

Volume 26, Number 3  
Pages 313-382  
February 1, 2001



**MATT BLUNT**

**SECRETARY OF STATE**

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**MAT T BLUNT**

Administrative Rules Division  
James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

•

EDITORS

BARBARA MCDUGAL

KATHREN CHOATE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

JAMES MCCLURE

•

PUBLISHING STAFF

CARLA HERTZING

SANDY SANDERS

WILBUR HIGHBARGER

Joy OSBORNE

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**  
Office of the Secretary of State  
Administrative Rules Division  
PO Box 1767  
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations (CSR)* are now available on the Internet. The Register address is <http://mosl.sos.state.mo.us/moreg/moreg.htm> and the CSR is <http://mosl.sos.state.mo.us/csr/csr.htm>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### EMERGENCY RULES

**Department of Labor and Industrial Relations**  
 Missouri Assistive Technology Advisory Council . . . . .317

### PROPOSED RULES

**Department of Conservation**  
 Conservation Commission . . . . .319

**Department of Economic Development**  
 State Board of Cosmetology . . . . .322  
 Division of Finance . . . . .328  
 State Board of Registration for the Healing Arts . . . . .330  
 Public Service Commission . . . . .330

**Department of Labor and Industrial Relations**  
 Division of Employment Security . . . . .333  
 Missouri Commission on Human Rights . . . . .333  
 Missouri Assistive Technology Advisory Council . . . . .334

**Department of Mental Health**  
 Division of Mental Retardation and Developmental Disabilities .335

**Department of Natural Resources**  
 Air Conservation Commission . . . . .344

**Department of Public Safety**  
 Missouri Gaming Commission . . . . .345

**Department of Revenue**  
 Director of Revenue . . . . .345

### ORDERS OF RULEMAKING

**Department of Agriculture**  
 Animal Health . . . . .346

**Department of Economic Development**  
 State Board of Registration for the Healing Arts . . . . .346

**Department of Revenue**  
 State Lottery . . . . .347

**Elected Officials**  
 Attorney General . . . . .347

**Department of Insurance**  
 Property and Casualty . . . . .358

**DISSOLUTIONS** . . . . .359

**BID OPENINGS**  
**Office of Administration**  
 Division of Purchasing . . . . .360

**RULE CHANGES SINCE UPDATE** . . . . .361  
**EMERGENCY RULES IN EFFECT** . . . . .368  
**REGISTER INDEX** . . . . .370

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
Nov. 1, 2000 Nov. 15, 2000	<b>Dec. 1, 2000</b> <b>Dec. 15, 2000</b>	Dec. 31, 2000 Dec. 31, 2000	Jan. 30, 2001 Jan. 30, 2001
Dec. 1, 2000 Dec. 15, 2000	<b>Jan. 2, 2001</b> <b>Jan. 16, 2001</b>	Jan. 29, 2001 Jan. 29, 2001	Feb. 28, 2001 Feb. 28, 2001
Dec. 29, 2000 Jan. 16, 2001	<b>Feb. 1, 2001</b> <b>Feb. 15, 2001</b>	Feb. 28, 2001 Feb. 28, 2001	March 30, 2001 March 30, 2001
Feb. 1, 2001 Feb. 15, 2001	<b>March 1, 2001</b> <b>March 15, 2001</b>	March 31, 2001 March 31, 2001	April 30, 2001 April 30, 2001
March 1, 2001 March 15, 2001	<b>April 2, 2001</b> <b>April 16, 2001</b>	April 30, 2001 April 30, 2001	May 30, 2001 May 30, 2001
March 30, 2001 April 13, 2001	<b>May 1, 2001</b> <b>May 15, 2001</b>	May 31, 2001 May 31, 2001	June 30, 2001 June 30, 2001
May 1, 2001 May 15, 2001	<b>June 1, 2001</b> <b>June 15, 2001</b>	June 30, 2001 June 30, 2001	July 30, 2001 July 30, 2001
June 1, 2001 June 15, 2001	<b>July 2, 2001</b> <b>July 16, 2001</b>	July 31, 2001 July 31, 2001	August 30, 2001 August 30, 2001
June 29, 2001 July 13, 2001	<b>Aug. 1, 2001</b> <b>Aug. 15, 2001</b>	Aug. 31, 2001 Aug. 31, 2001	Sept. 30, 2001 Sept. 30, 2001
Aug. 1, 2001 Aug. 15, 2001	<b>Sept. 4, 2001</b> <b>Sept. 17, 2001</b>	Sept. 30, 2001 Sept. 30, 2001	Oct. 30, 2001 Oct. 30, 2001

