Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.031 Meridian Therapy/Acupressure/Acupuncture. The board is proposing to amend subsection (3)(C) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment clarifies the continuing education requirements for a licensee who holds a certificate of Meridian Therapy.

(3) In order to ensure that the public health and safety are protected and to maintain high standards of trust and confidence in the chiropractic profession and ensure the proper conduct of the chiropractic practice involving the use of Meridian Therapy, the requirements contained in this rule must be met prior to one engaging in therapeutic procedures or announcing the availability of therapeutic procedures to the public.

(C) In order to maintain a valid certificate in Meridian Therapy, a licensee who holds a certificate at the time of making his/her license renewal must certify *[annually]* to the board that s/he has completed **annually** a minimum of twelve (12) hours of postgraduate training, approved by the board, in Meridian Therapy.

*AUTHORITY: sections **331.050, RSMo Supp. 1999 and** 331.100.2, RSMo [1986] **1994**. Original rule filed Jan. 5, 1987, effective April 11, 1987. Amended: Filed March 4, 1994, effective Aug. 8, 1994. Amended: Filed April 14, 2000.*

PUBLIC COST: The public entity cost for this proposed amendment is estimated to be less than $500 in the aggregate.

PRIVATE COST: The private entity cost for this proposed amendment is estimated to be less than $500 in the aggregate as the fee is not changing, the board is just going to a biennial renewal.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Chiropractic Examiners, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.080 *[Annual]* ***Biennial*** **License Renewal**. The board is proposing to amend sections (1)–(6), (15), (16), (18), and (19) and delete the forms that immediately follow this rule in the *Code of State Regulations*.

PURPOSE: This amendment allows the board to take its licensees to a biennial renewal and outlines requirements for submission of continuing education credits.

(1) Any person in full- or part-time practice of chiropractic *[annually]* shall renew that license **biennially**. *[Annual]* **Biennial** renewal, by statute, is contingent upon the licensee having completed the **annual** mandatory hours of postgraduate study (continuing education) successfully.

(2) *[To renew a chiropractic license in 1998 and each year after that, t]***T**he required number of **annual** continuing education hours shall be twenty-four (24)—with four (4) hours in diagnostic imaging, four (4) hours in differential or physical diagnosis, or both, and four (4) hours in emergency procedures**,** *[or]* boundary training, *[or both, and every three (3) years this four (4) hours shall be in]* Human Immunodeficiency Virus (HIV) or infectious diseases and twelve (12) hours of **general subjects of** the doctor's choice.

(3) Every currently licensed chiropractic physician shall obtain*[, during each continuing education reporting period,]* **annually** the required number of continuing education hours (herein "C.E. credits") in the appropriate categories noted in section (2) of this rule. **The continuing education reporting period shall begin each year on January 1 and end on December 31. C.E. credits earned after December 31 shall apply to the next reporting cycle unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will entitle a licensee to earn C.E. credits after December 31 but by no later than the following February 28/29.**

(4) At least twelve (12) of the twenty-four (24) C.E. credits required *[for renewal of a license beginning in 1998 and each year after that]* must be credit hours earned by attending formal continuing education programs which meet the requirements of 4 CSR 70-2.081(1). The twelve (12) C.E. credits earned by attending formal continuing education programs shall be four (4) hours credit in diagnostic imaging; four (4) hours in differential or physical diagnosis, or both; and four (4) hours in boundary training**,** *[or]* emergency procedures, *[or both.]* **Human Immunodeficiency Virus (HIV) or infectious diseases.** *[Beginning in the year 2000 and every third year thereafter, the four (4) hours of continuing education in boundary training or emergency procedures must be replaced with training in HIV or other infectious diseases.]* No more than twelve (12) C.E. credits can be earned during each reporting period through other continuing education experiences, and nothing herein shall be construed to require that licensees obtain any portion of their C.E. credits through such other continuing education experiences. Other continuing education experiences shall be categorized as general studies unless preapproved by the board and meets the requirements of section 331.050.1, RSMo and board rule 4 CSR 70-2.081(2). The board defines other continuing education experiences as follows:

(5) *[The continuing education reporting period shall begin each year on January 1 and end on December 31. C.E. credits earned after December 31 shall apply to the next reporting cycle unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will entitle a licensee to earn C.E. credits after December 31 but by no later than the following February 28.]* A renewal license will not be issued until all renewal requirements have been met. If the licensee pays the continuing education penalty fee for C.E. credits earned late, those hours shall not be applied to the next reporting cycle. A licensee who has failed to obtain and *[report]* **verify**, in a timely fashion, the requisite number of C.E. credits shall not engage in the practice of chiropractic unless an extension is obtained pursuant to section (8) of this rule.

(6) For the license renewal *[due on December 31, 1998, and each subsequent renewal thereafter,]* the licensee shall *[report]* **verify** the number of C.E. credits earned during the **last two immediately preceding** continuing education reporting periods on *[a continuing education report]* **the renewal** form provided by the board. The *[continuing education report]* **renewal** form shall be mailed*[, or faxed,]* directly to the board office on or before *[December 31 of each year, or as soon thereafter as possible but by no later than the end of the renewal period (February 28)]* **the expiration date of the license**. The licensee shall not submit the actual record of C.E. attendance to the board except in the case of a board audit.

(15) Deadline for Renewal.

(A) Applications for renewal shall be postmarked by *[December 31 of each year]* **the expiration date of the license**.

(16) Continuing Education Requirements During the First Year of Practice.

(B) All licensees who have received a license by examination within the preceding twelve (12) months of the *[annual renewal date (March 1)]* **expiration date of the license** shall not be required to earn C.E.*[,]* credits for their initial year of licensing or portion of it.

(18) If a bad check is received by the board to renew a license and if the replacement cashier's check is not received prior to *[March 1]* **the expiration date of the license**, the license will be inactivated and the licensee shall not practice until the license has been reactivated.

(19) The license period shall *[commence on March 1 of each year and end on February 28/29 of each year]* **be set by the director of the division of professional registration**.

*AUTHORITY: sections 331.050, **RSMo Supp. 1999** and 331.100.2, RSMo 1994. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2000.*

PUBLIC COST: The public entity cost for this proposed amendment is estimated to be less than $500 in the aggregate.

PRIVATE COST: The private entity cost for this proposed amendment is estimated to be less than $500 in the aggregate as the fee is not changing, the board is just going to a biennial renewal.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Chiropractic Examiners, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 70-2.090 Fees. The board is amending section (1).

PURPOSE: This amendment allows the board to take its licensees to a biennial license renewal.

(1) The following fees hereby are established by the State Board of Chiropractic Examiners:

(A) Examination Fee	*[$300.00]*	**$600.00***
(C) Application Processing Fee	*[$240.00]*	**$480.00****
(D) Reciprocity License Fee	*[$300.00]*	**$600.00**
(F) Renewal Fee	*[$150.00]*	**$300.00**
(G) Reactivation Fee	*[$250.00]*	**$500.00**
(K) Renewal Fee (retired)	*[$ 25.00]*	**$ 50.00**
(P) Meridian Therapy/Acupressure/Acupuncture Certification Application Fee	*[$100.00]*	**$200.00**
(R) Insurance Consultant Certification Fee	*[$100.00]*	**$200.00**
(S) Insurance Consultant Renewal Fee	*[$ 50.00]*	**$100.00**

*AUTHORITY: sections 43.543, 331.070 and 331.100.2, RSMo 1994. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2000.*

PUBLIC COST: The public entity cost for this proposed rule is estimated to be less than $500 in the aggregate.

PRIVATE COST: The private entity cost for this proposed rule is estimated to be less than $500 in the aggregate as the fee is not changing, the board is just going to a biennial renewal.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Chiropractic Examiners, P.O. Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 110-2.090 Certification of Dental Specialists. The board is proposing to amend paragraph (1)(A)2.

PURPOSE: The purpose of this amendment is to correct a mistake made at the time this rule was last amended with regard to the examination requirements for a specialty certification. The Board did not intend to eliminate passage of the written examination of an American specialty board as a qualifying examination. Although passage of the written examination is one of the steps leading to a diplomate status of an American specialty board, it is not necessary to complete all of the steps to be a current diplomate in order to qualify for a specialty certification.

(1) In order to qualify for certification as a specialist in endodontics, oral pathology, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, public health, or any other area of specialty recognized by the American Dental Association, the applicant shall submit to the board the appropriate application/examination fee, submit a completed application form as defined in section (2) of this rule, and fulfill all the requirements of subsections (A), (B), or (C) of this section.

(A) The board may issue, without examination, a specialty certificate to any applicant who—

1. Is a currently registered and licensed dentist in Missouri; and

2. **Passes the written examination of an American specialty board or** *[I]***i**s a current diplomate of an American specialty board recognized by the American Dental Association.

*AUTHORITY: sections 332.031, RSMo Supp. [1997] **1999** and 332.171**.2**, RSMo 1994. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $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 Dental Board, Sharlene Rimiller, Executive Director, P.O. Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

PROPOSED AMENDMENT

4 CSR 150-3.080 Fees. The board is proposing to amend subsections (1)(A) and (1)(B).

PURPOSE: The board is proposing an amendment to this rule as the State Board of Registration for the Healing Arts will no longer collect the examination service fee.

(1) The following fees are established by the State Board of Registration for the Healing Arts, and are payable in the form of a cashier's check or money order:

(A) **Licensure by** Examination Fee	*[$215.00]* **$50.00**
(B) Reciprocity License Fee	*[$215.00]* **$50.00**

*AUTHORITY: sections 334.090.1 and .2 and 334.580, RSMo 1994, 334.125, 334.507, 334.540, 334.550 and 334.560, RSMo Supp. [1998] **1999**. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 14, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

PROPOSED AMENDMENT

4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees. The board is proposing to amend subsections (1)(A) and (1)(B), delete subsection (1)(C), and reletter the remaining subsections accordingly.

PURPOSE: The board is proposing an amendment to this rule as the State Board of Registration for the Healing Arts will no longer collect the examination service fee.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) **Licensure by** Examination Fee	*[$215.00]* **$50.00**
(B) Reciprocity Fee	*[$215.00]* **$50.00**
[(C) Licensure without Examination Fee	*$215.00]*
[(D)] **(C)** Temporary License Fee	$ 10.00
[(E)] **(D)** Renewal of Certificate of Registration Fee (Personal/corporate checks acceptable)	$ 10.00
[(F)] **(E)** Delinquency Fee (failure to timely file application for renewal of certificate of registration)	$ 10.00.

