must possess a valid Class E or F license, as appropriate, with the necessary restrictions and endorsements for the vehicle being driven.

AUTHORITY: section 302.765, RSMo 2000, and sections 302.700, 302.720, and 302.775, RSMo Supp. [2010] 2014. Original rule filed March 5, 1990, effective June 11, 1990. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 2015.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.326 Third Party Tester and Examiner Sanction and Hearing Guidelines. The director proposes to amend section (9) and amend the table describing third party testing program sanctions.

PURPOSE: This proposed amendment will update the guidelines and sanctioning requirements of third party testers and examiners to conform to Missouri statutes and federal regulations.

(9) Further review of the action of the director as a result of an administrative hearing may be taken pursuant to [section 302.311] Chapter 536, RSMo.

MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM
SANCTIONS

EXAMINER

VIOLATIONS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
EXAMINER RECORDKEEPING AND BUSINESS PRACTICES				
Examiner conducts test while non-certified, suspended, or decertified.	Decertification			
Examiner conducts tests without DOR approval or conducts tests for more than one tester.	Decertification			
<i>[Examiner does not adhere to fee schedule.]</i>	<i>[Warning letter]</i>	<i>[30-day suspension]</i>	<i>[60-day suspension]</i>	<i>[Decertification]</i>
Examiner fails to maintain or complete records as required.	Warning letter	30-day suspension	60-day suspension	Decertification
Examiner fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive, or ruling.	Suspension until complies	Decertification		
EXAMINER QUALIFICATIONS				
Examiner application indicates felony conviction in last five years.	Denial/Decertification			
Examiner driving history indicates conviction for any alcohol related enforcement contacts (DWI, DUL, BAC, DUID, etc) in MO or any other state within last/s/ five years.	Denial/Decertification			
Examiner driving history indicates a suspension, revocation, cancellation, or disqualification in MO or any other state within last/s/ five years.	Denial/Decertification			
Examiner fails to attend required recertification courses as required by the <i>[D]director [every three (3) years or when required based upon audit findings].</i>	Suspension until recertification course completed.	Decertification		
Examiner fails to report suspension, revocation, cancellation, or disqualification.	Suspension up to one year or decertification.			
SKILLS TEST ADMINISTRATION				
Examiner encourages or accepts bribe or gratuity.	Decertification			
Examiner falsifies records or information or misrepresents by omitting any test requirement or procedure.	Suspension up to one year and/or decertification.			
Examiner fails to inform DOR/MSHP concerning civil or criminal actions related to skills test	Suspension up to one year and/or decertification.			
Examiner administers skills test without proper CDL License and appropriate endorsements and/or restrictions.	30-day minimum suspension and re-audit.	Decertification		

Examiner knowingly retests failed applicant within same day.	<i>[Warning]</i> 30-day suspension	<i>[30-day suspension]</i> 60-day suspension	<i>[60-day suspension]</i> Decertification	<i>[Decertification]</i>
Examiner allows unauthorized passengers in the test vehicle during skills testing.	Warning letter and possible re-audit	30-day suspension	60-day suspension $./$	Decertification
Audit of examiner finds scoring and form completions inconsistent with TPT manual guidelines.	Re-audit and/or 30 day suspension	60-day suspension	Decertification	

**MISSOURI DEPARTMENT OF REVENUE THIRD PARTY TESTING PROGRAM
SANCTIONS**

TESTER

VIOLATIONS	FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE	FOURTH OFFENSE
TESTER RECORDS AND BUSINESS PRACTICES				
Tester operates without Department of Revenue authorization.	Application denied for minimum of five (5) years			
Tester does not maintain insurance as required per C-3 in tester contract.	Suspended until /D/department receives proof of required insurance.	30-day suspension and must submit proof of required insurance to Department of Revenue.	Decertification	
Tester does not maintain security bond as required in tester contract.	Suspended until department receives proof of required bond	Decertification		
Tester does not maintain certificate of authorization for use of test site(s) as required.	Suspended until receipt of authorization and posting of certificate.	30-day suspension and must receive authorization and post certificate	Decertification	
Tester uses non-certified, suspended, or decertified examiner.	Decertification			
Tester uses examiner without Department of Revenue approval or allows examiner to test for more than one tester.	Decertification			
<i>[Tester does not adhere to fee scheduling.]</i>	<i>[Warning letter to TPT]</i>	<i>[30 day suspension]</i>	<i>[60 day suspension]</i>	<i>[Decertification]</i>
Tester representative fails to attend audit/inspection without notification.	30-day suspension	60-day suspension	Decertification	
Tester fails to comply with monthly reporting requirements.	Warning letter <i>[to TPT]</i>	30-day suspension	60-day suspension	Decertification
Tester fails to respond to DOR/MSHP request for information or fails to comply with DOR/MSHP instruction, directive, or ruling.	Suspension until complies	Decertification		
Tester fails to maintain permanent structure and business street address.	Suspension until complies	Decertification		
Tester records not maintained at each test site in centralized location.	If audit can be completed, warning letter <i>[to TPT]</i> . If audit cannot be completed, warning letter <i>[to TPT]</i> and reschedule audit.	30-day suspension	Indefinite suspension until complies	Decertification
Tester fails to notify DOR of any changes to tester or examiner status.	Warning letter	30-day suspension	Decertification	

TEST SITE FACILITIES				
Site does not comply with <i>[basic control, pre-trip]</i> pre-trip, basic control and skills course layout or space requirements.	Warning letter and/or up to 30-day suspension	Warning letter and/or up to 60-day suspension	<i>[One (1) year suspension or possible decertification.]</i> Decertification	<i>[Decertification]</i>
TEST ADMINISTRATION				
Tester encourages or accepts bribe or gratuity.	Decertification			
Tester falsifies records or information, or misrepresents by omitting, any test requirement or procedure or encourages/requires examiner to do the same.	Decertification			
Tester fails to inform DOR/MSHP concerning civil or criminal actions related to complaints regarding skills testing.	Suspension up to one year pending additional action or decertification.			
Tester allows examiner to administer skills test without proper CDL license and appropriate restrictions or endorsements.	30-day suspension and re-audit.	Decertification		
Tester allows examiner to administer tests during non-daylight hours.	30-day suspension	60-day suspension	Decertification	
Tester allows examiner to knowingly re-test failed applicant within same day.	Warning letter	30-day suspension	60-day suspension	Decertification
Tester allows examiner to administer skills tests with unauthorized passengers in test vehicle.	Warning letter	30-day suspension	60-day suspension	Decertification

AUTHORITY: sections 302.720 and 302.721, RSMo Supp. 2014, and section 302.765, RSMo 2000. Original rule filed Sept. 27, 2001, effective April 30, 2002. Emergency amendment filed April 12, 2002, effective April 30, 2002, expired Oct. 26, 2002. Amended: Filed April 12, 2002, effective Sept. 30, 2002. Amended: Filed Feb. 17, 2015.

must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.330 Delegation of Authority to Third-Party Testers to Conduct Skills Tests of Applicants for Commercial Drivers Licenses. The director proposes to amend section (1) and to remove the outdated forms.

