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MATT BLUNT

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://mosl.sos.state.us/moreg/pubschedule.htm>.

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

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

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

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

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

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

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

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

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

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.010 Definitions

PURPOSE: This rule establishes the definitions that apply to 19 CSR 90-1.010 to 19 CSR 90-1.090 (Eligible Seniors) for implementation and administration of the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its pas-

sage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

- (1) Applicant—A person who applies to participate in the program, either personally or through an authorized agent.
- (2) Application—The form completed and submitted to the commission by an applicant which is used by the commission to determine the applicant's eligibility to participate in the Missouri Senior Rx Program. Also, the form completed and submitted to the commission by a claimant which is used by the commission to determine the claimant's eligibility to participate in the program.
- (3) Claim—In the case of a claimant, presentation to a participating pharmacy of a valid senior prescription card in order to receive prescription drugs.
- (4) Claimant—A resident of this state who meets the eligibility conditions set forth in sections 208.550 to 208.571, RSMo and the regulations promulgated thereunder.
- (5) Coinsurance—The percentage which is required under the program to be paid by claimant for each prescription.
- (6) Deductible—The dollar amount which is required under the program to be paid annually by the claimant before participation in the program.
- (7) Enrollment fee—The dollar amount which is required to be paid for enrollment in the program. Enrollment fee will only be required after application approval.
- (8) Generic drug—Generic drug as defined in section 208.550(7), RSMo.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.020 Eligibility and Application Process

PURPOSE: This rule establishes eligibility and the application process for eligible seniors for the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help

defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) Eligibility.

(A) To be eligible to participate in the program, an applicant shall:

1. Meet the eligibility requirements in sections 208.550 to 208.571, RSMo; and

2. The commission shall determine the income level necessary to be eligible for the program under sections 208.556.4(1), (2), and (3). The commission may restrict income eligibility limits as a last resort to obtain program cost control.

(B) Program eligibility is established for a fiscal year when a valid program application is approved, unless there is a cause for earlier termination.

(2) Application Process.

(A) The application process includes all activity relating to a request for eligibility determination. It begins with the receipt by the commission of an application and continues until there is an official written disposition of the request by the third-party administrator.

(B) The application shall require the applicant to attest to the following information:

1. Age;
2. Residence;
3. Any third-party health insurance coverage;
4. Previous year prescription drug costs;
5. Annual household income for an individual or couple, if married;
6. Date of birth;
7. Gender;
8. Race (optional);
9. Social Security number (optional);
10. Self-certification of Missouri residency;
11. Self-certification of household income;
12. Certification and authorization statement; and
13. Signature of applicant or authorized agent.

(C) The applicant shall submit with the application the following documentation:

1. Documentation of residence shall include one (1) of the following: a valid drivers license; a valid Missouri state identification card; certification of residency in a nursing home; or a completed and signed federal, state, or local income tax return with the applicant's name and address preprinted on it.

2. Documentation of age shall include one (1) of the following: birth certificate; delayed birth certificate; certified hospital records; a valid drivers license or a valid Missouri state identification card.

3. Documentation of income shall be the documentation required to determine income pursuant to sections 135.010 to 135.035, RSMo.

(D) The applicant shall certify and attest that the answers to questions on the application, the items on the application form and the required documentation are true and accurate to the best of the applicant's knowledge. Before the application can be processed, the certification shall be dated and signed by the applicant or authorized agent and any other party whose signature is required in the instructions which accompany the application form.

(E) The applicant shall consent to a review of information on the application form and of the required documentation, with reasonable prior notice to the applicant, if selected for review. Program eligibility will be denied or terminated if the applicant refuses to cooperate with the request.

(F) The applicant shall assist the commission, division, or third-party administrator in securing corroboration of the applicant's information on the application form and required documentation when necessary. Program eligibility will be denied or terminated if the applicant refuses to cooperate with the request.

(G) The applicant shall submit an enrollment fee in the amount as established by the commission on an annual basis.

(3) Denial of Application.

(A) An application shall be denied if an applicant fails to comply with the provisions of sections 208.550 to 208.571, RSMo and the regulations promulgated thereunder.

(B) An applicant may apply for a refund of the enrollment fee if the commission denies his or her eligibility because the commission restricted the income eligibility limits as a last resort to obtain program cost control pursuant to section 208.556.4(3), RSMo.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.030 General Payment Provisions

PURPOSE: This rule establishes the general payment provisions for eligible seniors for the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a

section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) An applicant becomes eligible for the program when the application is received and approved by the third-party administrator, the applicant has paid the enrollment fee, the applicant receives a program identification card, and the program identification card is activated.

