

**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 (hereinafter technician) shall insert and remove acupuncture needles in the auricle of the ear only. The points where a technician shall 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 advisory committee.

(2) A licensed acupuncturist shall provide supervision of a technician. For the purpose of this rule, electronic communication is acceptable for supervision if the communication is visually and/or verbally interactive and no more than fifty percent (50%) of the supervision shall be by electronic means.

(A) A licensed acupuncturist shall be available on-site or by telephone or pager during normal business hours.

(3) Each technician shall meet with the licensed acupuncturist supervisor face-to-face a minimum of two (2) hours per week every two (2) weeks for each detox program utilizing the technician. The technician must obtain at least four (4) hours of supervision within a calendar month for each detox program.

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

(5) Any duties assigned to a 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 detox technician being supervised. An acupuncturist may delegate to a technician only specific tasks that are not evaluative, assessment oriented, task selective, or recommending in nature.

(6) The licensed supervising acupuncturist is responsible for the professional conduct of a technician functioning in the acupuncture setting and performing procedures as defined in section (1) of this rule.

(7) Duties or functions that a technician 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 acupuncture treatment procedures;

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

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

AUTHORITY: sections 324.475, 324.481 and 324.484, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions an estimated five hundred forty-eight dollars

(\$548) 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 five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

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

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 15-Acupuncturist Advisory Committee

Chapter: 4 – Supervision of Auricular Detox Technicians

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 15-4.010 Supervision of Auricular Detox Technicians

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

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 correspondence, 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 mailing correspondence;
- 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 Annual Cost of Compliance by Category of Allocation

Category of Allocation	Licensure – 0%	Enforcement – 5%
Personal Service	\$0	\$280
Expense & Equipment	\$0	\$50
Transfers	\$0	\$218
TOTAL	\$0	\$548

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 and then adjusted accordingly to reflect the expected number of licensees. 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
\$5,600	60% - Licensure	\$3,360
\$5,600	40% - Enforcement	\$2,240

Table 3– Allocation of Expense & Equipment Dollars

Allotment	Percentage & Category	Dollar Amount
\$1,000	60% - Licensure	\$600
\$1,000	40% - Enforcement	\$400

Table 4– Allocation of Transfer Dollars

Allotment	Percentage & Category	Dollar Amount
\$4,350	60% - Licensure	\$2,610
\$4,350	40% - Enforcement	\$1,740

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 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 15—Acupuncturist Advisory Committee
Chapter 4—Supervision of Auricular Detox
Technicians and Acupuncturist Trainees**

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

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 (trainee) shall practice acupuncture on members of the public while under the direct supervision of a licensed acupuncturist. For the purpose of this rule direct supervision shall be defined as control, direction, instruction and regulation of a student at all times.

(2) In order to qualify as a trainee, the individual shall be enrolled in a course of study authorized by the advisory committee.

(3) Acupuncture programs certified by the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) are considered acceptable programs for the training of acupuncture.

(4) Programs that are not certified by ACAOM shall consist of a curriculum that is at least three (3) academic years in length with a minimum of ninety-three (93) semester credits or one thousand seven hundred and twenty-five (1,725) hours of study. The curriculum shall be composed of at least:

(A) Forty-seven (47) semester credits (seven hundred five (705) clock hours) in Oriental medical theory, diagnosis and treatment techniques in acupuncture and related studies;

(B) Twenty-two (22) semester credits (six hundred sixty (660) clock hours) in clinical training; and

(C) Twenty-four (24) semester credits (three hundred sixty (360) clock hours) in biomedical clinical sciences.

(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: section 324.481 and 324.487, RSMo 2000. Original rule filed July 24, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated five hundred forty-eight dollars (\$548) 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 five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be consid-

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

I. RULE NUMBER**Title:** 4 – Department of Economic Development**Division:** 15-Acupuncturist Advisory Committee**Chapter:** 4 – Supervision of Auricular Detox Technicians**Type of Rulemaking:** Proposed Rule**Rule Number and Name:** 4 CSR 15-4.020 Supervision of Acupuncturist Trainees

Prepared May 29, 2001 by the Division of Professional Registration and the Acupuncturist Advisory Committee.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance for the Life of the Rule
Acupuncturist Advisory Committee	\$548

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 correspondence, 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 mailing correspondence;
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equipment, and transfers based on actual costs incurred for a board of similar size and then adjusted accordingly to reflect the expected number of licensees. 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)

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
**Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.010 Definitions. The board is proposing to amend the title of the chapter.

PURPOSE: This amendment changes the terminology used in the chapter title to be consistent with the terminology of sections 334.700–334.725, RSMo.

AUTHORITY: sections 334.125 and 334.706.3(2), RSMo [1986] 2000. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed Sept. 15, 1988, effective Jan. 1, 1989. Amended: Filed July 30, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 165—Board of Examiners for Hearing
Instrument Specialists**
Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 165-1.020 Fees. The board is proposing to amend subsection (1)(G), add new language in subsection (1)(H), and reletter the remaining subsections accordingly.

PURPOSE: This proposed amendment establishes a reactivation fee. This amendment also changes the penalty fee to a reactivation fee.

(1) The following fees are established by the Board of Examiners for Hearing Instrument Specialists and are payable in the form of a cashier's check, money order or personal check:

(G) License Renewal	[\$125.00]
1. In addition one (1) to sixty (60) days late	\$ 100.00
2. In addition sixty-one (61) days to two (2) years late	\$ 250.00]
1. Prior to January 1, 2004	\$125.00
2. Effective January 1, 2004	\$250.00
(H) Reactivation Fee	
1. One (1) to sixty (60) days after expiration date of license	\$100.00
2. Sixty-one (61) days to two (2) years after expiration date of license	\$250.00

[(H)] (I) Endorsement to Another State	\$ 10.00
[(I)] (J) Replacement Wall Hanging	\$ 15.00
[(J)] Computer Printout (per page)	\$.50
(K) Copy Fee (per page)	\$.25
(L) Research Fee (half-hour minimum)	\$35.00]
[(M)](K) Insufficient Funds Check	\$ 50.00

AUTHORITY: section[s] 346.115.1(7) and (8), RSMo [Supp. 1998] 2000. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed April 30, 1999, effective Oct. 30, 1999. Amended: Filed July 30, 2001.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as the board is merely implementing a biennial renewal.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 165—Board of Examiners for Hearing
Instrument Specialists**
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 165-2.050 Continuing Education Requirements. The board is proposing to amend section (1) and add new language in section (2).