PURPOSE: This proposed amendment requires third-party testers to maintain a security bond and to submit test results through a secure electronic means as defined in 49 CFR 383 in the Commercial Driver's License Testing and Commercial Learner's Permit Standards rule (Docket No. FMCSA-2007-27659). The director also proposes to remove the outdated forms as they are not "included herein" or "incorporated by reference" within the rule.

(1) The director shall authorize any third-party tester certified by the director to administer skills tests to commercial motor vehicle operator applicants in accordance with the laws of this state **and 49 CFR 383.75, including, but not limited to, maintaining a security bond and submitting test results electronically to the Department of Revenue. Any third-party tester that is a governmental entity shall not be required to maintain the security bond.**

AUTHORITY: section[s] 302.700, RSMo Supp. [1991] 2014, and section 302.765, RSMo [Supp. 1989] 2000. Emergency rule filed June 20, 1990, effective June 30, 1990, expired Oct. 27, 1990. Emergency rule filed Oct. 26, 1990, effective Nov. 5, 1990, expired March 4, 1991. Original rule filed June 20, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 17, 2015.

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

PRIVATE COST: This proposed amendment is estimated to cost private entities approximately one hundred twenty-four thousand dollars (\$124,000) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered comments

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 12—DEPARTMENT OF REVENUE
Division Title: Division 10—Director of Revenue
Chapter Title: Chapter 24 – Driver License Bureau Rules

Rule Number and Name:	12 CSR 10-24.330 Delegation of Authority to Third-Party Testers to Conduct Skills Tests of Applicants for Commercial Drivers Licenses
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed amendment:	Classification by types of business entities which would likely be affected:	Estimate in the aggregate as to the Cost of compliance with the proposed amendment by the affected entities:
14	Third-Party Testers	\$124,000

III. WORKSHEET

Third Party-Tester – Initiate and maintain a security bond based on how many test given annually, and purchase tablets to submit test results electronically.
Security bond for third-party tester who administers less than 50 tests per year – Estimated a fee of 10% on a \$25,000 bond = \$2,500. X 4 testers = \$10,000.
Security bond for third-party tester who administers more than 50 tests per year – Estimated a fee of 10% on a \$50,000 bond = \$5,000. X 10 testers = \$50,000.
Test tablets – Estimated 20 tablets at \$3,200 each = \$64,000.

IV. ASSUMPTIONS

The estimated costs are based on the 2014 statistics of third-party examiners and the cost of software purchased by the Missouri State Highway Patrol to automate their commercial driver license testing program. The amount proposed for third-party testers is the sum of all testers.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.335 Commercial Drivers Licensing Third Party Examination Audit Retest Process. The director proposes to amend sections (1) and (2).

PURPOSE: This proposed amendment shortens the required notification time of testing from three (3) days to two (2) days to be consistent with federal requirements 49 CFR 383.75.

(1) Third-party testers certified by the director of revenue to conduct commercial drivers license skill examinations shall notify the Missouri State Highway Patrol [three (3)] **no later than two (2)** business days prior to conducting a commercial drivers license skills examination.

(2) The Missouri State Highway Patrol auditor may agree to shorten the [three (3)] **two- (2)-[-]** day notice for a third-party tester for emergency or urgent situations. If it is determined by the Missouri State Highway Patrol or the Missouri Department of Revenue that the scheduling or emergency scheduling process is not being adhered to, the third-party tester and/or the examiner in question may be sanctioned as outlined in 12 CSR 10-24.326.

AUTHORITY: section 302.721, RSMo Supp. [2004] 2014. Original rule filed July 11, 2005, effective Jan. 30, 2006. Amended: Filed Feb. 17, 2015.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.385 School Bus Permits. This rule established the types of school bus permits issued to school bus operators.

PURPOSE: This rule is being rescinded because it is outdated and the statutory references to the issuance of a school bus permit have been deleted. Additionally, 302.272, RSMo, contains current requirements for issuance of a school bus endorsement which replaced the formerly-issued school bus permit.

AUTHORITY: section 302.272, RSMo 2000. Emergency rule filed June 7, 1991, effective June 17, 1991, expired Oct. 4, 1991. Emergency rule filed Sept. 24, 1991, effective Oct. 4, 1991, expired Jan. 31, 1992. Original rule filed June 7, 1991, effective Oct. 31, 1991. Amended: Filed Oct. 22, 1997, effective April 30, 1998. Amended: Filed June 24, 2003, effective Dec. 30, 2003. Rescinded:

Filed Feb. 17, 2015.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.390 Commercial Driver Instruction Permit. The director proposes to amend section (1).

PURPOSE: This proposed amendment defines that an applicant for a commercial driver instruction permit must first hold a valid Missouri driver license as defined in section 49 CFR 383.71 of the Commercial Driver's License Testing and Commercial Learner's Permit Standards rule (Docket No. FMCSA-2007-27659).

(1) Before applying for a commercial driver instruction permit, the person shall possess a valid **Missouri** driver license [issued in this or any other state].

AUTHORITY: section 302.720, RSMo Supp. [2003] 2014, and section 302.765, RSMo 2000. Emergency rule filed June 7, 1991, effective June 17, 1991, expired Oct. 4, 1991. Original rule filed June 7, 1991, effective Dec. 9, 1991. Emergency rule filed Sept. 24, 1991, effective Oct. 4, 1991, expired Jan. 31, 1992. Amended: Filed Feb. 28, 1992, effective Aug. 6, 1992. Amended: Filed June 24, 2003, effective Dec. 30, 2003. Amended: Filed Feb. 17, 2015.

PUBLIC COST: This proposed amendment is estimated to cost the state approximately six thousand nine hundred twenty-eight dollars (\$6,928) in the aggregate.

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

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

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** TITLE 12—DEPARTMENT OF REVENUE
- Division Title:** Division 10—Director of Revenue
- Chapter Title:** Chapter 24— Driver License Bureau Rules

Rule Number and Title:	12 CSR 10-24.390 Commercial Driver Instruction Permit
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$1,729
Missouri Office of Administration-ITSD	\$5,199

III. WORKSHEET

Missouri Department of Revenue –Driver License Bureau	
Update operating procedures and commercial driver license manual; and test the license issuance system and supporting applications to include the commercial driver instruction permit eligibility provisions.	
Administrative Analyst 1	\$528
Administrative Analyst III	\$44
Management Analysis Specialist I	\$200
Management Analysis Specialist II	\$759
Revenue Band Manager II	\$198
Missouri Department of Revenue	\$1,729 (Total)
Office of Administration Information Technology Services Division	
Programming \$5,199	

IV. ASSUMPTIONS

The estimated costs are based on the Department’s experience in implementing similar requirements. To determine the cost, the Department and OA-ITSD used estimated number of hours to complete requirements and current staff salaries.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.395 Delegation of Authority to the Missouri State Highway Patrol to Conduct Skills Testing of Applicants for Commercial Driver Licenses. The director proposes to amend section (5).

PURPOSE: This proposed amendment requires that commercial driver license test scores are submitted through a secure electronic means to the Department of Revenue to be consistent with federal requirement 49 CFR 383.135 and 49 CFR 384.229.

