

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects Chapter 3—Seals

PROPOSED AMENDMENT

4 CSR 30-3.010 Official Seal of Board. The board is proposing to amend section (1).

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council is abolished and the licensing of landscape architects is merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, therefore, this rule is being amended to include landscape architects.

(1) The official seal of the Missouri Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects shall consist of the Great Seal of the State of Missouri, minus the words The Great Seal of the State of Missouri and in substitution for which words shall be the words Board for Architects, Professional Engineers, *[and]* Professional Land Surveyors, and Landscape Architects, divided by the word Missouri, all the words engraved and surrounded by a cord-like circle within a fringed circle and of the dimensions of two and one-quarter inches (2 1/4") in diameter.

AUTHORITY: section 327.041, RSMo [1986] Supp. 2001. Original rule filed March 16, 1970, effective April 16, 1970. Amended: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 3—Seals

PROPOSED RULE

4 CSR 30-3.050 Licensee's Seal—Landscape Architect

PURPOSE: This rule describes the format for personal seal of a landscape architect.

(1) Each licensed landscape architect, at his/her own expense, may secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal may consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, State of Missouri on the upper part of the seal and Landscape Architect on the lower part and within the inner circle may appear the name of the licensee, together with his/her license number preceded by the Roman capital letters LA.

(2) Rubber stamps, identical in size, design and content with the approved seals may be used by the licensee at his/her option.

(3) In addition to the personal seal or rubber stamp, the landscape architect may also affix his/her signature on and through his/her seal, and place the original date under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the landscape architect or under the landscape architect's immediate personal supervision.

(A) When revisions are made, the landscape architect who made the revisions or under whose immediate personal supervision the

revisions were made may sign, seal and date each sheet and provide an explanation of the revisions.

(B) On multiple page specifications, estimates, reports and other documents or instruments, not considered to be plans, the landscape architect, when more than one (1) sheet is bound together in one (1) volume, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume. Provided further that any of the other sheets which were prepared by, or under the immediate personal supervision of another landscape architect be signed, sealed and dated as provided for, by the other landscape architect and any additions, deletions or other revisions may not be made unless signed, sealed and dated by the landscape architect who made the revisions or under whose immediate personal supervision the revisions were made.

(4) Plans, when submitted for the review of others such as clients or permit authorities, may be signed, sealed and dated unless clearly designated preliminary or incomplete. If the plan is not completed, the phrase "Preliminary—not for construction" or similar language or phrase may be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It may be a disclaimer and notice to others that the plans are not complete. When the plan is completed, the phrase "Preliminary—not for construction" or other disclaimer may be removed or crossed-out and the seal holder should sign the cancellation of the disclaimer as a revision to the plan.

(5) In the instance of one (1) licensee performing design for other licensees to incorporate into his/her documents, each licensee may seal, date and sign those documents, using the appropriate disclaimer for clarification of each licensee's responsibility.

(6) The signing and sealing of plans, specifications, reports and other documents or instruments not prepared by the landscape architect or under his/her immediate personal supervision is prohibited.

AUTHORITY: section 327.041, RSMo Supp. 2001. Original rule filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects Chapter 4—Applications

PROPOSED AMENDMENT

4 CSR 30-4.010 Filing Deadline—Architects, Professional Engineers, Professional Land Surveyors, Landscape Architects, Engineer Interns and Land Surveyors-in-Training. The board is

proposing to amend the title of the rule, the original purpose statement and section (1) of the rule.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council is abolished and the licensing of landscape architects is merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, therefore, this rule is being amended to include landscape architects.

PURPOSE: This rule sets filing deadline for applicants for examination and [registration] licensure as architects, professional engineers, professional land surveyors, landscape architects, engineer interns and land surveyors-in-training.

(1) All applications for examination and [registration] licensure as an architect, professional engineer, [or] professional land surveyor or landscape architect and all applications for examination and enrollment as an engineer intern or land surveyor-in-training shall be filed with the [secretary treasurer of the] board [at least ninety (90) days before the date set for the examination] prior to the established filing deadline.

AUTHORITY: sections 327.141, 327.231, 327.241, 327.312 and 327.313, RSMo 2000 and 327.041 and 327.615, RSMo [1986] Supp. 2001. Original rule filed Aug. 22, 1973, effective Sept. 22, 1973. Amended: Filed Jan. 12, 1984, effective April 12, 1984. Amended: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors Chapter 4—Applications

PROPOSED RESCISSION

4 CSR 30-4.020 Filing Deadline—Engineer-in-Training. This rule established filing deadlines for examination and enrollment as an engineer-in-training.

PURPOSE: This rule is being rescinded and incorporated into 4 CSR 30-4.010.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed May 4, 1973, effective June 4, 1973. Amended: Filed July 20, 1987, effective Oct. 25, 1987. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 4—Applications

PROPOSED RULE

**4 CSR 30-4.090 Evaluation—Comity Applications—Landscape
Architects**

PURPOSE: This rule ensures that an applicant for licensure by comity meets the minimum requirement for initial licensure in Missouri.

(1) Individuals who are certified or licensed in another state or territory of the United States and have qualifications which are at least equivalent to the requirements for licensure as a landscape architect in this state may apply for registration by comity.

(2) Landscape architect applicants for comity are required to take and pass the Missouri Plant Materials exam, unless the board determines that they have passed a plant materials exam administered by another state that is deemed substantially similar to Missouri's.

(3) Applications shall be typewritten on forms provided by the board and shall be accompanied by the required fee.

AUTHORITY: sections 327.041 and 327.623, RSMo Supp 2001. Original rule filed Oct. 30, 2002.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated five hundred forty-four dollars and eleven cents (\$544.11) 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 is estimated to cost private entities approximately three thousand five dollars and ten cents (\$3,005.10) for the first year of implementation of the rule with a continuous annual increase of three hundred dollars (\$300) for the life of the rule. It is anticipated that the total costs will recur annually 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. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 - Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter: 4 - Applications

Proposed Rule - 4 CSR 30-4.090 Evaluation - Comity Applications - Landscape Architects

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$544.56
Total Annual Cost of Compliance for the Life of the Rule	
	\$544.56

III. WORKSHEET

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Application Packet Printing Cost	\$8.10	15	\$121.50
Envelope for Mailing Application	\$0.80	15	\$12.00
Postage for Mailing Application	\$3.20	15	\$48.00
License Printing Cost	\$0.15	15	\$2.25
Envelope for Mailing License	\$0.16	15	\$2.40
Postage for Mailing License	\$0.37	15	\$5.55
Total Expense and Equipment Costs			\$191.70

Applications are processed by the Licensing Technician II who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Executive Director reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$52,178.00	\$69,970.70	\$33.64	\$0.56	3 minutes	\$1.68	\$25.23
Licensure Technician II	\$24,492.00	\$32,843.77	\$15.79	\$0.26	7 minutes	\$1.84	\$27.63

Members of the Landscape Architect Division of the board review all applications received. It is estimated that the three members of the boards will each receive \$50.00 per day for this review. It is estimated that each member will spend 2 days annually reviewing these applications.	\$300.00
Total Personal Service Costs	
	\$352.86

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY01 and FY02 and projected figures in FY03.
2. Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 4 - Applications

Proposed Rule - 4 CSR 30-4.090 Evaluation - Comity Applications - Landscape Architects

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
15	Applicants (comity application fee @ \$200)	\$3,000.00
15	Applicants (postage @ \$.37)	\$5.55
Estimated Annual Cost of Compliance for the Life of the Rule		\$3,005.10 for the first year of implementation of the rule with a continuous annual increase of \$300 for the life of the rule

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The private entity cost for this proposed rule is estimated to be \$3,005.10 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual increase of 10% in the number of applicants. Therefore, the board estimates that the private entity cost to comply with this rule will be \$3,005.10 for the first year of implementation of the rule with a continuous annual increase of \$300 for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**
Chapter 5—Examinations

PROPOSED RULE

4 CSR 30-5.140 CLARB Examinations—Landscape Architects

PURPOSE: This rule adopts the Council of Landscape Architectural Registration Boards' Landscape Architect Registration Examination (LARE) or its successor.