PURPOSE: This proposed amendment removes the requirement that a continuing education program must be open to any Missouri licensed hearing instrument specialist or hearing instrument specialist in training. It also outlines specific information that the evidence of attendance must include.

(1) The following guidelines govern the attendance and approval of educational programs for [annual] license renewal:

(A) The board may approve individual educational programs whose curriculum provides training which enhances the licensee's ability to dispense hearing instruments and which benefits the hearing impaired. Documentation supporting the educational program's relevance is required. [The program also must be open to any Missouri licensed hearing instrument specialist or hearing instrument specialist in training:] **The board will automatically approve continuing education programs that are approved by the following organizations without requiring documentation supporting the educational program's relevance:**

- 1. International Hearing Society (IHS);**
- 2. American Speech and Hearing Association (ASHA);**
- 3. American Audiology Association (AAA);**

(B) Any group or individual that wishes to sponsor an educational program to meet the standard for annual license renewal in Missouri that is not approved by the organizations listed in subsection (1)(A) of this rule, shall submit a copy of the program

schedule and outline to the board. The outline shall indicate the program subject, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors and shall be submitted to the board no less than thirty (30) days prior to the presentation of the program.

[1.] (C) The licensee may submit the information outlined in 4 CSR 165-2.050(1)(B) to the board for review and approval[; and].

[(C) Each sponsoring organization or licensee shall provide evidence of attendance, showing at least the date and place of the meeting.]

(2) Each licensee shall be provided with evidence of attendance from the sponsoring organization. This evidence shall be in the form of documentation received from the sponsoring organization, showing the name of the course, date, place and hours of attendance. All licensees shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in additions to the current reporting period.

AUTHORITY: section 346.115.1(7), RSMo [Supp. 1998] 2000. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed July 30, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 165—Board of Examiners for Hearing Instrument Specialists
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 165-2.060 [Annual] License Renewal. The board is proposing to amend the title, section (4), add new language in section (5), renumber the remaining sections accordingly, and add new language in section (8).

PURPOSE: This amendment defines the minimum standards for continuing education and implements a biennial renewal. This amendment also relieves the licensee from submitting evidence of attendance of continuing education with the renewal unless specified by the board and allows the board to audit continuing education hours. Additionally, this amendment adds a provision governing the reactivation of non-current licenses.

(4) **Prior to January 1, 2004,** [T]the following guidelines govern the attendance of educational programs for annual license renewal:

(A) The licensee shall provide evidence of attendance **upon request of the board.** Every licensee shall maintain full and complete records of all approved continuing education hours

earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation; [and]

(B) This evidence must demonstrate that the licensee attended a minimum of twelve (12) hours of **approved** educational hearing instrument programs during the [preceding year.] **current reporting period; and**

(C) The continuing education reporting period shall consist of a one (1)-year period. It shall begin each year on January 1 and end on December 31 of that same year.

(5) Effective January 1, 2004, the following guidelines govern the attendance of educational programs for biennial license renewal:

(A) The licensee shall provide evidence of attendance upon request of the board. Every licensee shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation;

(B) This evidence must demonstrate that the licensee attended a minimum of twenty-four (24) hours of approved educational hearing instrument programs during the current reporting period;

(C) The continuing education reporting period shall consist of a two (2)-year period. It shall begin on January 1 of even numbered years and end on December 31 of the following year.

[(5)](6) When an organization owns or leases all or a portion of the audiometers utilized by the hearing instrument specialist employed, the organization must submit annual receipt of calibration as required in 4 CSR 165-2.060(3). A hearing instrument specialist employed with such an organization who utilizes only this equipment may reference this annual receipt as evidence of compliance with his/her annual calibration requirements.

[(6)](7) The first twelve (12) hours of the [C]continuing education requirements will be waived during the initial year of licensure as a hearing instrument specialist. **Effective January 1, 2004, the new licensee will be required to obtain the remaining twelve (12) hours of the twenty-four (24)-hour continuing education requirement should the licensee become licensed in the first year of the continuing education reporting period. If the new licensee becomes licensed in the second year of the continuing education reporting period the continuing education requirement shall be waived for that reporting period.**

(8) **Reactivation of Non-Current License.**

(A) Any hearing instrument specialist license, which is not renewed prior to the expiration date of the license, shall become non-current. Persons with non-current licenses shall not engage in the fitting of hearing instruments.

(B) In order to reactivate a non-current license the hearing instrument specialist must submit the following:

1. Renewal application;
2. Renewal fee;
3. Reactivation fee;
4. Annual calibration receipt;

5. Company certification;

6. Prior to January 2004, proof of twelve (12) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twelve (12) months from the date of application for reactivation;

7. Effective January 2004, proof of twenty-four (24) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twenty-four (24) months from the date of application for reactivation.

(C) Hearing instrument specialists may reactivate a non-current license within two (2) years of its expiration date. Any hearing instrument specialist license not reactivated within two (2) years of the expiration date shall become void.

AUTHORITY: section 346.115.1(7), RSMo [Supp. 1996] 2000. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Nov. 6, 1996, effective May 30, 1997. Amended: Filed July 30, 2001.

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as this amendment renames the penalty fee to a reactivation fee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 220-2.010 Pharmacy Standards of Operation. The board is proposing to delete the current language of section (8) and replace with new language.