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

# Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Charles F. Curry Library William Jewell College 500 College Hill Liberty, MO 64068-1896 (816) 781-7700	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library PO Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

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

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

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

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

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

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

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

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

## Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

### Division 70—Missouri Assistive Technology Advisory Council

#### Chapter 1—Assistive Technology Programs

#### EMERGENCY AMENDMENT

**8 CSR 70-1.010 Telecommunications Access Program.** The division proposes to add a new section (10) to the rule.

*PURPOSE:* This emergency amendment ensures access to a full range of adaptive equipment necessary for telecommunication by adding Internet specific procedures as required by section 209.251 RSMo through 209.259 RSMo.

*EMERGENCY STATEMENT:* The Missouri Assistive Technology Advisory Council became responsible for administering the statewide telecommunications equipment distribution program under revised section 209.251 RSMo through 209.259 RSMo that became effective August 28, 2000. The current program provides adaptive equipment to individuals with disabilities assuring their health, safety, and welfare through access to basic voice telecommunications service. There is a compelling governmental interest in implementing the new statutory requirements for this program that ensure access to a full range of adaptive telecommunication equipment.

The current rules for the program only provide procedures for the telephone access portion of the program. They do not provide procedures for the expansion of the program to internet access as required by the new law effective August 28, 2000. The new statute recognizes that individuals with disabilities must increasingly rely on the internet as communication medium to be able to live independently. Without the addition of section 10 to the rule, the program will continue to be limited to the provision of adaptive devices for voice calling access. An emergency rule is needed to implement the legal requirements for the program to provide a full range of adaptive equipment, both telephone and internet, to ensure access to all telecommunication needed by individuals with disabilities. Without an emergency rule, individuals with disabilities will not have access to adaptive equipment necessary for internet access that is critical to their health and safety and the parameters of the new statute will not be implemented. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The Missouri Assistive Technology Advisory Council believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed on December 21, 2000, is effective December 31, 2000 and expires June 28, 2001.

#### (10) TAP for Internet Specific Procedures.

(A) **Equipment Provided—Adaptive equipment needed for internet access shall be provided in sufficient scope to meet the needs of individuals with all types of disabilities and shall be procured in a cost effective manner.**

1. The program administrator shall develop and maintain a list of adaptive equipment designed to provide reasonable access to basic internet service for individuals with a wide range of disabilities. The equipment list shall include adaptive computer equipment that is compatible with a wide range of commonly used computers, operating systems, browsers and electronic mail applications. The list will be provided with the application and certification form. The program will monitor the market for devices that might be added to the program to better meet individual needs and will update the list as necessary to remain current with the market.

2. The program may provide equipment not on the list if such equipment is necessary for basic internet access and is cost effective when compared to devices on the list.

3. The program will not provide:

A. base computer equipment or connection equipment needed for internet access such as a standard computer, monitor, keyboard, mouse, modem, dial-up application, browser, electronic mail application, or other standard internet related hardware and software;

B. service from an internet service provider;

C. print output devices such as laser printers and braille embossers;

D. adaptive devices needed for one-to-one personal communication such as hearing aids, artificial larynx, or other augmentative communication devices;

E. devices needed for internet access beyond computer adaptations, such as adaptive devices for cable television based internet access.

