

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 13—Boll Weevil Eradication**

**PROPOSED AMENDMENT**

**2 CSR 70-13.030 Program Participation, Fee Payment and Penalties.** The department is amending sections (1)–(4).

*PURPOSE: This amendment changes the schedule of fee payment, certification and adds a requirement of filing intended acres.*

(1) Upon passage of the grower referendum conducted under the provisions of section 263.527, RSMo Supp. 1998, all cotton growers in the affected regions as set out in 2 CSR 70-13.015, as

defined by the Certified Cotton Growers Organization, shall be required to participate in the boll weevil eradication program as follows:

(A) Upon implementation of a boll weevil eradication program, all growers **in an eradication area** shall file a cotton acreage reporting form with their local United States Department of Agriculture, Farm Service Agency (FSA) office by *[August]* **May 15, [showing actual certified cotton acreage. At this time, a fee not to exceed fifteen dollars (\$15) per acre, shall be assessed and paid based on certified acreage] indicating intended acreage to be planted during the current growing season. All growers shall also certify their actual cotton acreage with their local FSA office in accordance with the FSA final certification date;**

(C) All fees paid by growers shall be *[submitted to the local FSA office and]* made payable to the Missouri Department of Agriculture **and shall be postmarked and submitted to the Missouri Department of Agriculture by October 15 during each year of operation.**

(2) *[Growers underreporting by more than ten percent (10%) of the actual planted acreage, as determined by FSA certified or measured acreage,]* **Any grower in the eradication area whose FSA certified acreage or measured acreage exceeds the intended acreage by more than ten percent (10%),** will be assessed a penalty of five dollars (\$5) per acre on that acreage, in addition to the annual assessment fee. Growers underreporting **intended** acreage by more than ten percent (10%) due to emergency or hardship, may apply for a waiver. Any grower applying for a waiver shall make application in writing, to the director stating the conditions under which they request the waiver. The decision of whether or not to waive all or part of these requirements shall be made by the director and notification given to the grower within two (2) weeks after receipt of such application. The director shall base the decision upon the following:

(3) Failure to pay all assessments due on or before *[August]* **October 15** deadline of the current growing season will result in a penalty fee of five dollars (\$5) per acre. A grower who fails to pay all assessments, including penalties, within thirty (30) days of notice is subject to all provisions of section 263.534, RSMo Supp. 1998.

(4) A grower may apply for a waiver requesting delayed payment under conditions of financial hardship or bankruptcy. Any grower applying for a waiver shall make application in writing to the director on a form prescribed by the director. This request must be accompanied by a financial statement from a bank or lending agency supporting such request. No waiver for financial hardship shall be granted to any cotton grower whose taxable net income for the previous year exceeds fifteen thousand dollars (\$15,000). All growers granted waiver requests for financial hardship or bankruptcy will be charged interest payable at a rate equal to one percent (1%) above prime per annum. The decision whether or not to waive all or part of these requirements shall be made by the director with the approval of the Board of Directors of the Certified Cotton Growers Organization and notification given to the grower by the director within two (2) weeks after receipt of such application. Failure to pay all fees or file a completed waiver request for delayed payment on or before *[August]* **October 15** of the current growing season will result in a penalty fee of five dollars (\$5) per acre.

*AUTHORITY: sections 263.505, 263.517[,] and 263.527, RSMo [Supp. 1998] Supp. 1999. Original rule filed June 29, 1999, effective Dec. 30, 1999. Amended: Filed Aug. 16, 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 cost private entities an estimated \$6,007,920. See attached fiscal note.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file statement in support of or opposition to this proposed amendment with the Missouri Department of Agriculture, Plant Industries Division, P.O. Box 630, 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  
PRIVATE ENTITY COST**

I. 2 CSR 70-13.030

Title 2: Department of Agriculture

Division 70: Plant Industries

Chapter 13: Boll Weevil Eradication

Type of Rulemaking: Proposed Rule

Rule Number and Name: 2 CSR 70-13.030, Program Participation, Fee Payment and Penalties

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
853 (387,608)	Farms (Acres)	approximately \$5,814,120.00
83 (38,760) number paying penalties	Farms (Acres)	approximately \$193,800.00
		<b>Total</b> \$6,007,920.00

III. WORKSHEET

County	Number of Farms with Cotton	Number of Acres of Cotton	Cost \$15/Acre
Bollinger	0	0	\$0
Butler	7	828	\$12,420
Cape Girardeau	0	0	\$0
Dunklin	298	162,794	\$2,441,910
Mississippi	8	2,757	\$41,355
New Madrid	243	94,410	\$1,416,150
Pemiscot	167	77,092	\$1,156,380
Ripley	0	0	\$0
Scott	37	11,898	\$178,470
Stoddard	93	37,829	\$324,240
<b>TOTAL</b>	<b>853</b>	<b>387,608</b>	<b>\$5,814,120</b>

IV. ASSUMPTIONS:

The data presented is from the 1997 National Census of Agriculture, National Agricultural Statistic Service. General trends, as forecasted by the Missouri Agricultural Statistic Service (MASS), reflects a decline in the number of farms. Cotton acreage is also variable from year to year. Penalty estimate based upon ten percent of the reported acres with a five dollar per acre charge.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 10—Missouri State Board of Accountancy**  
**Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 10-2.085 Limited Liability Companies.** This rule clarified the statutes pertaining to certified public accountants and public accountants practicing public accounting as a member of a limited liability company.

*PURPOSE:* This rule is being rescinded and replaced by a new rule that clearly clarifies the statutes pertaining to ownership of limited liability companies and professional corporations.

*AUTHORITY:* section 326.110, RSMo Supp. 1995. Original rule filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Rescinded: Filed Aug. 31, 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 Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, P.O. Box 613, Jefferson City, MO 65102-0613. 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 10—Missouri State Board of Accountancy**  
**Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 10-2.090 Professional Corporations.** This rule clarified the statutes pertaining to certified public accountants and public accountants performing in professional corporations.

*PURPOSE:* This rule is being rescinded and replaced by a new rule that clearly clarifies the statutes pertaining to ownership of limited liability companies and professional corporations.

*AUTHORITY:* section 326.110, RSMo Supp. 1995. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Nov. 10, 1981, effective April 11, 1982. Amended: Filed March 2, 1988, effective July 28, 1988. Amended: Filed March 2, 1988, effective July 28, 1988. Amended: Filed Sept. 30, 1988, effective Feb. 11, 1989. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Rescinded: Filed Aug. 31, 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 Missouri State Board of Accountancy, Ken L. Bishop, Executive

Director, P.O. Box 613, Jefferson City, MO 65102-0613. 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 10—Missouri State Board of Accountancy**  
**Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 10-2.095 Ownership of CPA Firms**

*PURPOSE:* This rule clarifies the statutes pertaining to ownership of firms of certified public accountants and public accountants.

(1) Limited Liability Companies (L.L.C.).

(A) Ownership. Only the following may have a member's interest in a L.L.C.:

1. Natural persons who hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country if the other state or country or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice public accounting issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. All shareholders of either a domestic or foreign professional corporation shall own their shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Member's Interest. Provisions shall be made in the Articles of Organization or in Restated Articles of Organization and in any merger or consolidation document, which shall require that a member who, for whatever reasons, ceases to be eligible to be a member to dispose of all of his/her membership interest within a reasonable period of time to a person qualified to be a member or to the L.L.C.

(2) Professional Corporations.

(A) Ownership. A professional corporation may issue shares only to the following:

1. Natural persons who hold a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Shares. Provisions shall be made requiring any shareholder who ceases to be eligible to be a shareholder to dispose of all of his/her shares within a reasonable period to a person qualified to be a shareholder or to the corporation or association.

(3) Partnerships, Sole-Proprietorships, and Other Business Entities.

(A) Ownership. A partnership, sole-proprietorship or other lawful business entity, as the case may be, may issue ownership interest only to the following:

1. Natural persons who hold a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All

members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust, if there are multiple trustees, hold a certificate as a C.P.A. and permit to practice accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Interest. Provisions shall be made requiring any interest holder who ceases to be eligible to be an interest holder to dispose of all of his/her interest within a reasonable period to a person qualified to be an interest holder of the firm.