(2) An applicant for the program shall pay, in the initial year, an enrollment fee of twenty-five dollars (\$25) if the applicant has an annual household income at or below twelve thousand dollars (\$12,000) for an individual or at or below seventeen thousand dollars (\$17,000) for a married couple or an enrollment fee of thirty-five dollars (\$35) if the applicant has an annual household income between twelve thousand one dollars and seventeen thousand dollars (\$12,001-\$17,000) for an individual or between seventeen thousand one dollars and twenty-three thousand dollars (\$17,001-\$23,000) for a married couple. The enrollment fee may be adjusted by the commission to obtain program cost control under sections 208.550 to 208.571, RSMo.

(3) A claimant for the program shall pay, in the initial year, a deductible of two hundred fifty dollars (\$250) if the claimant has an annual household income at or below twelve thousand dollars (\$12,000) for an individual or at or below seventeen thousand dollars (\$17,000) for a married couple or a deductible of five hundred dollars (\$500) if the claimant has an annual household income between twelve thousand one dollars and seventeen thousand dollars (\$12,001-\$17,000) for an individual or between seventeen thousand one dollars and twenty-three thousand dollars (\$17,001-\$23,000) for a married couple. The deductible may be adjusted by the commission to obtain program cost control under sections 208.550 to 208.571, RSMo.

(4) A claimant for the program shall pay a forty percent (40%) coinsurance. The coinsurance may be adjusted by the commission on an annual basis or through the third-party administrator during the plan (or fiscal) year to obtain program cost control under sections 208.550 to 208.571, RSMo.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.040 Claimant's Responsibilities

PURPOSE: This rule sets forth the claimant's responsibilities as a participant in the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) The claimant shall notify the third-party administrator when the claimant no longer meets the eligibility requirements as set forth in sections 208.550 to 208.571, RSMo and regulations promulgated thereunder. This does not include income eligibility that is determined at initial enrollment and annual reenrollment into the program.

(2) The authorized agent or other responsible person shall notify the third-party administrator of the death of a claimant within sixty (60) days of the claimant's death.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.050 Process for Reenrollment into the Program

PURPOSE: This rule establishes the process for reenrollment into the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides “[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly” the sections applicable to the Missouri Senior Rx Program are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution” and as such these sections “shall be in full force and effect upon its passage and approval.” Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program “shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002.” Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) A claimant shall submit an annual application and all required documentation as set forth in 19 CSR 90-1.020 for determination of eligibility to reenroll in the program.

(2) An applicant for reenrollment in the program becomes eligible when the application is received and approved by the third-party administrator, the applicant has paid the enrollment fee, the applicant receives a program identification card, and the program identification is activated.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors
EMERGENCY RULE**

19 CSR 90-1.060 Authorized Agent

PURPOSE: This rule sets forth individuals who are eligible to act as an authorized agent for the purpose of submitting an application on behalf of an eligible senior.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the

commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides “[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly” the sections applicable to the Missouri Senior Rx Program are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution” and as such these sections “shall be in full force and effect upon its passage and approval.” Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program “shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002.” Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) When an applicant is adjudicated incompetent, the third-party administrator shall accept the court-appointed guardian as an authorized agent for the purpose of initiating an application on behalf of the applicant.

(2) If an applicant is incapable of submitting an application on his or her own behalf, the third-party administrator shall accept one of the following persons designated by the applicant, listed in the order of priority, as an authorized agent for the purpose of initiating the application if a power of attorney or agent’s affidavit of authority accompanies the applicant:

(A) A close relative by blood or marriage, such as a parent, spouse, son, daughter, brother, or sister;

(B) A representative payee designated by the Social Security Administration; or

(C) A representative of a public/private social service agency, of which the applicant is a client, who has been designated by the agency to so act.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors
EMERGENCY RULE**

19 CSR 90-1.070 Program Identification Card

PURPOSE: This rule sets forth the requirements for the possession and use of the program identification card by the eligible senior or his or her authorized agent.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation

in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) The program identification card shall be retained in the possession of the claimant or the claimant's authorized agent and not be given to a participating pharmacy except for inspection and immediate return. The claimant remains responsible for its appropriate use to claim benefits. In no case may a claimant send the program identification card through the mail to a participating provider.