F. keyboarding or other training beyond consumer support in the use of adaptive equipment.

4. The program shall not be obligated to provide adaptive equipment necessary for access to every internet browser application, electronic mail application, dial-up application, or other internet related software.

5. The program shall maintain a list of vendors with which it has contracted to provide adaptive computer equipment.

(B) Application Processing—The program administrator shall process TAP for Internet applications and deliver equipment and services that assure an appropriate match between an individual with a disability and adaptive equipment.

1. Each application shall be reviewed for completeness. If any information is incomplete, the applicant will be contacted and requested to supply such information.

2. Each applicant's eligibility will be verified by information provided on the application form.

3. If the application:

A. requests equipment on the approved list, and no installation or usage support is needed, the request will be matched with disability certification and approved.

B. includes an equipment worksheet completed by an approved consumer support provider, verifying applicant needs for the adaptive computer equipment identified, the application will be approved and authorization for consumer support services provided as needed.

C. requests equipment not on the approved list, the explanation will be reviewed to determine if the equipment is necessary for basic internet access and is cost effective as compared to devices on the list. If so, the equipment request will be approved.

4. Upon verification of applicant eligibility and determination of equipment/disability match, the program administrator shall order the equipment from an approved vendor and will notify the applicant that the equipment has been ordered.

5. Equipment orders shall include applicant name, make and model of equipment ordered, applicant or consumer support provider shipping address, and date of order. The program administrator shall transmit equipment orders directly to the vendor by facsimile or via other time expedient mechanism that is mutually agreeable.

6. Applicants will be notified if their equipment request cannot be approved as submitted and will be asked to revise their equipment request accordingly.

7. Upon receipt of equipment order, the vendor shall ship the equipment directly to the applicant's Missouri residence or to an approved consumer support provider by verifiable delivery mechanism.

8. The vendor shall provide the program administrator with a monthly invoice of all equipment ordered and delivered.

9. The program administrator may establish alternative and pilot programs to increase program quality and consumer satisfaction.

(C) Consumer Support—The program administrator shall deliver consumer support services directly or through contracts with individuals, organizations, vendors, or other entities. Consumer support providers shall:

1. have expertise and experience of sufficient depth and breadth to assist consumers in identifying adaptive computer equipment that will meet their needs for internet access;

2. be able to provide adaptive computer equipment installation, orientation and use training;

3. participate in training activities as may be required by the program administrator to assure equipment competency; and

4. be able to demonstrate equipment knowledge and competency as required by the program administrator.

(D) Equipment Ownership, Repair and Replacement—

1. Adaptive computer equipment purchased for an individual applicant shall be owned by that applicant and applicants are in general responsible for service, repair, and replacement.

2. Configuration and compatibility adjustments, such as those created by internet service provider changes or changes in operating system software, are the applicant's responsibility.

3. An applicant shall be eligible for replacement equipment every three years. The program administrator may approve equipment replacement within this time period for extenuating circumstances.

4. The program administrator will regularly review all upgrades to software products on contract for the program. If the upgrade is determined to be necessary for product efficiency and is cost-effective, the upgrade will be provided notwithstanding the replacement cycle. All applicants who received a product eligible for an upgrade will be notified by the program and asked to submit an upgrade request.

5. If an applicant's disability changes, rendering the adaptive equipment needed for internet access inappropriate to meet their needs, the applicant may reapply for new equipment and shall provide a description of the disability change.

*AUTHORITY: section 209.253, RSMo 2000. Emergency rule filed July 28, 2000, effective Aug. 28, 2000, expires Feb. 23, 2001. Original rule filed July 28, 2000, effective Jan. 30, 2001. Emergency amendment filed Dec. 21, 2000, effective Dec. 31, 2000, expires June 28, 2001. A proposed amendment covering this same material is published in this issue of the Missouri Register.*