

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested
Cases Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.320 Stays or Suspensions of Any Action from which Petitioner Is Appealing. The commission is amending the purpose and subsection (3)(D).

PURPOSE: The Administrative Hearing Commission is amending the purpose and subsection (3)(D) of this regulation to assist persons aggrieved by the imposition of a civil penalty under section 621.035, RSMo Supp. 2002.

PURPOSE: This rule describes the form and content of a motion for stay or suspension of [the director's] an agency's actions, and the

number of copies required [and who is served with a stay order].

(3) Specific Cases.

(D) Liquor Control Cases. The commission, with or without the filing of a motion, may stay any *[suspension or revocation]* order of the supervisor of the Division of Liquor Control if the licensee files a complaint.

AUTHORITY: section 621.198, RSMo Supp. [2001] 2002. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Jan. 11, 2001, effective July 30, 2001. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed June 16, 2003.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 8:30 a.m. on August 14, 2003, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, P.O. Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 14, 2003.

**Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure For All Contested
Cases Under Statutory Jurisdiction**

PROPOSED AMENDMENT

1 CSR 15-3.350 Complaints. The commission is amending subsection (2)(D).

PURPOSE: The Administrative Hearing Commission is amending subsection (2)(D) of this regulation to maintain the filing fee authorized under section 621.053, RSMo Supp. 2002.

(2) Specific Cases. In addition to the other requirements of this rule—

(D) In a case arising pursuant to Chapter 407, RSMo, including cases relating to the protest of an action taken by a motor vehicle, motorcycle or all-terrain vehicle manufacturer, distributor or representative pursuant to a franchise agreement, the petition shall include a filing fee equal to the filing fee of the circuit court of Cole County. The provisions of this subsection (2)(D) of this regulation shall expire on November 30, [2003] 2004.

AUTHORITY: sections 621.053 and 621.198, RSMo Supp. [2001] 2002. Original rule filed Aug. 5, 1991, effective Feb. 6, 1992. Amended: Filed Oct. 31, 1994, effective May 28, 1995. Amended: Filed Jan. 11, 2001, effective July 30, 2001. Amended: Filed June 3, 2002, effective Nov. 30, 2002. Amended: Filed June 16, 2003.

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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 8:30 a.m. on August 14, 2003, at the Administrative Hearing Commission's official residence—Room 640, Truman State Office Building, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Administrative Hearing Commission, Karen A. Winn, Commissioner, PO Box 1557, Jefferson City, MO 65102. To be considered, comments must be received no later than 5:00 p.m. on August 14, 2003.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from eleven dollars (\$11) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons. Fee: [~~eleven~~] **seven** dollars [~~(\$11)~~] (**\$7**).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be six hundred nineteen thousand one hundred eighty dollars (\$619,180) (calculated by multiplying one hundred fifty-four thousand seven hundred ninety-nine (154,799) of these permits sold in 2002 by the four dollar (\$4) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by fifteen thousand four hundred sixty-seven (15,467) resulting in the following estimated revenue loss:

2002 sales	154,799 sold @ \$11 =	\$1,702,789
2003 sales	170,262 sold @ \$7 =	<u>\$1,191,834</u>
Estimated revenue loss		\$ 510,955

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation
 Division: 10 Conservation Commission
 Chapter: 5
 Type of Rulemaking: Proposed amendment
 Rule Number and Name: 3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 510,955

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$619,180 (calculated by multiplying 154,799 of these permits sold in 2002 by the \$4 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 15,467 resulting in the following estimated revenue loss:

2002 sales	154,799 sold @ \$11=	\$1,702,789
2003 sales	170,262 sold @ \$7 =	\$1,191,834
Estimated revenue loss		\$ 510,955

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3 CSR 10-5.352 Resident Firearms First Bonus Deer Hunting Permit

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:
170,262 resident deer hunting permit buyers	N/A	Less than \$500
1300 MO hunting and fishing permit vendors	N/A	\$25,547

III. WORKSHEET

This rule change will result in a savings to Missouri deer hunters of \$510,955. Because Missouri permit vendors retain a fee of 5% of the face value of permits sold, their income from issuing fees in the aggregate will be reduced by \$25,547. The estimated reduction in income for permit vendors is calculated by multiplying the amount saved by deer hunters by the 5% vendor fee.