(5) **Test scores shall be submitted to the Department of Revenue through a secure electronic means.** The test scores remain valid unless retesting is required by Missouri law or one (1) year from the date indicated on the examination results, whichever occurs first. Each person shall be responsible for maintaining a copy of the test results. If test results cannot be provided by the driver at the time of application for a Missouri commercial driver license, the applicant shall be required to retake any test(s) necessary to receive the class of license requested.

AUTHORITY: section 302.720, RSMo Supp. [2002] 2014, and section 302.765, RSMo 2000. Emergency rule filed June 7, 1991, effective June 17, 1991, expired Oct. 4, 1991. Emergency rule filed Sept. 24, 1991, effective Oct. 4, 1991, expired Jan. 31, 1992. Original rule filed June 7, 1991, effective Oct. 31, 1991. Amended: Filed May 15, 1995, effective Nov. 30, 1995. Amended: Filed Nov. 15, 2002, effective May 30, 2003. Amended: Filed Feb. 17, 2015.

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

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

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

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED RESCISSION

12 CSR 10-24.442 Stacking Sixty (60)-Day, Ninety (90)-Day, One Hundred Twenty (120)-Day and One Hundred Eighty (180)-Day Disqualifications. This rule established that a second or subsequent disqualification for a serious traffic violation or for driving while out of service shall be in addition to any other previous period of disqualification as stated in 49 CFR section 384.219.

PURPOSE: This rule is being rescinded because the provisions of House Bill 103, enacted by the 97th General Assembly (2013), changed section 302.755, RSMo, to mirror the federal regulations regarding stacking of disqualifications; therefore, this rule is no longer needed.

AUTHORITY: section 302.765, RSMo [1994] 2000 and section

302.755, RSMo Supp. 2014. Original rule filed Oct. 18, 1995, effective April 30, 1996. Rescinded: Filed Feb. 17, 2015.

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

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

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

**Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement
System of Missouri
Chapter 3—Funds of Retirement System**

PROPOSED AMENDMENT

16 CSR 10-3.010 Payment of Funds to the Retirement System. The Retirement System is amending subsection (9)(B).

PURPOSE: This amendment clarifies that consideration for agreement to terminate employment is not to be considered “salary” for the purposes of the Retirement System.

(9) The terms “salary,” “salary rate,” and “compensation” are synonymous when used in regulations promulgated by the board, unless the context plainly requires a different meaning.

(B) Salary, salary rate, and compensation do not include:

1. Payments for services as an independent contractor, or any other payment that must be reported on IRS form 1099-MISC;
2. Payments made by an entity that is not a covered employer[,] and reported to the IRS under that entity’s tax identification number;
3. Payments made for unused annual, sick, or similar leave time, except as provided by section 104.601, RSMo;
4. Payment for leaves of absence if less than one hundred percent (100%) of previous contract rate, except as provided in section 169.055 or 169.595, RSMo;
5. Extraordinary payments such as bonuses, awards, and retirement incentives;

6. Consideration for agreeing to terminate employment, including retirement incentives, retirement or separation notice incentives, or any other payment(s) received by an employee in exchange for agreeing to terminate employment, regardless of if the employee is required to also perform extra duties as a condition of receiving the payment(s);

[6.]7. Fringe benefits, except medical benefits as described in section [(9)](7) of this rule;

[7.]8. Any other payment that is not part of the regular remuneration earned by a member as an employee of a covered district during a school year; and

[8.]9. Payments resulting from employment disputes including severance pay, back pay awards, payments in settlement of employment contract disputes, payments in consideration for agreeing to terminate employment, and payments in settlement of other employment disputes.

AUTHORITY: section 169.020, RSMo Supp. [2013] 2014. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 2015.

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 Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. 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 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement
System of Missouri
Chapter 6—The Public Education Employee
Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.020 Source of Funds. The Retirement System is amending subsections (11)(A) and (B).

PURPOSE: This amendment clarifies that consideration for agreement to terminate employment is not to be considered “salary” for the purposes of the Retirement System. It also corrects an incorrect section reference in paragraphs (11)(A)7. and (11)(B)7.

(11) The terms “salary,” “salary rate,” and “compensation” are synonymous when used in regulations promulgated by the board, unless the context plainly requires a different meaning.

(A) For purposes of calculating contributions and benefits, those terms mean the regular remuneration earned by a member as an employee of any covered district during a school year, including (unless excluded by subsection (11)(B)):

1. Salary paid under the terms of the basic employment agreement;
2. Wages;
3. Payments for extra duties, whether or not related to the employee’s regular position;
4. Overtime payments;
5. Career ladder payments made pursuant to sections 168.500 to 168.515, RSMo;
6. Supplemental salary paid in addition to workers’ compensation;
7. Medical benefits as specified in section ~~[[10]]~~ (9) of this rule;
8. Payment for annual leave, sick leave, or similar paid leave actually used by the member;
9. Payment for leaves of absence if at least one hundred percent (100%) of previous contract rate;
10. Compensation on which taxation is deferred under Internal Revenue Code (IRC) section 401(k), 403(b), 457, 414(h)(2), or similar plans established by the employer under the IRC;
11. Salary reductions for purposes of a plan established by the employer under IRC section 125; and
12. Other similar payments that are earned by a member as an employee of any covered district during a school year.

(B) Salary, salary rate, and compensation do not include:

1. Payments for services as an independent contractor, or any other payment that must be reported on IRS form 1099-MISC;
2. Payments made by an entity that is not a covered employer[,] and reported to the IRS under that entity’s tax identification number;
3. Payments made for unused annual, sick, or similar leave

time, except as provided by section 104.601, RSMo;

4. Payment for leaves of absence if less than one hundred percent (100%) of previous contract rate, except as provided in section 169.595, RSMo;

5. Extraordinary payments such as bonuses, awards, and retirement incentives;

6. Consideration for agreeing to terminate employment, including retirement incentives, retirement or separation notice incentives, or any other payment(s) received by an employee in exchange for agreeing to terminate employment, regardless of if the employee is required to also perform extra duties as a condition of receiving the payment(s);

~~[/6.]/7. Fringe benefits, except medical benefits as described in section ~~[[10]]~~ (9) of this rule;~~

~~[/7.]/8. Any other payment that is not part of the regular remuneration earned by a member as an employee of a covered district during a school year; and~~

~~[/8.]/9. Payments resulting from employment disputes including severance pay, back pay awards, payments in settlement of employment contract disputes, payments in consideration for agreeing to terminate employment, and payments in settlement of other employment disputes.~~

AUTHORITY: section 169.610, RSMo Supp. [2013] 2014. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 2015.

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 Public School and Education Employee Retirement Systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. 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 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under section 290.240, RSMo 2000, the division amends a rule as follows:

**8 CSR 30-3.060 Occupational Titles of Work Descriptions
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 15, 2014 (39 MoReg 2133–2135). 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 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Family Support Division, under section 208.027, RSMo Supp. 2014, the Family Support Division proposes to amend the rule as follows:

13 CSR 40-2.410 Screening Temporary Assistance Applicants and Recipients for Illegal Use of a Controlled Substance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1936). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after the publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Family Support Division (FSD) received one (1) letter commenting on the proposed amended rule.