*AUTHORITY: sections 334.125, 334.655, 334.660 and 334.670, RSMo Supp. [1997] **1999**. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in the **Missouri Register**. No public hearing is scheduled.*

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 2—Administration

PROPOSED AMENDMENT

8 CSR 10-2.020 Charges for Copies of Records, Reports, Decisions, Transcripts or Other Papers or Documents. The Division of Employment Security is deleting from the *Code of State Regulations* the form following the rule.

*PURPOSE: This amendment removes the form following the rule from the **Code of State Regulations**.*

*AUTHORITY: sections 288.220.5**, Supp. 1999*** *and 288.360.3, RSMo [1986] **1994**. This rule was previously known as regulation no. 19. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed*

March 11, 1974, effective March 21, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 30, 1991, effective Dec. 9, 1991. Amended: Filed April 12, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than $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 Division of Employment Security; Attn: Catherine Leapheart, Director; P.O. Box 59; Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

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

PROPOSED AMENDMENT

10 CSR 10-6.110 Submission of Emission Data, Emission Fees and Process Information. The commission proposes to amend subsections (1)(B), (2)(B), (2)(C), (2)(D), (5)(A), (6)(A) and (6)(B), delete subsections (5)(B) and (5)(D) and renumber (5)(C) and (5)(E), and remove the forms following the rule in the *Code of State Regulations*. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule that is in the Missouri State Implementation Plan.

PURPOSE: This amendment will establish emission and service fees for Missouri facilities as required annually by 643.070 and 643.079, RSMo and remove the forms from the end of the rule.

(1) Applicability.

(B) An emission statement is required of facilities if the actual emission of either nitrogen oxides (NO_X), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. Emission statement **(Form 2.0Z)** requirements in this rule are applicable only to sources located in nonattainment areas.

(2) Record Keeping and Reporting Requirements.

(B) The owner or operator of an installation subject to subsection (2)(A) of this rule shall file with the director, on the frequency specified in subsection (2)(E), reports containing the information specified in subsection (2)(A). The reports shall specify the type and location of all sources of regulated air pollutants and the amount of each type of regulated air pollutant at each location; the size and height of all emission outlets, stacks and vents; the processes employed, including all fuel combustion and incineration; the type of air pollution control equipment used at the installation; the capture efficiency and control *[effiency]* **efficiency** of the air pollution control equipment, where applicable; and ozone season information (*[f]* **F**orm 2.0Z) from sources located in nonattainment areas. Capture efficiency shall be applicable to emission points which are controlled by air pollution control devices and are not fully enclosed. Capture efficiency is not applicable to fugitive dust. The department encourages facilities to perform tests to determine capture efficiency. Industrial ventilation principles and engineering calculations may be used if testing is physically impossible or cost prohibitive. If testing or engineering calculation is not possible, then a default value of fifty percent (50%) capture efficiency may be used. Documentation verifying the capture efficiency shall be included with the EIQ. The owner or operator may submit a report containing information of a different nature provided the information submitted is adequate for the purposes of air quality planning and fee assessment and is approved by the director. Information submitted shall be reduced by the director to emission data as defined in 10 CSR 10-6.210(3)(B)2.

(C) The reports required by subsections (2)(B) **and (2)(D)** of this rule shall be completed on state supplied EIQ forms *[incorporated by reference at the end of this rule]* or in a form satisfactory to the director and shall be submitted to the director within ninety (90) days after the end of each reporting period. After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period. The reporting periods for an installation, as determined by the reporting frequency specified in subsection (2)(E), shall end on December 31 of each calendar year. Sources allowed to file reports once every five (5) years shall submit the EIQ on the same schedule as the operating permit renewal application. Each report shall contain the information required by subsection (2)(B) for each air contaminant source at the installation for the twelve (12)-month period immediately preceding the end of the reporting period, in addition to the information required under subsection (2)(A) to be collected, recorded and maintained during each year of operation of the installation.

(D) For sources located in nonattainment areas, an emission statement is required if the actual emission of either nitrogen oxides (NO_X), volatile organic compounds (VOCs) or carbon monoxide (CO) are equal to or greater than ten (10) tons annually. Emissions of each pollutant shall be reported if a facility meets the ten (10) ton threshold for any of the three (3). Emissions statement reporting requirements shall be completed on state supplied EIQ forms *[incorporated by reference at the end of this rule]* and include the information required at subsection (2)(B) of this rule and ozone season information for VOC, NO_X and CO emissions and any other criteria pollutant requested by the director. **After the effective date of this rule, any revision to the EIQ forms will be presented to the regulated community for a forty-five (45)-day comment period.** Emission statements shall be submitted in accordance with the schedule *[at]* **in** subsection (2)(E) **of this rule**.

(5) Emission Fees.

(A) Any air contaminant source required to obtain a permit under sections 643.010–643.190, RSMo, except sources that produce charcoal from wood, shall pay an annual emission fee, regardless of their EIQ reporting frequency, of twenty-five dollars and seventy cents ($25.70) per ton of regulated air pollutant emitted during calendar year *[1999]* **2000** in accordance with the conditions specified in subsection (5)*[(C)]***(B)** of this rule. Sources which are required to file reports once every five (5) years may use the information in their most recent EIQ to determine their annual emission fee. *[Sources that produce charcoal from wood shall pay an annual emission fee as specified in subsection (5)(B) of this rule.]*

[(B) Any air contaminant source that produces charcoal from wood shall pay a reduced annual emission fee. The source shall pay an annual emission fee per ton for each ton of regulated air pollutant emitted per calendar year in accordance with the conditions specified in subsection (5)(C) of this rule except: fees payable in 1999 and 2000 shall be forty percent (40%) of the emission fee established in subsection (5)(A) of this rule per ton of regulated air pollutant emitted.]

*[(C)]***(B)** General Requirements.

1. The fee shall apply to the first four thousand (4,000) tons of each regulated air pollutant emitted. However, no air contami-

nant source shall be required to pay fees on total emissions of regulated air pollutants in excess of twelve thousand (12,000) tons in any calendar year. A permitted air contaminant source which emitted less than one (1) ton of all regulated pollutants shall pay a fee equal to the amount of one (1) ton.

2. The fee shall be based on the information provided in the facility's *[Emission Inventory Questionnaire (EIQ)]* **EIQ**.

3. An air contaminant source which pays emissions fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

4. The fee*[s]* imposed under subsection*[s]* (5)(A) *[and (B)]* of this rule shall not apply to carbon oxide emissions.

5. The fees shall be due April 1 each year for emissions produced during the previous calendar year.

6. The fees shall be payable to the Department of Natural Resources and shall be accompanied by the Emissions Inventory Questionnaire form or equivalent approved by the director.

7. For the purpose of determining the amount of air contaminant emissions on which the fees are assessed, a facility shall be considered one (1) source under the definition of section 643.078.2, RSMo, except that a facility with multiple operating permits shall pay emission fees separately for air contaminants emitted under each individual permit.

[(D) Special Requirements for Phase I Affected Units.

1. Any Phase I affected unit which is subject to the requirements of Title IV, section 404, of the federal Clean Air Act, 42 U.S.C. 7651, shall pay an annual service fee of twenty-five thousand dollars ($25,000) for calendar year 1999

A. The service fee shall be payable to the Department of Natural Resources on April 1 each calendar year.

B. Any Phase I affected unit that is located on one (1) or more contiguous tracts of land with any Phase II generating unit that pays fees under subsections (5)(A) or (B) of this rule shall be exempt from paying service fees. (Note: A contiguous tract of land is adjacent land, excluding public roads, highways and railroads, which is under the control of or owned by the permit holder and operated as a single enterprise.)

2. The fees imposed in subsection (5)(A) of this rule shall not apply to sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV, Section 404, of the federal Clean Air Act, 42 U.S.C. 7651, before January 1, 2000.

3. The fees on emissions from any Phase I affected unit imposed under section (5) of this rule shall be reduced by the amount of the service fee paid by that Phase I affected unit during that year.]

*[(E)]***(C)** Fee Collection. The annual changes to this rule to establish emission fees for a *[specifc]* **specific** year do not relieve any source from the payment of emission fees for any previous year.

(6) Emission Calculation and Verification**.**

(A) Emission Calculation. All sources shall use the following hierarchy as a guide in determining the most desirable emission data to report to the department. If data is not available for an emission estimation method or an emission estimation method is impractical for a source, then the subsequent emission estimation method should be used in its place:

1. Continuous Emission Monitoring System (CEMS) **as specified in paragraph (6)(B)1. of this rule**;

2. Stack tests **as specified in paragraph (6)(B)2. of this rule**;

3. Material/mass balance;

4. AP-42 (Environmental Protection Agency (EPA) *Compilation of Air Pollution Emission Factors*) or FIRE (Factor Information and Retrieval System) **(as updated)**;

5. Other EPA documents **as specified in paragraph (6)(B)3. of this rule**;

6. Sound engineering calculations; or

7. Facilities shall obtain department pre-approval of emission estimation methods other than those listed in **paragraphs** (6)(A)1.–6. **of this rule**. before using any such method to estimate emissions in the submission of an EIQ. The department will approve or deny requests by December 31 if submitted in writing by September 1.

(B) Emission Verification. The director reserves the authority to review and approve all emission estimation methods used to calculate emissions for the purpose of filing an EIQ for accuracy, reliability and appropriateness. Inappropriate usage of an emission factor or method shall include, but is not limited to: using emission factors not representative *[or]* **of** a process, using equipment in a manner other than that for which it was designed for in calculating emissions, or using a less accurate emission estimation method for a process when a facility has more accurate emission data available. Additional requirements for the use of a specific emission estimation method include:

1. Continuous Emission Monitoring System (CEMS).

A. CEMS must be shown to have met applicable performance specifications during the period for which data is being presented.

B. CEMS data must be presented in the units which the system was designed to measure. Additional data sets used to extrapolate CEMS data must have equal or better reliability for such extrapolation to be acceptable.

C. When using CEMS data to estimate emissions, the data must include all parameters (i.e. emission rate, gas flow rate, etc.) necessary to accurately determine the emissions. CEMS data which does not include all the necessary parameters must be reviewed and approved by the director or local air pollution control authority before it may be used to estimate emissions;

2. Stack tests.

A. Stack tests must be conducted on the specific equipment for which the stack test results are used to estimate emissions.

B. Stack tests must be conducted according to the methods cited in 10 CSR 10-6.030, unless an alternative method has been approved in advance by the director or local air pollution control authority.

C. Stack tests will not be accepted unless the choice of test sites and a detailed test plan have been approved in advance by the director or local air pollution control authority.

D. Stack tests will not be accepted unless the director or local air pollution control authority has been notified of test dates at least thirty (30) days in advance and thus provided the opportunity to observe the testing. This thirty (30)-day notification may be reduced or waived on a case-by-case basis by the director or local air pollution control authority.