PURPOSE: The purpose of this amendment to section (8) is to expand the provisions to provide that a home health or hospice agency, or any employee of such agency, may possess drugs in the usual course of business of such agency, without being licensed as a pharmacist or a pharmacy. Accessibility of the drugs described in this amendment will allow those individuals employed by the home health care or hospice agency to provide more timely, efficient and safe health care for the patients of the home health care or hospice agency.

[(8) A home health care or hospice nurse who carries, as a part of a physician's protocol, an emergency kit containing heparin for injection, normal saline for injection, diphenhydramine for injection, epinephrine for injection, and immunizations for influenza, pneumonia and TB testing, does not need to obtain licensure as a pharmacist or a pharmacy.

(A) Drugs stored in a kit and carried by the nurse during the course of his/her normal work shift, shall be stored or transported at all times in accordance with manufacturer

standards. Refrigerator units used for storing drugs must not be used for storing non-drug related items.

(B) The amount of drugs for use in a kit shall be limited to initial dosage amounts and does not include the stockpiling of a supply of drugs at the home health or hospice facility.]

(8) A home health or hospice agency licensed or certified according to Chapter 197, RSMo, or any employee of such agency, may possess drugs in the usual course of business of such agency without being licensed as a pharmacist or a pharmacy.

(A) The list of drugs that may be possessed by a home health or hospice agency without a license or permit, as defined in section (8), is as follows:

- 1. Injectable dosage forms of sodium chloride, water and heparin; heparin shall be possessed only in concentrations for maintaining venous access devices;**
- 2. Irrigation dosage forms of sodium chloride and water that carry a federal prescription only restriction;**
- 3. Injectable dosage forms of diphenhydramine and epinephrine;**
- 4. Vaccines indicated for public health needs, such as influenza, pneumonia, hepatitis A and hepatitis B; and**
- 5. Tuberculin test material.**

(B) The agency shall have a policy and procedure that addresses at least the following:

- 1. Specific drugs authorized to be possessed by the agency and the nurse;**
- 2. Indications for use of the drugs possessed;**
- 3. Receiving physicians' orders for administration of the drugs;**
- 4. Leaving drugs with the patient for routine care procedures;**
- 5. Conditions for storage and transport of the drugs by the agency and the nurse; and**
- 6. Quantity of drugs possessed by the agency and the nurse.**

(C) The nurse must have a physician's authorization, such as an individual patient order, protocol or standing order, to administer the drugs.

(D) When the patient or the patient's representative has been instructed, verbally and in writing, in the performance of routine care procedures, up to a two (2)-week supply of drugs listed in paragraphs (8)(A)1. and (8)(A)2., may be left with the patient for these procedures. Drugs left with the patient shall be labeled with instructions for use. A record shall be made of all drugs left with the patient in the patient's medical record. Drugs left with the patient may not be returned to the agency.

(E) Drugs may be stored at the agency or transported by the nurse, and shall be stored or transported at all times in accordance with the manufacturer's storage requirements. Refrigerator units used by the agency for storing drugs shall not be used for storing non-drug items.

(F) All drugs must be received from a licensed pharmacy or drug distributor. The quantity of drugs possessed by an agency shall be limited to that necessary to meet the needs of the agency's patient population for two (2) weeks.

*AUTHORITY: sections 338.010, 338.140, [Supp. 1999] 338.240 and 338.280, RSMo [1994 and] 2000. Original rule filed July 18, 1962, effective July 28, 1962. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 24, 2001.*

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 10—Utilities

PROPOSED RESCISSION

4 CSR 240-10.020 Income on Depreciation Fund Investments. This rule prescribed the use of income on investments from depreciation funds and the means for accounting for that income.

PURPOSE: The rule was adopted in connection with the provisions of sections 392.280 (governing telecommunications companies) and 393.240 (governing all other regulated companies) RSMo 2000. These statutes authorize the commission to require regulated companies to carry an adequate depreciation account under the commission's rules. The rule is obsolete concerning rate-based regulated companies. The rule prescribes the uses of income on investments from depreciation funds, the appropriate interest rate, and how the funds are accounted for when setting reasonable rates. The current practice, which has been used for several decades, is to use the accumulated depreciation reserve amount as a reduction to rate base when calculating reasonable rates.

AUTHORITY: sections 392.280 and 393.260, RSMo 1986. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. AX-2001-634 and be filed with an original and eight (8) copies. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer Specific Arrangements by Telephone Corporations

PROPOSED RESCISSION

4 CSR 240-35.010 Definitions. This rule defined terms used in the rules comprising Chapter 35.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636 and be filed with an original and eight (8) copies. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer Specific Arrangements by Telephone Corporations

PROPOSED RESCISSION

4 CSR 240-35.020 General Provisions. This rule set forth the applicability of the rules comprising Chapter 35.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636, and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 35—Reporting of Bypass and Customer
Specific Arrangements by Telephone
Corporations**

PROPOSED RESCISSION

4 CSR 240-35.030 Reporting of Bypass and Customer Specific Arrangements. This rule identified who shall report instances of bypass and customer specific arrangements and the content of the reports.

PURPOSE: This rule is being rescinded because it is no longer applicable and is obsolete in relation to the telecommunications industry. Chapter 35 provides for instances of "bypass" reporting, which is defined as the origination, termination, or both, of any intrastate telecommunication without the use of the local exchange company's network facilities. Chapter 35 was originally used to monitor the impact of certain aspects of competition in the provision of telecommunications service. With the implementation of the Telecommunications Act of 1996, and the increase in telecommunications competition in Missouri, this rule is no longer applicable.

AUTHORITY: sections 386.040, 386.320, RSMo 1986, 386.250, RSMo Supp. 1991 and 392.210, RSMo Supp. 1987. Original rule filed Feb. 13, 1985, effective Sept. 15, 1985. Amended: Filed June 10, 1987, effective Sept. 15, 1987. Amended: Filed May 26, 1989, effective Oct. 16, 1989. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition of this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2001-636, and be filed with an original and eight (8) copies. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.010 General Organization. This rule described the authority and requirements of the Board for Certification of Interpreters.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.287 and 209.292, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.010 General Organization

PURPOSE: This rule describes the composition, primary duty, record keeping, and meeting procedures of the Board for Certification of Interpreters.