*AUTHORITY: sections 326.021, 326.040 and 326.050, RSMo 1994 and 326.110, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, P.O. Box 613, Jefferson City, MO 65102-0613. 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 15—Acupuncturist Advisory Committee Chapter 1—General Rules

#### PROPOSED RULE

#### 4 CSR 15-1.010 Definitions

*PURPOSE: This rule defines terms used in 4 CSR 15.*

(1) "ACAOM" means the Accreditation Commission for Acupuncture and Oriental Medicine.

(2) "ADT" means auricular detox technician.

(3) "Applicant" is defined as an individual submitting an application in the licensure process.

(4) "Board" means the Missouri State Board of Chiropractic Examiners.

(5) "Committee" means the Missouri Acupuncturist Advisory Committee.

(6) "CNT" or "Clean Needle Technique" is defined as the use of sterile needles for acupuncture treatment following national acupuncture professional guidelines as described in the current edition of the "Clean Needle Technique Manual."

(7) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

(8) "Patient" is defined as any individual for whom the practice of acupuncture, as defined in section 324.475(1), RSMo Supp. 1999, is provided.

(9) "Sexual activity" is defined as any direct or indirect physical contact, or verbal communication, by any person or between persons which is intended to erotically stimulate either person, or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation or anal intercourse. As used herein, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. Sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm or ejaculation has occurred.

(10) "TSE" is defined as Test of Spoken English.

(11) "TOEFL" is defined as Test of English as a Foreign Language.

(12) "TOEIC" is defined as Test of English for International Communication.

(13) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

*AUTHORITY: sections 324.475, 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee**  
**Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.020 Titling**

*PURPOSE: This rule specifies the title that may be used by an individual licensed by the board as an acupuncturist.*

(1) Any person who represents himself/herself as an acupuncturist in this state and is licensed by the board may use the abbreviations "Lic.Ac." or "L.Ac."

*AUTHORITY: section 324.481, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee**  
**Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.030 Name and Address Changes**

*PURPOSE: This rule outlines procedures to be followed for name, address and telephone number changes.*

(1) All individuals licensed pursuant to this chapter shall ensure that the license bears the current legal name of that individual.

(2) A licensee whose name has changed shall, within thirty (30) days of such change:

(A) Notify the board in writing of the change and provide a copy of the appropriate document indicating the change;

(B) Request from the board a new license bearing the individual's new legal name; and

(C) Return the current license bearing the former name.

(3) A licensee may request a replacement wall-hanging certificate by paying the wall-hanging certificate replacement fee.

(4) A licensee whose address has changed from that printed on the license must inform the board, in writing, within thirty (30) days of the effective date of the change.

(5) Changes in telephone numbers should also be reported in the same manner as that described for changes in address.

*AUTHORITY: section 324.481, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will cost public entities an estimated \$1,418 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will cost private entities an estimated \$153.30 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 1 – General Rules**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-1.030 Name and Address Changes

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$1,418

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries and process request for name and address changes and supporting documentation;
- 2) Expense and equipment costs are incurred for board expenses incurred for issuing and mailing duplicate licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 10%	Enforcement – 1%
Personal Service	\$331.00	\$22.00
Expense & Equipment	\$220.00	\$15.00
Transfers	\$778.00	\$52.00
<b>TOTAL</b>	<b>\$1,329.00</b>	<b>\$89.00</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2-- Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3-- Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4-- Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 1% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 -- Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 - Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-1.030 Name and Address Changes

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**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:	Estimated cost of compliance with the rule by the affected entities:
10	Individuals (notification of change)	\$3.30
10	Individuals (replacement wall hanging fee)	\$150.00
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$153.30</b>

**III. WORKSHEET**

Postage @ \$.33

Replacement wall hanging fee @ \$15.00

**IV. ASSUMPTIONS**

1. The board anticipates that twenty percent (25%) of the board's licensees will request a replacement wall-hanging certificate annually for the life of the rule. The board estimates this application process will cost each applicant approximately \$15.33.
2. The private entity cost for this proposed rule is estimated to be \$153.30 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 15-1.040 Fees**

*PURPOSE:* This rule establishes and fixes the various fees and charges for the Acupuncturist Advisory Committee.

(1) All fees shall be paid by cashier's check, personal check, money order, or other method approved by the division and must be made payable to the State Board of Chiropractic Examiners.

(2) No fee will be refunded should any license be surrendered, suspended or revoked during the term for which the license is issued.

(3) The fees are established as follows:

(A) Acupuncturist Application Fee	\$1,400
(B) Acupuncturist Renewal Fee	\$1,400
(C) Duplicate License Fee	\$ 5
(D) Endorsement to Another Jurisdiction Fee	\$ 15
(E) Fingerprinting Fee	\$ 23
(F) Insufficient Funds Check Charge Fee	\$ 25
(G) Reciprocity Application Fee	\$1,400
(H) Wall-Hanging Fee Replacement	\$ 15

(4) All fees are nonrefundable.

*AUTHORITY:* sections 324.481, 324.487, 324.490 and 324.493, *RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST:* This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.010 Application for Licensure**

*PURPOSE:* This rule outlines the requirements for licensure as an acupuncturist.

(1) An applicant for licensure as an acupuncturist shall submit or cause to be submitted:

(A) A completed application and the accompanying application fee, which shall contain:

1. The licensee's business and residential address;

2. Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or the entering of a plea of

*nolo contendere* for any violation of any laws of a state or the United States, other than a traffic violation;

3. Details regarding any addiction to or repetitive abuse of any drug or chemical substance including alcohol within the past five (5) years;

4. Information regarding being currently treated or within the past five (5) years having been treated through a drug or alcohol rehabilitation program;

5. Details regarding being a party in a civil suit other than divorce, custody matters, or bankruptcy;

6. Details regarding any restriction or discipline for unethical behavior or unprofessional conduct; and

7. Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action;

(B) Two (2) sets of fingerprints and the fingerprinting fee;

(C) Evidence that the applicant is at least twenty-one (21) years of age as demonstrated by one of the following:

1. Driver's license or identification (ID) card issued by a state or outlying possession of the United States provided it contains a photograph and date of birth;

2. ID card issued by federal, state, or local government agencies or entities provided it contains a photograph and date of birth;

3. Original or certified copy of a birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;

4. U.S. citizen ID card as long as it contains the date of birth;

or  
5. ID card for use of resident citizen in the United States as long as it contains the date of birth;

(D) Evidence that s/he is actively certified as a diplomate in acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM). Such evidence shall be sent to the committee office directly from the NCCAOM;

(E) Evidence that s/he is able to communicate in English as demonstrated by one of the following:

1. Passage of the NCCAOM examination taken in English;

2. Passage of the Test of English as a Foreign Language (TOEFL) with a score of five hundred fifty (550) or higher;

3. Passage of the Test of Spoken English (TSE) with a score of forty-five (45) or higher;

4. Passage of the Test of English for International Communication (TOEIC) with a score of five hundred (500) or higher; or

5. An interview conducted in English with the State Board of Chiropractic Examiners, the Acupuncturist Advisory Committee, or the executive director of the board.