E. Stack test results which do not meet all the criteria of **subparagraphs** (6)(B)2.A.–D. **of this rule** may be acceptable for estimating emissions, but must be submitted for review and approval by the director or local air pollution control authority on a case-by-case basis; and

3. EPA documents. Other EPA documents may be used to estimate emissions if the emission factors are more appropriate or source specific than AP-42 or FIRE. Newly developed EPA emission factors must be published by December 31 of the year for which the facility is submitting an EIQ.

*AUTHORITY: section 643.050, RSMo Supp. [1998] **1999**. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 6, 2000.*

PUBLIC COST: This proposed amendment will cost $6,939,450 in FY 2001 and $11,327,771 in FY 2002. For the years after FY 2002, the total annualized aggregate cost is $11,327,771 for the life of the rule. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will have a total annualized aggregate cost of $10,201,020 for the life of the rule. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., June 29, 2000. The public hearing will be held at the Ramada Inn, 1510 Jefferson Street, Jefferson City, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., July 6, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources /Air Pollution Control Program	$ 8,805,339*
Misc. Public Entities (listed below)	$ 2,522,432*
Totals	$11,327,771*

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

Missouri Department of Natural Resources /Air Pollution Control Program (APCP) Costs

APCP Costs	FY2001	FY2002	Annualized Aggregate
Salaries	$ 1,808,714	$ 3,729,113	$ 3,729,113
Fringe Benefits	$ 464,271	$ 957,270	$ 957,270
Operating Expenses	$ 753,221	$ 1,207,415	$ 1,207,415
Grants to Local Air Agencies	$ 845,000	$ 1,740,000	$ 1,740,000
Refunds	$ 132,103	$ 264,205	$ 264,205
Department Overhead	$ 463,168	$ 907,336	$ 907,336
Totals	$ 4,466,477	$ 8,805,339	$ 8,805,339
Local Air Agencies (Kansas City, Springfield, St. Louis City, St. Louis County) Costs			
Salaries, fringes, operating, and overhead	$ 845,000	$ 1,740,000	$ 1,740,000
Less Grant from MDNR	($ 845,000)	($ 1,740,000)	($ 1,740,000)
Totals	$ 0	$ 0	$ 0

Additional Public Entity Costs

Source Description	Number of Facilities
Gas & Electric	57
Sanitary Services	28
Hospitals	30
Rehabilitation Centers	3
Schools	7
Correctional Facility	2

National Security	4
Post Office	1
Totals	132

Fees	FY 2001	FY 2002	Annualized Aggregate
EIQ Fees	$2,472,973	$2,522,432	$2,522,432

Costs	FY2001	FY2002	Annualized Aggregate
Departmental Costs	$ 4,466,477	$ 8,805,339	$ 8,805,339
Add'l Public Entity Costs	$ 2,472,973	$ 2,522,432	$ 2,522,432
Total Costs	$ 6,939,450	$11,327,771	$11,327,771

IV. ASSUMPTIONS

1. Cost and affected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is reviewed, updated, and entered. Fees for public entities are based on $25.70 per ton of regulated air pollutant.

2. The emission fees paid by public entities may vary depending on their current information and their chargeable emissions with fees remaining relatively constant. However, new controls decrease the amount of their emission fees.

3. The Phase I utility boilers will begin paying emission fees for emissions in fiscal year 2001 for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or $1.8 million statewide (public and private).

4. State projections are based on the most current information regarding budget-appropriation levels. Increases or decreases in appropriations result from additions or deletions to the budget. Variations in operating expenses occur as a result of program budget decreases or increases by the legislature.

5. The costs to prepare forms are included in the EIQ fees for public entities.

6. Public entity costs are for the entire rule rather than just the amendment. The public entity costs are provided for informational purposes and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10 - Department of Natural Resources

Division: 10 - Air Conservation Commission

Chapter: 6 - Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 10 - 6.110 Submission of Emission Data, Emission Fees and Process Information

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2,302 Facilities (listed below)	Listed below	$10,201,020*

*Cost estimates are reported as annualized aggregates.

III. WORKSHEET

SIC Code	SIC Description	Number of Facilities
01	AGRICULTURAL PRODUCTION CROPS	0
02	AGRICULTURAL PRODUCTION LIVESTOCK AND ANIMAL SPECIALTIES	1
07	AGRICULTURAL SERVICES	57
10	METAL MINING	8
12	COAL MINING	5
14	MINING AND QUARRYING OF NONMETALLIC MINERALS, EXCEPT FUELS	206
15	BUILDING CONSTRUCTION GENERAL CONTRACTORS AND OPERATIVE	1
16	HEAVY CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION	0
17	CONSTRUCTION SPECIAL TRADE CONTRACTORS	2
20	FOOD AND KINDRED PRODUCTS	110
21	TOBACCO PRODUCTS	0
22	TEXTILE MILL PRODUCTS	2
23	APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS	0

SIC Code	SIC Description	Number of Facilities
24	LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE	54
25	FURNITURE AND FIXTURES	24
26	PAPER AND ALLIED PRODUCTS	24
27	PRINTING, PUBLISHING, AND ALLIED INDUSTRIES	66
28	CHEMICALS, BRIQUETS, PAINTS	146
29	PETROLEUM REFINING AND RELATED INDUSTRIES	157
30	RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS	57
31	LEATHER AND LEATHER PRODUCTS	10
32	STONE, CLAY, GLASS, AND CONCRETE PRODUCTS	205
33	PRIMARY METAL INDUSTRIES	43
34	FABRICATED METAL PRODUCTS, EXCEPT MACHINERY AND TRANSPORTATION	87
35	INDUSTRIAL AND COMMERCIAL MACHINERY AND COMPUTER EQUIPMENT	40
36	ELECTRONIC AND OTHER ELECTRICAL EQUIPMENT AND COMPONENTS	38
37	TRANSPORTATION EQUIPMENT	45
38	MEASURING, ANALYZING, AND CONTROLLING INSTRUMENTS	5
39	MISCELLANEOUS MANUFACTURING INDUSTRIES	11
40	RAILROAD TRANSPORTATION	1
41	LOCAL AND SUBURBAN TRANSIT AND INTERURBAN HIGHWAY PASSENGER	1
42	MOTOR FREIGHT TRANSPORTATION AND WAREHOUSING	25
44	WATER TRANSPORTATION	3
45	TRANSPORTATION BY AIR	7
46	PIPELINES, EXCEPT NATURAL GAS	21
47	TRANSPORTATION SERVICES	2
48	COMMUNICATIONS	0

SIC Code	SIC Description	Number of Facilities
49	ELECTRIC, GAS, SANITARY SERVICES, AND LANDFILLS	124
50	WHOLESALE TRADE-DURABLE GOODS	13
51	WHOLESALE TRADE-NON-DURABLE GOODS	130
52	LUMBER/HARDWARE	1
54	FOOD STORES	13
55	AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS	2
57	HOME FURNITURE, FURNISHINGS, AND EQUIPMENT STORES	0
59	MISCELLANEOUS RETAIL	1
60	BANK	1
63	INSURANCE CARRIERS	0
65	REAL ESTATE	1
70	HOTELS, ROOMING HOUSES, CAMPS, AND OTHER LODGING PLACES	1
72	PERSONAL SERVICES AND DRY CLEANERS	453
73	BUSINESS SERVICES	2
75	AUTOMOTIVE REPAIR, SERVICES, AND PARKING	5
76	MISCELLANEOUS REPAIR SERVICES	1
80	HEALTH SERVICES	66
82	EDUCATIONAL SERVICES	11
84	MUSEUMS, ART GALLERIES, AND BOTANICAL AND ZOOLOGICAL GARDENS	2
87	ENGINEERING, ACCOUNTING, RESEARCH, MANAGEMENT, AND RELATED	2
91	EXECUTIVE, LEGISLATIVE, AND GENERAL GOVERNMENT, EXCEPT FINANCE	4
92	CORRECTIONS	1
95	ADMINISTRATION OF ENVIRONMENTAL QUALITY AND HOUSING PROGRAMS	1
97	MILITARY	3

Fees/Costs	FY2001	FY2002	Annualized Aggregate
EIQ Fees	$ 7,376,020	$ 7,376,020	$ 7,376,020
Cost of EIQ Preparation	$ 2,825,000	$ 2,825,000	$ 2,825,000
Totals	$10,201,020	$ 10,201,020	$10,201,020

IV. ASSUMPTIONS

1. The cost to the facility of filling out the EIQ is held constant at the 1996 value of $2,825,000, assuming that the cost of EIQ preparation occurs in the last half of FY 2001.

2. Cost and effected entity estimates are based on data presently entered in the tracking systems of the Air Pollution Control Program. This data is subject to change as additional information is continuously entered and as data is reviewed. Fees for private entities are based on $25.70 per ton of regulated air pollutant.

3. The Phase I utility boilers will begin paying emission fees for emissions in fiscal year 2001 for emissions in calendar year 2000. Thus an increase in emission fees will occur during this time. This increase will be approximately 30% or $1.8 million statewide (public and private).

4. Private entity costs are for the entire rule rather than just the amendment. Private entity costs for this amendment are not expected to substantially exceed the previous amendment fiscal note since the emissions fee is held constant at $25.70 per ton of regulated air pollutant. The costs in this fiscal note are to provide information and to provide fee collection estimates. The costs are based on the most recent data available to the department and are expected to be more accurate than previous fiscal notes for the same fiscal years.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 10—General Licensure Requirements

PROPOSED RULE

13 CSR 15-10.070 Alzheimer's Demonstration Projects

PURPOSE: This rule is being promulgated to describe the general requirements and process by which project participants will be selected in order to implement Alzheimer's Demonstration Projects in accordance with section 198.086, RSMo Supp. 1999.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4 RSMo. Such material will be provided at the cost established by state law.

(1) For the purposes of this rule, "Health care facilities for persons with Alzheimer's disease or Alzheimer's related dementia" means facilities that are specifically designed and operated to provide elderly individuals who have chronic confusion or dementia illness, or both, with a safe, structured but flexible environment that encourages physical activity through a well-developed recreational and aging-in-place activity program.

(2) Participation in the Alzheimer's Demonstration Projects will be solicited by the Division of Aging by letter to all providers currently licensed by the division and to all interested parties who have advised the division of their interest. The solicitation letter will advise all recipients of the criteria to be used in making the selection and will be sent in advance of the selection with sufficient mailing time allowed for the submission of proposals by the date specified.

(3) Potential project participants must respond to the solicitation letter within thirty (30) days of the date received. The division must receive proposals by the date specified in the solicitation letter in order for the proposals to be considered. Proposals must address the criteria contained in the letter.