(1) There is established within the Missouri Commission for the Deaf (MCD) a "Board for Certification of Interpreters" (BCI), which shall be composed of five (5) members. The executive director of the MCD or his/her designee shall be a nonvoting member of the BCI.

(2) The members of the BCI shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the MCD. The BCI shall elect from its membership a chairperson and a secretary. A quorum of the BCI shall consist of three (3) of its members.

(3) The BCI shall meet not less than two (2) times per year.

(4) By the authority established in sections 209.292(1) and 209.292(2), RSMo, the BCI is the only entity in the state of Missouri with the power to officially evaluate and certify interpreters in order that they may meet the requirements for licensing by the Missouri State Committee of Interpreters. Other powers and duties of the BCI are detailed in section 209.292, RSMo.

(5) The coordinator of the Missouri Interpreter Certification System (MICS) shall be hired by the executive director of the MCD, and shall be responsible for implementing policies and decisions of the BCI, maintaining the BCI's records, and responding to all requests for access to the BCI's public records.

(6) The public may obtain information from, as well as make submissions to, the BCI by submitting their requests or materials in writing to the MICS coordinator at the MCD office.

(A) All public records of the BCI shall be open for inspection and copying by persons in the general public during normal business

hours. However, records closed pursuant to section 610.021, RSMo, compiled in connection with the investigation of a complaint against the certification process, or compiled for the purpose of processing applications for certification are confidential and therefore not subject to inspection by the public.

(B) A fee may be charged by the BCI for making copies of its records. See 5 CSR 100-200.150 Fees.

(C) It shall be improper for any BCI member, MCD member, or MCD staff member to discuss with any person, except members of the BCI, MCD, staff of the MCD, State Committee of Interpreters, staff of the State Committee of Interpreters, or counsel for any of these agencies, any matter which is confidential, including complaints against the certification process, that is pending before the BCI, MCD, State Committee of Interpreters, or the Administrative Hearing Commission.

(7) All meetings of the BCI not closed pursuant to the provisions of section 610.021, RSMo, shall be open to any person in the general public.

(8) Individuals wishing to make a presentation at a BCI meeting must submit their requests in writing to the executive director of the MCD a minimum of three (3) working days prior to the meeting.

AUTHORITY: sections 209.287, 209.292, and 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.030 Missouri Interpreter Certification System.

This rule described the certification test to be utilized by the Board for Certification of Interpreters, as the only certifying authority in the state of Missouri.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(11), 209.295(8), and 209.305, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.030 Missouri Interpreter Certification System

PURPOSE: This rule describes the basic components of the Missouri Interpreter Certification System, as well as the types and levels of certification issued by the Board for Certification of Interpreters.

(1) Any individual who practices interpreting in the state of Missouri as defined in 209.285 and 209.321, RSMo, must be certified in the Missouri Interpreter Certification System (MICS).

(2) The Missouri Commission for the Deaf (MCD) authorizes the Board for Certification of Interpreters (BCI) to purchase or develop materials to be used as the most appropriate testing materials for certifying interpreters in the state of Missouri.

(3) The MICS has two (2) basic components—a written test and a performance test. A person is required to obtain a passing score on the written test before being allowed to take the performance test.

(A) The written test may cover, but is not limited to:

1. Knowledge of general interpreting procedures and situations;
2. Knowledge of issues and situations facing interpreters;
3. Knowledge of Ethical Rules of Conduct for interpreters; and
4. Knowledge of issues pertaining to deaf and hard of hearing individuals.

(B) The performance test may cover, but is not limited to:

1. Interpreting from spoken English to American Sign Language;
2. Interpreting from American Sign Language to spoken English;
3. Transliterating from spoken English to an English-based sign system; and
4. Transliterating from an English-based sign system to spoken English.

(4) The performance evaluation is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing by means of one (1) or more of the skills detailed in subsection (3)(B) above.

(5) The MICS performance evaluation standards shall be based upon the testing materials used. The types and levels of interpreter certification granted by the MICS through performance evaluation are Novice, Apprentice, Intermediate, Advanced, Comprehensive, and Restricted Certification in Education.

(A) Four (4) of the MICS certifications granted through performance evaluation, namely, comprehensive, Advanced, Intermediate, and Restricted Certification in Education, are

renewable annually, provided that the holder complies with the requirements regarding Certification Maintenance detailed in 5 CSR 100-200.130, and that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure.

(B) Two (2) of the MICS certifications granted through performance evaluation, namely, Apprentice and Novice, are nonrenewable. These two (2) certifications are valid for three (3) years from the date of issue, providing that the holder complies with the requirements regarding Certification Maintenance detailed in 5 CSR 100-200.130, and that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or licensure. The holders of nonrenewable certifications, which have expired or will expire, may obtain recertification by reapplication, performance testing and evaluation pursuant to rule 5 CSR 100-200.075.

(6) The only certification granted by the BCI without performance evaluation is the Intern/Practicum Certification.

(7) At this time, the BCI is not issuing a provisional certification as authorized in 209.309, RSMo.

AUTHORITY: sections 209.292(1), (2) and (11), 209.295(8) and 209.305, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.040 Restricted Permit in Education. This rule outlined how individuals may be granted a Restricted Permit in Education for elementary and secondary school settings.

PURPOSE: This rule is being rescinded as the Restricted Permit in Education will no longer be issued by the Missouri Commission for the Deaf.

AUTHORITY: sections 209.292(1) and 209.295(1) and (3), RSMo 1994. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.040 Restricted Certification in Education

PURPOSE: This rule outlines how individuals may be granted a Restricted Certification in Education which will allow the holder to interpret only in educational settings.

(1) The Restricted Certification in Education (RCED) shall be valid for interpreting only in educational settings as set forth in 5 CSR 100-200.170, including elementary and secondary schools, junior colleges, technical institutes, colleges, universities, and professional schools.