(2) A claimant may claim program benefits only if the claimant, or the claimant's authorized agent, presents the participating pharmacy with a valid program identification card.

(3) When a claimant is adjudicated incompetent or is incapable to claim program benefits, the claimant's authorized agent may claim such benefits on behalf of the claimant. Authorized agents must present the participating pharmacy with the claimant's program identification card; inform the pharmacy of their designation; and sign their own name and indicate their relationship to the claimant.

(4) Eligibility for the program benefits terminates upon the death of a claimant.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.080 Termination from the Program

PURPOSE: This rule enumerates the reasons that an eligible senior will be terminated from participation in the Missouri Senior Rx Program.

*EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.*

(1) A claimant shall be terminated from the program if he or she no longer meets the eligibility requirements under sections 208.550 to 208.571, RSMo or regulations promulgated thereunder. This does not include income eligibility that is determined at initial enrollment and annual reenrollment into the program.

(2) A claimant shall be terminated from the program as set forth in section 208.556.18, RSMo.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 1—Eligible Seniors**

EMERGENCY RULE

19 CSR 90-1.090 Appeal Process

PURPOSE: This rule sets forth the process to appeal from the denial of or termination from participation in the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the

commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) Applicants for, or claimants of, program benefits shall have the right to appeal the denial of an application for benefits or termination from the program, except for a denial or termination because the applicant or claimant has refused to submit requested information or documentation or any other information necessary to establish eligibility for the program or a termination as a result of the end of a plan (fiscal) year. Applicants for, or claimants of, program benefits shall not have the right to appeal the implementation of any cost-control measures.

(2) The third-party administrator shall provide written notice of the denial or termination directly to the applicant or claimant or their authorized agent.

(A) The notice shall include the reasons for the denial or termination;

(B) A notice of termination shall be effective no sooner than ten (10) calendar days after the date of the notice;

(C) The denial or termination may be appealed;

(D) If an appeal is made, such appeal shall be filed with the third-party administrator within thirty (30) calendar days following the date of the notice of denial or termination of program benefits.

(3) Applicant or claimant shall file an appeal within thirty (30) calendar days following the date of the notice of denial or termination with the third-party administrator.

(A) In the case of appeal of a termination of program benefits, filing of an appeal within the allowed thirty (30) calendar days shall continue benefits from the date the appeal is received by the third-party administrator until the end of the appeal process.

(B) The appeal shall include the applicant's or claimant's name, address, telephone number, program enrollment number, and the reasons for the appeal.

(4) The third-party administrator will initially seek to resolve all applicant or claimant appeals through a letter-ruling process.

(A) The letter-ruling process shall consist of the following steps:

1. The third-party administrator shall review the denial or termination, including a review of applicable documentation, to determine any possibility of an error.

2. Within thirty (30) calendar days of the receipt of the appeal, a letter shall be sent to the applicant or claimant which sets forth the results of the review. The letter will cite the reason for

the results of the review and inform the applicant or claimant of the right to a formal hearing before the third-party administrator.

(B) Results and opinions set forth in letter rulings shall have no precedential authority and are subject to withdrawal or change at any time to conform with new or different interpretations of the law.

(5) If an applicant or claimant who has filed an appeal under section (3) of this rule disagrees with the third-party administrator's letter ruling, the applicant or claimant may request a formal hearing on the appeal.

(A) The applicant or claimant shall file a written request for a formal hearing within ten (10) calendar days of the date of the letter ruling by the third-party administrator.

(B) When the third-party administrator receives the formal request for a hearing, the third-party administrator shall appoint a hearing officer to address and preside over the formal hearing.

(6) The authorized agent shall have the right to file an appeal on behalf of the applicant or claimant.

(7) If the claimant does not prevail in his or her appeal, the commission reserves the right to recoup any program benefits received by the claimant during the appeal process.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 2—Participating Pharmacies**

EMERGENCY RULE

19 CSR 90-2.010 Definitions

PURPOSE: This establishes the definitions that apply to 19 CSR 90-2.010 to 19 CSR 90-2.050 (Participating Pharmacies) for implementation and administration of the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action.