(4) The criteria utilized to select Alzheimer's Demonstration Project participants will be developed by a committee appointed by the director of the Division of Aging consisting of representatives of providers, consumers and professionals in the long-term care industry who possess knowledge of the provision of treatment to individuals with Alzheimer's disease or other related dementias.

(5) Proposals submitted will be screened initially for the ability of project applicants to comply with the minimum requirements set forth in section 198.086, RSMo Supp. 1999. Such applicants must provide supported assurances of their ability to achieve initial and continued compliance with all such requirements in order to be included in the final selection. Proposals from project applicants which are determined to not meet the minimum requirements shall be removed from consideration.

(6) The proposals submitted by applicants which remain after the initial screening shall be reviewed to determine whether all required components, as set forth in this rule, are addressed. Proposals which are determined to have not addressed all required components shall be removed from consideration.

(7) Proposals remaining shall be reviewed by the director of the Division of Aging and initial selections made. Selections for participants will be finalized only after the applicant reasonably demonstrates the financial capacity necessary to effectively implement and maintain the facility and program described in the proposal.

(8) Project participants selected for the demonstration projects shall be notified by the division within sixty (60) days from the date by which proposals shall be submitted to the division.

(9) All facilities selected to participate in the demonstration projects shall demonstrate the ability to comply with the following minimum requirements set forth in section 198.086, RSMo Supp. 1999:

(A) Each health care facility for persons with Alzheimer's disease or other related dementias shall maintain substantial compliance with all regulations under which they are licensed or certified. A facility may request an exception to a state licensure regulation in accordance with 13 CSR 15-10.010(4);

(B) Facilities shall design and implement self-care, productive and leisure activity programs for individuals with Alzheimer's or other related dementias. These programs shall continually strive to promote the highest practicable physical and mental abilities and functioning of each resident;

(C) The facility may admit to the demonstration project facility only persons who have been diagnosed with Alzheimer's disease or other related dementia and for whom it has been determined that the facility is able to meet their needs. The determination of whether a facility is able to meet a resident's needs shall be made in consultation between the resident's physician, family members or health care advocates;

(D) Facilities shall designate a contiguous portion of the facility as the demonstration project site, unless such facility exclusively admits individuals with Alzheimer's or other related dementias as part of the demonstration project. All designated demonstration project beds shall be located within this designated contiguous portion of the facility;

(E) Facilities shall design and implement a resident environment which promotes the maintenance of the residents' social abilities through daily and frequent opportunities for socialization and appropriate activities. The residential environment shall be designed and utilized in such a way as to reflect the individual preferences of residents and to provide as much independence and opportunities for choices throughout a day as possible;

(F) A Minimum Data Set (MDS) assessment shall be completed for any resident who occupies a bed designated for demonstration project participants. The MDS must be completed within fourteen (14) days of admission and every ninety (90) days thereafter. The MDS must also be completed whenever a significant change in condition occurs. For the purposes of this rule, "significant change" means a change in medical condition or in cognitive or psychosocial functioning which requires a change or modification in services or treatments provided in order to maintain the individual at the highest practicable level of functioning;

(G) Facilities shall be staffed twenty-four (24) hours a day by the number and type of licensed and unlicensed personnel sufficient to insure that all the needs of residents are met throughout the day. Facilities must remain in compliance with the staffing regulations in effect for the licensure category of the facility and as established by statute and must provide any additional staffing required to insure that residents' needs are met. Facilities shall determine appropriate staffing levels by utilizing current and updated Minimum Data Set information to identify residents' needs and shall make a determination on a daily and as-needed basis regarding the number of staff required to meet these needs;

(H) Facilities shall conduct a total of at least twenty-four (24) hours of staff training for all employees providing direct care to demonstration project residents within the first thirty (30) days of employment. This training shall consist of at least six (6) hours of classroom training and two (2) hours of on-the-job training in the

special needs, care and safety of individuals with Alzheimer's disease or related dementias;

(I) Additional training provided shall address the needs, preferences and choices of the individual demonstration project residents, the degree of and the provision of assistance required with activities of daily living, the initiation of appropriate activities for residents and the promotion of each resident's rights, dignity and independence;

(J) Facilities shall utilize personal electronic monitoring devices for any resident whose physician recommends and orders the use of the device. Such orders shall be documented in the resident's health care record;

(K) The facility shall be equipped with a complete automated sprinkler system installed and maintained in accordance with the 1996 edition of the National Fire Protection Association (NFPA) 13, *Standard for the Installation of Sprinkler Systems,* or the 1996 edition of NFPA 13R, *Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height*, which are hereby incorporated by reference in this rule. The facility shall also be equipped with a complete electrically supervised fire alarm system and smoke barriers in accordance with the provisions of the 1997 *Life Safety Code for Existing Health Care Occupancy*, which code is hereby incorporated by reference in this rule; and

(L) Buildings and furnishings shall be designed to provide for residents' safety. Facilities shall have indoor and outdoor activity areas, and electronically controlled exits from the buildings and grounds to allow residents the ability to explore while preventing them from exiting the facility's grounds unattended.

(10) All demonstration project facilities shall complete the Alzheimer's Special Care Unit/Program Disclosure Form in accordance with section 198.510, RSMo Supp. 1999, and develop an informational brochure in accordance with section 198.515, RSMo Supp. 1999. These must be submitted to the division's licensure unit prior to the admission of any residents through the demonstration project and as required for licensing purposes.

(11) In addition to the minimum requirements, applicants will also be considered for selection based on their ability to provide the following:

(A) A safe environment for individuals with Alzheimer's disease and other related dementias;

(B) Admission and discharge criteria which effectively identify those individuals for whom the participant is able to effectively provide treatment services;

(C) The provision of services through a social model for the residential environment;

(D) Staffing in sufficient numbers and by appropriately qualified staff in order to meet the needs of all residents with Alzheimer's disease or other related dementias on an ongoing basis;

(E) Specialized staff training relating to the needs, care and safety of individuals with Alzheimer's disease or other related dementias;

(F) Housing arrangements designed to provide for residents' comfort and safety as well as the provision of services;

(G) Supportive services ancillary to the provision of treatment and which support the treatment provided by the facility; and

(H) Adequate financial support of the facility's demonstration project.

AUTHORITY: section 198.534, RSMo Supp. 1999. Emergency rule filed April 14, 2000, effective April 24, 2000, expires Feb. 1, 2001. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule is estimated to cost the Division of Aging $98,254 in FY 2001, $168,503 in FY 2002 and $172,598 annually thereafter for the life of the rule before adjusting for inflation. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost newly licensed long-term care facilities selected to participate in the Alzheimer's Demonstration Projects $2,100 biennially for the life of the rule; therefore, this will include some costs to small businesses. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Aging, Richard C. Dunn, Director, P.O. Box 1337, Jefferson City, MO 65102-1337. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 10 - General Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 15-10.070 - Alzheimer's Demonstration Projects

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Division of Aging	FY-01 - $98,254 (1/2 FY)
		FY-02 - $168,503
		FY-03 - $172,598*

*Annually for the life of the rule plus 3% inflationary costs

III. WORKSHEET

FY-01: Personal Services (3.00 FTE) - one Facility Advisory Nurse III @ $40,140/year; one Facility Surveyor II @ $35,364/year; and one Program Development Specialist @ $35,364/year = $110,868 x 50% (one-half year) = $55,434. Expense & Equipment - $8,545 x 3.00 FTE = $25,635 x 50% (one-half year) = $12,817 + $30,003 (one-time only equipment and computer costs) = $42,820. FY Total - $55,434 + $42,820 = $98,254.

FY-02: Personal Services for 3.00 FTE = $110,868. On-going Expense & Equipment for 3.00 FTE = $25,635. Contract for monitoring and evaluating Alzheimer's Demonstration Projects after first year = $32,000. FY Total - $110,868 + $25,635 + $32,000 = $168,503

FY-03: Personal Services for 3.00 FTE = $114,194 ($110,868 x 1.03). On-going Expense & Equipment for 3.00 FTE = $26,404 ($25,635 x 1.03). Contract for monitoring and evaluating Alzheimer's Demonstration Projects each year = $32,000. FY Total - $114,194 + $26,404 + $32,000 = $172,598

IV. ASSUMPTIONS

1. All rules in 13 CSR 15 are integrally related. All Division 15 rules should be considered collectively to obtain a complete assessment of the costs related to any long-term care facility licensed by the Division of Aging (DA).

2. Section 198.086, RSMo (Supp. 1999) requires DA to develop and implement demonstration projects to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or related dementia. The demonstration projects are open to ten (10) organizations using a facility with an existing license. One demonstration project shall be a stand-alone facility of no more than 120 beds designed and operated exclusively for residents with Alzheimer's disease or related dementia. Additional organizations may apply for a new license under the demonstration project providing that there are no more than thirty (30) beds per project, with a total of not more than 300 beds being newly licensed through the demonstration projects. DA assumes that approximately 20 provider organizations will be selected to participate in the demonstration projects.

3. Three (3) FTE will be needed for the demonstration projects because section 198.086.2.(5) requires a single team of the same surveyors (2 FTE) to be assigned to inspect and survey the participating facilities as well as participating in at least quarterly monitoring visits to each project facility. A Program Development Specialist will be needed to develop regulations, policies and associated inspection criteria for this type of provider and facility.

4. Contracted monitoring services for on-going evaluation of the demonstration projects will be needed after the first year. DA estimates the cost of such services to be $32,000 per year based on historical data.

5. The information contained in this fiscal note is based on the cost projections contained in the Fiscal Notes filed for Senate Bill 326 and other historical data.

6. The aggregate cost over the life of this rule may be obtained by multiplying the estimated costs times the number of years the rule is projected to be in effect and factoring in inflationary costs of 3% per year.

7. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a takings analysis is not required under section 536.017, RSMo (Supp. 1999). However, a takings analysis has occurred and a determination made that the proposed rule does not constitute a taking of real property under relevant state and federal laws.

8. This rule is mandated by Chapter 198, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.

9. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 - Department of Social Services

Division: 15 - Division of Aging

Chapter: 10 - General Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 13 CSR 15-10.070 - Alzheimer's Demonstration Projects

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10	Newly Licensed Long-Term	
	Health Care Facilities	FY-01 - $2,100*

* Estimated Biennial Cost of Compliance for the Life of the Rule

III. WORKSHEET

The cost associated with this rule are based on the licensure fees for long-term care facilities. The biennial licensure fees are $100 for up to 25 beds, $300 for 25 to 100 beds, and $600 for 100 or more beds. The biennial cost to participating provider facilities (which results in a corresponding increase in state revenue) is estimated at $2,100 (1 Provider Facility @ $600 + 3 Provider Facilities @ $300 + 6 Provider Facilities @ $100 = $2,100).