(1) The board adopts the Council of Landscape Architectural Registration Boards' (CLARB) Landscape Architect Registration Examination (LARE) or its successor as its own. All applications for examination as a landscape architect shall be filed with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, or a substantially equivalent provider so designated by the board, prior to the deadline established by the board. An applicant shall obtain a passing score on each portion of the examination in accordance with CLARB standards.

(2) All applicants taking a national examination prescribed by the board may also be required, at the discretion of the landscape architect division, to take and pass an examination, which demonstrates the applicant's knowledge of plant materials, native and adapted, to Missouri.

AUTHORITY: sections 327.041 and 327.617, RSMo Supp. 2001. Original rule filed: Oct. 30, 2002.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions an estimated three hundred and twelve dollars and seventy-four cents (\$312.74) 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 is estimated to cost private entities approximately six hundred six dollars and twenty cents (\$606.20) annually for the life of the rule. It is anticipated that the total costs will recur annually 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. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 5 Examinations

Proposed Rule - 4 CSR 30-5.140 CLARB Examinations - Landscape Architects

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$312.74
Total Annual Cost of Compliance for the Life of the Rule	
	\$312.74

III. WORKSHEET

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Application Packet Printing Cost	\$8.10	10	\$81.00
Envelope for Mailing Application	\$0.80	10	\$8.00
Postage for Mailing Application	\$3.20	10	\$32.00
License Printing Cost	\$0.15	10	\$1.50
Envelope for Mailing License	\$0.16	10	\$1.60
Postage for Mailing License	\$0.34	10	\$3.40
Total expense and equipment cost associated with printing and mailing applications			\$127.50

Applications are processed by the Licensing Technician II who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Executive Director reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$52,178.00	\$69,970.70	\$33.64	\$0.56	3 minutes	\$1.68	\$16.82
Licensure Technician II	\$24,492.00	\$32,843.77	\$15.79	\$0.26	7 minutes	\$1.84	\$18.42

Members of the Landscape Architect Division of the board review all applications received. It is estimated that the three members of the boards will each receive \$50.00 per day for this review. It is estimated that each member will spend 1 days annually reviewing these applications.	\$150.00
Total personal service costs associated with printing and mailing the applications for licensure to applicant	
	\$185.24

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY01 and projected figures in FY02.
2. Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 5 - Examinations

Proposed Rule - 4 CSR 30-5.140 CLARB Examinations - Landscape Architects

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
6	Applicants (Missouri Plant Material Examination application fee @ \$100)	\$600.00
10	Applicants (cost of copies @ \$.25)	\$2.50
10	Applicants (postage @ \$.37)	\$3.70
	Estimated Annual Cost of Compliance for the Life of the Rule	\$606.20

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 5—Examinations

PROPOSED RULE

**4 CSR 30-5.150 Standards for Admission to Examination—
Landscape Architects**

PURPOSE: This rule sets out standards for admission to landscape architectural examinations.

(1) A Missouri applicant shall have a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years' satisfactory landscape architectural experience after acquiring that degree to qualify for the Council of Landscape Architectural Registration Boards' (CLARB) Landscape Architect Registration Examination (LARE), or its successor and the landscape architect division's plant material examination.

(2) For the purpose of admission to the examination, satisfactory training and experience shall include: site investigation; selection and allocation of land and water resources for appropriate use; land use feasibility studies; formulation of graphic and written criteria to govern the planning and design of land construction programs; preparation, review and analysis of master plans for land use and site development; production of overall site plans, grading plans, irrigation plans, planting plans and related construction details; specifications; cost estimates and reports for site development; collaboration in the design of roads and site structures with respect to the functional and aesthetic requirements, but not involving structural design or stability; and field observation of land area construction, restoration and maintenance.

AUTHORITY: sections 327.041 and 327.612, RSMo Supp. 2001. Original rule filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional
Engineers and Professional Land Surveyors**

Chapter 9—Letters

PROPOSED RESCISSION

4 CSR 30-9.010 Response to Routine Matters. This rule required routine letters to be answered by the secretary-treasurer and any letters requiring board action to be referred to the board.

PURPOSE: This rule is being rescinded in order to comply with Senate Bill 176 of the 90th General Assembly.

AUTHORITY: section 327.041, RSMo 1986. Original rule filed March 16, 1970, effective April 16, 1970. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

Chapter 10—Corporations

PROPOSED AMENDMENT

4 CSR 30-10.010 Application for Certificate of Authority. The board is proposing to amend sections (1)–(4).

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council is abolished and the licensing of landscape architects is merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, therefore, this rule is being amended to include landscape architects.

(1) A corporation desiring a certificate of authority authorizing it to render architectural, [or] professional engineering, [or] land surveying or landscape architectural services in this state shall submit an application to the [secretary-treasurer] executive director of the board, on forms prescribed and provided by the board, listing the names and addresses of all officers and directors and the individual employed by it who will be in responsible charge of architecture, [or] professional engineering, [or] land surveying or landscape architecture being practiced in this state through the corporation and who is [registered] licensed to practice architecture, professional engineering, [or] land surveying or landscape architecture in this state, and such other relevant information required by the board.

(2) The words in [professional] responsible charge require that the architect, engineer, [or] land surveyor or landscape architect be in direct control and that s/he personally supervise all architecture, engineering, [or] land surveying or landscape architecture done for the firm, company or corporation. If the individual in responsible charge is not a full-time employee, the firm, company or corporation must submit a copy of the written contract which defines the responsibility. If the individual in responsible charge is not in the same office as the firm, company or corporation, a detailed procedure shall be submitted on how immediate personal supervision will be accomplished in accordance with board rule 4 CSR 30-13.010. The procedure shall be signed by both the company president and the individual in responsible charge and shall be submitted

to the board for its review. If the board's review determines that application of the written procedure would not meet the standards of immediate personal supervision as defined by board rule 4 CSR 30-13.010, it will notify the company president and the individual in responsible charge of the same and provide them an opportunity to revise the written procedure, subject to review by the board, prior to denying the application.

(3) A similar type of form shall accompany a corporation's *[annual/ biennial]* renewal fee.

(4) If there is any change in any of the persons listed in the corporation's application during the year, the change shall be reported on the same type of form and submitted to the *[secretary-treasurer]* **executive director** of the board within thirty (30) days after the effective day of the change.

AUTHORITY: sections 327.041, RSMo [1986] Supp. 2001 and 327.401, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Oct. 30, 2002.

PUBLIC COST: This proposed amendment is estimated to cost state agencies and political subdivisions an estimated nine hundred sixty-five dollars and eighty-four cents (\$965.84) 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 amendment is estimated to cost private entities approximately six thousand one hundred ten dollars and seventy-three cents (\$6,110.73) annually for the life of the rule. It is anticipated that the total costs will recur annually 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. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 - Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 10 Corporations

Proposed Amendment - 4 CSR 30-10.010 Application for Certificate of Authority

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$965.84
Total Annual Cost of Compliance for the Life of the Rule	
	\$965.84

III. WORKSHEET

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Application Packet Printing Cost	\$8.10	25	\$202.50
Envelope for Mailing Application	\$0.80	25	\$20.00
Postage for Mailing Application	\$3.20	25	\$80.00
License Printing Cost	\$0.15	25	\$3.75
Envelope for Mailing License	\$0.16	25	\$4.00
Postage for Mailing License	\$0.34	25	\$8.50
Total Expense and Equipment Cost			\$318.75

Applications are processed by the Licensing Technician II who reviews the initial application for licensure and updates the information contained on the application to the computerized licensing system. The Executive Director reviews any questions or problems on the application and addresses those problems with necessary action such as correspondence or telephone calls.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$52,178.00	\$69,970.70	\$33.64	\$0.56	10 minutes	\$5.61	\$140.17
Licensure Technician I	\$21,192.00	\$28,418.47	\$13.66	\$0.23	10 minutes	\$2.28	\$56.93

Members of the Landscape Architect Division of the board review all applications received. It is estimated that the three members of the boards will each receive \$50.00 per day for this review. It is estimated that each member will spend 3 days annually reviewing these applications.	\$450.00
Total Personal Service Costs	
	\$647.09

IV. ASSUMPTION

- The number of applications are based on actual figures from FY01 and projected figures in FY02.
- Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
- 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 10 - Corporations

Proposed Rule - 4 CSR 30-10.010 Application for Certificate of Authority

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Applicants (corporate application fee @ \$300)	\$900.00
26	Corporations (biennial renewal @ \$200)	\$5,200.00
29	Applicants and Corporations (postage @ \$.37)	\$10.73
	Estimated Annual Cost of Compliance for the Life of the Rule	\$6,110.73

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects
Chapter 11—Renewals**

PROPOSED AMENDMENT

4 CSR 30-11.010 Renewal Period. The board is proposing to amend sections (1)–(6).

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council is abolished and the licensing of landscape architects is merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, therefore, this rule is being amended to include landscape architects.