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits

PROPOSED AMENDMENT

3 CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from seventy-five dollars (\$75) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons. A Nonresident Firearms [Any-]Deer Hunting Permit is required as a prerequisite to this permit. Fee: [~~seventy-five~~] seven dollars [~~(\$75)]~~ (\$7).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be ninety-four thousand four hundred fifty-two dollars (\$94,452) (calculated by multiplying one thousand three hundred eighty-nine (1,389) of these permits sold in 2002 by the sixty-eight dollar (\$68) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by seven thousand six hundred twenty-six (7,626) resulting in the following estimated revenue loss:

2002 sales	1,389 sold @ \$75 =	\$104,175
2003 sales	9,015 sold @ \$7 =	<u>\$ 63,105</u>
Estimated revenue loss		\$ 41,070

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5
Type of Rulemaking: Proposed amendment
Rule Number and Name: 3CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 41,070

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$94,452 (calculated by multiplying 1,389 of these permits sold in 2002 by the \$68 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 7,626 resulting in the following estimated revenue loss:

2002 sales	1,389 sold @ \$75 =	\$104,175
2003 sales	9,015 sold @ \$7 =	\$ 63,105
Estimated revenue loss		\$ 41,070

IV. ASSUMPTIONS

See worksheet above.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3CSR 10-5.552 Nonresident Firearms First Bonus Deer Hunting Permit

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:
9,015 nonresident deer hunting permit buyers	N/A	Less than \$500
1300 MO hunting and fishing permit vendors	N/A	\$2,053

III. WORKSHEET

This rule change will result in a savings to nonresident deer hunters of \$41,070. Because Missouri permit vendors retain a fee of 5% of the face value of permits sold, their income from issuing fees in the aggregate will be reduced by \$2,053. The estimated reduction in income for permit vendors is calculated by multiplying the amount saved by deer hunters by the 5% vendor fee.

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit. The commission proposes to amend provisions of this rule.

PURPOSE: This amendment reduces the fee from fifty dollars (\$50) to seven dollars (\$7).

To pursue, take, possess and transport an antlerless deer in a specified deer management unit during the firearms deer hunting seasons. A Nonresident Firearms *[First Bonus]* **Deer Hunting Permit** is required as a prerequisite to this permit. Fee: *[fifty]* **seven dollars *[((\$50)] (\$7).***

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be fifteen thousand four hundred thirty-seven dollars (\$15,437) (calculated by multiplying three hundred fifty-nine (359) of these permits sold in 2002 by the forty-three dollar (\$43) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by four thousand seven hundred ninety-two (4,792) resulting in the following estimated revenue gain:

2002 sales	359 sold @ \$50 =	\$ 17,950
2003 sales	5,151 sold @ \$7 =	<u>\$ 36,057</u>
Estimated revenue gain		\$ 18,107

PRIVATE COST: This proposed amendment will cost five thousand one hundred fifty-one (5,151) permit buyers thirty-six thousand fifty-seven dollars (\$36,057) annually, or one hundred eighty thousand two hundred eighty-five dollars (\$180,285) in the five (5)-year aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit

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:
5,151 nonresident deer hunting permit buyers	N/A	\$180,285

III. WORKSHEET

N/A

IV. ASSUMPTIONS

Number of permit buyers is based on estimated sales data.
5,151 permit buyers x \$7 = \$36,057 per annum, x 5 = \$180,285.

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RESCISSION

3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit. The commission proposes to rescind a rule.

PURPOSE: This rule provided for Nonresident Landowner Firearms First Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms First Bonus Antlerless Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be seven thousand seven hundred eighty-eight dollars (\$7,788) (calculated by multiplying two hundred thirty-six (236) of these permits sold in 2002 by the thirty-three dollar (\$33) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by one hundred sixty-two (162) resulting in the following estimated revenue loss:

2002 sales	236 sold @ \$40 =	\$ 9,440
2003 sales	398 sold @ \$7 =	<u>\$ 2,786</u>
Estimated revenue loss		\$ 6,654

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed recission

Rule Number and Name: 3 CSR 10-5.577 Nonresident Landowner Firearms First Bonus Deer Hunting Permit.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	Less than \$500

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$7,788 (calculated by multiplying 236 of these permits sold in 2002 by the \$33 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 162 resulting in the following estimated revenue loss:

2002 sales	236 sold @ \$40 =	\$ 9,440
2003 sales	398 sold @ \$7 =	<u>\$ 2,786</u>
Estimated revenue loss		\$ 6,654

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED RESCISSION

3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit. The commission proposes to rescind a rule.

PURPOSE: This rule provided for a Nonresident Landowner Firearms Second Bonus Antlerless Deer Hunting Permit for use on the landowner's qualifying property at a reduced fee compared to a Nonresident Firearms Second Bonus Deer Hunting Permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 19, 2000, effective March 1, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed June 5, 2003.