The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

- (1) Applicant—A pharmacy that applies to participate in the program.
- (2) Generic drug—Generic drug as defined in section 208.550(7), RSMo.
- (3) Participating pharmacy—A pharmacy that meets the conditions of eligibility and participation (see 19 CSR 90-2.020).
- (4) Pharmacy—A pharmacy currently licensed pursuant to Chapter 338, RSMo.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 2—Participating Pharmacies**

EMERGENCY RULE

19 CSR 90-2.020 Eligibility and Application Process

PURPOSE: This rule establishes eligibility and the application process for participating pharmacies for the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides “[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly” the sections applicable to the Missouri Senior Rx Program are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution” and as such these sections “shall be in full force and effect upon its passage and approval.” Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program “shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002.” Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed

January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

- (1) Eligibility.
 - (A) Only pharmacies that meet the criteria for an enrolled Missouri Medicaid pharmacy shall be eligible to participate in the program.
- (2) Application Process.
 - (A) The application process includes all activity relating to a request for eligibility determination. It begins with the receipt by the division of an application and continues until there is an official written disposition of the request by the third-party administrator.
 - (B) Participating pharmacies shall meet the conditions of eligibility set forth in 19 CSR 90-2.020(1), both at the time of initial application for participation and on an ongoing basis.
 - (C) The applicant shall submit an enrollment application form to the third-party administrator. The third-party administrator shall develop and designate such form.
 - (D) The applicant shall consent to a review of information on the application enrollment form and of the required documentation, with reasonable prior notice to the applicant, if selected for review. Program eligibility will be denied if the applicant refuses to cooperate with the request.

(E) The applicant shall assist the commission, division, or third-party administrator in securing corroboration of the applicant’s information on the application form and required documentation when necessary.

(F) The applicant shall submit with the appropriate enrollment application a signed participating pharmacy agreement as developed by the third-party administrator.

(G) A participating provider’s enrollment in the program shall be effective on the date when the signatures of the third-party administrator’s authorized representatives have been affixed to the provider agreement. No services rendered prior to that date shall be eligible for reimbursement.

(H) A participating pharmacy’s enrollment shall cease to be effective on the date when the third-party administrator suspends or terminates the pharmacy’s provider agreement. Payment or reimbursements shall not be made for prescription drugs dispensed on any dates when a pharmacy’s enrollment is no longer effective.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 2—Participating Pharmacies**

EMERGENCY RULE

19 CSR 90-2.030 Responsibilities of Enrolled Participating Pharmacies

PURPOSE: This rule sets forth the responsibilities of the participating pharmacy in the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the

operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides “[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly” the sections applicable to the Missouri Senior Rx Program are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution” and as such these sections “shall be in full force and effect upon its passage and approval.” Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program “shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002.” Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) Enrolled participating pharmacies shall maintain prescriptions (both hardcopy, oral and computer systems) in accordance with Chapter 338, RSMo.

(2) Enrolled participating pharmacies shall provide the commission and the third-party administrator reasonable access to records necessary to determine compliance with sections 208.550 to 208.571, RSMo and the regulations promulgated thereunder and with the provider agreement.

(3) Enrolled participating pharmacies shall conform to the standards of practice in accordance with Chapter 338, RSMo.

(4) Enrolled participating pharmacies shall verify the identity of the claimant or authorized agent.

(A) For claimants, verification shall be observation of the claimant’s signed program identification card.

(B) For authorized agent, verification shall include presentation of the claimant’s signed program identification card, inform the pharmacy of their designation, sign their own name, and indicate their relationship to the claimant.

(5) Prior to the dispensing of prescription drugs, enrolled participating pharmacies shall take necessary steps to identify prescriptions which may not be authentic.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 2—Participating Pharmacies**

EMERGENCY RULE

19 CSR 90-2.040 Termination or Suspension from the Program

PURPOSE: This rule enumerates the reasons that a participating pharmacy will be terminated or suspended from participation in the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides “[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly” the sections applicable to the Missouri Senior Rx Program are “deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution” and as such these sections “shall be in full force and effect upon its passage and approval.” Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program “shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002.” Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) An enrolled participating pharmacy may be terminated or suspended from the program for the following reasons:

- (A) Submission of a false or fraudulent claim;
- (B) Failure to comply with provider agreement;
- (C) Failure to meet eligibility criteria;
- (D) Preclusion from participation in the Medicaid program; or
- (E) Discipline by the Board of Pharmacy or the Bureau of Narcotics and Dangerous Drugs.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 90—Missouri Senior Rx Program
Chapter 2—Participating Pharmacies**

EMERGENCY RULE

19 CSR 90-2.050 Appeal Process

PURPOSE: This rule sets forth the process to appeal from the denial of, termination from, or suspension from participation in the Missouri Senior Rx Program.