*AUTHORITY:* sections 324.481, 324.487 and 324.493, *RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST:* This proposed rule will cost public entities an estimated \$4,341 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated \$57,733.20 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the private entity cost to comply with this rule will be \$2,886.66 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is

*expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.*

**Division of Professional Registration  
 FISCAL NOTE  
 PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$4,341.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 30%	Enforcement – 4%
Personal Service	\$992.00	\$88.00
Expense & Equipment	\$661.00	\$59.00
Transfers	\$2,334.00	\$207.00
<b>TOTAL</b>	<b>\$3,987.00</b>	<b>\$354.00</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 30% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 4% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.010 Application for Licensure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**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:	Estimated cost of compliance with the rule by the affected entities:
40	Individuals (application fee)	\$56,000.00
40	Individuals (fingerprinting fees)	\$920.00
40	Individuals (photograph fees)	\$300.00
40	Individuals (notary)	\$100.00
40	Individuals (transcript)	\$400.00
40	Individuals (postage)	\$13.20
<b>Estimated Cost of Compliance for the First Year of Implementation of the Rule</b>		<b>\$57,733.20</b>
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$2,886.66</b>

**III. WORKSHEET**

- Application fee @ \$1,400.00
- Fingerprinting fee @ \$23.00
- Photograph fee @ \$7.50
- Notary @ \$2.50
- Transcript @ \$10.00
- Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates forty (40) individuals will apply for licensure during the first year based on the number of individuals who have contacted the office and requested to be placed on the licensure application mailing list. The board estimates this application process will cost each applicant approximately \$1,443.33.
2. The private entity cost for this proposed rule is estimated to be \$57,733.20 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 5% in licensees. Therefore, the board estimates that the annual private entity cost to comply with this rule will be \$2,886.66 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.020 Reciprocity**

*PURPOSE: This rule outlines the requirement for licensure by reciprocity.*

(1) A person applying for licensure by reciprocity whose state, territory, or commonwealth or the District of Columbia has requirements which are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) shall submit or cause to be submitted the following:

(A) A completed application and the accompanying application fee;

(B) A copy of a current acupuncturist license;

(C) A copy of the other state, territory or commonwealth or the District of Columbia's statutes and rules and regulations pertaining to acupuncture; and

(D) A letter of verification to be submitted directly to the board office from the state, territory or commonwealth or the District of Columbia's licensing agency, if applicable, which shall include:

1. Verification of the applicant's license;

2. License issuance date;

3. License expiration date; and

4. Information regarding any pending or prior investigations or disciplinary action.

(2) A person applying for licensure by reciprocity whose state, territory or commonwealth or the District of Columbia, has less stringent eligibility and examination requirements than those of the National Commission for the Certification of Acupuncture and Oriental Medicine, shall meet the requirements of section 324.487, RSMo and board rule 4 CSR 15-2.010.

*AUTHORITY: sections 324.481 and 324.487, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will cost public entities an estimated \$1,329 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*PRIVATE COST: This proposed rule will cost private entities an estimated \$2,886.66 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.*

**Division of Professional Registration  
 FISCAL NOTE  
 PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.020 Reciprocity

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$1,329.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing and mailing acupuncture licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 10%	Enforcement – 0%
Personal Service	\$331.00	\$0
Expense & Equipment	\$220.00	\$0
Transfers	\$778.00	\$0
<b>TOTAL</b>	<b>\$1,329.00</b>	<b>\$0</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual



costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 10% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 0% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.020 Reciprocity

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**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:	Estimated cost of compliance with the rule by the affected entities:
2	Individuals (application fee)	\$2,800.00
2	Individuals (fingerprinting fees)	\$46.00
2	Individual (photograph fee)	\$15.00
2	Individual (notary)	\$5.00
2	Individual (verification)	\$20.00
2	Individual (postage)	\$.66
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$2,886.66</b>

**III. WORKSHEET**

- Application fee @ \$1,400.00
- Fingerprinting fees @ \$23.00
- Photograph fee @ \$7.50
- Notary @ \$2.50
- Verification @ \$10.00
- Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates two (2) individuals will annually apply for reciprocity. The board estimates this application process to cost each applicant approximately \$1,443.33.
2. The private entity cost for this proposed rule is estimated to be \$2,886.66 annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.030 License Renewal**

*PURPOSE:* This rule outlines the requirements for the renewal of licensure.

(1) A license issued pursuant to section 324.487, RSMo shall be renewed on or before the expiration date of the license by submitting the fee and signed renewal form, which shall contain:

(A) The licensee's business and residential address;

(B) Verification that the licensee is actively certified as a diplomate in acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);

(C) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or the entering of a plea of *nolo contendere* for any violation of any laws of a state or the United States, other than a traffic violation;

(D) Details regarding any addiction to or repetitive abuse of any drug or chemical substance including alcohol within the past five (5) years;

(E) Information regarding being currently treated or within the past five (5) years having been treated through a drug or alcohol rehabilitation program;

(F) Details regarding being a party in a civil suit other than divorce, custody matters, or bankruptcy;

(G) Details regarding any restriction or discipline for unethical behavior or unprofessional conduct; and

(H) Details regarding a professional license, certification, registration, permit or an application in any state, United States territory, province or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action.

(2) Each licensee who holds a license pursuant to sections 324.475 to 324.499, RSMo shall complete, during the two (2)-year license period prior to renewal, as a condition of the license renewal, the required number of annual continuing education credit hours as set by the National Certification Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM).

(3) Failure of a licensee to receive the notice and application to renew his/her license shall not excuse him/her from the requirements of section 324.487, RSMo to renew that license.

(4) Receipt of the application for renewal after the expiration date of the license shall cause the license to become lapsed and a licensee who continues to practice without a valid license shall be deemed to be practicing in violation of sections 324.475 to 324.499, RSMo and subject to the penalties contained therein.

(5) Violation of any provision of this rule shall be grounds for discipline in accordance with section 324.496, RSMo. In addition, a licensee who has failed to maintain active certification as a diplomate in acupuncture by the NCCAOM and engages in the active practice of acupuncture without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of acupuncture.

*AUTHORITY:* sections 324.481, 324.490 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will cost public entities an estimated \$7,976 annually for the life of the rule. It is anticipated

that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated \$63,853.86 during the second year of implementation of the rule. Thereafter the board anticipates an increase in the number of licensees by four per biennial renewal period. Therefore, the board estimates that the private entity cost will be \$63,853.86 biennially with a continuous biennial increase of \$3,040.66 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.030 License Renewal

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$7,976.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process renewal applications and supporting documentation, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses for issuing a mailing renewal licenses;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 50%	Enforcement – 15%
Personal Service	\$1,654.00	\$331.00
Expense & Equipment	\$1,102.00	\$220.00
Transfers	\$3,891.00	\$778.00
<b>TOTAL</b>	<b>\$6,647.00</b>	<b>\$1,329.00</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2-- Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3-- Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4-- Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 50% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 15% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 2 – Acupuncturist Licensure Requirements

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-2.030 License Renewal

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**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:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (renewal fee)	\$58,800.00
42	Individuals (continuing education fee)	\$5,040.00
42	Individuals (postage)	\$13.86

**Estimated Cost of Compliance for the Second Year of Implementation of the Rule** **\$63,853.86**

**Estimated Annual Cost of Compliance for the Life of the Rule** **\$63,853.86 biennially with a continuous biennial increase of \$3,040.66**

**III. WORKSHEET**

Renewal fee @ \$1,400.00  
Continuing education fee @ \$120 biennially per person  
Postage @ \$.33

**IV. ASSUMPTIONS**

1. The board anticipates forty-two (42) individuals will apply for renewal during the first biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. The board estimates this registration process will cost each applicant approximately \$1,520.33 each renewal period.
2. It is not possible to estimate all costs that a licensee could incur in obtaining the required continuing education.
3. The private entity cost for this proposed rule is estimated to be \$63,853.86 for the second year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by four (4) per biennial renewal period based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$63,853.86 biennially with a continuous biennial increase of \$3,040.66 for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 2—Acupuncturist Licensure Requirements**

**PROPOSED RULE**

**4 CSR 15-2.040 Reinstatement**

*PURPOSE: This rule outlines the process for reinstating a license to practice as an acupuncturist.*

(1) Failure of a licensee to renew a license before the expiration of the license will cause the license to lapse. Within two (2) years of the expiration date, the licensee may submit payment of the renewal fee, and provide the board with a completed renewal form, in accordance with the statutes and board rule 4 CSR 15-2.030.

(2) A licensee who fails to restore a license for a period of more than two (2) years after the expiration of the license shall reapply for licensure under regulations in accordance with the statutes and board rule 4 CSR 15-2.010.

*AUTHORITY: sections 324.481, 324.490 and 324.493, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.010 Standards of Practice**

*PURPOSE: This rule establishes standards of practice for licensed acupuncturists.*

(1) Patient Welfare.