(1) Effective January 1, 2002 the license issued to every [registered] architect, professional engineer, [and] professional land surveyor and landscape architect in Missouri shall, except as set forth in subsections (1)(A), [and] (1)(B), (1)(C) and (1)(D) of this rule, be renewed biennially. Licenses originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Licenses originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Architect, professional engineer and professional land surveyor [L]licenses originally issued in an odd numbered year and currently scheduled for renewal in December 2002 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(B) Architect, professional engineer and professional land surveyor [L]licenses originally issued in an even numbered year and currently scheduled for renewal in December 2003 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(C) Landscape architect licenses originally issued in an odd numbered year and currently scheduled for renewal in October 2003 shall be renewed for two (2) years and two (2) months only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(D) Landscape architect licenses originally issued in an even numbered year and currently scheduled for renewal in October 2003 shall be renewed for one (1) year and two (2) months only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

[(C)] (E) The fee for renewal of a license under subsections (1)(A), [and] (1)(B), (1)(C) and (1)(D) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.

(2) Effective January 1, 2002 the certificates of authority issued to corporations authorized to offer architectural, engineering and land surveying services in Missouri shall, except as set forth in subsections (2)(A), (2)(B), (2)(C) and (2)(D) of this rule, be renewed biennially. Certificates of authority originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Architectural, professional engineering and professional land surveying [C]certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(B) Architectural, professional engineering and professional land surveying [C]certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February

2002 shall be renewed through December 31, 2002, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(C) Architectural, professional engineering and professional land surveying [C]certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(D) Architectural, professional engineering and professional land surveying [C]certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2004, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(3) Certificates of authority issued to corporations offering landscape architectural services in Missouri should, except as set forth in subsections (3)(A) and (3)(B) of this rule, be renewed biennially. Certificates of authority originally issued in an odd numbered year should be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year should be renewed by December 31 each even numbered year.

(A) Landscape architectural certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in October 2003 should be renewed through December 31, 2005, whereafter they should be renewed biennially as set forth in section (3) of this rule.

(B) Landscape architectural certificates of authority originally issued in an even numbered year and currently scheduled for renewal in October 2003 should be renewed through December 31, 2004, whereafter they should be renewed biennially as set forth in section (3) of this rule.

[(E)] (4) The fee for renewal of a certificate of authority under subsections (2)(A) through (2)(D) and (3)(A) through (3)(B) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.

[(3)] (5) Each renewal application from every [registered] architect, professional engineer, [and] professional land surveyor and landscape architect in Missouri shall be accompanied by the following information, in addition to any other information the board may require:

- (A) Name;
- (B) Address; and
- (C) Place of employment.

[(4)] (6) Each person holding a license and each corporation holding a certificate of authority to practice architecture, professional engineering, [and] professional land surveying and landscape architecture in Missouri shall file, in writing, their proper and current mailing address of record with the board at its office in Jefferson City and immediately notify the board, in writing, at its office of any changes of mailing address, giving both the old and the new addresses.

[(5)] (7) Failure to receive an application for renewal of a license or certificate of authority shall not relieve the licensee or certificate holder from their duty to timely renew, nor shall it relieve them from the obligation to pay any additional fee(s) necessitated by any late renewal.

AUTHORITY: sections 327.011, 327.041 and 327.621, RSMo [2000] Supp. 2001 and 327.171, 327.261 and 327.351, RSMo 2000. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded

and readopted: Filed June 15, 2001, effective Jan. 30, 2002.
Amended: Filed Oct. 30, 2002.

PUBLIC COST: This proposed amendment is estimated to cost state agencies and political subdivisions an estimated eight hundred thirty four dollars and twenty eight cents (\$834.28) 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: Beginning in FY04, this proposed amendment is estimated to cost private entities approximately ten thousand five hundred thirty-eight dollars (\$10,538) with a continuous increase of one thousand five hundred seven dollars (\$1,507) biennially for the life of the rule. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 10 Corporations

Proposed Amendment - 4 CSR 30-11.010 Renewal Period

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$834.28
Total Annual Cost of Compliance for the Life of the Rule	
	\$834.28

III. WORKSHEET

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Envelope for Mailing Renewal Application	\$0.07	50	\$3.50
Postage for Mailing Renewal Application	\$0.37	50	\$18.50
License Printing Cost	\$0.15	50	\$7.50
Envelope for Mailing License	\$0.03	50	\$1.50
Postage for Mailing License	\$0.37	50	\$18.50
Total Expense and Equipment Costs			\$49.50

Renewal applications are processed by the division central processing unit. Based on FY01 and FY02 transfer cost to the division for this service, the board estimates that it will cost an average of \$5.41 per licensee for the processing of renewals. Based on the average cost per licensee, the board estimates it will transfer an additional \$250.50 biennially to the division for the processing of renewal	\$250.50
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After the renewals are processed in the central processing unit, the applications are forwarded to the board for review by the Licensure Technician I who reviews the application and updates the information contained on the renewal to the licensing computer system. The Executive Director reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician I	\$21,192.00	\$28,418.47	\$13.66	\$0.23	20 minutes	\$4.55	\$227.71
Executive Director	\$52,178.00	\$69,970.70	\$33.64	\$0.56	2 minutes	\$1.12	\$56.07
Total Personal Service Costs							\$534.28

IV. ASSUMPTION

1. The number of licensees are based on actual figures from FY01 and FY02 as well as projected figures in FY03.
2. Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

Title 4 -Department of Economic Development

Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 11 - Renewals

Proposed Rule - 4 CSR 30-11.010 Renewal Period

Prepared June 5, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the rule by affected entities:
105	Landscape Architects (renewal @ \$100)	\$10,500 with a continuous biennial increase of \$1,500
105	Applicants and Corporations (postage @ \$.37)	\$38.85 with a continuous biennial increase of \$7.77
Estimated Annual Cost of Compliance for the Life of the Rule		\$10,538.85 with a continuous biennial increase of \$1,507.77

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Beginning in FY04, the private entity cost for this proposed rule is estimated to be \$10,500 biennially for the life of the rule. Thereafter, the board is anticipating a biennial increase of 20% in the number of applicants. Therefore, the board estimates that the private entity cost to comply with this rule will be \$10,500 biennially with a continuous biennial increase of \$1,507.77 for the life of the rule.
2. The board noted that 4 CSR 196-6.010 set the biennial renewal fee at \$190 for the Landscape Architects Council. The merger of the landscape architects council into the Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects allowed the board to reduce renewal fees by \$90.00.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, [and] Professional Land Surveyors, and
Landscape Architects**

Chapter 12—Complaints

PROPOSED AMENDMENT

**4 CSR 30-12.010 Public Complaint Handling and Disposition
Procedure.** The board is proposing to amend sections (1)–(8).

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council is abolished and the licensing of landscape architects is merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, therefore, this rule is being amended to include landscape architects.

(1) The Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects shall receive and process each complaint made against any licensee[, permit] or certificate holder[, registrant] of the board or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 327, RSMo. Any member of the public or the profession or any federal, state or local official, may make and file a complaint with the board. Complaints shall be received from sources without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the Board for Architects, Professional Engineers, [and] Professional Land Surveyors, and Landscape Architects shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The [secretary-treasurer] executive director or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: [Shirley Nixon, secretary-treasurer,] Missouri Board for Architects, Professional Engineers, [and] Professional Land Surveyors and Landscape Architects, [3523 North Ten Mile Drive, Room 218,] P[.]/O[.] Box 184[.], Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints may be made on forms provided by the board and are available upon request. Oral or telephone communications will not be considered or processed as complaints, but the person making such communications will be provided with a complaint form and requested to complete it and return it to the board. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by the staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The [log book] logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged

acts or practices; a notation whether the complaint resulted in its dismissal by the board of informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This [log book] logbook shall be a closed record of the board, but shall be available for inspection at the board's offices only by state senators, representatives or by qualified officials within the executive branch of Missouri [G]government having supervisory, auditing, reporting or budgetary responsibilities or control over the board. Only upon receipt of a written request from a state senator, representative or qualified official, which specifically assures that the request is directly related to their duties as a state senator, representative or official of the executive branch of Missouri government, shall they be permitted to inspect the logbook.