(2) The RCED shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:

(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or

(B) Transliterating from spoken English to an English-based sign system and from an English-based sign system to spoken English.

AUTHORITY: sections 209.292(1), and 209.295(1), (3) and (8), RSMo 2000. Original rule filed May 14, 1997, effective Dec. 30, 1997. Amended: Filed Oct. 21, 1997, effective April 30, 1998. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.050 Application for Missouri Interpreter Certification. This rule provided specific instructions to applicants regarding certification or permit application.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(1), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.050 Application for Interpreter Certification in Missouri

PURPOSE: This rule provides information regarding application procedures for interpreter certification in Missouri.

(1) To be eligible for certification in the Missouri Interpreter Certification System (MICS), each applicant must:

- (A) Be eighteen (18) years of age or older; and
- (B) Hold a high school diploma or its equivalent.

(2) An application for certification must be completed on a form developed by the Board for Certification of Interpreters. Application forms may be obtained by writing to the office of the Missouri Commission for the Deaf.

(3) Applicants for certification must meet the eligibility requirements for the MICS specified in section (1) above. Applicants who do not meet the eligibility requirements will be so informed by a letter of denial, which will indicate the reason(s) for the denial.

(4) An application must be properly completed, notarized, and submitted with the appropriate fee in order for the applicant to be considered for the certification process.

(5) The completed application must clearly describe the applicant's intent to:

- (A) Obtain a standard MICS certification through written and performance testing;
- (B) Obtain a Restricted Certification in Education through written and performance testing;
- (C) Obtain an Intern/Practicum Certification; or
- (D) Convert certification.

(6) Applicants desiring to take the written test will be responsible for scheduling the date, time and location of their written test with the coordinator. The written test will be waived for individuals requesting reevaluation. See 5 CSR 100-200.070(5) and 5 CSR 100-200.075.

(7) Applicants not available for the written examination within twelve (12) months of the date of their application will forfeit both their application and application fee. Any such applicants will have to reapply as outlined above, and submit a new application along with the appropriate application fee.

AUTHORITY: sections 209.292(1), and 209.295(1) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed May 14, 1997, effective Dec. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.060 Written Examination. This rule specifically outlined the process involved in the written examination.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(1) and 209.295(8), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.060 Written Test

PURPOSE: This rule provides information concerning the written test in the Missouri Interpreter Certification System.

(1) The form, content, method of administration, passing standards, and method of scheduling of written tests in the Missouri Interpreter Certification System (MICS) shall be determined by the Board for Certification of Interpreters (BCI).

(2) MICS written tests for groups of applicants shall be offered at proctor sites throughout the state of Missouri as often as feasible, but not less than two (2) times a year. In addition, the MICS written test may normally be taken by individual applicants at the office of the Missouri Commission for the Deaf (MCD) on any weekday if it is scheduled with the coordinator at least three (3) days in advance.

(3) All applicants will upon request be notified of the date, time, and place of the next written test to be offered at a proctor site.

(4) The written test fee must be received at the MCD office prior to applicants being allowed to take the written test.

(5) All applicants failing to appear for a scheduled written test without reasonable prior notice, except in emergencies, will forfeit both their application and their application fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their written test for some future time.

(6) All applicants will be notified of their written test results by letter.

(7) All applicants must have a passing score on the written test in order to qualify for taking the performance test.

(8) Any applicant unable to obtain a passing score on the written test must refrain from retesting for a period of at least six (6) months from the date of their last written test. Any such applicant may reapply to take the written test by submitting a new application form along with the appropriate application fee.

AUTHORITY: sections 209.292(1) and 209.295(8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.070 Performance Evaluation. This rule provided information in relation to the performance evaluation.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.295(8) and 209.299, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.070 Performance Test and Evaluation

PURPOSE: This rule provides information concerning the performance test and evaluation in the Missouri Interpreter Certification System.

(1) The form, content, method of administration, passing standards, and method of scheduling of performance tests and evaluations in the Missouri Interpreter Certification System (MICS) shall be determined by the Board for Certification of Interpreters (BCI).

(2) Performance tests may normally be taken by individual applicants at the office of the Missouri Commission for the Deaf (MCD) on any day of the week if they are scheduled with the coordinator at least thirty (30) days in advance.

(3) The performance test fee of all applicants must be received at the office of the MCD at least thirty (30) days prior to the date of their performance test.

(A) If no fee is received, an applicant scheduled for the performance test will not be allowed to take the performance test, and will have to reschedule a new date and time for their performance test.

(B) If the appropriate performance test fee has been received, then failure to appear for a scheduled performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their performance test for some future time.

(4) The coordinator of the MICS will inform all applicants of their evaluation results by letter after the completion of their performance evaluation.

(A) Included with the letter will be a wallet-sized certificate bearing the signature of the executive director of the MCD indicating the type or level of certification granted by the evaluators.

(B) A larger certificate suitable for framing and hanging on a wall may be issued if the applicant so desires and pays the appropriate fee.

(5) If the applicant is unable to obtain the minimum score necessary for certification, no certification will be issued. In such an instance:

(A) The applicant may apply to take the performance test again and be reevaluated by scheduling a new performance test date with the MICS coordinator and submitting the proper reevaluation fee;

(B) The applicant may not retake the performance test until at least six (6) months have passed from the date of his/her last performance test; and

(C) In all such cases of reevaluation, the written test will be waived.

AUTHORITY: sections 209.295(8) and 209.299, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.075 Voluntary Recertification

PURPOSE: This rule outlines the process whereby an interpreter seeking either to recertify as a Novice or Apprentice or to obtain a higher level of certification in the Missouri Interpreter Certification System can volunteer to be reevaluated.

(1) An interpreter in the Missouri Interpreter Certification System (MICS) can volunteer to have his/her performance retested and reevaluated in order to recertify as Novice or Apprentice or to obtain a higher certification level.

(A) An interpreter can apply for retesting reevaluation by contacting the coordinator and scheduling the reevaluation performance test.

