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Rebecca McDowell Cook
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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.

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are divided 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 in 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—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1998. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

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

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

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER TERMINATING EMERGENCY RULE

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, 386.250, 392.200 and 392.540, RSMo Supp. 1998, the commission hereby terminates an emergency rule effective November 30, 1999, as follows:

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider is **terminated**.

A notice of emergency rulemaking containing the text of the emergency rule was published in the *Missouri Register* on July 15, 1999 (24 MoReg 1719-1720). The commission filed a final order of rulemaking for 4 CSR 240-33.150, which will be published in the October 31, 1999, *Code of State Regulations* and will be effective on November 30, 1999. Therefore, in order to avoid having two rules regarding Verification of Orders for Changing Telecommunications Service Provider effective at the same time, the commission will terminate the emergency rule, effective November 30, 1999.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.350 **Applicability of Motor Vehicle Emission Inspection.** This rule identified the geographical area of the emission inspection program and the vehicles which were required to be emission tested.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Dec. 22, 1983, effective Jan. 6, 1984, expired May 5, 1984. Amended: Filed Jan. 13, 1984, effective April 12, 1984. Emergency amendment filed Jan. 23, 1984, effective Feb. 3, 1984, expired May 25, 1984. Amended: Filed Feb. 10, 1984, effective May 11, 1984. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

EMERGENCY RESCISSION

11 CSR 50-2.360 **Emission Fee.** This rule identified the fee to be charged for performing an emission inspection.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.370 Inspection Station Licensing. This rule outlined minimum inspection station requirements for licensing emission inspection stations.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable

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AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Sept. 12, 1984, effective Jan. 1, 1985. Amended: Filed April 2, 1987, effective June 25, 1987. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.380 Inspector/Mechanic Licensing. This rule outlined minimum requirements for licensing of inspector/mechanics to perform emission inspection tests.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.390 Safety/Emission Stickers. This rule established procedures to be followed by inspector/mechanics when issuing safety/emission stickers and in purchasing safety/emission stickers from the Missouri State Highway Patrol.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed Aug. 14, 1987, effective Nov. 12, 1987. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.401 General Specifications. This rule described the general specifications of the Missouri Analyzer System. The Analyzer System has been used to perform state inspections on motor vehicles in specified areas of the state.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.402 MAS Software Functions. This rule described the software functions of the Missouri Analyzer System.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements. This rule described the computer screen displays and the software programming requirements of the Missouri Analyzer System.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.404 Test Record Specifications. This rule described the vehicle test record and calibration data file formats for the Missouri Analyzer System. The test record and calibration data stored the vehicle inspection and gas calibration data generated in the operation of the analyzer.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Feb. 16, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.405 Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications. This rule described the vehicle inspection certificate, vehicle inspection report and printer functions for the Missouri Analyzer System. The system used one printer for printing inspection certificates and another for the vehicle inspection report and general printing.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an

immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Amended: Filed April 2, 1992, effective Sept. 26, 1992. Amended: Filed June 2, 1993, effective Nov. 8, 1993. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.406 Technical Specifications for the MAS. This rule described the technical specifications for the Missouri Analyzer System. The technical specifications included the maintenance functions to be performed by the analyzers, the operating conditions and the hardware.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.407 Documentation, Logistics and Warranty Requirements. This rule described the documentation, logistics and warranty requirements for the Missouri analyzer specification.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed March 5, 1990, effective June 28, 1990. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.410 Vehicles Failing Reinspection. This rule outlined procedures to be followed by inspection station operators and inspector/mechanics when a vehicle failed reinspection.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the

exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Original rule filed Aug. 4, 1983, effective Nov. 11, 1983. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division**

EMERGENCY RESCISSION

11 CSR 50-2.420 Procedures for Conducting Only Emission Tests. This rule provided a procedure for conducting only an emission inspection on motor vehicles which had been safety inspected within the past sixty days.

PURPOSE: The purpose of this rescission is to rescind a rule that is no longer applicable due to the passage of legislation which shifts the responsibility for the emission inspection program to the Department of Natural Resources.