COMMENT #1: Senator Shalonn “Kiki” Curls commented that section 208.247, RSMo Supp. 2014 allows a public assistance applicant with a history of one (1) felony drug conviction to receive the benefits if the applicant meets the following criteria: 1) is participating in, has been accepted for, has completed, or is certified to not need substance abuse treatment; 2) is complying with obligations imposed by a court, the Division of Alcohol and Drug Abuse, or the Board of Probation and Parole; 3) does not have a subsequent felony of misdemeanor conviction related to illegal drug use or possession; and 4) demonstrates sobriety through urinalysis testing.

Under the final version of the bill, two (2) or more felony drug convictions would not allow the applicant to have relief from the prohibition on receiving public assistance benefits. The provision required the Department of Social Services to promulgate rules relating to this and specified that the rules should specify the criteria for determining active participation and completion of a substance abuse program.

RESPONSE: FSD appreciates this comment, but it believes that it is beyond the scope of this rulemaking, as 13 CSR 40-2.410 relates only to the Temporary Assistance program. Section 208.247, RSMo Supp. 2014 only applies to the food stamp program. FSD has promulgated a separate set of rules for substance abuse treatment for Temporary Assistance recipients. These rules are found in 13 CSR 40-2.430. No changes have been made as a result of this comment.

COMMENT #2: Senator Shalonn “Kiki” Curls commented that section 208.027, RSMo Supp. 2014 as amended provides that if a person tested positive for illegal drug use temporary assistance benefits could be denied. Section 208.027, RSMo Supp. 2014 was amended to: 1) remove an automatic hearing before the Administrative Hearing Commission of a denial of benefits. A recipient must now request a hearing; 2) clarified that a refusal to undergo drug testing would be treated the same as positive test; and 3) allow the department to use “other information” besides positive tests to determine if a person was taking illegal drugs.

RESPONSE: The previous and current version of section 208.027, RSMo did not authorize a hearing before the Administrative Hearing Commission. Under current law these hearings are conducted before the Department of Social Services hearing officers. See section 208.080, RSMo. Section 208.027, RSMo Supp. 2014 removed the automatic hearing provision, but individuals can still request a hearing. Section 208.027, RSMo Supp. 2014 allows the department to use other information besides the screening tool to determine if there is reasonable suspicion to conduct drug testing. Positive drug tests are not used to determine if there is reasonable suspicion to drug test. No changes have been made as a result of this comment.

COMMENT #3: Senator Shalonn “Kiki” Curls commented that section 208.027, RSMo Supp. 2014 “deals with similar but distinct issues.” The provision addresses a prohibition on receipt of benefits by persons who had been convicted of drug crimes. Section 208.027, RSMo addresses testing to determine if applicants or recipients are currently engaged in drug use. In other words, the new legislation relieves past drug users from a prohibition of benefits while section 208.027, RSMo prohibits benefits to current drug users.

RESPONSE: FSD appreciates this comment, but it believes that it is beyond the scope of this rulemaking. Section 208.027, RSMo Supp. 2014 and 13 CSR 40-2.410 only involves drug testing of applicants or recipients of Temporary Assistance. No changes have been made as a result of this comment.

COMMENT #4: Senator Shalonn “Kiki” Curls commented 13 CSR 40-2.410 relates only to section 208.027, RSMo and not section 208.247, RSMo. The legislation enacted specifically requires the department to promulgate rules – and specifies that those rules are to address the criteria for determining participation and completion of substance abuse treatment. The senator believes the department has failed to promulgate rules.

RESPONSE: FSD appreciates this comment, but it believes that it is beyond the scope of this rulemaking. Section 208.247, RSMo Supp. 2014 only applies to food stamp recipients. FSD has promulgated another rule for substance abuse treatment for Temporary Assistance recipients. See 13 CSR 40-2.430. No changes have been made as a result of this comment.

COMMENT #5: Senator Shalonn “Kiki” Curls questioned whether a criminal drug charge that results in a suspended imposition of sentence should be considered as grounds for requiring the drug testing of a Temporary Assistance applicant or recipient. A suspended imposition of sentence is not considered a criminal conviction.

RESPONSE: Section 208.027, RSMo Supp. 2014 authorizes drug testing of applicants or recipients of Temporary Assistance if the department has reasonable cause to believe, based on screening or other information, the applicant or recipient engages in the illegal use of a controlled substance. An individual who receives a suspended imposition of sentence for illegal use of a controlled substance has plead guilty to a crime involving the illegal use of a controlled substance. A participant or applicant’s admission in court as part of a guilty plea that he or she has engaged in the illegal use of a controlled substance is sufficient and appropriate to establish the reasonable suspicion required by the statute to trigger the testing requirement. No changes have been made as a result of this comment.

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

ORDER OF RULEMAKING

By the authority vested in the Family Support Division, Department of Social Services under section 208.027, RSMo Supp. 2014, the Family Support Division amends a rule as follows:

13 CSR 40-2.420 Testing for the Illegal Use of a Controlled Substance by Applicants and Recipients of Temporary Assistance **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1936–1937). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

ORDER OF RULEMAKING

By the authority vested in the Family Support Division, Department of Social Services under section 208.027, RSMo Supp. 2014, the Family Support Division amends a rule as follows:

13 CSR 40-2.440 Hearings for Proceedings under 13 CSR 40-2.400 through 13 CSR 40-2.450 **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1937–1938). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 6—Batterer Intervention Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections (MDOC) under section 455.549, RSMo Supp. 2014, the board adopts a rule as follows:

14 CSR 80-6.010 Definitions for Batterer Intervention Program Credentialing **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1938–1939). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Corrections received one (1) written comment.

COMMENT: Shelly Ohlms, MSW, MPA, Batterer Compliance Coordinator for the St. Louis Family Courts commented that coercive behaviors should be defined in the definition.

RESPONSE: At this time the Missouri Department of Corrections believes that the term “coercive behavior” may encompass a broad array of actions depending upon the intent of the one engaging in coercive behavior. Any attempt to limit the term to specific instances of conduct would negate the ability to look at the intent of the person engaging in coercive conduct.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 6—Batterer Intervention Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections (MDOC) under section 455.549, RSMo Supp. 2014, the board adopts a rule as follows:

14 CSR 80-6.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1939–1951). Changes have been made to the text of the proposed rule and to the Batterer’s Intervention Program Credentialing

application, so it is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Corrections received written comments from Jennifer Carter Dochler, MSW, Education and Outreach Coordinator for the Missouri Coalition Against Domestic and Sexual Violence, Shelly Ohlms, MSW, MPA, Batterer Compliance Coordinator for the St. Louis Family Courts, and Lisa Doyle, MA, CRADC, ICRC, CAMF, CDVIF, QMHP, DOT SAP; Director and Chief Administrative Officer Addiction Awareness, LLC, and Jay Boresi, Missouri Department of Corrections Legal Counsel.

COMMENT #1: Paragraph (1)(A)3.—Jennifer Carter Dochler commented that there appeared to be a typo in “applying” vs. “reapplying”.