(A) Licensed acupuncturists are strongly encouraged to maintain professional liability insurance coverage.

(B) Each acupuncturist shall:

1. Conduct their business and professional activities with honesty and integrity.

2. Obtain and document written patient assessment information, prior to performing initial acupuncture services, which shall include but not be limited to the following:

A. Purpose for visit;

B. Presence of pain and the location;

C. Allergies;

D. Currently under the care of any health or mental health care professional;

E. Current medication use and the purpose;

F. Surgical history;

G. Preexisting conditions;

H. Written consent for treatment and date signed; and

I. The acupuncturist's signature and date of services.

3. Inform patient as to anticipated course of treatment.

4. Update, at each session, the patient record which shall include:

A. Patient assessment information updated, if any changes or additions;

B. The date acupuncture services were performed;

C. Type of services performed;

D. Periodic updates of anticipated course of treatment; and

E. The acupuncturist's, acupuncturist trainee's and supervising acupuncturist's or detox technician's signature.

5. Maintain patient records for at least five (5) years.

6. Provide privacy for the patient while the patient is dressing and undressing.

7. Acupuncturists, auricular detox technicians and acupuncturist trainees shall follow the current Clean Needle Technique (CNT) standards in effect at the time the acupuncture service is performed, as published by the National Acupuncture Foundation.

8. Disposable sterile acupuncture needles and guide tubes are strongly recommended in all instances. However, the use of disposable needles should not slacken the practitioner's vigilance in adopting aseptic techniques in other aspects of clinical practice. All disposable needles should be discarded immediately after use and placed in a biohazard container.

9. Sterilization procedures for reusable needles should conform to those described below. The acupuncturist is responsible for ensuring that these standards are maintained.

A. Pressurized steam bath, such as an autoclave, at two hundred fifty degrees Fahrenheit (250°F), at fifteen (15) pounds pressure for thirty (30) minutes. The pressure must be released quickly at the end of the sterilization cycle.

B. Dry heat sterilization requires three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours.

C. Glass bead devices, boiling water, alcohol and pressure cookers are not acceptable forms of sterilization.

10. High level disinfectants should be used on all equipment that does not penetrate the skin, come into direct contact with needles, or is made of rubber or plastic. Chemical disinfectants include, but are not limited to:

A. Chlorine-based agents, i.e., bleach;

B. Aqueous solution of two percent (2%) glutaraldehyde; and

C. Seventy percent (70%) ethyl or isopropyl alcohol.

11. Immediately after use, reusable needles and other contaminated equipment should be immersed in an effective chemical disinfectant, then soaked in water, with or without detergent and, after careful cleaning, thoroughly rinsed in water before being packaged for re-sterilization.

(2) Confidentiality of Patients.

(A) Each acupuncturist will safeguard verbal and written confidential information of the patient, unless disclosure is required by law, court order, or authorized by the patient.

(3) Representation of Service.

(A) Each acupuncturist shall:

1. Disclose to the patient the schedule of fees for services prior to treatment;

2. Include in any advertisement for acupuncture:

A. His/her name; and

B. When offering gratuitous services or discounts in connection with professional services, clearly and conspicuously state whether or not additional charges may be incurred by related services and the possible range of such additional charges; and

3. Have available at every location where s/he practices, proof of licensure and photo identification, which has been taken within the last two (2) years.

(B) No acupuncturist shall:

1. Misrepresent directly or by implication his/her professional qualifications such as type of licensure, education, experience, or areas of competence;
2. Falsify professional records;
3. Advertise acupuncture or instruction which contains a false, fraudulent, misleading or deceptive statement; or
4. Dress or behave in a provocative manner.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

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

*PRIVATE COST: This proposed rule will cost private entities an estimated \$21,000 for the first year of implementation of the rule. Thereafter, the private entity cost will be \$21,000 annually with a continuous annual increase of \$1,000 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.*



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 - Department of Economic Development

**Division:** 15 - Division of Professional Registration - Missouri Acupuncturist Advisory Committee

**Chapter:** 3 - Standards of Practice, Code of Ethics, Professional Conduct

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-3.010 Standards of Practice

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development

**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:	Estimated cost of compliance with the rule by the affected entities:
42	Individuals (liability insurance)	\$21,000.00
<b>Total Cost of Compliance for the First Year of Implementation of the Rule</b>		<b>\$21,000.00</b>
<b>Total Annual Cost of Compliance</b>		<b>\$21,000.00 plus an annual continuous increase of \$1,000.00</b>

**III. WORKSHEET**

Liability insurance @ \$500.00

**IV. ASSUMPTIONS**

- The board anticipates forty-two (42) individuals will be licensed by the board during the first two (2) years of implementation 4 CSR 15-2.010 and 4 CSR 15-2.020.
- The board's estimate regarding the liability insurance is based on an average cost obtained from several insurance companies.
- 
- The private entity cost for this proposed rule is estimated to be \$21,000.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an increase in the number of licensees by two (2) annually based on the assumptions detailed in 4 CSR 15-2.010 and 4 CSR 15-2.020. Therefore, the board estimates that the private entity cost to comply with this rule will be \$21,000.00 annually with a continuous annual increase of \$1,000.00 for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.020 Code of Ethics**

*PURPOSE: This rule establishes the code of ethics for applicants, acupuncturists, auricular detox technicians and acupuncturist trainees.*

(1) All applicants, licensees, auricular detox technicians and acupuncturist trainees shall—

(A) Demonstrate behavior that reflects integrity, supports objectivity, and fosters trust in the profession and its professionals;

(B) Respect and protect the legal and personal rights of the patient/client, including the right to informed consent and refusal of treatment;

(C) Provide care without discrimination on any basis with respect for the rights and dignity of all individuals;

(D) Refuse to participate in illegal or unethical acts, or conceal illegal, unethical or incompetent acts of others;

(E) Follow sound scientific procedures and ethical principles in research;

(F) Comply with all state and federal laws and regulations;

(G) Avoid any form of conduct that creates a conflict of interest and follow the principles of professional ethical business behaviors. For purposes of this rule, “conflict of interest” shall be deemed to include any relationship or business arrangement which jeopardizes a licensee’s objectivity or professional or ethical standards; and

(H) Within the limits of the law, an acupuncturist, acupuncturist trainee or auricular detox technician shall report to the board all knowledge of suspected violations of the laws and rules governing the practice of acupuncture as defined in section 324.475, RSMo and any other applicable state or federal laws and rules.

(2) Competence.

(A) Each acupuncturist shall:

1. Practice within his/her own scope of education and practice as defined in section 324.475, RSMo; and

2. Maintain in the records a copy of the current acupuncturist license and any advanced training by documentation.

(B) No acupuncturist shall delegate professional responsibilities to a person who is not qualified or licensed to perform them.

(3) Dual Relationships.

(A) No acupuncturist shall:

1. Encourage unnecessary or unjustified treatment.

2. Engage in any verbally or physically abusive behavior with a patient, detox technician or trainee, or any other person;

3. Engage in sexual activity with his/her patient, trainee(s) or detox technician during an ongoing professional relationship with such person or within six (6) months after termination of such professional relationship;

4. Exercise influence within an acupuncturist-patient, trainee or detox technician relationship for purposes of engaging a patient in sexual activity;

5. Take unfair advantage of the patient, detox technician or trainee for financial gain; or

6. Accept any gifts or benefits which are intended to influence a referral, decision or treatment that are primarily for personal gain and not for the good of the patient.

(4) Resolving Ethical Issues.

(A) Each acupuncturist:

1. Has an obligation to be familiar with the standards of practice;

2. Has a responsibility to notify the board of any violation of the standards of practice of which the acupuncturist has information and belief; and

3. Shall cooperate with any investigation or proceeding.

(5) Failure of an applicant to adhere to the code of ethics constitutes unprofessional conduct and may be grounds for denial of the license.