(B) A reevaluation performance test fee must be submitted at least thirty (30) days prior to the date of the performance test.

1. If no fee is received, an applicant scheduled for a reevaluation performance test will not be allowed to take the reevaluation performance test, and will have to reschedule a new date and time for their reevaluation performance test.

2. If the appropriate reevaluation performance test fee has been received, then failure to appear for a scheduled reevaluation performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's reevaluation performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed

to reschedule their reevaluation performance test for some future time without forfeiture of the fee.

(C) In cases of voluntary retesting and reevaluation, the performance test and reevaluation:

1. Shall have no effect on any renewable certification held by the interpreter other than to possibly qualify the interpreter for a higher level of certification.

2. Shall have no negative effect on the current status of a non-renewable certification. If an interpreter that holds a nonrenewable certification achieves the same or a higher level of certification than that currently held by the interpreter, the Board for Certification of Interpreters shall issue a new certification showing the same or higher level of certification achieved.

(2) An interpreter in the MICS may not retake the performance test and be reevaluated until at least six (6) months has passed from the date of his/her last performance test.

(3) An interpreter in the MICS shall not be retested and reevaluated unless he/she has submitted completion of continuing education requirements as set forth in 5 CSR 100-200.130.

AUTHORITY: sections 209.292(1), (2) and (11), and 209.295(8), RSMo 2000. Original rule filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.080 Supplementary Performance Evaluations

PURPOSE: This rule provides information concerning how an individual may seek supplementary review of their performance test.

(1) If, for any reason, individuals think they have received an unfair evaluation outcome, whether they failed the performance test or received a lower certification level than they felt they deserved, they can request a supplementary evaluation of their performance test.

(2) The request for a supplementary evaluation of a performance test must be made in writing, and be submitted to the Board for Certification of Interpreters at the office of the Missouri Commission for the Deaf within thirty (30) days of the date that written notice of the questioned evaluation results are either delivered or mailed to the individual, whichever is earlier.

(3) A supplementary evaluation fee must be submitted along with the request.

(4) A supplementary evaluation team shall evaluate the performance test in question, and their evaluation scores will be combined with the scores of the original evaluators in determining the new combined evaluation outcome.

(A) If the new combined evaluation results in a higher certification level, then the new higher certification will be awarded.

(B) If the new combined evaluation results in the same certification level or a lower certification level, then the certification level will remain unchanged.

AUTHORITY: sections 209.292(1), (11) and (12), and 209.295(2) and (8), RSMo 2000. Original rule filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.085 Intern/Practicum Student Interpreting Permit Eligibility. This rule outlined the criteria necessary to obtain a permit for intern/practicum students currently enrolled in an accredited interpreter training program.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.295(8) and 209.297(2), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.085 Intern/Practicum Certification

PURPOSE: This rule outlines the criteria necessary to obtain Intern/Practicum Certification by students currently enrolled in an accredited Interpreter Training Program.

(1) Intern/Practicum Certification (IPC) will be granted to a student applicant upon verification of registration in an interpreting practicum or internship course at an accredited Interpreter Training Program (ITP).

(2) The applicant's ITP director/coordinator is responsible for notifying the Board for Certification of Interpreters (BCI) regarding the effective start and end dates of the IPC.

(3) If the requirements of sections (1) and (2) above are met, a student applicant need only submit the appropriate application form and fee in order to obtain the IPC.

(4) A student with IPC must follow the established guidelines and requirements of their ITP during their interpreting practicum or internship course.

(5) Should a student with an IPC either withdraw from or be denied admission to their interpreter practicum or internship course for any reason, their ITP director/coordinator is responsible for immediately notifying the BCI so that the student's IPC may be revoked.

AUTHORITY: sections 209.295(8) and 209.297(2), RSMo 2000. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.090 Temporary Interpreting Permit Eligibility. This rule was for applicants who applied for a Temporary Interpreter Permit pending evaluation.

PURPOSE: This rule is being rescinded as temporary permits will no longer be issued by the Missouri Commission for the Deaf.

AUTHORITY: sections 209.295(8), 209.297(2) and 209.309, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.100 Conversion Procedure. This rule provided specific instruction to applicants regarding conversion procedures.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(9) and 209.295(3) and (4), RSMo 1994. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.100 Certification Conversion Procedures

PURPOSE: This rule provides information regarding certification conversion procedures.

(1) Interpreters who have been certified by a certifying entity other than the Missouri Interpreter Certification System (MICS) may apply for conversion of their certification into an MICS certification.

(2) An applicant for certification conversion shall comply with all requirements of the rule established in 5 CSR 100-200.050 for application procedures.

(3) An application for certification conversion shall include:

- (A) A completed application form;
- (B) A copy of any current and unexpired certification from the previous certifying entity that indicates a level, category or ranking of interpreting skill;

- (C) An authorization form signed by the applicant for release of information from the previous certifying entity; and
- (D) The appropriate conversion fee.

(4) The authorization for release of information must include the name, address, and phone number of the previous certifying entity in order for the Board for Certification of Interpreters, if needed, to obtain:

- (A) Evaluation results;
- (B) Passing criteria;
- (C) Relevant statutes, codes, and policies concerning the applicable certification; and
- (D) Description of testing materials, including:
 - 1. Pass/fail, levels, single-level or dual-level certification;
 - 2. Minimum passing score or minimum passing scores for each level;
 - 3. Requirements for evaluators or composition of the evaluation team;
 - 4. Assessment of receptive and expressive skills in the areas of both interpreting and transliterating; and
 - 5. Scoring or rating method.

(5) Conversion into the appropriate certification level of the MICS shall be based on a comparison of the evaluation systems, and, if needed, specific information received from the previous certifying entity's evaluation system, as outlined in section (4) above, will be compared with the MICS. As a result of the comparison, an applicant for conversion may be granted a lower, similar, or higher certification in the MICS than from the previous certifying entity.