RESPONSE AND EXPLANATION OF CHANGE: The staff revised paragraph (1)(A)3.

COMMENT #2: Paragraph (1)(A)3.—Lisa Doyle recommended another step to allow for correction of deficiencies.

RESPONSE: The Missouri Department of Corrections believes the initial application has criteria and training requirements that are specific, so prior to applying to be credentialed the provider should be able to easily discern whether or not they meet the initial application requirements. No changes were made as a result of this comment.

COMMENT #3: Paragraph (1)(B)1.—Jay Boresi suggested paragraph (1)(B)1. be changed to read Batterer’s Intervention Credentialing Application and Program Guide to be consistent with the application cover page and the program guide cover page.

RESPONSE AND EXPLANATION OF CHANGE: The staff revised paragraph (1)(B)1.

COMMENT #4: Paragraph (1)(B)3.—Jennifer Carter Dochler commented that the definition should include how the provider should address transgender offenders under “groups should never include mixed genders.”

RESPONSE AND EXPLANATION OF CHANGE: The staff revised paragraph (1)(B)3.

COMMENT #5: Paragraph (1)(B)3.—Lisa Doyle recommended that in smaller population areas to make it a requirement that single gender groups are offered and clients have the choice - or if a single gender group isn’t available at the time - they can be helped in individual sessions. We have found that when we give them the option - they can learn from the other gender to hear the “other side.”

RESPONSE: The Missouri Department of Corrections defers to evidence based research that indicates that genders should not be mixed, the risks/needs of each gender are different. No changes were made as a result of this comment.

COMMENT #6: Jennifer Carter Dochler commented that there should be clarification how the provider should address transgender clients.

RESPONSE: As the document has been changed in paragraph (1)(B)3., staff did not believe that there needed to be additional clarification. No changes were made as a result of this comment.

COMMENT #7: page 1940, cover page of BIP Application and Program Guide—Jennifer Carter Dochler commented that the Department of Corrections logo be amended to exclude the words Sexual Abuse.

RESPONSE AND EXPLANATION OF CHANGE: Staff amended the logo.

COMMENT #8: page 1941 page 2 of the BIP Application and Program Guide—Jennifer Carter Dochler commented that providers

should include their licensure status and any specific training or expertise relative to working with domestic violence clients.

RESPONSE AND EXPLANATION OF CHANGE: The first line following the header on page 1941 already asks that the applicant provide the status of their licensure. No change was made. Staff revised the second line of that paragraph.

COMMENT #9: page 1941 page 2 of the BIP Application and Program Guide—Lisa Doyle recommended that the MO Certification Board provide grandfathering in and standards from coalition and that they need to be at least a RASAC I with 45-75 hours of DV specified training like the coalition recommends due to the fact that substance abuse goes along with it so much of the time.

RESPONSE: The Missouri Department of Corrections researched other BIP programs across the country; substance abuse and mental health issues should be addressed by the appropriately certified or licensed professional separately either prior to BIP or in conjunction with BIP. The DOC standards for BIP providers are based on the MCADSV standards. No changes were made as a result of this comment.

COMMENT #10: page 1942 page 3 of the BIP and Program Guide—Jennifer Carter Dochler commented there should be clarification how the provider should address appropriate programming when victims have been court ordered to the program due to a recent arrest or incident although the individual may actually be the victim in the relationship.

RESPONSE: The Missouri Department of Corrections expects Batterer Intervention Programs to provide services to all offenders ordered to complete a Batterer Intervention Program as ordered by the court or parole board based on the assessment of the individual’s needs. There were no changes made as a result of this comment.

COMMENT #11: page 1943 page 4 of the BIP Application and Program Guide bullet 6—Jennifer Carter Dochler commented that the Department of Corrections should clarify the expectation that the provider follow mandatory reporting laws. The statement should match statute language to include child, vulnerable adult, or person who is sixty (60) or older with an inability to care for self.

RESPONSE AND EXPLANATION OF CHANGE: The staff amended bullet 6.

COMMENT #12: page 1943 page 4 of the BIP Application and Program Guide bullet 1—Shelly Ohlms commented that the plan for community protection be expanded to include more information on how the Probation and Parole Officer would address continued non-compliance as it was too vague as written.

RESPONSE: The Missouri Department of Corrections believes that it should review each individual case. If an offender is hospitalized and is non-compliant with attendance they could be unsuccessfully discharged and be required to go back to court. Most clients are court ordered to attend programming; instances of non-compliance are summarized in Violation Reports to the court with a recommendation and a plan of action. Not all courts proceed the same way therefore there should be flexibility. If the court has concerns or does not want to proceed with the proposed plan, the court may take action since they have jurisdiction. Plans would be developed by treatment providers/officers and submitted to the court for review/approval. No changes were made as a result of this comment.

COMMENT #13: page 1943 page 4 of the BIP Application and Program Guide section 3 bullet 8 sub bullet 1—Shelly Ohlms commented that the providers would use evidenced based practices to screen for severe mental health and chemical dependency and should be administered by a licensed professional to avoid potential harm to the client.

RESPONSE: If during the initial intake appointment there are concerns noted and/or information from the referring officer reveals

issues with mental health or substance abuse, offenders shall be referred to the appropriate resource for diagnosis and treatment. No changes were made as a result of this comment.

COMMENT #14: Pages 1944, page 5 of BIP Application and Program Guide bullet 5—Jennifer Carter Dochler commented that the word “male” should be removed and focus on privilege.
RESPONSE AND EXPLANATION OF CHANGE: The staff amended bullet 5.

COMMENT #15: page 1944, page 5 of BIP Application and Program Guide—Jennifer Carter Dochler suggested the addition of identification of stalking behaviors and dynamics of stalking.
RESPONSE AND EXPLANATION OF CHANGE: The staff amended the section.

COMMENT #16: page 1945 page 6 of the BIP Application and Program Guide section 3 subsection 2 bullet 1—Shelly Ohlms commented that during audits, the examiner should closely examine the requirement that techniques or a diagnosis that suggests survivors have some responsibility for the abuse as it may not be fully adhered to by some providers.

RESPONSE: The Department of Corrections program monitoring specialist will audit based on the provider standards. No changes were made as a result of this comment.

COMMENT #17: page 1946 page 6 of the BIP Application and Program Guide section 4, paragraph 2 line 3,—Jennifer Carter Dochler suggested the use of “traumatic brain injury” as opposed to “brain injury.”

RESPONSE AND EXPLANATION OF CHANGE: The staff amended section 4, paragraph 2, line 3.

COMMENT #18: page 1947 page 7 of the BIP Application and Program Guide top bullet section—Jennifer Carter Dochler suggested clarification on how a new arrest for Domestic Violence, Sexual Assault, or Stalking will be handled while the client is in treatment. She also asked for clarification how to handle if the individual is served with an Order of Protection while in the program.

RESPONSE: The staff believes that this should be addressed on an individual basis in consult between the provider, the officer, and potentially the Court or parole board. No changes were made as a result of this comment.

COMMENT #19: page 1947 page 8 of the BIP Application and Program Guide section 7 paragraph 2—Jennifer Carter Dochler suggested that there should be clarification of who might be conducting training or the qualifications for the organization or person conducting the training.