(6) Failure of an acupuncturist, acupuncturist trainee or auricular detox technician to adhere to the code of ethics constitutes grounds for discipline of the licensee.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee  
Chapter 3—Standards of Practice, Code of Ethics,  
Professional Conduct**

**PROPOSED RULE**

**4 CSR 15-3.030 Professional Conduct**

*PURPOSE: This rule defines what is considered unprofessional conduct for applicants, acupuncturists, acupuncturist trainees, or auricular detox technicians.*

(1) All applicants, acupuncturists, acupuncturist trainees, or auricular detox technicians shall not—

(A) Commit any act, which endangers patient health, safety or welfare;

(B) Perform acupuncture services that are unjustified or contraindicated;

(C) Verbally, physically, or sexually abuse any patient;

(D) Destroy without authorization or falsify patient records;

(E) Provide or attempt to provide diagnostic or treatment information to the patient that is beyond the licensee’s, auricular detox technician’s or acupuncturist trainee’s level of training and expertise;

(F) Engage in sexual intimacies with a patient which includes any genital contact of the licensee, auricular detox technician or acupuncturist trainee with the patient or the patient with the licensee, auricular detox technician or acupuncturist trainee. This specifically prohibits sexual intercourse, sodomy, oral copulation, anal copulation, or any penetration of the anal or vaginal opening by any thing;

(G) Kiss the patient with the mouth, lips or tongue or the patient kissing the licensee, auricular detox technician or acupuncturist trainee with the mouth, lips or tongue;

(H) Touch or caress in an exploitative manner by either the licensee, auricular detox technician, acupuncturist trainee or the patient of the other person's breasts, genitals or buttocks;

(I) Engage in any deliberate or repeated comments, gestures or physical conduct of a sexual nature that exploits the professional relationship with the patient;

(J) Expose one's self or encourage another to expose themselves for the purpose of sexual gratification;

(K) Engage in sexual harassment of the patient or co-workers. Sexual harassment shall include but is not limited to:

1. Making unwelcome sexual advances;
2. Requesting sexual favors; and/or
3. Verbal or physical conduct of a sexual nature;

(L) Fail to follow policies or procedures implemented in the practice situation to safeguard patient care;

(M) Fail to exercise appropriate supervision over persons authorized to practice only under the supervision of a licensed professional;

(N) Exploit a supervisee in any way—sexually or financially;

(O) Delegate professional responsibilities to a person not qualified or not appropriately licensed or certified to provide those services, or both;

(P) Misrepresent credentials, training or level of education or allow others to misrepresent credentials, training or level of education;

(Q) Use a controlled substance or alcoholic beverage to an extent that impairs one's ability to provide safe acupuncture services; and

(R) Continue to practice acupuncture with a medical condition, which may impair or limit the ability of the licensee to perform the duties of an acupuncturist with reasonable skill and safety.

*AUTHORITY: sections 324.481 and 324.496, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee Chapter 4—Supervision of Auricular Detox Technicians and Acupuncturist Trainees

#### PROPOSED RULE

#### 4 CSR 15-4.010 Supervision of Auricular Detox Technicians

*PURPOSE: This rule outlines the requirements for supervision of auricular detox technicians.*

(1) An auricular detox technician may insert and remove acupuncture needles in the auricle of the ear only. The points an auricular detox technician may insert needles are limited specifically to the points known as Shen Men, Lung, Liver, Kidney, and Sympathetic as described and located by the National Acupuncture Detox Association (NADA) or other national entity approved by the committee.

(2) A licensed acupuncturist must provide supervision of an auricular detox technician.

(3) An acupuncturist may delegate to an auricular detox technician only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after ensuring that the auricular detox technician has been appropriately trained for the performance of the task.

(4) The licensed acupuncturist must exercise their professional judgement when determining the number of auricular detox technicians they can safely and effectively supervise to ensure that quality care is provided at all times.

(5) Any duties assigned to an auricular detox technician must be determined and appropriately supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed acupuncturist is responsible for the acts or actions performed by any auricular detox technician functioning in the acupuncture setting.

(6) Duties or functions which auricular detox technicians may not perform include, but are not limited to:

(A) Interpretation of referrals or prescriptions for acupuncture services;

(B) Evaluative procedures;

(C) Development, planning, adjusting or modification of treatment procedures;

(D) Acting on behalf of the acupuncturist in any matter related to direct patient care which requires judgement or decision making; and

(E) Any act performed independently or without supervision of a licensed acupuncturist.

(7) An auricular detox technician may assist in the delivery of acupuncture services, however, the auricular detox technician may not provide independent patient treatment without the supervision of a licensed acupuncturist or use a title or description implying that the auricular detox technician is a provider of acupuncture services.

*AUTHORITY: sections 324.475, 324.481 and 324.484, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee**  
**Chapter 4—Supervision of Auricular Detox Technicians and Acupuncturist Trainees**

**PROPOSED RULE**

**4 CSR 15-4.020 Supervision of Acupuncturist Trainees**

*PURPOSE:* This rule outlines the requirements for supervision of acupuncturist trainees.

- (1) An acupuncturist trainee may practice acupuncture on members of the public while under the direct supervision of a licensed acupuncturist.
- (2) In order to qualify as an acupuncturist trainee, the individual shall be enrolled in a course of study authorized by the committee and approved by the board.
- (3) Acupuncture programs certified by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) are considered authorized by the committee and approved by the board. All other programs must be submitted to the committee for authorization and approval by the board.
- (4) An acupuncturist trainee shall practice only under the supervision of a licensed acupuncturist.
- (5) Any duties assigned to an acupuncturist trainee must be supervised by a licensed acupuncturist and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed acupuncturist is responsible for the acts or actions performed by any acupuncturist trainee functioning in the acupuncture setting.
- (6) Trainees shall not receive compensation for any acupuncture services.

*AUTHORITY:* sections 324.481 and 324.487, RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* This proposed rule will not cost state agencies or 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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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 15—Acupuncturist Advisory Committee**  
**Chapter 5—Complaints and Investigations**

**PROPOSED RULE**

**4 CSR 15-5.010 Public Complaint Handling and Disposition Procedure**

*PURPOSE:* This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Acupuncturist Advisory Committee will receive and process each complaint made against any licensee, applicant or unlicensed individual or entity, in which the complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 324.475 to 324.499, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the Acupuncturist Advisory Committee. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Acupuncturist Advisory Committee may file a complaint with the board while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Acupuncturist Advisory Committee, P.O. Box 672, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(4) The division will maintain each complaint received under this rule. The complaint file will contain a record of each complainant's name and address; subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission (AHC) charging a licensee with any actionable conduct or violation. The complaint filed by the board need not be limited to the acts charged in a public complaint.

(7) The division/board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division/board. This rule does not create any cause of action for licensees against whom the division/board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 324.475 through 324.499, RSMo.

*AUTHORITY:* sections 324.481, 324.496, 324.499, 620.010.14(7) and 620.010.15(6), RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* The public entity cost for this proposed amendment is estimated at \$4,431 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.*

**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**

**Title:** 4 – Department of Economic Development

**Division:** 15-Acupuncturist Advisory Committee

**Chapter:** 5 – Complaints and Investigations

**Type of Rulemaking:** Proposed Rule

**Rule Number and Name:** 4 CSR 15-5.010 Public Complaint Handling and Disposition Procedure

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$4,431.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses incurred in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 50%
Personal Service	\$0	\$1,103.00
Expense & Equipment	\$0	\$734.00
Transfers	\$0	\$2,594.00
<b>TOTAL</b>	<b>\$0</b>	<b>\$4,431.00</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and

equipment, and transfers based on actual costs incurred for a board of similar size. These annual costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2– Allocation of Personal Service Dollars**

Allotment	Percentage & Category	Dollar Amount
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3– Allocation of Expense & Equipment Dollars**

Allotment	Percentage & Category	Dollar Amount
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4– Allocation of Transfer Dollars**

Allotment	Percentage & Category	Dollar Amount
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 50% of the time will spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 15—Acupuncturist Advisory Committee  
Chapter 5—Complaints and Investigations**

**PROPOSED RULE**

**4 CSR 15-5.020 Investigation**

*PURPOSE:* This rule outlines the procedures for conducting an investigation.