(5) Each complaint shall be acknowledged in writing and investigated by the board. When the [investigation is completed] complaint is received, the board shall write the complainant informing him/her of the fact and stating that the matter is being referred to the board for consideration at its next regularly scheduled meeting. Later, the complainant shall be informed in writing [as to whether the complaint is dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified] of the ultimate disposition of the complaint, excluding judicial appeals and shall be provided with copies of the decisions, if any, of the Administrative Hearing Commission and the board at that time. Provided, that the provisions of this subsection shall not apply to complaints filed by staff members of the board, based on information and belief, acting in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation of the complaint shall be considered a closed record of the board and shall not be available for inspection by the public. During the investigative state, the board and its executive staff shall keep the complaint and the fact of its existence confidential to the extent practicable. However, a copy of the complaint and any attachments shall be provided to any licensee who is the subject of that complaint or his/her legal counsel, upon written request to the board[, only after the board has filed a complaint against that licensee with the Administrative Hearing Commission based upon the facts alleged in the complaint made to the board].

(7) This rule shall not be deemed to limit the board's authority to file a complaint with [eh] the Administrative Hearing Commission charging a licensee[, permit] or certificate holder [or registrant] of the board with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, as required by law, to exist for the benefits of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory [of] or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees[, permit] or certificate holders[, registrants] or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations or the provisions of Chapter 327, RSMo.

AUTHORITY: section 327.041, RSMo [1986] Supp. 2001. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Sept. 1, 1987, effective Nov. 23, 1987. Amended: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, and Landscape Architects Chapter 13—Supervision

PROPOSED AMENDMENT

4 CSR 30-13.010 Immediate Personal Supervision. The board is proposing to amend sections (1), (3) and (4).

PURPOSE: This amendment clarifies supervision when a licensee in responsible charge of the work is unavailable to complete the work, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work.

(1) Plans, specifications, drawings, reports, engineering surveys or other documents will be deemed to have been prepared under the immediate personal supervision of an individual *[registered]* licensed with the board only when the following circumstances exist:

(A) The client requesting preparation of plans, specifications, drawings, reports, engineering surveys or other documents makes the request directly to the individual *[registered]* licensed with the board or an employee of the individual *[registered]* licensed with the board so long as the employee works in the *[registered]* licensed individuals' place of business and not a separate location;

(B) The individual *[registered]* licensed with the board shall supervise each step of the preparation of the plans, specifications, drawings, reports, engineering surveys *[of]* or other documents and has input into their preparation prior to their completion; and

(C) The individual *[registered]* licensed with the board reviews the final plans, specifications, drawings, reports, engineering surveys or other documents and is able to, and does make, necessary and appropriate changes to them.

(D) In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.

(3) The individual *[registered]* licensed with the board shall supervise each step of the preparation of the plans, specifications, drawings, reports, surveys or other documents and has input into their preparation prior to their completion.

(4) The individual *[registered]* licensed with the board reviews the final plans, specifications, drawings, reports, surveys or other documents and is able to, and does make, necessary and appropriate changes to them.

AUTHORITY: section 327.041, RSMo [1986] Supp. 2001. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 16, 1988, effective Feb. 24, 1989. Amended: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors Chapter 15—Public Records

PROPOSED RESCISSION

4 CSR 30-15.010 Public Records. This rule established standards for compliance with Chapter 610, RSMo, as it relates to public records of the Missouri Board for Architects, Engineers and Landscape Architects.

PURPOSE: This rule is being rescinded to allow the office to adopt an administrative policy.

AUTHORITY: section 327.041, RSMo Supp. 1988. Original rule filed Nov. 21, 1988, effective Feb. 11, 1989. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, 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 150—State Board of Registration for the
Healing Arts**
Chapter 5—General Rules

PROPOSED AMENDMENT

4 CSR 150-5.100 Collaborative Practice. The board is proposing to amend subsection (2)(C), add a new subsection (2)(D) and amend subsections (3)(K).

PURPOSE: This amendment is intended to support continued patient care from advanced practice nurse in emergency circumstances related to untimely physician termination of collaborative practice arrangement.

(2) Geographic Areas.

(C) An advanced practice nurse who desires to enter into a collaborative practice arrangement to provide health care services that include the diagnosis and treatment of acutely or chronically ill or injured persons at a location where the collaborating physician is not continuously present shall practice at the same location with the collaborating physician for a period of at least one (1) calendar month before the collaborating advanced practice nurse practices at a location where the collaborating physician is not present. The provision of the above specified health care services pursuant to a collaborative practice arrangement shall be limited to only an advanced practice nurse. **This provision applies to all collaborative practice arrangements between a physician and an advanced practice nurse unless a waiver is obtained as provided in 4 CSR 150-5.100(2)(D).**

(D) **If an advanced practice nurse has been continuously providing health care services pursuant to a collaborative practice arrangement with the same physician for at least one (1) year and the collaborating physician terminates the collaborative practice arrangement with less than thirty (30) days notice for reasons unrelated to the advanced practice nurse, 4 CSR 150-5.100(2)(C) may be waived by the board of nursing and the board of healing arts if the requirement for one (1) calendar month same-site collaboration would result in health care services at the location where the advanced practice nurse practices being discontinued or reduced. The request for the waiver with supporting documentation shall be submitted to the board of nursing or the board of healing arts by the advanced practice nurse or the collaborating physician and shall specify all information necessary for the board of nursing and the board of healing arts to evaluate the request including, but not limited to, the date and reasons for the termination of the collaborative practice arrangement, number of patients affected and plan for a new collaborative practice arrangement.**

(3) Methods of Treatment.

(I) Methods of treatment delegated and authority to administer, dispense, or prescribe drugs shall be subject to the following:

1. The physician retains the responsibility for ensuring the appropriate administering, dispensing, prescribing and control of drugs utilized pursuant to a collaborative practice arrangement in accordance with all state and federal statutes, rules, or regulations;

2. All labeling requirements outlined in section 338.059, RSMo shall be followed;

3. Consumer product safety laws and Class B container standards shall be followed when packaging drugs for distribution;

4. All drugs shall be stored according to the *United States Pharmacopeia* (USP) recommended conditions, **which is incorporated by reference;**

5. Outdated drugs shall be separated from the active inventory;

6. Retrievable dispensing logs shall be maintained for all prescription drugs dispensed and shall include all information required by state and federal statutes, rules, or regulations;

7. All prescriptions shall conform to all applicable state and federal statutes, rules, or regulations and shall include the name, address, and telephone number of the collaborating physician and collaborating advanced practice nurse;

8. A registered professional nurse shall not, under any circumstances, prescribe drugs;

9. An advanced practice nurse shall not, under any circumstances, prescribe controlled substances. The administering or dispensing of a controlled substance by a registered professional nurse or advanced practice nurse in a collaborative practice arrangement shall be accomplished only under the direction and supervision of the collaborating physician, or other physician designated in the collaborative practice arrangement, and shall only occur on a case-by-case determination of the patient's needs following verbal consultation between the collaborating physician and collaborating registered professional nurse or advanced practice nurse. The required consultation and the physician's directions for the administering or dispensing of controlled substances shall be recorded in the patient's chart and in the appropriate dispensing log. These recordings shall be made by the collaborating registered professional nurse or advanced practice nurse and shall be consigned by the collaborating physician following a review of the records;

10. An advanced practice nurse or registered professional nurse in a collaborative practice arrangement may only dispense starter doses of medication to cover a period of time for seventy-two (72) hours or less with the exception of Title X family planning providers or publicly funded clinics in community health settings that dispense medications free of charge. The dispensing of drug samples, as defined in 21 U.S.C. section 353 (c)(1), is permitted as appropriate to complete drug therapy; and

11. The medications to be administered, dispensed, or prescribed by a collaborating registered professional nurse or advanced practice nurse in a collaborative practice arrangement shall be consistent with the education, training, competence, and scopes of practice of the collaborating physician and collaborating registered professional nurse or advanced practice nurse.