EMERGENCY STATEMENT: On October 5, 2001, legislation was enacted that established the Missouri Senior Rx Program to help defray the costs of prescription drugs for elderly Missouri residents

who meet the statutory and regulatory requirements for participation in the program. The legislation also established the Commission for the Missouri Senior Rx Program to govern the operation of the Missouri Senior Rx Program. In relevant part, the commission was charged with rulemaking authority for the implementation and administration of the program. The legislation contains a section that provides "[b]ecause immediate action is necessary to ensure the timely provision of prescription drugs to the elderly" the sections applicable to the Missouri Senior Rx Program are "deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution" and as such these sections "shall be in full force and effect upon its passage and approval." Section 208.559, RSMo, provides that the program shall be operational no later than July 1, 2002. This section continues by providing that program "shall accept applications for enrollment during an initial open enrollment period from April 1, 2002, through May 30, 2002." Therefore, as this rule is necessary for implementation and administration of the Missouri Senior Rx Program, the Missouri Senior Rx Commission finds an immediate danger to the public health and welfare and a compelling governmental interest, which requires emergency action. The scope of this rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The commission believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed January 16, 2002, effective March 1, 2002, and expires August 27, 2002.

(1) Applicants for the program or enrolled participating pharmacies shall have the right to appeal the denial of an application for or suspension or termination from the program, except for a denial, suspension or termination because the applicant has refused to submit requested information or documentation or any other information necessary to establish eligibility for the program or a termination as a result of the end of a plan (fiscal) year.

(2) The third-party administrator shall provide written notice of the denial, termination, or suspension directly to the applicant or participating pharmacy.

(A) The notice shall include the reasons for the denial, termination or suspension;

(B) A notice of termination or suspension shall be effective no sooner than ten (10) calendar days after the date of the notice;

(C) The denial, termination or suspension may be appealed;

(D) If an appeal is made, such appeal shall be filed with the third-party administrator within thirty (30) calendar days following the date of the notice of denial, suspension or termination from the program.

(3) An applicant or participating pharmacy shall file an appeal within thirty (30) calendar days following the date of the notice of denial, suspension or termination with the third-party administrator.

(A) In the case of appeal of a termination or suspension from the program, filing of an appeal within the allowed thirty (30) calendar days shall continue participation in the program from the date the appeal is received by the third-party administrator.

(B) The appeal shall include the applicant's or participating pharmacy's name, address, telephone number, program enrollment number, and the reasons for the appeal.

(4) The third-party administrator will initially seek to resolve all applicant or participating pharmacy's appeals through a letter-ruling process.

(A) The letter-ruling process shall consist of the following steps:

1. The third-party administrator shall review the denial, suspension or termination, including a review of applicable documentation, to determine any possibility of an error.

2. Within thirty (30) calendar days of the receipt of the appeal, a letter shall be sent to the applicant or participating pharmacy which sets forth the results of the review. The letter will cite the reason for the results of the review and inform the applicant or participating pharmacy of the right to a formal hearing before the third party-administrator.

(B) Results and opinions set forth in letter rulings shall have no precedential authority and are subject to withdrawal or change at any time to conform with new or different interpretations of the law.

(5) If an applicant or participating pharmacy who has filed an appeal under section (3) of this rule disagrees with the third-party administrator's letter ruling, the applicant or participating pharmacy may request a formal hearing on the appeal.

(A) The applicant or participating pharmacy shall file a written request for a formal hearing within ten (10) calendar days of the date of the letter ruling by the third-party administrator.

(B) When the third-party administrator receives the formal request for a hearing, third-party administrator shall appoint a hearing officer to address and preside over the formal hearing.

(6) If a participating pharmacy does not prevail in its appeal, the commission reserves the right to recoup any funds received under the program during the appeal process.

(7) If a participating pharmacy has been terminated from the program, the pharmacy may be enrolled upon agreement by the third-party administrator.

AUTHORITY: section 208.553.3(5), RSMo Supp. 2001. Emergency rule filed Jan. 16, 2002, effective March 1, 2002, expires Aug. 27, 2002. A proposed rule covering this same material is published in this issue of the Missouri Register.