(1) Upon receipt of a complaint in proper form, the division/board may investigate the actions of the licensee, applicant or registrant against whom the complaint is made. In conducting an investigation, the division/board, in its discretion, may request the licensee, applicant or registrant under investigation to answer the charges made against him/her in writing and to produce relevant documentary evidence and may request him/her to appear before it.

*AUTHORITY:* sections 324.481, 324.496, 324.499 and 620.010.15(6), RSMo Supp. 1999. Original rule filed Aug. 31, 2000.

*PUBLIC COST:* The public entity cost for this proposed rule is estimated at \$2,659 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*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 Acupuncturist Advisory Committee, Donna Steinmetz, Executive Director, 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.



**Division of Professional Registration  
FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER****Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 5 – Complaints and Investigations**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-5.020 Investigation

Prepared July 21, 2000 by the Acupuncturist Advisory Committee of the Department of Economic Development.

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Acupuncturist Advisory Committee	\$2,659.00

**III. WORKSHEET**

The costs for this rule are detailed in the table below and are based on the following assumptions:

- 1) Personal service costs are incurred for staff time to handle inquiries, correspondence, process complaints and investigative reports, prepare meeting agendas, attend meetings of the board and to implement board/division directives.
- 2) Expense and equipment costs are incurred for meeting preparation and board expenses in monitoring complaints and conducting investigations;
- 3) Transfers are costs incurred for board and staff support provided by the Division of Professional Registration (also includes data processing, cash receiving room survey inspections, investigations and MIS) and costs incurred for services provided by agencies such as the Office of the Attorney General, Secretary of State and State Auditor.

**Table 1 – Estimated Cost of Compliance by Category of Allocation**

Category of Allocation	Licensure – 0%	Enforcement – 30%
Personal Service	\$0	\$662.00
Expense & Equipment	\$0	\$441.00
Transfers	\$0	\$1,556.00
<b>TOTAL</b>	<b>\$0</b>	<b>\$2,659.00</b>

**IV. ASSUMPTIONS**

In developing this fiscal note, the total public entity costs of the Acupuncturist Advisory Committee were determined by using allotment figures for personal service, expense and equipment, and transfers based on actual costs incurred for a board of similar size. These annual

costs will recur each year for the life of the rule; may vary with inflation; and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

For the purpose of calculating the fiscal impact of the administrative rules, two major categories of board activity were identified: licensure and enforcement. The board estimates 60% of personal service, expense & equipment and transfer costs will be dedicated to the licensure effort and an estimated 40% of personal service, expense & equipment and transfer costs will be dedicated to the enforcement effort. Transfer costs also include rent and utilities. (See Table 2, 3 & 4)

**Table 2— Allocation of Personal Service Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$5,514.00	60% - Licensure	\$3,308.00
\$5,514.00	40% - Enforcement	\$2,206.00

**Table 3— Allocation of Expense & Equipment Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$3,672.00	60% - Licensure	\$2,203.00
\$3,672.00	40% - Enforcement	\$1,469.00

**Table 4— Allocation of Transfer Dollars**

<b>Allotment</b>	<b>Percentage &amp; Category</b>	<b>Dollar Amount</b>
\$12,968.00	60% - Licensure	\$7,781.00
\$12,968.00	40% - Enforcement	\$5,187.00

In allocating costs, this proposed rule was reviewed to determine if the rule contained attributes of licensure and/or enforcement. It is estimated that 0% of the total time involving the administration of the proposed rule will be spent on licensure efforts and 30% of the time will be spent on enforcement efforts. These percentages have been applied to personal service, expense & equipment and transfer dollars. (See Table 1)

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and Funeral  
Directors  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 120-2.100 Fees.** The board is proposing to amend subsections (1)(B), (1)(G), and (1)(I) and delete subsections (1)(S) and (1)(T) and reletter the remaining subsections.

*PURPOSE: Subsections (1)(B) and (1)(G) are being amended due to an increase in the International Funeral Service Examining Board examination fees. Subsection (1)(I) is being amended to clean up the language. Subsections (1)(S) and (1)(T) are being deleted pursuant to section 610.026, which states fees for copying records shall not exceed the actual cost of document search and duplication.*

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

(B) Embalmer State Board	
Examination Fee (per section)	<del>/\$80.00/</del> <b>\$95.00</b>
(G) Missouri Law Examination Fee	<del>/\$50.00/</del> <b>\$70.00</b>
(I) Funeral Director Practical	
Examination Fee	
/(prior to September 1, 2000)	\$50.00
/(September 1, 2000 and after)	<del>\$80.00/</del> <b>\$95.00</b>
/(S) Photocopy Fee (per page)	\$0.25
/(T) Research Fee (per hour, requiring	
more than two (2) hours staff time)	<del>\$ 10.00/</del>
/(U) (S) Collection Fee for Bad Checks	\$25.00
/(V) (T) Law Book Requests	\$5.00*
/(W) (U) Examination Review Fee	\$25.00.

\*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

*AUTHORITY: section 333.III.1, RSMo Supp. 1999. 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 Aug. 18, 2000.*

*PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities an estimated increase of \$4,970 annually for the life of the rule. It is anticipated that the total increase will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, 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 amendment with the State Board of Embalmers and Funeral Directors, Patricia A. Handly, Executive Director, 3605 Missouri Boulevard, P.O. Box 423, 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  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

**Title:** Title 4 – Department of Economic Development

**Division:** 120 – Embalmers and Funeral Directors

**Chapter:** 2 – General Rules

**Type of Rulemaking:** Proposed Amendment

**Rule Number and Name:** 4 CSR 120-2.100 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 types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
11	Individuals Applying for the Embalmer State Board Examination	\$165
151	Individuals Applying for the Missouri Law Examination	\$3,020
119	Individuals Applying for the Funeral Director Practical Examination	\$1,785

**Total Estimated Annual  
Cost for the Life of the  
Rule** **\$4,970**

**III. WORKSHEET**

Embalmer State Board Examination Fee Increase @ \$15.00

Missouri Law Examination Fee Increase @ \$20.00

Funeral Director Practical Examination Fee Increase @ \$15.00

**IV. ASSUMPTIONS**

- Based on figures from FY99 and FY00, the board estimates that approximately 11 individuals applying for the Embalmer State Board Examination, 151 individuals applying for the Missouri Law Examination, and 119 individuals applying for the funeral director practical examination will be affected by the fee increases each year for the life of the rule.
- The private entity increase for this proposed amendment is estimated to be \$4,970 annually for the life of the rule. It is anticipated that the total annual increase will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC [DEPARTMENT] 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 150-3.010 Applicants for Licensure as Professional Physical Therapists.** The board is proposing to amend subsection (5)(A).

*PURPOSE: This amendment increases the total score required on the Test of English as a Foreign Language (TOEFL) examination.*

(5) If the applicant is from a country in which the predominate language is not English, the applicant must provide the board with the following:

(A) TOEFL (Test of English as a Foreign Language) Certificate in which the applicant has obtained a minimum score of fifty-five (55) in each section and a total score of [five hundred fifty (550)] **five hundred sixty (560)**; and

*AUTHORITY: sections 334.125 and 334.550, RSMo [1994] Supp. 1999. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 18, 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 150-3.203 Acceptable Continuing Education.** The board is proposing to amend subsection (5)(A).

*PURPOSE: This amendment adds courses and activities sponsored by the American Osteopathic Association (AOA) to the list of continuing education courses automatically approved by the board.*

(5) Acceptable continuing education is automatically approved if such course or activity is obtained as follows:

(A) Courses and activities sponsored by the American Physical Therapy Association (APTA) or any of its components including state chapters and specialty sections/boards (i.e., the Missouri Physical Therapy Association (MPTA) or any other professional physical therapy state association); the American Medical Association (AMA), **the American Osteopathic Association (AOA)**, or the Federation of State Boards of Physical Therapy

(FSBPT) which at least in part relate to practice of physical therapy.