(K) Nothing in these rules shall be construed to permit medical diagnosis of any condition by a registered professional nurse pursuant to a collaborative *[practive]* practice arrangement.

AUTHORITY: sections 334.104.3, RSMo [1994] Supp. 2002 334.125 and 335.036, RSMo [Supp. 1997] 2000. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. Amended: Filed April 1, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 30, 2002.

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

PRIVATE COST: The 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 Healing Arts, Tina Steinman, Executive Director, 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 196—Landscape Architectural Council
Chapter 1—Organization

PROPOSED RESCISSION

4 CSR 196-1.010 Definitions. This rule established working definitions used in 4 CSR 196.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 1—Organization**

PROPOSED RESCISSION

4 CSR 196-1.020 Landscape Architectural Council—General Organization. This rule described the organization and general methods of administration and communication concerning the Missouri Landscape Architectural Council.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1999. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 2—Applications**

PROPOSED RESCISSION

4 CSR 196-2.020 Submitting an Application. This rule outlined requirements for filing an application for registration.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: sections 327.609, RSMo Supp. 1999 and 327.615, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed October 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 2—Applications**

PROPOSED RESCISSION

4 CSR 196-2.030 Reviewing Applications for Registration. This rule outlined the guidelines used in reviewing an application for registration.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 2—Applications**

PROPOSED RESCISSION

4 CSR 196-2.040 Reconsideration of Denied Application for Registration. This rule provided guidelines for reconsideration when an application for registration has been denied.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 3—Reciprocity**

PROPOSED RESCISSION

4 CSR 196-3.010 Evaluation—Reciprocity Application for Registration. This rule ensured that an applicant for registration by reciprocity met the minimum requirements for initial registration in Missouri.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed Sept. 4, 1991, effective March 9, 1992. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional

Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 4—CLARB Certification**

PROPOSED RESCISSION

4 CSR 196-4.010 Council of Landscape Architectural Registration Board's Certification. This rule provided for recognition of the Council of Landscape Architectural Registration Board certification for registration.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 5—Examinations**

PROPOSED RESCISSION

4 CSR 196-5.010 Uniform National Examinations and Plant Material Examination—Adoption and Admission. This rule adopted the Council of Landscape Architectural Registration Board's Uniform Examination (UNE) or its predecessor/successor and provided standards for admission and set forth the requirement of passing the plant material examination.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: sections 327.607 and 327.617, RSMo 1994 and 327.609, RSMo Supp. 1999. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 6—Fees**

PROPOSED RESCISSION

4 CSR 196-6.010 Application, Registration, Renewal, Reinstatement and Miscellaneous Fees. This rule established various fees and charges authorized by section 327.625, RSMo.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: sections 327.609, RSMo Supp. 1999 and 327.625, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Emergency amendment filed Aug. 14, 1991, effective Aug. 25, 1991, expired Dec. 23, 1991. Emergency amendment filed Sept. 4, 1991, effective Sept. 14, 1991, expired Jan. 11, 1992. Amended: Filed Sept. 4, 1991, effective March 9, 1992. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 7—Complaints and Correspondence**

PROPOSED RESCISSION

4 CSR 196-7.010 Handling Public Complaints and Routine Matters. This rule provided procedures for handling complaints and routine correspondence.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: sections 327.609, RSMo Supp. 1999 and 327.631, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 9—Registrant's Identification**

PROPOSED RESCISSION

4 CSR 196-9.010 Registrant's Identification. This rule described the format and usage of a registered landscape architect's identification.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 10—Corporations, Partnerships, Associations,
and Limited Liability Companies**

PROPOSED RESCISSION

4 CSR 196-10.010 Application for Registration of Business Associations. This rule provided for registration of corporations, partnerships, associations, and limited liability companies.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: sections 327.609, RSMo Supp. 1999 and 327.630, RSMo 1994. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 11—Landscape Architects-in-Training and
Landscape Architectural Students**

PROPOSED RESCISSION

4 CSR 196-11.010 Recognition of Landscape Architects-in-Training and Landscape Architectural Students. This rule provided guidelines for registration of landscape architects-in-training and landscape architectural students.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly, the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990 RSMo. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 196—Landscape Architectural Council
Chapter 12—Public Records**

PROPOSED RESCISSION

4 CSR 196-12.010 Public Information and Records. This rule established guidelines for compliance with Chapter 610, RSMo concerning public records.

PURPOSE: Pursuant to HB 567 of the 91st General Assembly the Landscape Architectural Council was abolished and the licensing of landscape architects was merged into the Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects. Therefore, this rule is being rescinded in 4 CSR 196 and incorporated into 4 CSR 30.

AUTHORITY: section 327.609, RSMo Supp. 1990. Original rule filed Feb. 15, 1991, effective July 8, 1991. Rescinded: Filed Oct. 30, 2002.

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 Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, 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 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.200 Collaborative Practice. The board is proposing to amend subsection (2)(C), add a new subsection (2)(D) and amend subsection (3)(K).

PURPOSE: This amendment is intended to support continued patient care from advanced practice nurse in emergency circumstances related to untimely physician termination of collaborative practice arrangement.

(2) Geographic Areas.

(C) An advanced practice nurse who desires to enter into a collaborative practice arrangement to provide health care services that include the diagnosis and treatment of acutely or chronically ill or injured persons at a location where the collaborating physician is not continuously present shall practice at the same location with the collaborating physician for a period of at least one (1) calendar month

before the collaborating advanced practice nurse practices at a location where the collaborating physician is not present. The provision of the above specified health care services pursuant to a collaborative practice arrangement shall be limited to only an advanced practice nurse. **This provision applies to all collaborative practice arrangements between a physician and an advanced practice nurse unless a waiver is obtained as provided in 4 CSR 200-4.200(2)(D).**

(D) If an advanced practice nurse has been continuously providing health care services pursuant to a collaborative practice arrangement with the same physician for at least one (1) year and the collaborating physician terminates the collaborative practice arrangement with less than thirty (30) days notice for reasons unrelated to the advanced practice nurse, 4 CSR 200-4.200(2)(C) may be waived by the board of nursing and the board of healing arts if the requirement for one (1) calendar month same-site collaboration would result in health care services at the location where the advanced practice nurse practices being discontinued or reduced. The request for the waiver with supporting documentation shall be submitted to the board of nursing or the board of healing arts by the advanced practice nurse or the collaborating physician and shall specify all information necessary for the board of nursing and the board of healing arts to evaluate the request including, but not limited to, the date and reasons for the termination of the collaborative practice arrangement, number of patients affected and plan for a new collaborative practice arrangement.

(3) Methods of Treatment.

(I) Methods of treatment delegated and authority to administer, dispense, or prescribe drugs shall be subject to the following:

1. The physician retains the responsibility for ensuring the appropriate administering, dispensing, prescribing and control of drugs utilized pursuant to a collaborative practice arrangement in accordance with all state and federal statutes, rules, or regulations;

2. All labeling requirements outlined in section 338.059, RSMo shall be followed;

3. Consumer product safety laws and Class B container standards shall be followed when packaging drugs for distribution;

4. All drugs shall be stored according to the *United States Pharmacopeia* (USP) recommended conditions, **which is incorporated by reference**;

5. Outdated drugs shall be separated from the active inventory;

6. Retrievable dispensing logs shall be maintained for all prescription drugs dispensed and shall include all information required by state and federal statutes, rules, or regulations;

7. All prescriptions shall conform to all applicable state and federal statutes, rules, or regulations and shall include the name, address, and telephone number of the collaborating physician and collaborating advanced practice nurse;

8. A registered professional nurse shall not, under any circumstances, prescribe drugs;

9. An advanced practice nurse shall not, under any circumstances, prescribe controlled substances. The administering or dispensing of a controlled substance by a registered professional nurse or advanced practice nurse in a collaborative practice arrangement shall be accomplished only under the direction and supervision of the collaborating physician, or other physician designated in the collaborative practice arrangement, and shall only occur on a case-by-case determination of the patient's needs following verbal consultation between the collaborating physician and collaborating registered professional nurse or advanced practice nurse. The required consultation and the physician's directions for the administering or dispensing of controlled substances shall be recorded in the patient's chart and in the appropriate dispensing log. These recordings shall be made by the collaborating registered professional nurse or advanced practice nurse and shall be co-signed by the collaborating physician following a review of the records;

10. An advanced practice nurse or registered professional nurse in a collaborative practice arrangement may only dispense starter doses of medication to cover a period of time for seventy-two (72) hours or less with the exception of Title X family planning providers or publicly funded clinics in community health settings that dispense medications free of charge. The dispensing of drug samples, as defined in 21 U.S.C. section 353(c)(1), is permitted as appropriate to complete drug therapy; and

11. The medications to be administered, dispensed, or prescribed by a collaborating registered professional nurse or advanced practice nurse in a collaborative practice arrangement shall be consistent with the education, training, competence, and scopes of practice of the collaborating physician and collaborating registered professional nurse or advanced practice nurse.