IV. ASSUMPTIONS

1. Section 198.086, RSMo (Supp. 1999) requires the Division of Aging (DA), in consultation with consumers, providers and other interested parties, to develop and implement demonstration projects to establish a licensure category for health care facilities that wish to provide treatment to persons with Alzheimer's disease or related dementia. As such, participation in the demonstration projects is voluntary on the part of the provider.

2. In estimating the cost of this rule, DA assumes that ten (10) newly licensed facilities would apply and be selected to participate in the Alzheimer's Demonstration Projects. DA assumes that one facility will be licensed for 120 beds, three facilities for 30 beds, three facilities for 20 beds, and three facilities for 10 beds.

3. The demonstration projects are open to ten (10) organizations using a facility with an existing license. One demonstration project shall be a stand-alone facility of no more than 120 beds designed and operated exclusively for residents with Alzheimer's disease or related dementia. Additional organizations may apply for a new license under the demonstration project providing that there are no more than thirty (30) beds per project, with a total of not more than 300 beds being newly licensed through the demonstration projects. DA assumes that approximately 20 provider organizations will be selected to participate in the demonstration projects.

4. The aggregate cost over the life of this rule may be obtained by multiplying the estimated biennial costs times the number of years the rule is projected to be in effect.

5. As this rule is substantially based on the statutory requirements of Chapter 198, RSMo (Supp. 1999), a takings analysis is not required under section 536.017, RSMo (Supp. 1999). However, a takings analysis has occurred and a determination made that the proposed rule does not constitute a taking of real property under relevant state and federal laws.

6. This rule is mandated by Chapter 198, RSMo (Supp. 1999); therefore, the life of the rule cannot be determined by the Division of Aging.

7. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.002 Schedules of Controlled Substances

PURPOSE: Chapter 195, RSMo states in section 195.230, RSMo that the Department of Health shall prepare a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list shall be filed in the Office of the Secretary of State. It also requires, in section 195.017.11, RSMo, the Department of Health to revise and republish the schedules semi-annually for two years from September 28, 1971, and annually after that.

(1) Schedules of Controlled Substances.

(A) Schedule I shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the Drug Enforcement Administration (DEA) Controlled Substances Code Number set forth opposite it.

1. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:

A. Acetyl-alpha-methylfentanyl (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide) 9815
B. Acetylmethadol 9601
C. Allylprodine 9602
D. Alphacetylmethadol (except levo alphacetylmethadol also known as levo-alpha-acetylmethadol levo-thadyl acetate or LAAM) 9603
E. Alphameprodine 9604
F. Alphamethadol 9605
G. Alpha-methylfentanyl (N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine) 9814
H. Alpha-methylthiofentanyl (N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-phenylpropanamide) 9832
I. Benzethidine 9606
J. Betacetylmethadol 9607
K. Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-phenylpropanamide) 9830
L. Beta-hydroxy-3-methylfentanyl (other name: N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide) 9831
M. Betameprodine 9608
N. Betamethadol 9609
O. Betaprodine 9611
P. Clonitazene 9612
Q. Dextromoramide 9613
R. Diampromide 9615
S. Diethylthiambutene 9616
T. Difenoxin 9168
U. Dimenoxadol 9617
V. Dimepheptanol 9618
W. Dimethylthiambutene 9619
X. Dioxaphetyl butyrate 9621
Y. Dipipanone 9622
Z. Ethylmethylthiambutene 9623
AA. Etonitazene 9624
BB. Etoxeridine 9625
CC. Furethidine 9626
DD. Hydroxypethidine 9627
EE. Ketobemidone 9628
FF. Levomoramide 9629
GG. Levophenacylmorphan 9631
HH. 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylproanamide), its optical and geometric isomers, salts and salts of isomers 9813
II. Morpheridine 9632
JJ. 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide) 9833
KK. MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) 9661
LL. Noracymethadol 9633
MM. Norlevorphanol 9634
NN. Normethadone 9635
OO. Norpipanone 9636
PP. PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine) 9663
QQ. Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl) propanamide 9812
RR. Phenadoxone 9637
SS. Phenampromide 9638
TT. Phenomorphan 9647
UU. Phenoperidine 9641
VV. Piritramide 9642
WW. Proheptazine 9643
XX. Properidine 9644
YY. Propiram 9649
ZZ. Racemoramide 9645
AAA. Tilidine 9750
BBB. Thiofentanyl (N-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide 9835
CCC. Trimeperidine 9646

2. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Acetorphine 9319
B. Acetyldihydrocodeine 9051
C. Benzylmorphine 9052
D. Codeine methylbromide 9070
E. Codeine-N-Oxide 9053
F. Cyprenorphine 9054
G. Desomorphine 9055
H. Dihydromorphine 9145
I. Drotebanol 9335
J. Etorphine (except hydrochloride salt) 9056
K. Heroin 9200
L. Hydromorphinol 9301
M. Methyldesorphine 9302
N. Methyldihydromorphine 9304
O. Morphine methylbromide 9305
P. Morphine methylsulfonate 9306
Q. Morphine-N-Oxide 9307
R. Myrophine 9308
S. Nicocodeine 9309
T. Nicomorphine 9312
U. Normorphine 9313
V. Pholcodeine 9314
W. Thebacon 9315

3. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances or which contains any of its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (1)(A)3. of this rule only, the term isomer includes the optical, position and geometric isomers.):

A. Alpha-ethyltryptamine 7249
Some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethenamine; 3-(2-aminobutyl)indole; alpha-ET and AET;

B. 4-bromo-2,5-dimethoxyamphetamine 7391
Some trade or other names: 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

C. 4-bromo-2,5-dimethoxyphenethylamine 7392

D. 2,5-dimethoxyamphetamine 7396
Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;

E. 2,5-dimethoxy-4-ethylamphetamine 7399
(Some trade or other names: DOET)

F. 4-methoxyamphetamine 7411
Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA;

G. 5-methoxy-3,4-methylenedioxyamphetamine 7401

H. 4-methyl-2,5-dimethoxyamphetamine 7395
Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP;

I. 3,4-methylenedioxy amphetamine 7400

J. 3,4-methylenedioxymethamphetamine (MDMA) 7405

K. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE and MDEA) 7404

L. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine and N-hydroxy MDA) 7402

M. 3,4,5-trimethoxy amphetamine 7390

N. Bufotenine 7433
Some trade and other names: 3-(b-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

O. Diethyltryptamine 7434
Some trade and other names: N, N-Diethyltryptamine; DET;

P. Dimethyltryptamine 7435
Some trade or other names: DMT;

Q. Ibogaine 7260
Some trade and other names: 7-Ethyl-6,6b,7,8,9,10,12,13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1',2':1,2) azepino (5, 4-b) indole; Tabernanthe iboga;

R. Lysergic acid diethylamide 7315

S. Marihuana 7360
Some trade or other names: marijuana;

T. Mescaline 7381

U. Parahexyl 7374
Some trade or other names: 3-Hexyl-1-Hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo(b,d)pyran; Synhexyl;

V. Peyote 7415
Meaning all parts of the plant presently classified botanically as *Lophophora williamsil Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or extracts;

W. N-ethyl-3-piperidyl benzilate 7482

X. N-methyl-3-piperidyl benzilate 7484

Y. Psilocybin 7437

Z. Psilocyn 7438

AA. Tetrahydrocannabinols 7370
Synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis, sp, synthetic substances, derivatives and their isomers, or both, with similar chemical structure and pharmacological activity such as the following:

(I) D 1 cis or trans tetrahydrocannabinol and their optical isomers;

(II) D 6 cis or trans tetrahydrocannabinol and their optical isomers; and

(III) D 3, 4 cis or trans tetrahydrocannabinol and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.);

BB. Ethylamine analog of phencyclidine 7455
Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)-ethylamine, cyclohexamine, PCE;

CC. Pyrrolidine analog of phencyclidine 7458
Some trade or other names: 1(1-phenylcyclohexyl)-pyrrolidine PCPy, PHP;

DD. Thiophene analog of phencyclidine 7470
Some trade or other names: 1-(1-(2-thienyl)-cyclohexyl)-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP;

EE. 1-(1-(2-thienyl)cyclohexyl) pyrrolidine 7473
Some other names: TCPy.

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Mecloqualone 2572

B. Methaqualone 2565

5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

A. Aminorex; 1585
Some trade or other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine;

B. Cathinone (Some trade or other names: 2-amino-1-phenyl-1-propanone, alphaaminopropiophenone, 2-aminopropiophenone and norephedrone) 1235

C. Fenethylline 1503

D. Methcathinone 1585
Some trade or other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinine; AL-464; AL-422; AL-463 and URI 432; its salts, optical isomers and salts of optical isomers;

E. (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) 1590

F. N-ethylamphetamine 1475

G. N,N-dimethylamphetamine 1480
(some other names: N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine), its salts, optical isomers and salts of optical isomers

6. A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances:

A. N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers 9818

B. N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers 9834

(B) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the Controlled Substances Code Number set forth opposite it.

1. Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, Schedule II shall include any of the following substances whether produced

directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis opium and opiate; and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-devied butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone and their respective salts, but including the following:

A. Raw opium 9600
B. Opium extracts 9610
C. Opium fluid 9620
D. Powdered opium 9639
E. Granulated opium 9640
F. Tincture of opium 9630
G. Codeine 9050
H. Ethylmorphine 9190
I. Etorphine hydrochloride 9059
J. Hydrocodone 9193
K. Hydromorphone 9150
L. Metopon 9260
M. Morphine 9300
N. Oxycodone 9143
O. Oxymorphone 9652
P. Thebaine 9333

Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1)(B)1. of this rule shall be included in Schedule II, except that these substances shall not include the isoquinoline alkaloids of opium; opium poppy and poppy straw; coca leaves 9040
and any salt, compound, derivative or preparation of coca leaves including cocaine 9041
and ecgonine 9180
and their salts, isomers, derivatives and salts of isomers and derivatives and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine 9041
or ecgonine 9180
and concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) 9670

2. Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

A. Alfentanil 9737
B. Alphaprodine 9010
C. Anileridine 9020
D. Bezitramide 9800
E. Bulk Dextropopoxyphene (Non-dosage Forms) 9273
F. Butyl-nitrite no designated number
G. Carfentanil 9743
H. Dihydrocodeine 9120
I. Diphenoxylate 9170
J. Fentanyl 9801
K. Isomethadone 9226
L. Levo-alphacetylmethadol 9220
(Some other names: levo-alphaacetylmethadol, levomethadyl acetate, LAAM) 9648
M. Levomethorphan 9210
N. Levorphanol 9220
O. Metazocine 9240
P. Methadone 9250
Q. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane 9254
R. Moramide-Intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid 9802
S. Pethidine (Meperidine) 9230
T. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine 9232
U. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate 9233
V. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid 9234
W. Phenazocine 9715
X. Piminodine 9730
Y. Racemethorphan 9732
Z. Racemorphan 9733
AA. Remifentanil 9739
BB. Sufentanil 9740

3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

A. Amphetamine, its salts, optical isomers and salts of its optical isomers 1100
B. Methamphetamine, its salts, isomers and salts of its isomers 1105
C. Phenmetrazine and its salts 1631
D. Methylphenidate 1724

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Amobarbital 2125
B. Glutethimide 2550
C. Pentobarbital 2270
D. Phencyclidine 7471
E. Secobarbital 2315

5. Hallucinogenic substances:

A. Nabilone 7379
(Another name for nabilone: (±)trans-3-(1, 1-dimethylheptyl)-6, 6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo(b,d) pyran-9-one.)

6. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:

A. Immediate precursor to amphetamine and methamphetamine:

(I) Phenylacetone 8501
Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone;

B. Immediate precursors to phencyclidine (PCP):

(I) 1-phenylcyclohexylamine 7460
(II) 1-piperidinocyclohexane-carbonitrile (PCC) 8603

(C) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II

which compounds, mixtures or preparations were listed on August 25, 1971, as excepted compounds under section 308.32 and any other drug of the quantitive composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances 1405

B. Benzphetamine 1228

C. Chlorphentermine 1645

D. Clortermine 1647

E. Phendimetrazine 1615

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

A. Any compound, mixture or preparation containing:

(I) Amobarbital 2126

(II) Secobarbital 2316

(III) Pentobarbital 2271

or any salt thereof and one (1) or more other active medicinal ingredients which are not listed in any schedule;

B. Any suppository dosage form containing:

(I) Amobarbital 2126

(II) Secobarbital 2316

(III) Pentobarbital 2271

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

C. Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof 2100

D. Chlorhexadol 2510

E. Ketamine 7285

F. Lysergic acid 7300

G. Lysergic acid amide 7310

H. Methyprylon 2575

I. Sulfondiethylmethane 2600

J. Sulfonethylmethane 2605

K. Sulfonmethane 2610

L. Tiletamine and zolazepam or any salt thereof 7295

Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-(2-fluorophenyl)-6-8-dihydro-1,3,8-trimethylpyrazolo-(3,4-e) (1,4)-diazepin-7(1H)-one, flupyrazapon.

3. Nalorphine 9400

4. Narcotics drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than 1.8 grams of codeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803

B. Not more than 1.8 grams of codeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804

C. Not more than three hundred milligrams (300 mg) of hydrocodone per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805

D. Not more than three hundred milligrams (300 mg) of hydrocodone per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts 9806

E. Not more than 1.8 grams of dihydrocodeine per one hundred milliliters (100 ml) or not more than ninety milligrams (90 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9807

F. Not more than three hundred milligrams (300 mg) of ethylmorphine per one hundred milliliters (100 ml) or not more than fifteen milligrams (15 mg) per dosage unit, with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808

G. Not more than five hundred milligrams (500 mg) of opium per one hundred milliliters (100 ml) or per one hundred grams (100 g) or not more than twenty-five milligrams (25 mg) per dosage unit, with one (1) or more active nonnarcotic ingredients in recognized therapeutic amounts 9809

H. Not more than fifty milligrams (50 mg) of morphine per one hundred milliliters (100 ml) or per one hundred grams (100 g), with one (1) or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

5. Anabolic steroids. Unless specially excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation. DEA has assigned code 4000 for all anabolic steroids.

A. Boldenone

B. Chlorotestosterone (4-Chlortestosterone)

C. Clostebol

D. Dehydrochlormethyltestosterone

E. Dihydrotestosterone (4-Dihydrotestosterone)

F. Drostanolone

G. Ethylestrenol

H. Fluoxymesterone

I. Formebulone (Formebolone)

J. Methandienone

L. Methandranone

M. Methandriol

N. Methandrostenolone

O. Methenolone

P. Methyltestosterone

Q. Mibolerone

R. Nandrolone

S. Norethandrolone

T. Oxandrolone

U. Oxymesterone

V. Oxymetholone

W. Stanolone

X. Stanozolol

Y. Testolactone

Z. Testosterone

AA. Trenbolone

BB. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph, if that salt, ester or isomer promotes muscle growth except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of Health and Human Services for that administration.

(6) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product 7369

(Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-) -delta-9-(trans)-tetrahydrocannabinol.)

(D) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section. Each drug or substance has been assigned the DEA Controlled Substances Code Number set forth opposite it.

1. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or

preparation containing limited quantities of any of the following narcotic drugs or any salts thereof:

A. Not more than one milligram (1 mg) of difenoxin (DEA Drug Code No. 9618) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit;

B. Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane) 9278

C. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(I) Not more than two hundred milligrams (200 mg) of codeine per one hundred milliliters (100 ml) or per one hundred grams (100 g);

(II) Not more than one hundred milligrams (100 mg) of dihydrocodeine per one hundred milliliters (100 ml) or per one hundred grams (100 g); or

(III) Not more than one hundred milligrams (100 mg) of ethylmorphine per one hundred milliliters (100 ml) or per one hundred grams (100 g).

2. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

A. Alprazolam 2882
B. Barbital 2145
C. Bromazepam 2748
D. Camazepam 2749
E. Chloral betaine 2460
F. Chloral hydrate 2465
G. Chlordiazepoxide 2744
H. Clobazam 2751
I. Clonazepam 2737
J. Clorazepate 2768
K. Clotiazepam 2752
L. Cloxazolam 2753
M. Delorazepam 2754
N. Diazepam 2765
O. Estazolam 2756
P. Ethchlorvynol 2540
Q. Ethinamate 2545
R. Ethyl loflazepate 2758
S. Fludiazepam 2759
T. Flunitrazepam 2763
U. Flurazepam 2767
V. Halazepam 2762
W. Haloxazolam 2771
X. Ketazolam 2772
Y. Loprazolam 2773
Z. Lorazepam 2885
AA. Lormetazepam 2774
BB. Mebutamate 2800
CC. Medazepam 2836
DD. Deprobamate 2820
EE. Methohexital 2264
FF. Methylphenobarbital (Mephobarbital) 2250
GG. Midazolam 2884
HH. Nimetazepam 2837
II. Nitrazepam 2834
JJ. Nordiazepam 2838
KK. Oxazepam 2835
LL. Oxazolam 2839
MM. Paraldehyde 2585
NN. Petrichloral 2591
OO. Phenobarbital 2285
PP. Pinazepam 2883
QQ. Prazepam 2764
RR. Quazepam 2881
SS. Temazepam 2925
TT. Tetrazepam 2886
UU. Triazolam 2887
VV. Zaleplon 2781
WW. Zolpidem 2783

3. Fenfluramine. Any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible:

A. Fenfluramine 1670

4. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

A. Cathine ((+)-norpseudoephedrine) 1230
B. Diethylpropion 1610
C. Fencamfamin 1780
D. Fenproporex 1575
E. Mazindol 1605
F. Mefenorex 1580
G. Modafinil 1680
H. Pemoline (including organometallic complexes and chelates thereof) 1530
I. Phentermine 1640
J. Pipradrol 1750
K. Sibutramine 1675
L. SPA (-)-1-dimethyamino-1,2-diphenylethane 1635

5. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

A. Pentazocine 9709
B. Butorphanol (including its optical isomers) 9720

6. Ephedrine. Any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including their salts, isomers and salts of isomers:

A. Ephedrine or its salts, optical isomers or salts of optical isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically insignificant quantities of another active medicinal ingredient.

(E) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this subsection.

1. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs and their salts:

A. Buprenorphine 9064

2. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows, which shall include one (1) or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

A. Not more than two and five-tenths milligrams (2.5 mg) of diphenoxylate and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit.

B. Not more than one hundred milligrams (100 mg) of opium per one hundred milliliters (100 ml) or per one hundred grams (100 g).

C. Not more than five-tenths milligram (0.5 mg) of difenoxin (DEA Drug Code No. 9618) and not less than twenty-five micrograms (25 mcg) of atropine sulfate per dosage unit.

3. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers:

A. Pyrovalerone 1485

(2) Excluded Nonnarcotic Substances. The following nonnarcotic substances which, under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301), may be lawfully sold over the counter without a prescription, are excluded from all schedules pursuant to section 195.015(5), RSMo.

Excluded Nonnarcotic Products

Company	Trade Name	NDC Code	Form	Controlled Substance	mg or mg/ml
Bioline Laboratories	Theophed	00719-1945	TB	Phenobarbital	8.00
Goldline Laboratories	Guiaphed Elixir	00182-1377	EL	Phenobarbital	4.00
Goldline Laboratories	Tedrigen Tablets	00182-0134	TB	Phenobarbital	8.00
Hawthorne Products, Inc.	Choate's Leg Freeze		LQ	Chloral hydrate	246.67
Parke-Davis & Co.	Tedral	00071-0230	TB	Phenobarbital	8.00
Parke-Davis & Co.	Tedral Elixir	00071-0242	EX	Phenobarbital	40.00
Parke-Davis & Co.	Tedral S.A.	00071-0231	TB	Phenobarbital	8.00
Parke-Davis & Co.	Tedral Suspension	00071-0237	SU	Phenobarbital	80.00
Parmed Pharmacy	Asma-Ese	00349-2018	TB	Phenobarbital	8.10
Rondex Labs	Azma-Aids	00367-3153	TB	Phenobarbital	8.00
Smith Kline Consumer	Benzedrex	49692-0928	IN	Propylhexedrine	250.00
Sterling Drug, Inc.	Bronkolixir	00057-1004	EL	Phenobarbital	0.80
Sterling Drug, Inc.	Bronkotabs	00057-1005	TB	Phenobarbital	8.00
Vicks Chemical Co.	Vicks Inhaler	23900-0010	IN	I-Desoxyephedrine	113.00
White Hall Labs	Primatene (P-tablets)	00573-2940	TB	Phenobarbital	8.00

AUTHORITY: sections 195.015 and 195.195, RSMo 1994. This rule previously filed as 19 CSR 30-1.010. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions $714 per year with an inflation factor of 3% calculated. See detailed fiscal note for assumptions.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. 19 CSR 30-1.002

Title: 19—Department of Health

Division: 30—Health Standards and Licensure

Chapter: 1—Controlled Substances

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 30-1.002 Schedules of Controlled Substances

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregrate
Mo. Dept. of Health	$714 per year with 3% inflation factor

III. WORKSHEET

Salaries	program administrator	$31.50 X 20 hours	=	$630
	clerical	$8.40 X 10 hours	=	84
				$714

IV. ASSUMPTIONS

1. The annual cost for reviewing and updating the schedules of controlled substances includes approximately 20 hours of Bureau of Narcotics and Dangerous Drugs program administrator time and 10 hours of clerical time. Salaries are projected to increase by a 3% inflation factor.