PUBLIC COST: Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be two thousand one hundred forty-two dollars (\$2,142) (calculated by multiplying one hundred nineteen (119) of these permits sold in 2002 by the eighteen dollar (\$18) price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by one hundred eight (108) resulting in the following estimated revenue loss:

2002 sales	119 sold @ \$25 =	\$ 2,975
2003 sales	227 sold @ \$7 =	<u>\$ 1,589</u>
Estimated revenue loss		\$ 1,386

PRIVATE COST: There is no additional private entity cost. This proposed amendment represents a savings to individual nonresident deer hunters.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 3 - Department of Conservation	
Division: 10 Conservation Commission	
Chapter: 5	
Type of Rulemaking: Proposed recission	
Rule Number and Name: 3 CSR 10-5.578 Nonresident Landowner Firearms Second Bonus Deer Hunting Permit	

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$ 1,386

III. WORKSHEET

Based strictly on actual 2002 sales of this permit, the cost to the Missouri Department of Conservation would be \$2,142 (calculated by multiplying 119 of these permits sold in 2002 by the \$18 price decrease).

However, because bonus permits will be available in additional units for 2003 and because the lower price is expected to attract additional sales, the total estimated sales for 2003 bonus permits is expected to be higher by 108 resulting in the following estimated revenue loss:

2002 sales	119 sold @ \$25 =	\$ 2,975
2003 sales	227 sold @ \$7 =	<u>\$ 1,589</u>
Estimated revenue loss		\$ 1,386

IV. ASSUMPTIONS

See worksheet above

Based on Permit Year (March 1 through last day of February next following) NOT fiscal year.

Based on an average five-year life cost. All permit fees are reviewed annually and adjustments made as needed—normally within five years—to remain competitive with other states.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.182 Deer Hunting. The commission proposes to amend sections (1) and (3) of this rule.

PURPOSE: This amendment aligns sections (1) and (3) with other chapters of the Wildlife Code.

(1) Deer may be hunted only during the statewide archery season and the [December] muzzleloader portion of the firearms season on department areas listed below. Statewide methods and limits apply.

(3) During the Youth-Only, November and [December] muzzleloader portions of the firearms deer hunting season, only antlered deer may be taken or possessed on the department areas listed below. Antlerless deer may not be taken on a firearms deer hunting permit.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed Aug. 30, 2001, effective Jan. 30, 2002. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2002, effective Nov. 30, 2002. Amended: Filed July 31, 2002, effective March 1, 2003. Amended: Filed May 9, 2003. Amended: Filed June 13, 2003.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend section (21).

PURPOSE: This amendment changes the definitions of flies, lures and baits.

(21) Flies, lures and baits: The following are authorized for use except where restricted in 3 CSR 10-6.415, 3 CSR 10-6.535, 3 CSR 10-11.205, [and] 3 CSR 10-12.135 and **3 CSR 10-12.150:**

[(A) Fly—A lure constructed on a single-point hook, of feathers, tinsel, chenille, yarn, fur, hair, silk, rayon or nylon thread or floss, with or without spinner.

(B) Artificial lure—A manufactured lure other than a fly or soft plastic bait (unscented).

(C) Soft plastic bait (unscented)—Synthetic eggs, synthetic worms, synthetic grubs and soft plastic lures.

(D) Natural and scented baits—A natural fish food such as bait fish, crayfish, frogs permitted as bait, grubs, insects, larvae, worms, salmon eggs, cheese, corn and other food substances not containing any ingredient to stupefy, injure or kill fish. Does not include flies or artificial lures. Includes dough bait, putty or paste-type bait, any substance designed to attract fish by taste or smell and any fly, lure or bait containing or used with such substances.]

(A) Natural and scented bait—Any substance designed to attract fish by taste or smell. This includes: natural fish food such as a fish, crayfish, frog, grub, insect, larva, worm, fish egg, or other animal or plant item permitted as bait; cheese, corn and other food substances; dough bait, putty or paste-type bait; and any fly, lure or bait (including plastic) containing or used with such substances. Natural and scented baits shall not contain any ingredients that stupefy, injure or kill fish.

(B) Soft plastic bait (unscented)—A synthetic egg, worm, grub or other soft plastic lure without an attached spinner.

(C) Fly—A lure constructed of any material (excluding soft plastic bait and natural and scented bait as defined in (A) or (B) above) that is tied, glued or otherwise permanently attached to a single-point hook, with or without spinner.

(D) Artificial lure—A lure not meeting the definitions in (A), (B) or (C) above.

AUTHORITY: sections 40 and 45 of Art. IV, Mo Const. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed June 5, 2003.

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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, 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 100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions**

PROPOSED AMENDMENT

4 CSR 100-2.080 Fiscal and Financial Services. The director of the Division of Credit Unions proposes amendments to section (4) of this rule that governs fiscal and financial services.

PURPOSE: This amendment is designed to provide a specific list of fiscal and financial services credit unions may offer without prior approval of the director.

(4) [Where a credit union, prior to August 13, 1972, has provided the member services of money orders and travelers checks, authority is given for the credit unions to continue these fiscal and financial services to their members, unless

the director orders a specific credit union to cease these services.] The director of the Division of Credit Unions authorizes all credit unions to offer the following business related services without prior approval unless the director orders a specific credit union to cease offering these services:

- (A) Money orders, travelers' checks, letters of credit;
- (B) Share draft accounts;
- (C) Debit, credit, ATM and smart cards;
- (D) Sale of insurance products;
- (E) Any program servicing or granting loans;
- (F) Any share program; or
- (G) Sale of tickets, charitable or promotional items.