(J) When a collaborative practice arrangement is utilized to provide health care services for conditions other than acute self-limited or well defined problems, the collaborating physician, or other physician designated in the collaborative practice arrangement, shall see the patient for evaluation and approve or formulate the plan of treatment for new or significantly changed conditions as soon as is practical, but in no case more than two (2) weeks after the patient has been seen by the collaborating advanced practice nurse or registered professional nurse.

(K) Nothing in these rules shall be construed to permit medical diagnosis of any condition by a registered professional nurse pursuant to a collaborative *[practive]* practice arrangement.

AUTHORITY: sections 334.104.3, RSMo [1994] Supp. 2002 and 335.036, RSMo [Supp. 1997] 2000. Original rule filed Jan. 29, 1996, effective Sept. 30, 1996. Amended: Filed April 1, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 30, 2002.

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 Nursing, Lori Scheidt, Acting Executive Director, PO Box 656, 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 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 205-3.030 Application for Limited Permit. The board is proposing to amend section (3).

PURPOSE: This rule is being amended to take out the option of the academic institution sending in verification of an applicant's eligibility to sit for the examination.

(3) The applicant shall request and submit to the board written verification from *[his/her academic institution or]* the certifying entity of the applicant's completion of the requirements and eligibility to sit for the applicant's first available certification examination as determined by the certifying entity. The applicant is responsible for the payment of any fee required by the certifying entity for verification.

AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, and 324.077, [324.083 and 324.086,] RSMo [Supp. 1999] 2000 and 324.086, RSMo Supp. 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 30, 2002.

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 Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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 205—Missouri Board of Occupational Therapy Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.040 License Renewal. The board is proposing to amend subsections (2)(F) and (2)(G) and add a new subsection (2)(H).

PURPOSE: This rule is being amended to add the requirement of verification of continuing competency credits. The board recently adopted a continuing competency rule.

(2) Each occupational therapist and occupational therapy assistant shall provide the board with a completed renewal form issued by the division that shall contain—

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

(G) Details regarding any pending complaints before any regulatory board or agency; *[and]*

(H) Verification of completion of the required continuing competency credits pursuant to rules promulgated by the board.

AUTHORITY: sections 324.050, 324.056, 324.065, 324.068, 324.080, [324.083,] RSMo 2000 and 324.086, and 620.010.14, RSMo Supp. [1999] 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 30, 2002.

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 Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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 205—Missouri Board of Occupational Therapy Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.050 Inactive Status. The board is proposing to amend section (2).

PURPOSE: This rule is being amended to require a licensee whose license is inactive who wishes to return to active status to provide evidence of having completed the required continuing competency credits. The board recently proposed a continuing competency rule.

(2) If an individual with a license on inactive status wishes to return a license to active status prior to the renewal time, the individual shall complete a license renewal form and pay the renewal fee. **In addition, the license shall provide evidence of completion of at least twenty-four (24) approved continuing competency credits within the preceding two (2) years.**

AUTHORITY: sections 324.050, 324.065, 324.068, 324.080, [324.083] RSMo 2000 and 324.086, RSMo Supp. [1997] 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Oct. 30, 2002.

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

PRIVATE COST: The 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 Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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 205—Missouri Board of Occupational Therapy Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.060 Reinstatement. The board is proposing to amend subsections (1)(F) and (1)(G) and add a new subsection (1)(H).

PURPOSE: This amendment requires verification of completing the required continuing competency credits in order to be reinstated.

(1) Failure of a licensee to renew a license before the expiration of the license will cause the license to lapse. Within two (2) years of the expiration date, the licensee may submit payment of the renewal fee, late renewal penalty and provide the board with a completed renewal form which shall contain—

(F) Details regarding any restriction or discipline for unethical behavior or unprofessional conduct; *[and]*

(G) Details regarding a professional license, certification, registration, permit or an application in any state, United States territory,

province, or country being denied, reprimanded, suspended, restricted, revoked or otherwise disciplined, curtailed or voluntarily surrendered under threat of investigation or disciplinary action/./; and

(H) Verification of completion of the required twenty-four (24) continuing competency credits within the preceding two (2) years.

AUTHORITY: sections 324.050, 324.065, 324.068, 324.080, and [324.083 and 324.086, RSMo Supp. 1997] RSMo 2000 and 324.086, RSMo Supp. 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Oct. 30, 2002.

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 Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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 205—Missouri Board of Occupational Therapy Chapter 4—Supervision

PROPOSED AMENDMENT

4 CSR 205-4.010 Supervision of Occupational Therapy Assistants and Occupational Therapy Assistant Limited Permit Holders. The board is proposing to amend section (3).

PURPOSE: This amendment requires occupational therapists to have one (1) year experience before supervising occupational therapy assistants and occupational therapy assistant limited permit holders.

(3) The supervising occupational therapist has the overall responsibility for providing the necessary supervision to protect the health and welfare of the patient/client receiving treatment from an occupational therapy assistant and/or occupational therapy assistant limited permit holder. The supervising occupational therapist shall—

(B) Have a minimum of one (1) year experience as a licensed occupational therapist;

[(B)] (C) Not be under restriction or discipline from any licensing board or jurisdiction;

[(C)] (D) Not have more than four (4) full-time equivalent (FTE) occupational therapy assistants under his/her supervision at one time;

[(D)] (E) Be responsible for all referrals of the patient/client;

[(E)] (F) Be responsible for completing the patient's evaluation/assessment. The occupational therapy assistant and/or occupational therapy assistant limited permit holder may contribute to the screening and/or evaluation process by gathering data, administering standardized tests and reporting observations. The occupational therapy assistant and/or occupational therapy assistant limited permit holder may not evaluate independently or initiate treatment before the supervising occupational therapist's evaluation/assessment;

[(F)] (G) Be responsible for developing and modifying the patient's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The supervising occupational therapist shall be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the

occupational therapy assistant and/or occupational therapy assistant limited permit holder within the competency level of the occupational therapy assistant and/or occupational therapy assistant limited permit holder;

[(G)] (H) Be responsible for preparing, implementing, and documenting the discharge plan. The occupational therapy assistant and/or occupational therapy assistant limited permit holder may contribute to the process; and

[(H)] (I) Ensure that all patient/client documentation becomes a part of the permanent record.

AUTHORITY: sections 324.050, 324.056, and 324.065.2, RSMo 2000 [324.083] and section 324.086, RSMo [2000] Supp. 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed March 14, 2001, effective Sept. 30, 2001. Amended: Filed Oct. 30, 2002.

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 Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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 205—Missouri Board of Occupational Therapy Chapter 5—Continuing Competency Requirements

PROPOSED AMENDMENT

4 CSR 205-5.010 Continuing Competency Requirements. The board is proposing to delete the previous language and propose new sections (1)–(9).

PURPOSE: This amendment specifically outlines the continuing competency requirements of a licensee to practice as an occupational therapist or an occupational therapy assistant.

[A licensee shall take all necessary and reasonable steps, include but no limited to, continuing education in order to maintain continued competency in the practice of occupational therapy.]