EMERGENCY STATEMENT: Since 1983, the superintendent of the Missouri State Highway Patrol has been delegated the authority to promulgate rules to administer 307.366 RSMo pertaining to emission inspection. In 1999, the Missouri General Assembly passed into law Senate Bill 19. This legislation embodies major revisions to the emission program including the shifting of the responsibility for the administration of the program, with the exception of limited authority in Franklin county, from the Missouri State Highway Patrol to the Department of Natural Resources. This rule will become obsolete at midnight on December 31, 1999, when the present program ceases. New rules addressing the administration of the emission program have been or will be filed by the Department of Natural Resources. Confusion as to which rules are applicable necessitates the filing of this emergency rule. The patrol finds an immediate danger to the health, safety and welfare to the citizens of Missouri and a compelling government interest, which requires emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The patrol believes this emergency regulation to be fair to all interested persons and parties under the circumstances. This emergency rule was filed November 1, 1999, effective January 1, 2000 and expires June 28, 2000.

AUTHORITY: section 307.366, RSMo 1994. Emergency rule filed Dec. 27, 1983, effective Jan. 6, 1984, expired May 5, 1984. Original rule filed Jan. 13, 1984, effective April 12, 1984. Amended: Filed May 31, 1990, effective Dec. 31, 1990. Emergency amendment filed Aug. 3, 1992, effective Aug. 28, 1992, expired Dec. 25, 1992. Emergency amendment filed Nov. 2, 1992, effective Dec. 26, 1992, expired April 24, 1993. Amended: Filed Aug. 3, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 3, 1994, effective April 30, 1995. Emergency rescission filed Nov. 1, 1999, effective Jan. 1, 2000, expires June 28, 2000. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home
Administrators
Chapter 2—General Rules**

EMERGENCY AMENDMENT

13 CSR 73-2.015 Fees. The board is amending subsections (1)(B) and (1)(C) and section (2).

PURPOSE: The amendment removes the dollar amounts set for the national and state exams and replaces it with language stating that fees will be determined by the National Association of Boards of Examiners of Long Term Care Administrators (NAB). Beginning January 1, 2000 Missouri will no longer control those fees but will transmit fees from the candidate to NAB.

EMERGENCY STATEMENT: The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the necessary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same

material is published in this issue of the *Missouri Register*. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

(1) The following fees are [established] required by the Board of Nursing Home Administrators:

(B) [National and State Exam Fee or National Exam Fee (when taken on one of the designated quarterly testing dates) \$150.00]

National exam fee and computer administration fee for the national exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators (NAB);

(C) [State Exam Fee for Reciprocity Candidates and for Candidates Needing to Retake the State Exam \$50.00] State exam fee and computer administration fee for the state exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators;

(2) [All] [f]Fees listed in (1)(A) and (D)–(H) must be made payable to the [director of revenue] Division of Aging in the form of a cashier's check, company check or money order. Fees listed in (1)(B) and (C) must be made payable to the National Association of Board of Examiners of Long Term Care Administrators (NAB).

AUTHORITY: section 344.070, RSMo [Supp. 1993] Supp. 1998. Original rule filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed March 4, 1993, effective Aug. 9, 1993. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

13 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators. The board is amending section (3).

PURPOSE: The amendment removes the exam fee amount and revises the language to prepare for computer-based testing to be implemented January 1, 2000.

EMERGENCY STATEMENT: The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the nec-

essary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same material is published in this issue of the *Missouri Register*. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

(3) The applicant, shall be eligible to take the examination upon submission of the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing, payment of [an] the required [examination] fees [of one hundred fifty dollars (\$150)] and satisfactory completion of sections (1) and (2) of this rule [, shall be registered for the examination(s). The increase in the fee from one hundred dollars (\$100) will be effective for applicants who register for the April 11, 1990 examination and any examination after that. The fee will remain one hundred dollars (\$100) for examinations taken prior to the April 11, 1990 test date.]

AUTHORITY: section 344.070, RSMo [Supp. 1993] Supp. 1998. Original rule filed March 5, 1974, effective March 15, 1974. Rescinded and readopted: Filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed April 14, 1983, effective July 11, 1983. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 73—Missouri Board of Nursing Home Administrators
Chapter 2—General Rules

EMERGENCY AMENDMENT

13 CSR 73-2.070 Examination. The board is amending the rule by deleting section (2), renumbering section (3), adding new sections (3)–(7), renumbering sections (4)–(7), and deleting section (8).

PURPOSE: The amendment is needed to describe the new procedures for examination brought about by the move to computer-based testing (CBT). The exam is controlled by the National Association of Boards of Examiners of Long Term Care Administrators (NAB) and all states must implement CBT on January 1, 2000.