The credit union offering these services shall make available to the director, upon his/her request, the direct and indirect cost of providing the services together with a schedule of the fees charged for the services.

AUTHORITY: sections 370.070 and 370.100, RSMo [1986] 2000. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1994, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed June 16, 2003.

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 Division of Credit Unions, John P. Smith, Director, PO Box 1607, 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 115—State Committee of Dietitians
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 115-1.040 Fees. The board is proposing to amend subsections (1)(A)–(1)(C).

PURPOSE: The State Committee of Dietitians is statutorily obligated to enforce and administer the provisions of sections 324.200–324.228, RSMo. Pursuant to section 324.212, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of Chapter 324, RSMo. Therefore, the committee is reducing the fees associated with licensure.

(1) The following fees are hereby established by the State Committee of Dietitians:

- | | |
|--------------------------|---------------------------------------|
| (A) Application Fee | /\$200.00/ \$150.00 |
| (B) Reciprocity Fee | /\$200.00/ \$150.00 |
| (C) Biennial Renewal Fee | /\$190.00/ \$150.00 |

AUTHORITY: sections 324.212.4, RSMo Supp. 2002 and 324.228, RSMo [Supp. 1999] 2000. Original rule filed March 15, 2000, effective Sept. 30, 2000. Amended: Filed June 16, 2003.

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

PRIVATE COST: This proposed amendment will save private entities an estimated one thousand five hundred fifty dollars (\$1,550) annually and an estimated forty thousand nine hundred twenty dollars (\$40,920) biennially with a continuous increase in savings of three thousand dollars (\$3,000) for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is 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 State Committee of Dietitians, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile to (573) 526-3489 or via e-mail to proferg@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - State Committee of Dietitians

Chapter 1 - General Rules

Proposed Amendment - 4 CSR 115-1.040 Fees

Prepared May 23, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost savings by affected entities:
30	Applicants (Application Fee - \$50 decrease)	\$1,500.00
1	Applicants (Reciprocity Fee - \$50 decrease)	\$50.00
Estimated Annual Cost Savings for the Life of the Rule		\$1,550.00

Biennial

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings by affected entities:
1,023	Licensees (Biennial Renewal Fee - \$40 decrease)	\$40,920.00
Estimated Biennial Cost Savings for the Life of the Rule		\$51,150 with a continuous decrease of \$3,000

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on actual FY02 licensee counts.
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 150—State Board of Registration for the
Healing Arts**
**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED AMENDMENT

4 CSR 150-3.080 Fees. The board is proposing to amend subsection (1)(D).

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. The board shall by rule and regulation set the amount of fees authorized by section 334.090, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.500–334.680, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 334.500–334.680, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

(1) The following fees are established by the State Board of Registration for the Healing Arts, and are payable in the form of a cashier's check or money order:

(D) Renewal of Certificate of Registration Fee
(personal checks acceptable) [~~\$20~~] **\$50**

AUTHORITY: sections 334.090.1, 334.090.2, 334.125, 334.507, 334.540, 334.550, 334.560 and 334.580, RSMo 2000. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed June 16, 2003.

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 cost private an increase of one hundred thirty-one thousand two hundred fifty dollars (\$131,250) with a continuous biennial increase of three thousand nine hundred thirty dollars (\$3,930) biennially for the life of the rule. It is anticipated that the biennial increase will recur for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102 or healarts@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Amendment - 4 CSR 150-3.080 Fees

Prepared May 8, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Biennial Increase Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
4,375	Licensees (Renewal of Certificate of Registration Fee - \$30 increase)	\$131,250.00
Estimated Biennial Cost of Compliance for the Life of the Rule		\$131,250 with a continuous biennial increase of \$3,930

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on the current licensee count, the board estimates that 4,375 licensees will be affected by the \$30 biennial renewal fee increase beginning in FY04. The board estimates a biennial growth rate of 3% in the number of licenses for the life of the rule. Therefore, the board estimates a continuous biennial increase of \$3,930 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 150—State Board of Registration for the
Healing Arts**
**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED AMENDMENT

4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees.
The board is proposing to amend subsection (1)(D) and add new language in subsection (1)(G).

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. The board shall by rule and regulation set the amount of fees authorized by section 334.090, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.500–334.680, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 334.500–334.680, RSMo, which will result in an endangerment to the health, welfare, and safety of the public. This amendment also implements a fee to be paid by the licensee for a returned check.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- | | |
|--|--------------------|
| (D) Renewal of Certificate of Registration Fee | [\$20] \$50 |
| (personal/corporate checks acceptable) | |
| (G) Returned Check Fee | \$25 |

AUTHORITY: sections 334.125, 334.655, 334.660 and 334.670, RSMo [Supp. 1999] 2000. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 15, 2000, effective March 30, 2001. Amended: Filed June 16, 2003.