(1) At the time of license renewal, the licensee shall verify completion of twenty-four (24) continuing competency credits (CCC) on the renewal form. Failure to note verification of completion shall result in the license not being renewed. Falsification of verification may result in disciplinary action.

(2) Each licensee shall retain documentation of the CCCs verified on the renewal form for two (2) years following license renewal.

(3) At least fifty percent (50%) of the twenty-four (24) continuing competency credits must be directly related to the delivery of occupational therapy services and the remaining CCCs must be related to one's practice area or setting.

(4) A licensee may carry forward six (6) CCCs if the credits were earned in the last year of the previous renewal cycle and are in excess of twenty-four (24) continuing competency credits.

(5) A licensee who is or becomes licensed during a renewal cycle shall be required to obtain CCCs at the rate computed by the following formula:

(A) Formula: Number of months licensed during the renewal cycle divided by the total number of months in the reporting cycle then multiplied by the number of CCCs required for renewal during the reporting cycle resulting in a total number of CCCs required to complete for renewal this reporting cycle. When applicable, this total will then be rounded to the nearest whole number by applying the following rounding rule: round down to the nearest whole number if the digit to the right of the decimal is four (4) or less, round up to the nearest whole number if five (5) or more. Example: An—occupational therapist becomes licensed November 1, 2004, the reporting cycle is twenty-four (24) months, ending June 30, 2005, and the annual requirement is—twelve (12) hours per year.

$10 \text{ months} \div 24 \text{ months} \times 24 = 9.9$ or round up to ten (10) hours, (Licensee must have completed ten (10) CCCs to renew.)

(6) Conversion of Continuing Education Units (CEU) to Continuing Competency Credits (CCC):

(A) One (1) CEU equals ten (10) Continuing Competency Credits;

(B) One (1) contact hour equals one (1) Continuing Competency Credit;

(C) Fifty (50) Minutes equals one (1) Continuing Competency Credit;

(D) One (1) Academic Credit Hour equals ten (10) Continuing Competency Credits.

(7) Acceptable types of continuing competency activities, corresponding degree of continuing competency credit and the required documentation are as follows:

Continuing Competency Activity	Minimum Continuing Competency Credit	Maximum Continuing Competency Credits	Audit Documentation
Making presentations for local Organizations/associations/groups on OT related topics (e.g. energy conservation, back care and prevention of injury)	1 Hour equals 1 CCC	12 CCC	Date and location of presentation, copy of presentation or program listing; contact person for organization
Attending workshops, seminars, lectures, professional conferences accepted by the certifying entity approved by the division	1 Hour equals 1 CCC	24 CCC	CEU, contact hours, certificates of attendance, letter from sponsor
Attending employer-provided continuing education	1 Hour equals 1 CCC	24 CCC	Attendance records, certificates
Completing requirements for specialty certification (e.g. CHT)	10 CCC	24 CCC	Award of certification one year prior to and/or within the renewal cycle
Making professional presentations at state or national workshops, seminars, and conferences	1 Hour equals 2 CCC	24 CCC	Copy of presentation, or program listing
Publication of article in non-peer-reviewed publication (e.g. OT Practice, SIS Quarterly, Advance, etc.)	1 Article equals 5 CCC	24 CCC	Copy of publication
Publication of chapter(s) in occupational or related professional textbook	1 Chapter equals 10 CCC	24 CCC	Copy of text, letter from editor
Publication of article in peer-reviewed professional publication (e.g. journals, book chapter, research paper)	1 Article equals 10 CCC	24 CCC	Copy of text, letter from editor
Mentoring a colleague to improve the skills of the protégé (Mentor)	20 Hours equals 3 CCC	12 CCC	Goals and objectives, analysis of mentee performance
Reflective occupational therapy practice in collaboration with an advanced colleague to improve one's skill level	20 Hours equals 3 CCC	12 CCC	Mentor verification of skills, evaluation of Mentor and experience analysis of learning
Guest lecturer, teaching OT related academic course per semester (must not be one's primary role)	1 Credit Hour equals 3 CCC	24 CCC	Syllabus of course, course outline Verification letter from Dept. Chair
Reading a peer-reviewed, role-related professional articles, and writing a report describing the implications for improving skills in one's specific role	1 article equals .5 CCC	12 CCC	Annotated bibliography and analysis of how articles impacted improving skills in one's role
Providing professional in-service training and/or instruction for occupational therapists, occupational therapy assistants, and related professionals	1 Hour equals 1 CCC	12 CCC	Attendance records goals and objectives of in-service training Verification letter from supervisor
Volunteer services to organizations, populations, individuals, that advance the reliance on the use of one's OT skills and experiences	10 Hours equals 2CCC	12 CCC	Verification letter from organization Report describing outcomes of volunteer service provided
Level II fieldwork day to day direct supervision OT or OTA	2 CCC per rotation (8-12 weeks)	24 CCC	Documentation required, name of student(s), letter of verification from school, dates of fieldwork
Successful completion of formal academic coursework	1 Credit Hour equals 10 CCC	24 CCC	Official transcript from accredited college
Professional study group, minimum of 3 participants	3 Hours equals 1 CCC	24 CCC	Group attendance records; study group goals, analysis of goal attainment and learning
Extensive scholarly research activities, or extensive outcome studies	10 CCC	24 CCC	Grant funding number, abstract/executive summary and/or copies of the completed research/studies
Independent learning/study, such as CE articles, video, audio, and/or online courses	1 Hour equals 1 CCC	12 CCC	CEU's, contact hours
Outcomes of Self-Assessment and Professional Development Plan	2 CCC for Self-Assessment and Professional Dev. Plan	2 CCC	Acceptable documents include the completed NBCOT Self-Assessment and Professional Development Plan describing how goals were met and impacted competence/skills
External self-study series	10 CCC	24 CCC	Certificate of completion

(8) Workshops, seminars, lectures and professional conferences accepted by the certifying entity approved by the division shall automatically be accepted for license renewal.

(9) Audit of Continuing Competency Activities.

(A) A licensee is subject to an audit of the continuing competency activity documentation after the time of license renewal.

(B) The board may audit continuing competency activities as time and resources permit.

(C) Upon request the licensee shall submit to the board for review the continuing competency credit documentation verifying successful completion of continuing competency requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries.

(D) Failure to submit requested information to the board by the date requested or submission of inadequate or falsified records may result in disciplinary action.

AUTHORITY: sections 324.065 and 324.080, [324.083] RSMo 2000 and 324.086, RSMo Supp. [1997] 2001. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 13, 2002.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated five thousand eight hundred twenty-nine dollars and three cents (\$5,829.03) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost private entities an estimated \$2,500,000 annually with a continuous annual growth rate of four hundred thousand dollars (\$400,000) for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Occupational Therapy, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or by email at ot@mail.state.mo.us. 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 205 - Missouri Board of Occupational Therapy
Chapter 5 - Continued Competency
Proposed Amendment - 4 CSR 205-5.010 Continued Competency Requirements
 Prepared August 27, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$5,829.03
Total Annual Cost of Compliance for the Life of the Rule	
	\$5,829.03

III. WORKSHEET

CONTINUING EDUCATION CERTIFICATES SUBMITTED BY LICENSEES AUDITED BY BOARD

The board may conduct an audit of licensees to verify compliance with the continuing competency requirements. It is estimated that the board will audit approximately 15 licensees each month during each 24-month renewal period.