RESPONSE: The staff agree that this is a difficult area to address based on the various venues available for training including college course work, professional seminars/conferences, local law enforcement training, local agencies, and webinars. No changes as a result of this comment.

COMMENT #20: page 1947 page 8 of the BIP Application and Program Guide section 7 statement 2—Lisa Doyle recommended the thirty-six (36) hours per year of relevant DV trainings be reduced to a one (1) day training every six (6) months.

RESPONSE: The Missouri Department of Corrections is aware there are a number of trainings available online that would provide necessary training requirements. The MCADSV and others provide multiple trainings per year in the area of domestic violence via conferences, webinars, and by request. No changes were made as a result of this comment.

COMMENT #21: page 1947 page 8 of the BIP Application and Program Guide section 7 last paragraph—Jennifer Carter Dochler suggested an added recommendation that the provider have male and

female co-facilitators of the groups.

RESPONSE AND EXPLANATION OF CHANGE: The staff amended section 7 last paragraph.

14 CSR 80-6.020 Batterer Intervention Program Credentialing

(1) The following procedures will apply to the credentialing of court appointed batterer intervention programs:

(A) Initial Application Process—

1. The applying provider must submit a completed application included herein;

2. The Probation and Parole Chief State Supervisor or designee will send a letter to the provider advising of the outcome of the application within ninety (90) days of receipt of the application;

3. If denied, the letter will state specific reasons for the denial. The provider may reapply one (1) year from the date of their final denial; and

4. If approved, the Probation and Parole Chief State Supervisor or designee will notify the staff responsible for credentialing, probation and parole staff, municipal/county/state courts, and private probation agencies; and

(B) Batterer Intervention Program (BIP) Program Dynamics Criteria—

1. The Batterer Intervention Program requirements are contained within the Division of Probation and Parole Batterer’s Intervention Credentialing Application and Program Guide;

2. The service provider must establish fees for services. Fees may be a set amount or based on a sliding scale; and

3. Group should never include mixed genders. Separate groups must be established for male and female clients and curriculum needs to be updated accordingly. Where a client identifies as transgender, group assignment shall consider the following: a) the client’s gender self identification; and b) assessment of the effects of placement on the client’s health and safety and that of other clients.

Missouri Department of Corrections



Partners of a community-wide system that collaboratively work together in order to ensure batterer accountability, provide services for all survivors, and create a safe environment for victims of Domestic Violence

Batterer's Intervention Credentialing Application and Program Guide

Missouri Batterer Intervention Program Certification Application

The following application is to be completed by the program director. Please include your licensure status. Please list any specific training or expertise relative to working with domestic violence clients.

Please attach a copy of your program curriculum to this application.

Name of program _____

Street _____ Suite/Bldg _____

City _____ State _____ Zip _____

Phone(____) ____-____ Fax(____) ____-____ website/email _____

City(s)/County(s) served _____

Name of applicant _____

Title _____

____ Applying as LSCW, LPC, Other state license _____.

____ Applying as a Federal, State or Local Government Agency.

____ Applying as a Non-Profit, Not-for-Profit Organization.

____ Other (please describe) _____

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Introduction

“Intervention programs alone do not create batterer accountability. They are a component of a larger community response that includes the courts, probation and parole, and the legal and law enforcement systems. Before a batterer intervention program is developed, it is imperative that a community-wide system has been established that collaboratively works on an ongoing basis to ensure services for survivors and the legal system create greater safety for women who have been battered.” – MCADSV, *Standards and Guidelines for Batterer Intervention Programs*, June 2006

Please mark yes, if the standard is currently in place. If the standard is in development but not currently in practice, please use the comment section to explain.

1) Program Dynamics

Provider agrees that the length of instruction will be a minimum of twenty six (26) weeks of group sessions.

Provider agrees the service provider must establish fees for services. Fees may be a set amount or based on a sliding scale. Payment for one’s own service is an indicator of responsibility and accountability and must be incorporated into the program.

Provider agrees groups should never include mixed genders. Separate groups must be established for male and female clients and curriculum needs must be adjusted accordingly.

Yes No

Comments:

2) Program Expectations

At the outset of the program, providers will make available to batterers, requirements for program compliance including but not necessarily limited to rules for assignment completion, behavior in the sessions, fee payment, and attendance.

- Providers will require all clients to complete all basic necessary treatment components based on risk and need before consideration is given to less intense treatment or successful discharge from treatment.

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- Providers shall discharge offenders from treatment, in consultation with the supervising officer, who demonstrate an ongoing pattern of non-compliance with treatment, and the provider shall work with the Probation and Parole Officer to develop a plan for community protection.
- Providers will provide a program report to batterers outlining compliance with and progress in the program.
- Providers will inform batterers in writing of the following limits to confidentiality:
- Batterers are required to sign a Release of Information that permits information to be released to the referral agency and Courts. Providers will be mindful that case records may be subject to subpoena or court order.
- If the provider determines there is probability of imminent physical injury to a batterer, the batterer's victim/partner, or to any other third party, the provider will take safety initiatives and notify the person(s) at risk and other appropriate authorities.
- The Missouri Department of Corrections expects providers to adhere to state statute regarding the report of abuse or neglect of children; vulnerable individuals, 60 and older or people with disabilities 18-59 and that the Probation Officer is notified if a report is filed with the Missouri Division of Social Services or the Missouri Division of Health and Human Services regarding a mutual client.
- The provider will encourage the Batterer to sign a Release of Information that permits information to be released to the victim and/or current partner. Such information would be limited to attendance, discharge/termination of a batterer, and reports or threats of abuse to a victim and/or current partner, relatives and household pets.

Yes No

Comments:

3) Curriculum:

During the initial program intake, the provider must obtain a history of a batterer that must include, but is not limited to:

- Basic identifying information (must be 18 years old or otherwise emancipated);
- Demographic information;
- Violence used in family of origin;
- Current or former partner(s);
- Criminal history, including arrests, convictions, and police contacts;
- Pending court actions;
- Descriptive history of the batterer's use of violence and other abusive behaviors, including those within and outside of any intimate relationship.
- During the initial program intake the provider must also:
 - Screen for severe mental health problems or disruptive behavior and arrange/refer for treatment when necessary; and

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- Screen for chemical dependency problems and arrange/refer for treatment when necessary.

Yes No

The provider agrees the Program curriculum *must* encompass information and components regarding:

- What a person gains from being abusive;
- The importance of accepting responsibility for abusive/violent actions and behaviors;
- Cooperative and non-abusive forms of communication;
- Various forms of abuse so as to not minimize non-physically abusive behaviors;
- Tactics of power and control. Identification of tactics shall include isolation, emotional abuse, economic abuse, use of children, use of privilege, intimidation and covert/overt threats;
- Equality and power-sharing in relationships. Identification of relationship skills shall include respect, trust, support, honesty, accountability, economic partnership, negotiation, fairness, and responsible parenting;
- Long- and short-term effects of violence on partners and children. Exercises shall build empathy to understand the perspective of survivors;
- Equal partnerships, respect, responsibility, empathy and understanding of the negative effects and cost of the abuse on survivors, families and others.
- Cultural and social influences that contribute to abusive behavior. This should include methods that stress culture is not an excuse or justification for abuse; and
- Non-violence planning, which includes identification of danger signs of negative behavior choices and how to prevent them.