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 cost private entities an increase of forty-seven thousand four hundred thirty dollars (\$47,430) with a continuous biennial increase of one thousand four hundred ten dollars (\$1,410) biennially for the life of the rule. It is anticipated that the biennial increase will recur for the life of the rule, however, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102 or healarts@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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Amendment - 4 CSR 150-3.170 Physical Therapist Assistant Licensure Fees
 Prepared May 8, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Biennial Cost to Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
1,581	Licenseses (Renewal of Certificate of Registration Fee - \$30 increase)	\$47,430.00
Estimated Biennial Cost of Compliance for the Life of the Rule		\$47,430 with a continuous biennial increase of \$1,410

Annual Cost to Comply Beginning in FY04

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the amendment by affected entities:
3	Licenseses and Applicants (Return Check Fee - \$25)	\$75.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$75.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Based on the current licensee count, the board estimates that 1,581 licenseses will affected by the \$30 biennial renewal fee increase beginning in FY04. The board estimates a biennial growth rate of 3% in the number of licenses for the life of the rule. Therefore, the board estimates a continuous biennial increase of \$1,410 for the life of the rule.
2. Based on actual figures from FY01, FY02, and FY03 the anticipated receiving 3 uncollectible checks annually for the life of the rule.
- 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 200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

4 CSR 200-4.021 Graduate Temporary Permit. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: section 335.036, *RSMo [1986] 2000*. Original rule filed Sept. 13, 1983, effective Dec. 11, 1983. Amended: Filed Dec. 13, 1989, effective Feb. 25, 1990. Amended: Filed June 16, 2003.

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, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@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 200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

4 CSR 200-4.100 Advanced Practice Nurse. The board is proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment deletes the form that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: section 335.016(2), *RSMo Supp. 2002* and 335.036, *RSMo [Supp. 1996] 2000*. Original rule filed Nov. 15, 1991, effective March 9, 1992. Rescinded and readopted: Filed Oct. 25, 1995, effective June 30, 1996. Emergency amendment filed May 1, 1997, effective May 12, 1997, expired Nov. 7, 1997. Amended: Filed May 1, 1997, effective Oct. 30, 1997. Amended: Filed June 16, 2003.

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, Executive Director, PO Box 656,

Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@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 231—Division of Professional Registration
**Chapter 2—Designation of License Renewal Dates and
Related Information**

PROPOSED AMENDMENT

4 CSR 231-2.010 Designation of License Renewal Dates and Related Renewal Information. The board is proposing to amend several subsections in section (2), add a new subsection (3)(B), renumber the remaining subsections accordingly, delete section (4) and renumber the remaining sections accordingly.

PURPOSE: This rule is being amended to change renewal dates for various boards and allows the board to accept electronic payment when the division has its on-line renewal system in place.

(2) The license renewal dates designated for each agency assigned to the division are—

- (B) Acupuncturist Advisory Committee—[March 1] **July 1**;
- (C) Missouri Board for Architects, Professional Engineers, [and] **Professional Land Surveyors and Landscape Architects—**
 - 1. Architects, engineers, land surveyors—January 1; [and]
 - 2. **Landscape architects—January 1; and**
 - [2.] 3. Firms/corporations—[March 1] **January 1**;
- (F) State Board of Barber Examiners—
 - 1. Barber instructors, barber shops, barbers—March 1; and
 - 2. Barber schools—[July 1] **March 1**;
- (J) State Committee of Dietitians—April [1] **2**;
- (L) **Endowed Care Cemeteries—September 1**;
- [[L]] (M) Board of Geologist Registration—May 1;
- [[M]] (N) The State Board of Registration for the Healing Arts—February 1;
- [[N]] (O) Missouri Board of Examiners for Hearing Instrument Specialists—January 1;
- [[O]] (P) Interior Design Council—[June 1] **September 1**;
- (Q) **Missouri State Committee of Interpreters—February 1**;
- [[P] **Landscape Architectural Council—November 1**;
- [[Q]] (R) State Committee [on] of Marital and Family Therapists—March 1;
- [[R]] (S) Board of Therapeutic Massage—
 - 1. Massage Therapy License—[January 1] **February 1**; and
 - 2. Massage Therapy Business License—[January 1] **February 1**;
- 1;
 - [[S]] (T) The Missouri State Board of Nursing—
 - 1. Registered nurses—May 1; and
 - 2. Licensed practical nurses—June 1;
 - [[T]] (U) Missouri Board of Occupational Therapy—July 1;
 - [[U]] (V) The State Board of Optometry—November 1;
 - [[V]] (W) Advisory Committee for Clinical Perfusionists—February 1;
 - [[W]] (X) The Missouri Board of Pharmacy—
 - 1. Pharmacists, pharmacies—November 1;
 - 2. Pharmacy interns—January 1;
 - 3. Drug distributors—November 1; and
 - 4. Pharmacy technicians—June 1;
 - [[X]] (Y) Advisory Commission for Professional Physical Therapists—February 1;