1. A continuing education document from the American Physical Therapy Association (APTA), or any of its components including state chapters and specialty sections/boards; (Missouri Physical Therapy Association (MPTA) or any other professional physical therapy state association); the American Medical Association (AMA), **the American Osteopathic Association (AOA)**, the Federation of State Boards of Physical Therapy (FSBPT), specifically listing the continuing education course completed by the specified licensee, the date, time and place of the course, and the actual number of continuing education clock hours accumulated for the program shall be the document(s) necessary as proof of compliance if audited by the board to submit proof; or

2. A certificate of attendance bearing the original signature of the sponsor of the course/seminar/program specifically identifying the licensee as the certificate holder, the program title and the names of the presenter(s), the goals and objectives of the course/seminar/program, the location in which the course/seminar/program took place, and the actual number of continuing education clock hours accumulated for the program shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

*AUTHORITY: sections 334.125 and 334.507, RSMo Supp. [1998] 1999. Original rule filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed July 25, 2000. Amended: Filed Aug. 25, 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 4—Licensing of Speech-Language Pathologists and Audiologists**

**PROPOSED AMENDMENT**

**4 CSR 150-4.056 Applicants for Provisional Licensure Renewal.** The board is proposing to amend the Purpose section, sections (1), (4) and (6), delete sections (2), (3), (5) and (7)–(11) and renumber the remaining sections accordingly.

*PURPOSE: The board is proposing to amend this rule in order to make it consistent with provisional licensure renewal requirements pursuant to statute 345.022, RSMo.*

*PURPOSE: This rule provides the requirements for speech-language pathology and [clinical] audiology [provisional licensure and] provisional licensure renewal pursuant to section 345.022, RSMo.*

(1) [Applicants for provisional licensure are required to make application on forms prepared by the board.] **Upon submission of a properly completed renewal application and**

fee, a provisional license may be renewed, only once, making a provisional license valid for a maximum lifetime of two (2) years.

*[(2) No application will be considered unless fully and completely made out on the specified form and properly attested.]*

*[(3) Applications shall be sent to the State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102.]*

*[(4)] (2) The fee for provisional licensure shall be an appropriate fee, to be established by the board. [The fee shall be sent in the form of a bank draft, post office money order or express money order payable on a United States bank made payable to the Missouri Board of Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.]*

*(5) The applicant shall attach to the application a recent photograph not larger than three and one-half inches by five inches (3 1/2" × 5").]*

*[(6)] (3) Applicants for provisional licensure renewal must submit the following documentation if not provided with initial application:*

*(A) Proof of receipt of a master's or doctoral degree from an institution accredited by the American Speech-Language-Hearing Association accrediting body, in the area for which licensure is sought. Documentation shall be provided on the board-prescribed form and submitted directly to the board from the program director of the accredited institution;*

*(B) Proof of passage of the National Examination in Speech-Language Pathology and/or [Clinical] Audiology. Examination scores must be submitted to the board directly from the Educational Testing Service. The passing score shall remain consistent with the passing score set by the American Speech-Language-Hearing Association, on the date of licensure application;*

*[(C) Applicants shall provide, on forms prescribed by the board, a plan for completion of the supervised postgraduate professional experience. This form must be signed by a supervisor holding current permanent Missouri licensure, in the area in which the applicant seeks licensure. The plan shall consist of at least thirty-six (36) weeks of full-time professional experience. A minimum of thirty (30) hours of work per week constitutes full-time employment. If the applicant works twenty-five to twenty-nine (25–29) hours per week, the length of the experience must be at least forty-eight (48) weeks. If the applicant works twenty to twenty-four (20–24) hours per week, the length of the experience must be at least sixty (60) weeks. If the applicant works fifteen to nineteen (15–19) hours per week, the length of the experience must be at least seventy-two (72) weeks;*

*(D) At the conclusion of the supervised postgraduate experience period, the supervisor and the provisional licensee shall sign and submit a board prescribed report which documents completion of the experience;]* and

*[(E)] (C) Verification of licensure or registration to practice in another state or territory shall be submitted to the board directly from the licensing/registration agency.*

*[(7) Provisional licensees who change their clinical fellowship site, clinical fellowship supervisor, or the number of hours worked per week, must submit, on forms prescribed by the board, the revised plan for completion of the super-*

*vised postgraduate professional experience, to the board no later than four (4) weeks after initiating the change. The change must be approved by the board in order to receive credit.*

*(8) Applicants seeking provisional licensure in both speech-language pathology and clinical audiology shall meet the qualifications and submit the required documentation as stated above for both professions.*

*(9) The provisional license is valid for one (1) year. The license may be renewed one (1) time with board approval. Applicants requesting renewal must submit a provisional licensure renewal application form, the renewal fee and the documentation required in section (6) of this rule.*

*(10) When an applicant has filed his/her application and the appropriate fee for provisional licensure, and the application is denied by the board or subsequently withdrawn by the applicant, the fee will be retained by the board as a service charge.*

*(11) An applicant may withdraw his/her application for provisional licensure anytime prior to the board's vote on his/her candidacy for licensure.]*

*AUTHORITY: sections 345.022 and 345.030, RSMo Supp. [1995] 1999. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Aug. 31, 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 State Board of Healing Arts, Tina Steinman, Executive Director, P.O. Box 4, 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 205—Missouri Board of Occupational Therapy Chapter 4—Supervision

#### PROPOSED AMENDMENT

#### 4 CSR 205-4.030 Supervision of Occupational Therapy Aides.

The board is proposing to amend sections (1), (5) and (6), add a new section (2), delete section (7) and renumber the sections accordingly.

*PURPOSE: This amendment will reflect the changes made by House Bill 343 of the 89th General Assembly to section 324.050.2 (7), which further defined the supervision requirements of "occupational therapy aide."*

(1) An occupational therapist or occupational therapy assistant must provide direct supervision of an occupational therapy aide at all times.

(2) When an occupational therapist or occupational therapy assistant delegates to an occupational therapy aide maintenance or restorative services to patients/clients, the occupa-

**tional therapist or occupational therapy assistant must be in the immediate area and within audible and visual range of the patient/client and the occupational therapy aide.**

*[(2)] (3)* An occupational therapist or occupational therapy assistant may delegate to an occupational therapy aide only specific tasks which are neither evaluative, assessive, task selective nor recommending in nature, and only after ensuring that the aide has been appropriately trained for the performance of the task.

*[(3)] (4)* Occupational therapists and occupational therapy assistants must exercise their professional judgement when determining the number of occupational therapy aides they can safely and effectively supervise to ensure that quality care is provided at all times.

*[(4)] (5)* Any duties assigned to an occupational therapy aide must be determined and appropriately supervised by an occupational therapist or occupational therapy assistant and must not exceed the level of training, knowledge, skill, and competence of the individual being supervised. The licensed occupational therapist or occupational therapy assistant is responsible for the acts or actions performed by any occupational therapy aide functioning in the occupational therapy setting.

*[(5)] (6) [Duties or functions which occupational therapy aides may perform include, but are not limited to:]* An occupational therapist or occupational therapy assistant may delegate to an occupational therapy aide duties or functions other than maintenance or restorative services to patients or clients, including but not limited to subsections (6)(A) through (6)(D). When an occupational therapist or occupational therapy assistant delegates to an occupational therapy aide, duties or functions other than maintenance or restorative services to patients or clients, the occupational therapist or occupational therapy assistant must provide direct supervision, however, the occupational therapist or occupational therapy assistant is not required to remain within audible and visual range of the patient/client—

*[(A) Routine maintenance tasks;]*

*[(B)] (A)* Transportation of patients/clients;

*[(C)] (B)* Preparation or setting up of treatment equipment and work area;

*[(D)] (C)* Attending to patient's/client's personal needs during treatment; and

*[(E)] (D)* Clerical/secretarial or administrative duties; and].

*[(F) Maintenance or restorative services to patients/clients under the supervision of an occupational therapist and/or occupational therapy assistant.]*

*[(6)] (7) [Duties or functions which occupational therapy aides may not perform]* Duties or functions that an occupational therapist or occupational therapy assistant may not delegate to an occupational therapy aide include, but are not limited to:

(A) Interpretation of referrals or prescriptions for occupational therapy services;

(B) Evaluative procedures;

(C) Development, planning, adjusting or modification of treatment procedures;

(D) Acting on behalf of the occupational therapist in any matter related to direct patient care which requires judgement or decision making; and

(E) Any act performed independently or without supervision of an occupational therapist.