Yes No

The provider agrees the curriculum established for a batterer intervention program *may* include information and components regarding:

- Behavior modification/anger management techniques;
- Religious and spiritual issues concerning abuse;
- Conflict resolution models;
- Communication skills;
- Definitions of alcoholism, other forms of substance abuse, and their impact on the abuser and the family;
- Parenting issues and skills;
- Skills for developing intimacy in relationships;
- Dynamics of Stalking;
- Guilt and shame issues related to violent and abusive actions; and
- Origin of family issues.

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 Yes No

The provider agrees that curriculum established for a batterer intervention program *shall not* include information regarding:

- Techniques or diagnoses that suggest survivors have some responsibility for the abuse. An example would be identifying abuse as resulting from “victim psychopathology,” “victim behavior,” “victim provocation” or “learned helplessness;”
- Ventilation techniques that encourage the expression of rage, such as punching pillows and primal screams;
- Anger management techniques that place primary causality on anger and/or are the sole intervention rather than one part of a comprehensive approach;
- Approaches that identify and treat the violence as an addiction and the victim as enabling or co-dependent in the violence;
- Theories or techniques that identify poor impulse control or substance abuse as the primary cause of the violence; and
- Techniques that deny a batterer’s personal responsibility for violence. For example, if a batterer was abused as a child, it is recommended that programs encourage him to work on these issues with appropriate resources. Such work must not replace or interfere with addressing his abusive behavior and his responsibility for those behaviors.

 Yes No

Comments:

4) Exclusion Criteria

The provider agrees a determination of whether an individual may benefit from the services must be made at the initial assessment. Individuals who may not benefit from the services or who may be disruptive to current program attendees must be referred to other appropriate resources. This would not preclude these individuals from re-entering the program when they meet program admission criteria.

Examples of individuals who may not benefit from services include individuals whose psychiatric symptoms prevent them from participating and individuals for whom a medical condition is the primary cause of violence, such as those with a traumatic brain injury.

Provider agrees that if Probation and Parole mandated applicant for intervention services is rejected, the program must advise the referring agency, in writing, of the basis for rejection and, where appropriate, should make recommendations for other intervention services.

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Yes No

Comments:

5) Completion

The provider agrees no batterer shall be assumed or documented to be non-abusive because he or she completes a Batterer Intervention Program. Evidence of attitude/belief change indicated in the group may not always translate to behavior change in the relationship with a survivor/current partner.

At a minimum, the batterer will:

- Complete the number of required sessions;
- Pay all fees in full;
- Fulfill all program guidelines;
- Take responsibility for personal abusive behaviors without blaming others;
- Demonstrate to staff an understanding of alternatives to abusive behavior;
- Demonstrate to staff the use of respectful language regarding survivor/current partner and an understanding of benefits of equal relationships;
- Have no known recent abusive or violent behavior.

Yes No

Comments:

6) Criteria for Dismissal

The Provider agrees criteria for dismissal will be established, which will apply to the following circumstances:

- Continued abuse;
- Failure to maintain regular class/group attendance;
- Failure to make appropriate use of the intervention program;
- Failure to comply with other intervention conditions or provisions which are part of the participant contract (e.g., chemical dependency assessment/treatment, mental health assessment/treatment);
- Failure to pay fees;
- Violation of any of the group rules;
- Violation of any provisions of an order of Probation and Parole, or revocation of probation/parole.

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Yes No

Comments:

7) Staff Requirements

The Provider agrees to **facilitate** groups for batterers, an individual must have:

A minimum of 50 hours of educational training, including but not necessarily limited to all of the following:

- Survivor safety and sensitivity;
- The history of the domestic violence movement;
- Cultural diversity;
- The nature and dynamics of domestic violence;
- The difference between batterer intervention and anger management;
- Domestic violence laws and legal issues;
- Responsibility versus denial;
- Sexism and oppression;
- Power and control;
- Facilitation and co-facilitation skills specific to groups;
- Characteristics of men who batter;
- Assessment and intake skills;
- Effects of a batterer’s abuse and violence on children and family; and
- Alternate behaviors

A minimum of 24 hours of direct co-facilitation with a qualified facilitator in batterer intervention groups; and ongoing education to increase knowledge on topics related to domestic violence. All staff who provide services or are responsible for the supervision of persons served shall participate in at least thirty-six (36) clock hours of relevant educational training in the above listed areas during a two (2)-year period. The organization shall maintain a record of participation in training and staff development activities.

It is recommended to the provider that the individual have a masters or bachelors degree, in a related field, with two or more years of direct service in domestic violence advocacy or group work with batterers. It is preferable to have some combination of education and direct experience.

It is recommended there be a minimum of 1 facilitator for up to 12 group members. When available, it is preferred that in groups of 12 or more that a male and female co-facilitate the group.

Yes No

Comments:

8) Ethical Standards of Behavior

Providers agree they shall adhere to ethical standards of behavior in their relationships with individuals being served:

- Staff shall maintain an objective, professional relationship with individuals being served at all times.
- Staff shall not enter dual or conflicting relationships with individuals being served which might affect professional judgment or increase the risk of exploitation.
- Providers shall establish policies and procedures regarding staff relationships with both individuals currently being served and individuals previously served.
- Providers will have a policy by which all staff will be open to self-examination and receptive to feedback on issues of power and control, shall maintain the consistent approach that the batterer is solely accountable for the abuse and that abuse is intolerable in a relationship
- All providers are expected to be violence free in their own lives. No staff person, paid or un-paid, should be providing these services who has battered within the last 3 years.

. Yes No

Comments:

9) Interaction with Victims

Provider agrees if contact can be made safely, they will make a positive effort to inform partners of the program structure, expectations and limitations. Each provider is expected to make available to intimate partners information about the program as well as information about victim advocacy services.

Information that may be provided to partners includes the following:

- Information on services and program structure.
- Duty to warn – the victim or current partner will be notified if the provider has reason to believe he/she may be at risk to be harmed by the participant.
- Limitations of program and potential for increased risk -- program participation is not necessarily predictive of reduction of future abuse.
- DV referrals/contacts for victims' services.

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Provider agrees no effort will be made to obtain information from the partner, but it will allow for safe and appropriate means for the partner to offer information should he/she choose to provide it.

Provider agrees no BIP facilitator shall provide direct advocacy services to the victim of a batterer enrolled in its group.

The following are critical limitations regarding partner contact:

- No attempt should be made to encourage, persuade, or coerce victims into disclosing information or having contact with the provider.
- No attempt will be made to suggest that information or contact by the partner will positively impact the batterer's work with the provider.
- No information will be provided that suggests that couples counseling will be appropriate.
- Under no circumstances should information shared by the partner to the provider be disclosed to her batterer.
- Providers will maintain the confidentiality of victims/partners. Providers will not disclose to the batterer information gained from a partner, including the fact that communication has occurred

Yes No

Comments:

10) Interaction with Probation and Parole

Each Provider will require batterers who are referred by Probation and Parole to supply a copy of the Probation and Parole Court/Board order that requires program participation and a copy of the police report relating to the offense at the initial program intake (Intake). Within two business days, following the completion of intake, the provider will notify the referral agency of the scheduled start date in a method established by Probation and Parole.