[(Y)] (Z) Advisory Commission for Registered Physician Assistants—February 1;

[(Z)] (AA) State Board of Podiatric Medicine—March 1;

[(AA)] (BB) Committee for Professional Counselors—[March 1] July 1;

[(BB)] (CC) State Committee of Psychologists—February 1;

[(CC)] (DD) Missouri Real Estate Appraisers Commission—July 1;

[(DD)] (EE) Missouri Real Estate Commission—

1. Association, brokers, broker-associates, broker-officers, broker-partners, corporations, partnerships, inactive brokers, professional corporation-broker salespersons, broker-salespersons—July 1; and

2. Inactive salespersons, professional corporation-salespersons, salespersons—October 1;

[(EE)] (FF) Missouri Board for Respiratory Care—August 1;

[(FF)] (GG) State Committee for Social Workers—October 1;

[(GG)] (HH) Advisory Committee for Speech Pathologists and Clinical Audiologists—February 1; [and]

(II) Office of Tattooing, Body Piercing and Branding—July 1; and

[(HH)] (JJ) Missouri Veterinary Medical Board—

1. Veterinarians, veterinary technicians—December 1; and

2. Veterinary facilities—April 1.

(3) For the purpose of paying license renewal fees, the following shall apply:

(B) Effective as of the date the division has its on-line renewal system in place and fully operating, the division will accept payment by credit card, as defined by section 407.432(4), RSMo, for the purpose of renewing licenses via the Internet. Payment of license renewal fees by credit card shall be restricted to renewal submitted via the Internet only;

[(B)] (C) Licensees who submit checks which are returned by a bank due to insufficient funds or for similar reasons may be subject to collection or processing charges. Licensees also may be subject to civil monetary penalties or disciplinary actions imposed by the affected board;

[(C)] (D) Licensees should not make payment for license renewal in cash whether in person or by mail;

[(D)] (E) Renewal fees are generally nonrefundable. Overpayments may be refundable; and

[(E)] (F) Where the application for renewal is not completed in a manner acceptable to the appropriate board, or the fee is not included, or the fee is inadequate, or the licensee has not met the statutory or regulatory requirements of the pertinent board, licenses may be withheld until the problem is appropriately resolved. Deposit of the fee does not indicate acceptance of the application or that any licensing requirements have been fulfilled. Licensees may be subject to additional requirements or civil monetary penalties imposed by the appropriate board.

[(4) Effective May 3, 1989, the application return date is sixty (60) days prior to license renewal date.]

[(5)] (4) Failure to receive the application renewal forms or notice does not relieve the licensee of the obligation to renew the license to practice in a timely manner.

[(6)] (5) The provisions of this rule are declared severable. If any provision fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction.

AUTHORITY: section 620.010.14(2), RSMo [2000] Supp. 2002. Emergency rule filed Feb. 9, 1982, effective Feb. 19, 1982, expired May 12, 1982. Original rule filed Feb. 9, 1982, effective May 13, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed June 16, 2003.*

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 Division of Professional Registration; Marilyn Williams, Division Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 33—Hospital and Ambulatory Surgical Center
Data Disclosure**

PROPOSED RULE

**19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data
by Hospitals for Public Health Syndromic Surveillance**

PURPOSE: This rule establishes procedures for secure electronic reporting of patient abstract data for inpatients and outpatients by hospitals to the Department of Health and Senior Services for the purpose of conducting epidemiologic monitoring and studies and publishing information to safeguard the health of the citizens of Missouri as authorized by sections 192.020, 192.067 and 192.667, RSMo.

(1) The following definitions shall be used in the interpretation of this rule in addition to the definitions found in 19 CSR 10-33.010:

(A) Batch message file means the transmission of a file containing multiple discrete standard electronic messages to the department from the hospital data system on a periodic basis less than real time.

(B) Chief complaint means the textual literal or ICD-9-CM code or both pertaining to the initial complaint a patient stated during an acute care hospital encounter.

(C) Data encryption means the electronic obfuscation of data within an electronic message using industry standard practices for encryption including, but not limited to: Public Key Infrastructure (PKI), digital certificates/signatures, department generated symmetric keys, or by secure message transport protocols. Minimum requirements will be tripleDES 128-bit encryption.

(D) Default standard message means a standard electronic message meeting HL7 2.3.1 Admission, Discharge, and Transfer (ADT) specifications as identified in Exhibit A, included herein.

(E) Acute care hospital encounter means patients seen in the emergency room, urgent care and inpatient admissions of a hospital.