(6) An application for certification conversion may be denied because of either incompatibility of the evaluation systems or insufficient information from either the applicant or the previous certifying entity as outlined in sections (3) and (4) of this rule. If an application for conversion is denied, the applicant will be notified of the denial by letter, and will be required to take both the written test and the performance test in order to be certified in the MICS.

AUTHORITY: sections 209.292(9), 209.295(3) and 209.295(4), RSMo 2000. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RESCISSION

5 CSR 100-200.110 Grandfather Clause. This rule was designed to honor other currently held national and state issued certificates held by a person living or employed in Missouri at the time the certification rules first became effective.

PURPOSE: This rule is being rescinded because it has expired.

AUTHORITY: section 209.292(9), RSMo 1994. Original rule filed Nov. 27, 1996, effective July 30, 1997. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.120 Certification Validation. This rule outlined the time period each permit/certification level was valid.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.287, 209.292 and 209.309, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.125 Certification Renewal

PURPOSE: This rule outlines the procedures for filing for renewal of the following renewable certifications: Comprehensive, Advanced, Intermediate, and Restricted Certification in Education.

(1) All holders of renewable certifications shall renew their certifications annually by submitting the following items to the Board

for Certification of Interpreters on or before ninety (90) days prior to the licensing date established by the Missouri State Committee of Interpreters:

- (A) Renewal form;
- (B) A completed continuing education unit (CEU) form accompanied by supporting documentation as required by 5 CSR 100-200.130;
- (C) Renewal fee; and
- (D) CEU processing fee.

(2) This rule does not apply to the nonrenewable certifications of Novice and Apprentice, which expire after a fixed term and can be obtained again only through reapplication, retesting and reevaluation pursuant to 5 CSR 100-200.075.

(3) This rule does not apply to the nonrenewable Intern/Practicum Certification discussed in 5 CSR 100-200.090.

AUTHORITY: sections 209.295(1), (2) and (8), 209.309, and 209.311, RSMo 2000. Original rule filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.130 Permit/Certification Maintenance (PCM). This rule detailed the minimum requirements for permit/certification maintenance.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(10) and 209.295(6), RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.130 Certification Maintenance

PURPOSE: This rule provides information regarding the minimum requirements for certification maintenance in the Missouri Interpreter Certification System.

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreter Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(A) Program options may provide for evaluation methods to assure satisfactory completion by participants.

(B) The BCI shall ensure that persons responsible for the delivery or content of program options are qualified in the subject matter by education, experience and expertise.

(C) Presentations or program options offering MICS continuing education units (CEUs) may be approved through any of the following methods:

1. Those offered by an accredited Interpreter Training Program (ITP) will be recognized by the BCI and automatically accepted as meeting the continuing education requirements for certification maintenance as an interpreter in Missouri;

2. The BCI may approve continuing education presentations and program options other than those offered by an ITP if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities and method of evaluation;

3. With adequate documentation to the BCI, any interpreter whose primary responsibility is not the education of interpreters who leads, instructs or lectures to groups of interpreters or others on topics related to interpreting in organized continuing education or in-service programs shall be granted MICS CEUs for the time expended during actual presentation. Approval must be requested using procedures outlined in paragraph (1)(C)2. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year;

4. Any interpreter whose responsibility is the education of interpreters shall be granted MICS CEUs only for time expended in leading, instructing, or lecturing to groups of interpreters or others on topics related to interpreting in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval must be requested using procedures outlined in paragraph (1)(C)2. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year; and

5. MICS CEUs will be given for undergraduate or graduate studies in any regionally accredited interpreting educational institution of higher learning. Satisfactory proof of course completion,

as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing MICS CEUs:

- A. 3 college credit hours = 10 contact hours;
- B. 2 college credit hours = 6 contact hours; and
- C. 1 college credit hour = 3 contact hours.

(2) One (1) contact hour earns one-tenth (0.1) MICS CEU.

(3) An interpreter shall be required to earn one and two-tenths (1.2) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented.

(4) Providers will give evaluation forms to participants to be submitted with final reports.

(5) Proof of completion of continuing education requirements shall be provided by interpreters to the BCI by submitting annually a completed CEU form approved by the BCI, proper documentation, and the CEU processing fee, on or before ninety (90) days prior to the licensing deadline. Proper documentation shall include one (1) or more of the following:

- (A) Certificate(s) of completion;
- (B) Letter(s) from providers stating date of attendance and program; and
- (C) Transcript(s) (if available).

(6) The BCI will review and verify all MICS CEUs claimed in the CEU forms submitted. After verification, the BCI will notify all applicants, as well as the State Committee of Interpreters, of the number of CEUs interpreters have earned for the year.

(A) Failure to submit a CEU form with verifiable MICS CEUs, proper documentation, and the CEU processing fee by the ninety (90) days CEU deadline will result in an interpreter's certification not being renewed, and the State Committee of Interpreters will be appropriately notified of the interpreter's failure to renew certification.

(B) If an interpreter's certification is not renewed because of failure to obtain adequate MICS CEUs, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

(7) The BCI may elect to audit any interpreter to assess the authenticity and validity of contact hours submitted.

(8) CEUs may be earned in any area or for any activity related to interpreting, with the prior approval of the BCI, including, but not limited to, the following:

- (A) Culture:
 - 1. Sociolinguistics;
 - 2. Deaf culture;
 - 3. American culture;
 - 4. Multi-culture;
 - 5. Cross-culture; and
 - 6. Contextualization;
- (B) Skills Development:
 - 1. Receptive skill development;
 - 2. Expressive skill development;
 - 3. American Sign Language (ASL) skills (grammar, syntax, etc.);
 - 4. English skills (grammar, syntax, etc.);
 - 5. Deaf/Blind interpreting;
 - 6. Oral interpreting;
 - 7. Cued speech interpreting;
 - 8. Minimal Language Skills (MLS) interpreting; and
 - 9. Communication modes;
- (C) Trends/Issues in the Interpreting Profession:
 - 1. Current issues relating to the profession;

2. Theories of interpreting; and
 3. Ethical Rules of Conduct;
- (D) Specialized Skills:
1. Legal setting;
 2. Medical setting;
 3. Mental health setting;
 4. Educational setting;
 5. Performing arts setting;
 6. Rehabilitation setting;
 7. Governmental setting; and
 8. Technical setting;
- (E) Instruction:
1. Independent study;
 2. Presenting a workshop; and
 3. College credit course work.