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.004 List of Excepted Substances

PURPOSE: The Department of Health is authorized to except by rule any compound, mixture or preparation containing any stimulant or depressant substance if one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system is included to negate the potential for abuse. The compounds, mixtures and preparations excluded are listed in this rule.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the Office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) Excepted Stimulant or Depressant Compounds—Exempt Prescription Products. The listed drugs in dosage unit form and any other drug of the quantitative composition shown in Part 1300 to end of Title 21, the *Code of Federal Regulations*, April 1998 or which is the same except that it contains a lesser quantity of controlled substances or other substances which do not have a stimulant, depressant or hallucinogenic effect and which are restricted by law to dispensing or prescription, are excepted from the provisions of sections 195.030, 195.040, 195.050 and 195.100, RSMo as provided for in section 195.017.6(5) and 8(3), RSMo. The rules of the Drug Enforcement Administration, 21 CFR Part 1300 to the end of Title 21, are hereby incorporated by reference and made a part of this rule.

(2) Excepted Chemical Preparations—Exempt Chemical Preparations. The listed preparations in unit form and any other preparation of the quantitative composition shown in Part 1300 to end of Title 21, the *Code of Federal Regulations*, April 1998 which is the same except that it contains a lesser quantity of controlled substances or other substances which do not have a stimulant, depressant or hallucinogenic effect are excepted from the provisions of sections 195.030, 195.040, 195.050 and 195.110, RSMo as provided for in section 195.017.6(5) and 8(3), RSMo. The rules of the Drug Enforcement Administration, 21 CFR Part 1300 to the end of Title 21, are hereby incorporated by reference and made a part of this rule.

AUTHORITY: section 195.195, RSMo 1994. This rule previously filed as 19 CSR 30-1.020. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies and political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.006 List of Exempt Anabolic Steroid Products

PURPOSE: This rule maintains a list of anabolic steroid products excluded from 19 CSR 30-1.002(1)(C)5. in conformance with federal law.

(1) Persons who in the course of legitimate business handle products listed in the Table of Exempt Anabolic Steroid Products in this section shall be exempt from the registration, records, reports, prescriptions, physical security and import and export requirements associated with Schedule III substances.

(A) Trade Name	Company	NDC or DIN No.
1. Androgyn L.A.	Forest Pharmaceuticals, St. Louis, MO	0456-1005
2. Andro-Estro 90-4	Rugby Laboratories, Rockville Centre, NY	0536-1605
3. depANDROGYN	Forest Pharmaceuticals, St. Louis, MO	0456-1020
4. DEPO-T.E.	Quality Research Pharmaceuticals, Carmel, IN	52765-257
5. depTESTROGEN	Martica Pharmaceuticals, Phoenix, AZ	51698-257
6. Duomone	Wintec Pharmaceutical, Pacific, MO	52047-360
7. DURATESTRIN	W.E. Hauck, Alpharetta, GA	43797-016
8. DUO-SPAN II	Primedics Laboratories, Gardena, CA	0684-0102
9. Estratest	Solvay Pharmaceuticals, Marietta, GA	0032-1026
10. Estratest HS	Solvay Pharmaceuticals, Marietta, GA	0032-1023
11. Menogen	Sage Pharmaceuticals, Shreveport, LA	59243-570
12. Menogen HS	Sage Pharmaceuticals, Shreveport, LA	59243-560
13. PAN ESTRA TEST	Pan American Labs, Covington, LA	0525-0175
14. Premarin with Methyltestosterone	Ayerst Labs., Inc., New York, NY	0046-0879
15. Premarin with Methyltestosterone	Ayerst Labs., Inc., New York, NY	0046-0878
16. Synovex H Pellets in process	Syntex Animal Health, Palo Alto, CA	
17. Synovex H Pellets in process granulation	Syntex Animal Health, Palo Alto, CA	
18. Synovex Plus in-process granulation	Fort Dodge Animal Health, Fort Dodge, IA	
19. Synovex Plus in-process bulk pellets	Fort Dodge Animal Health, Fort Dodge, IA	
20. Testagen	Clint Pharmaceuticals, Nashville, TN	55553-257
21. TEST-ESTRO Cypionates	Rugby Laboratories, Rockville Centre, NY	0536-9470

22. Testoderm 4 mg/d	Alza Corp., Palo Alto, CA	17314-4608
23. Testoderm 6 mg/d	Alza Corp., Palo Alto, CA	17314-4609
24. Testoderm with Adhesive 6 mg/d	Alza Corp., Palo Alto, CA	17314-2836
25. Testoderm in-process film	Alza Corp., Palo Alto, CA	
26. Testoderm with Adhesive in-process film	Alza Corp., Palo Alto, CA	
27. Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate, Amityville, NY	0814-7737
28. Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics, No. Miami Beach, FL	54274-530
29. Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals, Port Washington, NY	0364-6611
30. Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs., Inc., Phoenix, AZ	0402-0257
31. Testosterone Cypionate-Estradiol Cypionate Injection	Goldline Labs, Ft. Lauderdale, FL	0182-3069
32. Testosterone Cypionate-Estradiol Cypionate Injection	The Upjohn Co., Kalamazoo, MI	0009-0253
33. Testosterone Enanthate-Estradiol Valerate Injection	Goldline Labs., Ft. Lauderdale, FL	0182-3073
34. Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals, Port Washington, NY	0364-6618
35. Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs., Inc., Phoenix, AZ	0402-0360
36. Tilapia Sex Reversal Feed (Investigational)	Rangen, Inc., Buhl, ID	
37. Tilapia Sex Reversal Feed (Investigational)	Ziegler Brothers, Inc. Gardners, PA	

AUTHORITY: section 195.195, RSMo 1994. This rule previouly filed as 19 CSR 30-1.025. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies and political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.008 List of Excluded Veterinary Anabolic Steroid Implant Products

PURPOSE: This rule maintains a list of veterinary anabolic steroid products excluded from 19 CSR 30-1.002(1)(C)5. in conformance with federal law.

(1) The following products containing an anabolic steroid that are expressly intended for administration through implants to cattle or other nonhuman species and which have been approved by the Secretary of Health and Human Services for such administration and are excluded from all schedules pursuant to section 195.017.5, RSMo.

Trade Name	Company	DC or DIN No.
(A) Component E-H	Vetlife, Inc., Norcross, GA	021641-002
(B) Component E-H	Elanco, Scarborough, ON	01968327
(C) Component TE-S	Vetlife, Inc., Norcross, GA	021641-004
(D) Component T-H	Vetlife, Inc., Norcross, GA	021641-006
(E) Component T-S	Vetlife, Inc., Norcross, GA	021641-005
(F) F-TO	Animal Health, Upjohn International, Kalamazoo, MI	00093351
(G) Finaplix-H	Hoechst Roussel Vet, Somerville, NJ	12799-807-10
(H) Finaplix-S	Hoechst Roussel Vet, Somerville, NJ	12799-807-07
(I) Heifer-oid	Anchor Division, Boehringer Ingelheim, St. Joseph, MO	
(J) Heifer-oid	Bio-Ceutic Division, Boehringer Ingelheim, St. Joseph, MO	
(K) Heifer-oid	Ivy Laboratories, Inc., Overland Park, KS	
(L) Implus-H	The Upjohn Co., Kalamazoo, MI	0009-0434-01
(M) Implus-H	Upjohn Co., Animal Health Division, Orangeville, ON	06-0434-01 01968327
(N) Revalor-G	Hoechst Roussel Vet, Somerville, NJ	12799-811
(O) Revalor-H	Hoechst Roussel Vet, Somerville, NJ	12799-810
(P) Revalor-S	Hoechst Roussel Vet, Somerville, NJ	12799-809
(Q) Synovex H	Fort Dodge Labs, Fort Dodge, IA	0856-3901
(R) Synovex H	Syntex Laboratories, Palo Alto, CA	
(S) Synovex Plus	Fort Dodge Labs, Fort Dodge, IA	0856-3904

AUTHORITY: section 195.195, RSMo 1994 and 195.017, RSMo Supp. 1999. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies and political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RESCISSION

19 CSR 30-1.010 Schedules of Controlled Substances. Chapter 195, RSMo stated in section 195.230, RSMo that the Department of Health prepared a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list was filed in the Office of the Secretary of State. It also required, in section 195.017.11., RSMo, the Department of Health to revise and republish the schedules semiannually for two years from September 28, 1971, and annually after that.

PURPOSE: This rule is being rescinded because it is being renumbered and updated. Please refer to proposed rule 19 CSR 30-1.002.