(F) Real time message means the transmission of discrete standard electronic messages to the department as they are generated by the hospital data system.

(G) Secure message transport protocol means a method of sending electronic data to the department in a way that prevents unauthorized

access to the data. Possible methods include: Virtual Private Network (VPN), Secure File Transport Protocol (SFTP), secure socket layer (HTTPS/SSL), Secure SHell (SSH), encrypted files using TCP/IP, or other secure transmission protocol agreed upon by the hospital and the department.

(H) Standard electronic message means a real time message or batch message file meeting national or international standards for the electronic interchange of data. Standards include, but are not limited to, Health Level 7 (HL7), Extensible Mark-up Language (XML), Electronic Business XML (ebXML), Electronic Data Interchange (EDI), and other standards as they become available.

(2) All hospitals shall submit to the department a minimum data set on acute care hospital encounters occurring after *December 31, 2003*. *Submissions may begin sooner based upon plan submission and hospital capability*. If a hospital is unable to initially submit data for hospital encounters occurring after December 31, 2003, the hospital's plan shall detail an implementation plan including when the hospital will be able to comply with the rule. The data shall be submitted as a default standard electronic message or other format as agreed upon by the hospital and the department, using secure message transport protocols and data encryption.

(A) The minimum dataset shall be submitted a minimum of once per day as a batch message file containing the previous day's hospital encounters and updates.

(B) Real time messages will be default standard electronic messages. Other message formats must be approved and agreed upon by the department prior to submission of real time messages.

(3) The minimum dataset shall include: record type, hospital identifier, unique encounter identifier, type of encounter, place of service, patient medical record number, patient name, patient Social Security number, patient birth date, patient sex, patient race, patient ethnicity, residence address, city of residence, state of residence, zip code, county code, admission date, type of admission, and chief complaint. See Exhibit A and Exhibit B, included herein, for default standard electronic message specifications.

(4) Every hospital shall submit to the department by October 1, 2003 a plan that specifies how and when they will submit data to the department in compliance with section (2) of this rule. This plan may be revised by the hospital, with the approval of the department, in the event the hospital's capacity to report electronic messages changes to support the default standard electronic message as either batch or real time messages. The hospital shall notify the department by sixty (60) days in advance of the date they plan to change the method in which they report data. This plan shall include but not be limited to:

(A) Timing of messages either real time or batch;

(B) Secure message transport protocols to be used when submitting data to the department;

(C) Proposed format of data if the hospital is not able to conform to the default standard electronic message defined in Exhibit A or Exhibit B;

(D) Proposed format code set domain values if the hospital is not able to conform to the code sets defined in Exhibit A or Exhibit B;

(E) Hospital technical contact(s) and contact information for the department to utilize in the event technical assistance or support is necessary;

(F) Expected date to begin sending messages;

(G) If a change request, the reason for change.

(5) Hospitals shall notify the department by sixty (60) days in advance if they plan to submit the required data to the department through an association or related organization with which the department has a binding agreement to obtain data. Providers selecting this

option are responsible for ensuring that the data meet the data standards defined in this rule and are submitted to the association or related organization so the time schedule in section (2) of this rule is met. The association or related organization is responsible for ensuring that the data are provided to the department and conform to the specifications listed in Exhibit A of this rule, meeting the time schedule of section (2) of this rule.

(6) Hospitals may submit data directly to the department or through a third party acting as their agent, other than one with which the department has a binding agreement. Providers selecting this option are responsible for ensuring that all data specifications conform to the requirements of this rule.

(7) The department may release patient data on hospital encounters to a public health authority to assist the agency in fulfilling its public health mission. This data shall not be re-released in any form by the public health authority without the prior authorization of the department. Authorization for subsequent release of the data shall be considered only if the proposed release does not identify a patient, physician or provider. However, the department may authorize contact with the patient, physician or provider based upon the information supplied. The physician and provider that provided care to a patient shall be informed by the public health authority of any proposed contact with a patient.

(8) Any hospital which determines it will be temporarily unable to comply with any of the provisions of this rule or with the provisions of a previously submitted plan or plan of correction can provide the department with written notification of the expected deficiencies and a written plan of correction. This notification and plan of correction shall include the section number and text of the rule in question, specific reasons why the provider cannot comply with the rule, an explanation of any extenuating factors which may be relevant, the means the provider will employ for correcting the expected deficiency, and the date by which each corrective measure will be completed.

(9) Any hospital, which is not in compliance with these rules, shall be notified in writing by the department. The notification shall specify the deficiency and the action, which must be taken to be in compliance. The chief executive officer or designee shall have ten (10) working days following receipt of the written notification of non-compliance to provide the department with a written plan for correcting the deficiency. The plan of correction shall specify the means the provider will employ for correcting the cited deficiency and the date that each corrective measure will be completed.