The Provider agrees attendance report will be provided in a method established by Probation and Parole no less than monthly and include the topic discussed at each session, progress, and if payment was received.

The provider agrees the referral agency will be notified of a missed session, including Intake, within two business days in a method established by Probation and Parole.

The provider agrees a discharge summary must be received within seven working days in a method established by Probation and Parole.

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The provider agrees any disclosure of new offending behaviors or violations of supervision must be reported within two business days in a method established by Probation and Parole.

Yes No

Comments:

11) Audit Process

- The provider understands Probation and Parole will conduct annual audits to ensure compliance with Program expectation.
- The provider understands Probation and Parole may conduct site visits that may include group observation and file review.
- The provider understands Probation and Parole may suspend or revoke program certification due to non-compliance with program expectations.
- The provider understands Probation and Parole may request submission of any changes to the lesson plan since credentialing and changes must be approved prior to implementation.
- The provider understands Probation and Parole may request verification of educational and training requirements for facilitators.
- The provider understands Probation and Parole may request submittal of examples of forms being utilized for reporting.
- The provider understands certification can be reviewed as needed based on any deficiencies or concerns.

Yes No

Comments:

Signature of Applicant:

Title:

Date

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 1—General Organization

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.160 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-1.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1951). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 1—General Organization

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.160 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-1.020 Election to Fill Vacancy on Board of Trustees is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1951). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.210 and 536.025, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.010 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1951). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.020 Forms to be Used is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1951-1952). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.030 Verification of Prior Service Credit Upon Transfer Between Systems is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1952). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.050 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.040 Workers' Compensation Service Credit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1952). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.040 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.050 Prior Service Credit After an Educational Leave of Absence **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1952). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.060 Creditable Service **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1952-1953). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.040 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.070 Service Credit During and After a Special Condition Leave **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1953). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.080 Service Credit for Extended Sickness or Injury, Leave of Absence Without Pay **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1953). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 2—General Provisions

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and sections 104.100 and 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-2.090 Early Retirement—Actuarial Reductions **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1953). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, the board rescinds a rule as follows:

16 CSR 40-3.010 Ineligibility for Long-Term Disability Benefits Due to Disability From War **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1953-1954). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.020 Long-Term Disability Benefits Coverage for Employees on Leave **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1954). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.030 Use of Compensatory Time, Annual Leave, or Both, Before Beginning Long-Term Disability **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1954). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.031 Application for Disability Benefits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1954). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.032 Eligibility for Long-Term Disability Benefits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1954-1955). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.033 Eligibility for Work-Related Disability Benefits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1955). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.034 Eligibility for Normal Disability Benefits **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1955). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.035 Benefit Amounts for Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1955). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.036 Workers' Compensation Offset is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1955-1956). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.040 Physician's Statement/Medical Certification of Disability is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1956). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.045 Medical Review of Disability Applications is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1956). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.050 Application for Social Security Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1956). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.060 Election of Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1956-1957). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.070 When Monthly Disability Benefits Begin Except for Long-Term Disability Benefits is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1957). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.515 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.080 Maximum Disability Benefit Period for Employees is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1957). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.090 Waiting Periods Regarding Long-Term Disability Benefits is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1957). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.100 Recipients of Long-Term Disability Benefits Ineligible for Cost of Living Increases is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1957-1958). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.110 Change of Beneficiary is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1958). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.120 Election of Retirement Benefits is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1958). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 3—Disability Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under section 104.1075, RSMo Supp. 2014, and section 104.1063, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-3.130 Disability Benefits for Year 2000 Plan is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1958). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 4—Survivor Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.110 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-4.010 Survivor Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1958-1959). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 5—Assignment of Pension Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.250, 104.312, and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-5.010 General Rule—Nonassignment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1959). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 40—Highways and Transportation Employees
and Highway Patrol Retirement System
Chapter 5—Assignment of Pension Benefits

ORDER OF RULEMAKING

By the authority vested in MoDot and Patrol Employees' Retirement System under sections 104.312 and 536.023, RSMo Supp. 2014, and section 104.210, RSMo 2000, the board rescinds a rule as follows:

16 CSR 40-5.020 Division of Pension Benefits in the Case of Dissolution of Marriage is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2014 (39 MoReg 1959). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, April 15, 2015.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* kathy.hatfield@modot.mo.gov
- *Mail:* PO Box 270, Jefferson City, MO 65102-0270
- *Hand Delivery:* 830 MoDOT Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 830 MoDOT Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 270, Jefferson City, MO 65102-0270. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2014, MoDOT may issue an SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing an SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #239

Applicant's Name & Age: John W. Wright, 41

Relevant Physical Condition: Vision impaired.

Mr. Wright's best-uncorrected visual acuity in his left eye is 20/20 Snellen and he is blind in his right eye. John sustained an injury and lost sight in his right eye due to an injury in 2012.

Relevant Driving Experience: Mr. Wright is currently employed as a driver for a dairy business. He currently holds a Class A CDL license, and has approximately twenty-two (22) years commercial motor vehicle driving experience. He drives personal vehicle(s) daily.

Doctor's Opinion and Date: Following an examination in January 2015, his optometrist certified his condition would not adversely affect his ability to operate a commercial vehicle safely.

Traffic Accidents and Violations: No accidents or violations on record for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 17, 2015

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102

For additional information contact
Karla Houchins, (573) 751-6403.

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for May 4, 2015. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

02/18/15

#5142 NS: Congress Park Rehab. and Health Center
Kansas City (Platte County)
\$18,000,000, Establish 120-bed SNF

#5154 NS: Bent-Wood Nursing and Rehabilitation
Florissant (St. Louis)
\$2,500,000, Add 20 SNF beds

#5147 NS: Barry Road rehabilitation and Health Care Center
Kansas City (Platte County)
\$18,000,000, Establish 120-bed SNF

#5162 NS: Carnegie Village Rehabilitation and Care Center
Belton (Cass County)
\$9,185,000, Establish 60-bed SNF

02/19/15

#5158 RS: St. Charles Senior Community
St. Charles (St. Charles County)
\$14,257,426, Establish 128-bed ALF

#5166 RS: The Lucerne
Richmond Heights (St. Louis County)
\$22,333,994, Establish 90-bed ALF

02/20/15

#5163 RS: Autumn Leaves Senior Community
Lee's Summit (Jackson County)
\$11,120,000, Establish 54-bed ALF

#5161 NS: North Oak Health and Rehabilitation
Kansas City (Clay County)
\$10,000,000, Establish 36-bed SNF and 36-bed ICF

#5165 RS: The Village Senior Living
Kansas City (Platte County)
\$19,816,253, Establish 110-bed ALF

#5159 RS: McCrite Plaza at Briarcliff
Kansas City (Clay County)
\$10,660,000, Add 120 ALF beds

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by March 23, 2015. All written requests and comments should be sent to—