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead	\$0.15	360	\$54.00
Envelope for Mailing Correspondence	\$0.16	360	\$57.60
Postage for Mailing Correspondence	\$0.37	360	\$133.20
Total expense and equipment cost associated with printing and mailing applications			\$244.80

The Licensing Technician II will review the information received for compliance, update the computer licensing program and report any derogatory information to the Executive Director. The Executive Director will then place the information on the board's meeting agenda for review by the full board.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Clerk II	\$24,060.00	\$32,264.46	\$15.51	\$0.26	1 hour	\$15.51	\$5,584.23
Total personal service costs associated with printing and mailing the applications for licensure to applicant							\$5,584.23

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY02 and projected figures in FY03 and FY04.
2. Board members will be reviewing the renewal forms and continuing education competency documentation for individual that do not complete the required number of hours. Because such review will be held during a regularly scheduled board meeting in Jefferson City no per diem expenses were calculated into this fiscal note.
3. Employee's salaries were calculated using their annual salary multiplied by 34.1% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
4. 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 205 - Missouri Board of Occupational Therapy
Chapter 5 - Continued Competency
Proposed Amendment - 4 CSR 205-5.010 Continued Competency Requirements
 Prepared August 27, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2500	Licensees (\$1000)	\$2,500,000.00
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$2,500,000.00 with a continuous annual growth rate of \$400,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on information received from the Missouri Occupational Therapy Association, the board estimates that the average cost of continuing education is \$200 per day. The board estimates licensees will spend 5 days per renewal period obtaining the required number of continuing competency hours.
2. The board estimates that in 2003 licensees will begin obtaining competency hours for the 2005 renewal period. The board estimates 2500 licensees will be affected based on actual figures from FY02 and projected figures in FY03 and FY04. The board also estimates that they will license 400 new licensees per year. Therefore, the board estimates that the private entity cost for this fiscal note will be approximately \$2,500,000 during in 2003 with a continuous annual growth rate of \$400,000 for the life of the rule.
3. It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is adding a new section (1); amending all subsequent sections by renumbering; amending RSMo references to the year 2000 statutes; and amending language to section (2), now section (3).

PURPOSE: The commission is amending section (1) adding a new definition; amending all subsequent sections by renumbering; amending RSMo references to the year 2000 statutes; and amending language to section (2), now section (3) for clarity purposes.

(1) Applicable carrier—All telecommunications companies certificated to provide telecommunications services in Missouri except: pay telephone providers, shared tenant services (STS) providers, and those companies with net intrastate end-user revenues below a *de minimis* level of twenty-four thousand dollars (\$24,000).

[(1)] (2) Commission—The Missouri Public Service Commission.

[(2)] (3) Cost—Cost of a telecommunications company in providing essential local telecommunications service as determined by the commission.

[(3)] (4) Disabled customer—Any customer who requests or receives residential essential local telecommunications service and who meets the definition of disabled set out in section 660.100.2, RSMo [1994] 2000.

[(4)] (5) Economically disadvantaged customer—see low-income customer.

[(5)] (6) Essential local telecommunications services—Two (2)-way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:

- (A) Single line residential service, including Touch-Tone dialing, and any applicable mileage or zone charges;*
- (B) Access to local emergency services including, but not limited to, 911 service established by local authorities;*
- (C) Access to basic local operator services;*
- (D) Access to basic local directory assistance;*
- (E) Standard intercept service;*
- (F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);*
- (G) One (1) standard white pages directory listing; and*
- (H) Toll blocking or toll control for qualifying low-income customers.*

[(6)] (7) Fund administrator—The agency, individual, firm, partnership, or corporation selected by the Missouri Universal Service Board to act as the independent neutral administrator of the Missouri Universal Service Fund.

[(7)] (8) Local calling scope—The geographic area determined by a local exchange telecommunications company's tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optional, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

[(8)] (9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who has been certified by the Department of Social Services as eco-

nomically disadvantaged by participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP).

[(9)] (10) Missouri Universal Service Board (board)—The board established by section 392.248.1, RSMo [Supp. 1997] 2000 and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

[(10)] (11) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo [Supp. 1997] 2000 to be used:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

[(11)] (12) Toll blocking—"Toll blocking" is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

[(12)] (13) Toll control—"Toll control" is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

AUTHORITY: sections 392.200.2, 392.248 [RSMo Supp. 1997] and 392.470.1, RSMo [1994] 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002.

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 AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. 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-2002-1026. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing is scheduled for January 22, 2003 at 10:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

PROPOSED AMENDMENT

4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers. The commission is amending sections (1), (3) and (4).

PURPOSE: The commission is amending RSMo references to the year 2000 statutes and changing section (3) to outline application and certification procedures and section (4) to outline the limitations on combined federal and state lifeline support pursuant to the Commission's Report and Order Establishing Low-Income/Disable Fund in Case No. TO-98-329.

(1) A telecommunications company shall be eligible to receive support to assist low-income customers and disabled customers if it—

(C) Is a telecommunications company providing telecommunications service as defined in 386.020(53), RSMo [Supp. 1997] 2000.

(3) Individual Eligibility.

(A) Individuals will be eligible to receive essential local telecommunications service as established by the commission for low-income customers if they satisfy the definition of "low-income customer" found at 4 CSR 240-31.010/(8)/(9).

(B) Individuals will be eligible to receive essential local telecommunications service as established by the commission for disabled customers if they satisfy the definition of "disabled customer" found at 4 CSR 240-31.010/(3)/(4).

(C) Individuals will only be eligible to receive discounted services supported by either the low-income or disabled segment of the MoUSF for essential local telecommunications service provided to residential customers.

(D) Individuals who qualify for low-income or disabled support shall certify in writing on an application designed for that purpose that they are eligible for the programs. Such application shall require the applicant to certify under penalty of perjury that the individual receives benefits from one of the qualifying programs and identify the program or programs from which that individual receives benefits. On the same document, a qualifying low-income or disabled individual also must agree to notify the carrier if that individual ceases to participate in the program or programs. The companies shall rely upon this certification to provide the benefits under these programs until the individual advises the company that they are no longer qualified or until the company is advised by the administrator that the individual may not be eligible.

(E) Any eligible individual submitting an application within sixty (60) days of initiating service will be entitled to the applicable low-income or disabled discounts from the date of service initiation. If applicable, the company may provide either a refund or credit, as determined by the company. Any eligible individual submitting an application after sixty (60) days of initiating service will begin receiving the appropriate discounts on a prospective basis.

(F) The fund administrator shall be authorized by the board to conduct audits of individual self-certification using records that can be lawfully made available from the administrators of qualifying programs. If as a result of these audits, the administrator determines that a recipient may not be eligible for low income or disabled support, the individual shall be required to verify eligibility for continuing to receive support pursuant to administrative procedures established by the fund administrator and approved by the board.

(4) Determining participation for essential local telecommunications service: The amount of support provided by the MoUSF for services to low-income customers and disabled customers will be set at the level necessary pursuant to Federal Universal Service Fund rules to gain the maximum Federal Universal Service funding for services to such customers. **However, the amount of combined federal and state lifeline support for any customer will not exceed the sum of the federal Subscriber Line Charge (SLC) and the recurring charges for essential local telecommunications services (including the basic service rate, Touch-Tone calling charge, extended area service additive, and mileage additives, if any).**

AUTHORITY: sections 392.200.2, [and] 392.248[, RSMo Supp. 1999] and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002.

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 AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. 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-2002-1026. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing is scheduled for January 22, 2003 at 10:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
 PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Missouri Universal Service Fund
 Type of Rulemaking: Revision
 Rule Number and Name: 4 CSR 240-31.050 Eligibility for Funding -- Low Income and Disabled Customers

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3	Class A Local Telephone Companies	\$0
39	Class B Local Telephone Companies	\$0
71	Class C Local Telephone Companies	\$0
551	Class Interexchange Companies	\$0
	All entities	\$0

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all classes of telecommunications companies certificated by the Missouri Public Service Commission, and was developed by the Missouri Universal Service Fund Technical Committee.
2. The estimated number of entities affected by the proposed rule reflects the total number of companies certificated within Missouri that could provide service if tariffs are amended as outlined in the proposed rule.

IV. ASSUMPTIONS

1. The life of the rule is estimated to be five years.
2. Fiscal year 2002 dollars were used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.
5. The universe of entities is based upon data contained within the Missouri Universal Service Fund Model as presented before the Commission in Case No. TO-98-329 and is assumed to remain constant.
6. The estimated impacts, as developed by the Missouri Universal Service Fund Technical Committee, assume that 15% of the access lines in the state are eligible to receive low income/disabled assistance and that 30% of those eligible would actually apply to draw the \$3.50 support amount from the fund.
7. No company participating in the Missouri Universal Service Fund Technical Committee Meetings specifically identified any burdensome company specific implementation costs for the Missouri Universal Service Fund and thus none are assumed in this fiscal note.
8. The estimated impacts do not include any costs for a verification or fraud detection process; the fund administrator and the MoUSF Board will finalize such a process.