AUTHORITY: section 195.195, RSMo Supp. 1993. This rule was previously filed as 13 CSR 50-130.010 and 19 CSR 10-130.010. Original rule filed Jan. 31, 1972, effective April 1, 1972. Amended: Filed Oct. 4, 1972, effective Oct. 14, 1972. Amended: Filed April 4, 1973, effective April 14, 1973. Amended: Filed Sept. 28, 1973, effective Nov. 4, 1973. Amended: Filed Jan. 3, 1974, effective Jan. 13, 1974. Amended: Filed Oct. 9, 1974, effective Oct. 19, 1974. Amended: Filed July 17, 1975, effective July 27, 1975. Amended: Filed Oct. 8, 1975, effective Oct. 18, 1975. Refiled: March 24, 1976. Amended: Filed Oct. 12, 1976, effective Jan. 13, 1977. Amended: Filed March 15, 1977, effective March 24, 1977. Amended: Filed Nov. 14, 1977, effective Nov. 6, 1977. Amended: Filed Sept. 28, 1977, effective Jan. 13, 1978. Amended: Filed March 9, 1978, effective Feb. 24, 1978. Amended: Filed Oct. 2, 1978, effective Sept. 27, 1978. Amended: Filed Nov. 14, 1978, effective June 16, 1978. Amended: Filed Nov. 14, 1978, effective Oct. 25, 1978. Amended: Filed Feb. 13, 1979, effective Feb. 9, 1979. Amended: Filed Feb. 19, 1980, effective Feb. 11, 1980. Amended: Filed Oct. 14, 1980, effective July 24, 1980. Amended: Filed Oct. 14, 1980, effective Aug. 21, 1980. Amended: Filed Oct. 14, 1981, effective Oct. 30, 1980. Amended: Filed Oct. 14, 1981, effective May 8, 1981. Amended: Filed Oct. 14, 1981, effective Aug. 20, 1981. Amended: Filed Nov. 1, 1982, effective Dec. 11, 1982. Amended: Filed Jan. 12, 1983, effective Feb. 11, 1983. Amended: Filed March 11, 1983, effective April 1, 1983. Amended: Filed Sept. 2, 1983, effective Dec. 11, 1983. Amended: Filed Nov. 7, 1983, effective Dec. 11, 1983. Amended: Filed July 12, 1984, effective Aug. 11, 1984. Amended: Filed Sept. 20, 1984, effective Nov. 11, 1984. Amended: Filed Jan. 15, 1985, effective Feb. 11, 1985. Amended: Filed May 29, 1985, effective June 27, 1985. Amended: Filed July 24, 1985, effective Aug. 26, 1985. Amended: Filed Sept. 12, 1985, effective Oct. 11, 1985. Changed to 19 CSR 10-130.010, effective Oct. 11, 1985. Amended: Filed Jan. 3, 1986, effective Jan. 16, 1986. Changed to 19 CSR 30-1.010, effective Aug. 11, 1986. Amended: Filed April 17, 1987, effective May 14, 1987. Amended: Filed July 3, 1987, effective Aug. 27, 1987. Amended: Filed May 3, 1988, effective May 26, 1988. Amended: Filed Sept. 25, 1989, effective Oct. 27, 1989. Emergency amendment filed April 3, 1991, effective April 13, 1991, expired Aug. 10, 1991. Emergency amendment filed May 1, 1991, effective May 11, 1991, expired Sept. 7, 1991. Emergency amendment filed July 23, 1991, effective Aug. 2, 1991, expired Nov. 28, 1991. Amended: Filed April 3, 1991, effective Sept. 30, 1991. Amended: Filed May 1, 1991, effective Sept. 30, 1991. Amended: Filed March 2, 1992, effective Aug. 6, 1992. Amended: Filed July 6, 1993, effective Dec. 9, 1993. Emergency amendment filed Jan. 5, 1994, effective Jan. 15, 1994, expired May 14, 1994. Amended: Filed Jan. 5, 1994, effective July 30, 1994. Rescinded: Filed April 14, 2000.

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

PRIVATE COST: This proposed rescission will not cost private entities more than $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 Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.011 Definitions

PURPOSE: This rule contains definitions which establish the intended meaning of certain terms used throughout this chapter.

(1) As used in this chapter, the following terms shall have the meanings specified:

(A) Commercial container means any bottle, jar, tube, ampule or other receptacle in which a substance is held for distribution or dispensing to an ultimate user and, in addition, any box or package in which the receptacle is held for distribution or dispensing to an ultimate user. The term commercial container does not include any package liner, package insert of other material kept with or within a commercial container, nor any carton, crate, drug or other package in which commercial containers are stored or are used for shipment of controlled substances;

(B) Controlled substances administration record means the form used to record information when administering individual drug doses to patients;

(C) Dispenser means an individual practitioner, institutional practitioner, pharmacy or pharmacist who dispenses a controlled substance;

(D) Hospice means a public agency or private organization or subdivision of either of these that is primarily engaged in providing care to dying persons and their families and meets the standards specified in 19 CSR 30-35;

(E) Hospital employee means a nurse, physician, pharmacist or other responsible patient-care employee;

(F) Individual practitioner means a physician, dentist, veterinarian, optometrist or other individual licensed, registered or otherwise permitted by the United States or Missouri to dispense a controlled substance in the course of professional practice, but does not include a pharmacist, a pharmacy or an institutional practitioner;

(G) Institutional practitioner means a hospital or other person (other than an individual) licensed, registered or otherwise permitted by the United States or Missouri to dispense a controlled substance in the course of professional practice, but does not include a pharmacy;

(H) Long-term care facility means a nursing home, retirement care, mental care, or other facility or institution which provides extended health care to resident patients;

(I) Name means the official name, common or usual name, chemical name or brand name of a substance;

(J) Nurse means a registered or licensed practical nurse licensed under Chapter 335, RSMo;

(K) Patient care areas means any area of a hospital where medical attention is rendered to a patient;

(L) Pre-hospital emergency medical service means an emergency medical services system as defined in Chapter 190, RSMo providing services to persons prior to admission to a hospital.

(M) Prescription means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user. (For example, an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.);

(N) Readily retrievable means that certain records are kept by automatic data processing systems or other electronic or mechanized record keeping systems in a manner that they can be separated out from all other records; and/or records are kept on which certain items are asterisked, redlined, highlighted or in some other manner visually identifiable apart from other items appearing on the records; and records are provided within three working days of a request;

(O) Registration means a Missouri controlled substances registration;

(P) Reregistration means a registration issued to a person who was previously registered and whose application for reregistration was received by the Department of Health prior to the expiration of the previous registration;

(Q) Temporary location registration means a registration issued to an individual practitioner who:

1. Has a current Missouri professional license to practice and is registered with the Department of Health at the address listed on his/her professional license;

2. Has a federal Drug Enforcement Administration registration that is valid in Missouri;

3. Anticipates practicing in Missouri within the next 12 months;

4. Does not practice for more than 90 consecutive calendar days at any location;

5. Maintains a record of the date(s) and location(s) of all practice activity in Missouri and makes the record available to the Bureau of Narcotics and Dangerous Drugs. This record shall be retained for two years;

6. Maintains all required controlled substance records at each location;

7. Does not receive or stock controlled substances at any location;

(R) Training program registration means a registration issued to an individual practitioner participating in a postgraduate medical education training program approved by a Missouri professional licensing board.

(2) Any term not defined in this rule shall have the definition set forth in Chapter 195, RSMo.

AUTHORITY: section 195.195, RSMo 1994. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies and political subdivisions more than $500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than $500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 1—Controlled Substances

PROPOSED RULE

19 CSR 30-1.013 Miscellaneous Fees

PURPOSE: This rule establishes and fixes certain fees and charges statutorily authorized to be made by the Department of Health in provisions codified in Chapters 195 and 610, RSMo.

(1) Fees for copies of public records or other documents:

(A) Copy, per page	$ 0.25
(B) Research fee, per hour	$15.00

(2) Payment of fee may be required in advance.

(3) Fees are nonrefundable.

AUTHORITY: section 195.030, RSMo Supp. 1999 and 195.195, RSMo 1994. Original rule filed April 14, 2000.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions $14,085 per year with an 8% increase in requests and inflation of 3% per year calculated. See detailed fiscal note for assumptions.

PRIVATE COST: This proposed rule will cost private entities $15,750 per year with an 8% increase in requests and inflation of 3% per year calculated. See detailed fiscal note for assumptions.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Division of Health Standards and Licensure, Lois Kollmeyer, Director, P.O. Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. 19 CSR 30-1.013

Title: 19—Department of Health

Division: 30—Health Standards and Licensure

Chapter: 1—Controlled Substances

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 30-1.013 Miscellaneous Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregrate
Department of Health	$14,085 per year, with 8% increase of requests and 3% inflation.

III. WORKSHEET

Cost to produce or xerox documentation per page is $0.10/page. Therefore:

15,000 X $ .10/page = $1500

* These costs have been calculated using request statistics from 1998.

Year	requests	pages	document costs	Adm. salary	Legal Counsel	Inv. salary	Clerical salary	Total Salaries
1998	6000	15000	$1,500	$2,205	$2,350	$3,225	$4,805	$12,585

Salary costs	$12,585
Paper and copying expense	1,500
	$14,085

IV. ASSUMPTIONS

1. The Bureau of Narcotics and Dangerous Drugs received approximately 6000 requests for public documents and documentation verifying registration status or past administrative actions in 1998. This required the production of approximately 15,000 pages of documentation. The number of requests increases by approximately 8 % per year.

2. Requests for public documentation require research to produce. Salaries and time of both clerical and professional office staff spent responding to such requests have been calculated.

Average time required to research and produce a response is 8 minutes. Review of information in 1998 concerning registrant history (possible administrative actions) included approximately 70 hours of Bureau of Narcotics and Dangerous Drugs administrator time, 130 hours of Senior Investigator time, 100 hours of legal counsel time, and 500 hours of clerical time were used in 1998. Salaries are; administrator ($31.50/hr), Senior Investigator ($24.81/hr), legal counsel ($23.50/hr) and clerical ($9.61/hr).

3. Costs may be incurred by governmental entities that wish to request such records. The Bureau of Narcotics and Dangerous Drugs has not documented any requests from government entities for public documents to date. This may occur in the future, but it is estimated that these requests will be negligible.

FISCAL NOTE
PRIVATE ENTITY COST

I. 19 CSR 30-1.013

Title: 19—Department of Health

Division: 30—Health Standards and Licensure

Chapter: 1—Controlled Substances

Type of Rule Making: Proposed Rule

Rule Number and Name: 19 CSR 30-1.013 Miscellaneous Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:,	Classification by type of the business entities which would likely be affected:	Estimate n the aggregate as to the cost of compliance with the rule by the affected entities.
Health professionals – 18,813	MD, DO, DVM, DDS, OD, DPM, RN.	$15,750 per year with 8% increase in requests and 3% inflation (estimated cost for 1999)
Facilities- 2,037	Hospitals, pharmacies, emergency medical services, nursing home kits, narcotic treatment programs, researchers, analytical labs	
Industrial- 48	Manufacturers, distributors, importers, exporters	
Any private entity or citizen	Citizens, HMO, etc.	

III. WORKSHEET
15,000 pages X $.25 = $3,750*

(8 min./request)/(60 min/ hr.) X 6000 requests = 800 hours X $15/hr = $12,000*

* These costs have been calculated using request statistics from 1998.

Year	requests	pages	document costs	Research time	Research Fee	Research Costs	Total Costs
1998	6000	15000	***$3,750****	800 hours	$15/hour	***$12,000****	**$15,750***

IV. ASSUMPTIONS
1. A fee of $ .25 per page shall be charged upon a request for public documentation or a copy of public documentation. A research fee of $15 per hour shall be charged upon request for documentation or a copy of documentation which requires a search or research of records to produce the requested information or documentation. Upon average, it takes 8 minutes of time to research each request. Dependent on a registrant's history, research must be completed by clerical or administrative staff.

2. The Bureau of Narcotics and Dangerous Drugs received approximately 6000 requests for public documents verifying registration status or past administrative actions in 1998. This required the

reproduction of approximately 15,000 pages of documentation. Requests have increased by approximately 8 % per year. It is estimated that production costs and salaries shall increase by 3% per year.