EMERGENCY STATEMENT: *The Division of Aging and the Board of Nursing Home Administrators (BNHA) has determined that an emergency amendment should be filed to establish current rules setting forth the procedures for the nursing home administrator licensure examination beginning January 1, 2000. The current rule describes the procedures for a paper-and-pencil (P&P) exam given quarterly. On January 1, 2000, the National Association of Boards of Examiners of Long Term Care Administrators (NAB) will no longer offer the P&P exam used by the BNHA but will implement computer based testing (CBT) for all states.*

The BNHA finds a compelling governmental interest to establish as early an effective date as possible to allow applicants to submit the necessary application and fee for testing prior to January 1, 2000. Section 344.030.2(3) requires that the applicant pass an examination administered by the Board. The purpose of the exam is to protect the public by ensuring that entry-level nursing home administrators have mastered a specific body of knowledge and can demonstrate the skills and abilities essential to competent practice within the profession. Missouri candidates cannot take the licensure examination if the BNHA does not take steps to invoke CBT. This emergency amendment will allow the BNHA to adopt the necessary procedures to comply with Section 344.030.2(3) mandating that the applicant pass the examination prior to becoming licensed as a nursing home administrator.

The BNHA has followed procedures best calculated to assure fairness to interested persons and parties under the circumstances. The Board has kept the industry associations informed over the past 6 months of the changes and they support the decision to file the necessary amendments to implement CBT. The Board was unable to file a proposed amendment prior to November 1 because of the delay in finalizing the procedures and receiving information from NAB.

The scope of this amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Board believes the emergency amendment is fair to all interested persons affected by the circumstances. A proposed amendment covering this same material is published in this issue of the Missouri Register. This emergency amendment was filed November 17, 1999, effective December 11, 1999, and expires June 7, 2000.

[(2) Administration of examinations shall be scheduled at least quarterly if one (1) or more applicants are awaiting examination.]

[(3)] (2) [Applicants shall receive written notice of the date, time and place of examination.] The examination must be taken within twelve (12) months of the written notice of board evaluation and qualification. Failure to do so will cause full reapplication to be necessary.

(3) Qualified applicants will be eligible to take the national and/or state examination through the testing service by following the procedures set forth in sections (4)-(7) of this rule.

(4) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing and the required fees to the board office. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(5) Applicants must schedule to sit the examination within 60 (sixty) days of the date on the testing service's authorization letter.

(6) Failure to schedule and sit the examination(s) within the sixty (60)-day period will cause the applicant's name to be removed from the eligibility list kept by the testing service. Applicants may reschedule by resubmitting the NAB Application Form and paying any required fees.

(7) Applicants must comply with all criteria and requirements established by the board, the National Association of Board of Examiners of Long Term Care Administrators (NAB), the testing service and the testing center.

[(4)] (8) Individuals making initial application for licensure, within twenty-one (21) days of a board meeting date, may be required to wait until a subsequent date to be evaluated.

[(5)] (9) Applicants shall obtain a passing score on the examination(s) administered by the board. The passing score shall be based upon the scale score passing point of one hundred thirteen (113) on the federal portion of the examination and seventy-five percent (75%) on the state portion of the examination.

[(6)] (10) If an applicant fails to make a passing grade on one or both of the required examinations, the applicant may make application for reexamination and [may be retested at the next regularly scheduled examination] pay the required fees. If the applicant fails only one of the required examinations and then fails to retake and pass the examination within a twelve (12)-month period, the applicant shall be required to take and pass both examinations before the board will issue the applicant a license. [The application for reexamination must be received by the board at least twenty-eight (28) days in advance of the scheduled examination time in order to allow sufficient opportunity for preparation.]

[(7)] (11) If an applicant fails the examination a third time, the applicant must complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for board-approved examination(s). No applicant shall be licensed by the board after a third licensure examination failure unless the applicant successfully completes the board-prescribed course of instruction and passes the board-approved examination(s). With regard to any nationally certified examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed for a third time to pass the examination.

[(8) Each application for reexamination must be accompanied by an examination fee of one hundred fifty dollars (\$150) which is nonrefundable.]

AUTHORITY: section 344.070, RSMo Supp. 1998. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Emergency amendment filed Dec. 13, 1991, effective Dec. 23, 1991, expired April 20, 1992. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Amended: Filed April 30, 1998, effective Oct. 30, 1998. Amended: Filed March 1, 1999, effective Aug. 30, 1999. Emergency amendment filed Nov. 17, 1999, effective Dec. 11, 1999, expires June 7, 2000. A proposed amendment covering this same material is published in this issue of the Missouri Register.