AUTHORITY: sections 209.292(10), and 209.295(1), (6) and (8), RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.140 Name and Address Change. This rule outlined the procedure for notifying the commission of any changes in name or address.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: section 209.295(1) and (8), RSMo 1994. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RULE

5 CSR 100-200.140 Name and Address Change

PURPOSE: This rule outlines the requirement for interpreters certified in the Missouri Interpreters Certification System to notify the Missouri Commission for the Deaf of any changes in name or address.

(1) Interpreters who hold a certification in the Missouri Interpreter Certification System shall always ensure that the Missouri Commission for the Deaf (MCD) has their current legal name and address on file.

(2) An interpreter whose name has legally changed shall inform the MCD of that name change in writing within thirty (30) days of the effective date of change, and provide a copy of the appropriate document verifying the name change.

(3) An interpreter whose address has changed shall inform the MCD of that address change in writing within thirty (30) days of the effective date of change.

AUTHORITY: section 209.295(1) and (8), RSMo 2000. Original rule filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters**

PROPOSED RESCISSION

5 CSR 100-200.150 Fees. This rule outlined the fees necessary for the various certification requirements.

PURPOSE: This rule is being rescinded and readopted in order to clarify its content and standardize language usage throughout Chapter 200.

AUTHORITY: sections 209.292(7), 209.295(2), and 209.311, RSMo 1994. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded: Filed July 26, 2001.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
Chapter 200—Board for Certification of Interpreters

PROPOSED RULE

5 CSR 100-200.150 Fees

PURPOSE: The following schedule outlines the fees required for the various certification processes and services.

(1) The following fees are established by the Missouri Commission for the Deaf:

(A) Application Fee	\$ 10.00
(B) Written Test Fee	\$ 25.00
(C) Performance Test Fee	\$125.00
(D) Reevaluation Fee	\$125.00
(E) Supplementary Evaluation Fee	\$100.00
(F) Conversion Fee	\$ 50.00
(G) Reinstatement Fee	\$ 50.00
(H) Late Fee	\$ 30.00
(I) CEU Processing Fee	\$ 10.00
(J) Duplicate Certificate Fee	\$ 5.00
(K) Renewal Fee	\$ 5.00
(L) Wall Certificate Fee	\$ 10.00
(M) Intern/Practicum Certification Fee	\$ 10.00
(N) Photocopies/Printouts Fee (per page)	\$ 0.25

(2) All fees for the various certification processes and services are nonrefundable.

(3) Payment of all fees must be made in the form of either a cashier's check or money order made payable to "MCD/BCI Fund." No personal checks or cash will be accepted.

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the other fees provided for in this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 209.292(7), 209.295(2) and 209.311, RSMo 2000. Original rule filed June 20, 1996, effective Jan. 30, 1997. Rescinded and readopted: Filed July 26, 2001.

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

PRIVATE COST: The Missouri Commission for the Deaf estimates that the following private entities will be affected during 2002 by this proposed rule: four hundred seventy (470) interpreters currently certified in the Missouri Interpreter Certification System (MICS), one hundred thirty-five (135) interpreters seeking original certification in the MICS, and forty (40) students at Interpreter Training Programs seeking Intern/Practicum certification in the

MICS. The aggregate cost of this rule is estimated to be thirty-six thousand four hundred thirty-five dollars (\$36,435) in 2002. Actual costs for the life of the rule will vary depending on the number of persons in each affected classification, but it is anticipated that future costs will be lower as the number of interpreters in the state reaches an equilibrium point. A detailed fiscal note that estimates the cost of the proposed 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 Missouri Commission for the Deaf, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: (5) Department of Elementary and Secondary Education

Division: (100) Missouri Commission for the Deaf

Chapter: (200) Board for Certification of Interpreters

Type of Rulemaking: New Rule

Rule Number and Name: (150) Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class that would likely be affected by adoption of the proposed rule:	Classification by types of the business entities that would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
470	Interpreters seeking annual CEU maintenance	\$ 4,700
302	Interpreters seeking annual certification renewal	\$ 1,510
120	Interpreters seeking original certification	\$ 19,200
72	Interpreters seeking re-evaluation	\$ 9,000
10	Interpreters seeking certification conversion	\$ 500
5	Interpreters seeking supplementary evaluations	\$ 500
5	Interpreters seeking RCED certification	\$ 625
40	Students seeking Intern/Practicum certification	\$ 400
	Total Cost =	\$ 36,435

III. WORKSHEET

CEU fees paid = 470 interpreters X \$10 = \$4,700 per year.

Renewal fees paid = 302 interpreters X \$5 = \$1,510 per year.

Application fees paid = 120 interpreters X \$10 = \$1,200 per year.

Written test fees paid = 120 interpreters X \$25 = \$3,000 per year.

New performance test fees paid = 120 interpreters X \$125 = \$15,000 per year.

Re-evaluations fees paid = 72 interpreters X \$125 = \$9,000 per year.

Conversion fees paid = 10 interpreters X \$50 = \$500 per year.

Supplementary Evaluation fees paid per year = 5 interpreters X \$100 = \$500 per year.

RCED fees paid = 10 interpreters X \$125 = \$1,250 per year.

Intern/Practicum fees paid = 40 students X \$10 = \$400 per year.

IV. ASSUMPTIONS

The above costs are estimates for the first year under the proposed new rule. All calculations are based on projections of the number of persons in each of the affected classifications from 2001 data. Actual costs in future years will vary depending on the number of persons in each affected classification, but it is anticipated that future costs will be lower as the number of interpreters in the state reaches an equilibrium point.