(10) Upon receipt of a required plan of correction, the department shall review the plan to determine the appropriateness of the corrective action. If the plan is acceptable, the department shall notify the chief executive officer or designee in writing and indicate that implementation of the plan should proceed. If the plan is not acceptable, the department shall notify the chief executive officer or designee in writing and indicate the reasons why the plan was not accepted. A revised, acceptable plan of correction shall be provided to the department within ten (10) working days.

(11) Failure of the hospital to submit an acceptable plan of correction within the required time shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(12) Failure of any hospital to follow its accepted plan of correction shall be considered continued and substantial noncompliance with this rule unless determined otherwise by the director of the department.

(13) Any hospital in continued and substantial noncompliance with this rule shall be notified by registered mail and reported by the department to its Bureau of Hospital Licensing and Certification, Bureau of Narcotics and Dangerous Drugs, Bureau of Emergency Medical Services, Bureau of Home Health Licensing and Certification, Bureau of Radiological Health, State Public Health Laboratory, Bureau of Special Health Care Needs, the Division of Medical Services of the Department of Social Services, the Division of Vocational Rehabilitation of the Department of Elementary and Secondary Education and to other state agencies that administer a program with provider participation. The department shall notify the agencies that the provider is no longer eligible for participation in a state program.

(14) Any hospital that has been declared to be ineligible for participation in a state program shall be eligible for reinstatement by correcting the deficiencies and making written application for reinstatement to the department. Any provider meeting the requirements for reinstatement shall be notified by registered mail. The department shall notify state agencies that administer a program with provider participation that the provider's eligibility for participation in a state program has been reinstated.

PUBLISHER'S NOTE: The forms, which are "included herein" as a part of this rule, are published in the emergency rules section of this issue of the Missouri Register (28 MoReg 1249-1264).

AUTHORITY: sections 192.020, 192.067, 192.667, RSMo 2000. Emergency rule filed June 25, 2003, effective July 6, 2003, expires Jan. 2, 2004. Original rule filed June 25, 2003.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions two hundred twenty thousand eight hundred dollars (\$220,800) initial hospital costs and ten thousand eight hundred dollars (\$10,800) each subsequent year in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities six hundred thirty-eight thousand four hundred dollars (\$638,400) initial hospital costs and two hundred thirty-nine thousand four hundred dollars (\$239,400) each subsequent year in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Garland Land, Director, Center for Health Improvement and Management Evaluation, PO Box 570, 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.

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance
Type of Rulemaking:	Proposed rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate:
Department of Health and Senior Services	\$220,800 initial \$10,800 per year each subsequent year

II. WORKSHEET

1. 125 hours x \$45/hour = **\$5,625**
2. 1,500 hours x \$45/hour = **\$67,500**
3. Cost of software and hardware to receive and parse messages = **\$110,000**
4. 20 hours/month x \$45/hour x 12 months/year = **\$10,800** per year
5. 200 hours x \$45 /hour = **\$9,000**
6. 133 hospitals x 3 hours/hospital x \$45 /hour = **\$17,955**
7. Aggregate = **\$220,800** initial
\$10,800 each subsequent year

IV. ASSUMPTIONS

1. One man-hour will be required to review each hospital's plan and document deficiencies. (2 people, 0.5 hours each) and 7 hours administrative time to respond to plans.
2. It will take approximately 1,500 man-hours to write the interfaces and develop code to receive, parse, and audit the messages/files received from hospitals.
3. Hardware and software to support receipt and parsing of messages.
4. 20 man-hours per month will be required to maintain and/or troubleshoot the interface once developed.
5. 200 man-hours will be required to troubleshoot, test, and modify interfaces during initial startup of messaging.
6. 3 hours per hospital for consultation and technical assistance developing messages

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Health Syndromic Surveillance
Type of Rulemaking:	Proposed Rule

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:
133	Licensed Hospitals	\$638,400 initial \$239,400 subsequent years

III. WORKSHEET

- 133 hospitals x (40 hours/hospital x 75 dollars/hour) =
 $133 \times \$3,000/\text{hospital} = \mathbf{\$399,000}$
- 133 hospitals x ((2 hours/month x 75 dollars/hour) x 12 months/year) =
 $133 \text{ hospitals} \times (\$150/\text{month}) \times 12 \text{ months/year} =$
 $133 \text{ hospitals} \times \$1,800 / \text{hospital/year} = \mathbf{\$239,400 / year}$
- Aggregate = $\$399,000 + \$239,400 = \mathbf{\$638,400}$ initial
 $\mathbf{\$239,400}$ each subsequent year

IV. ASSUMPTIONS

1. Based upon a capacity survey of Missouri hospitals, the mean time estimated to develop a compliant message was 40 hours.
2. We assumed 2 hours per month to deliver and maintain the message delivery infrastructure (ongoing costs).
3. We assumed \$75 per hour as a reasonable rate for estimation.