*[(7) An occupational therapy aide may assist in the delivery of occupational therapy services; however, the occu-*

*pational therapy aide may not provide independent patient treatment without the supervision of an occupational therapist and/or occupational therapy assistant or use a title or description implying that the occupational therapy aide is a provider of occupational therapy services.]*

*AUTHORITY:* sections 324.050, 324.056, 324.065, 324.083 and 324.086, RSMo Supp. [1997] 1999. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Aug. 31, 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 Occupational Therapy, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. 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 2—Air Quality Standards and Air Pollution  
Control Rules Specific to the Kansas City Metropolitan  
Area**

**PROPOSED RULE**

**10 CSR 10-2.215 Control of Emissions from Solvent Cleanup Operations.** If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

*PURPOSE:* This rule will reduce volatile organic compound (VOC) emissions from solvent cleanup operations. The RSMo 536.016 requirement for necessity evidence is the Kansas City Ozone Maintenance Plan adopted February 3, 1998, and section 182 of the Clean Air Act.

(1) Applicability.

(A) This rule shall apply throughout Clay, Jackson and Platte counties.

(B) This rule shall apply to any person who performs or allows the performance of any cleaning operation involving the use of a VOC solvent or solvent solution. The provisions of this rule shall not apply to any stationary source at which cleaning solvent VOCs are emitted at less than five hundred (500) pounds per day.

(C) The following cleaning operations are not subject to the provisions of this rule:

1. Cold cleaner;

2. Open top vapor degreaser;

3. ConveyORIZED cold cleaners;

4. ConveyORIZED vapor degreaser;

5. Nonmanufacturing area cleaning. Nonmanufacturing areas include cafeterias, laboratories, pilot facilities, restrooms, and office buildings;

6. Cleaning operations for which there has been made a best available control technology, reasonably available control technology, or lowest achievable emission rate determination; and

7. Cleaning operations which are subject to the Aerospace National Emission Standards for Hazardous Air Pollutants Standards source category, under 40 CFR 63 subpart GG.

(2) Definitions.

(A) Definitions of certain terms specified in this rule may be found in 10 CSR 10-6.020.

(B) Simple mass balance equation (SMBE) is a summation of the vapor amounts that equal the total weight of liquid solvent in the system minus the weight of liquid solvent in the used category.

$$V_e = S_i - S_o(1 - X_{ci})(1 - C_{ei})$$

Where

$V_e$  = Total weight of the evaporative loss of the VOC (from container, the cleaning operation, the surface being cleaned, and the discard wipes and residue)

$S_i$  = Liquid VOC input weight

$S_o$  = Total liquid VOC output weight (from the cleaning operation, the surface being cleaned and the discard wipes and residue)

$X_{ci}$  = Total weight fraction of the contaminants (in the wipes and liquid residue)

$C_{ei}$  = Total weight fraction due to control of VOCs attributed to add on emission control device(s)—Note  $C_{ei}$  will be zero (0) if not applicable.

### (3) General Provisions.

(A) Any person performing any industrial cleaning operation, not excluded in subsection (1)(B) or (1)(C) of this rule, involving the use of a VOC solvent or solvent solution shall demonstrate a thirty percent (30%) reduction in plant-wide industrial VOC cleaning solvent emissions as described in subsection (3)(B) of this rule by May 1, 2003.

(B) Solvent Emission Reduction. The following provisions shall apply to any stationary source subject to subsection (3)(A) of this rule:

1. A thirty percent (30%) emission reduction shall be based on emissions in 1997 and in 1998 or shall be based on total VOC plant-wide emissions divided by units produced in 1997 and in 1998. If the owner/operator demonstrates that either 1997 or 1998 is not a representative production year, then a demonstration shall be made to the agency that another year is more representative for purposes of comparison or for prorating cleaning solvent usage. The following applicable documentation of actions and associated emission reductions shall be sent to the department for approval by December 1, 2002:

A. Changes in cleaning solvents used;

B. Changes in work practices; and

C. Changes in equipment or processes; and

2. The changes described in paragraph (3)(B)1. of this rule shall remain in effect until other changes resulting in greater, or equal, VOC emission reductions from the cleaning operations are implemented.

(4) Reporting and Record Keeping. The person responsible for industrial cleaning operations at an affected facility seeking to comply with subsection (3)(A) of this rule shall keep records of information sufficient for the calculation of emissions from each Unit Operation System (UOS) from the use of industrial cleaning solvents. A UOS consists of an industrial cleaning operation around which all organic solvent usage, disposal and fugitive losses may be calculated using a SMBE. As an aid to compliance with this section, records for industrial cleaning UOSs may include one (1) or more of the following:

(A) Engineering drawings or sketches of all UOSs used to define industrial cleaning operations within the facility, including a system boundary, organic solvent input(s), organic solvent output(s), and organic solvent evaporative loss points. These drawings shall include each of the following:

1. Labeled boxes within the system boundary which describe all components of the UOS, including any virgin solvent containers, solvent applicators, used solvent containers, and the surface being cleaned;

2. Numbered or lettered arrows depicting liquid and/or evaporative solvent flow, accurate with respect to relative mass flow rates in and out of the system boundary; and

3. Arrows depicting all organic solvent pathways within the system boundary;

(B) One (1) accurate SMBE for each UOS depicted in subsection (4)(A) of this rule. Each equation shall have variables consistent with those used to define the corresponding UOS and shall be solved for total VOC emissions for the UOS;

(C) Any assumptions or approximations made in defining the UOSs; and

(D) Records shall be retained by the owner or operator for a minimum of five (5) years. These records shall be made available to the representatives of the department upon request.

(5) Test Methods. (Not Applicable)

*AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Aug. 30, 2000.*

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

*PRIVATE COST: This proposed rule will cost \$10,000 in FY 2003. Savings resulting from reduced solvent use should offset additional costs associated with this rule. As a result, no additional cost is listed for years 2004 and beyond. Total aggregate cost is \$10,000.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., December 7, 2000. The public hearing will be held at the Holiday Inn, 1200 Gannon Drive, Festus, 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., December 14, 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  
PRIVATE ENTITY COST**

**I. RULE NUMBER**Title: 10-Department of Natural ResourcesDivision: 10-Air Conservation CommissionChapter: 2-Air Quality Standards and Air Pollution Control Rules Specific to the Kansas City Metropolitan AreaType of Rulemaking: Proposed RuleRule Number and Name: 10 CSR 10-2.215 Control of Emissions from Solvent Cleanup Operations**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)	Automobile manufacturer	\$10,000

**III. WORKSHEET**

	FY 2000 (3 months)	FY 2001	FY 2002	FY 2003	FY 2004
Personnel Training Cost (See Assumption 1)	\$ 0	\$ 0	\$ 0	\$ 3,200	\$ 19,200
Work Practice Standards Cost (See Assumption 2)	\$ 0	\$ 0	\$ 0	\$ 4,800	\$ 0
Screening Tests and Trial Evaluations Costs (See Assumption 3)	\$ 0	\$ 0	\$ 0	\$ 2,000	\$ 12,000
Solvent Savings (See Assumptions 4)	\$ 0	\$ 0	\$ 0	\$ 0	\$ -31,200
<b>TOTAL</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$10,000</b>	<b>\$ 0</b>

**IV. ASSUMPTIONS**

1. The affected private entity cost is based on 400 hours per year at \$48 per hour for personnel training.
2. The affected private entity cost is based on 100 hours at \$48 per hour to develop work practice standards.
3. Screening tests and trial evaluations of solvents are often done on a continuous basis within the affected industry(s). New screening tests and trial evaluations may therefore be unnecessary, resulting in no additional costs. However, lifetime screening tests and evaluation costs are estimated at \$14,000.
4. Savings resulting from reduced solvent use should offset costs associated with this rule. As a result, no additional cost is listed for years 2005 and beyond.
5. All costs are based on and presented in year 2000 dollars.