

**U**nder 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."

**E**ntirely 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

**A**n 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.

**I**f 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*.

**A**n 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.

**I**f 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.

(1) Critical Positions Exceptions Defined. For purposes of this rule, critical positions are defined as follows:

(A) Physicians, psychiatrists, psychologists, security aides, registered nurses, licensed practical nurses, nursing assistants, psychiatric aides, developmental assistants, and teacher and teacher aides and therapists in the schools for the severely handicapped, deaf and blind when those positions are involved in the direct care and treatment of patients and students;

(B) Social service workers, social service supervisors I, caseworkers, self-sufficiency case managers, Income Maintenance (IM) supervisor I, Division of Family Services (DFS) county directors, when those positions are required to meet the daily subsistence needs of recipients of state services;

(C) Correction officers, correction supervisors, probation and parole officers, judiciary staff, capitol police, youth specialists, youth group leaders, water patrol, when those positions are required to ensure the public health and safety of the public; and

(D) Department directors may petition to the commissioner of administration for the inclusion of specific positions where it is demonstrated that there is imminent risk to human health and safety or substantial revenues will be lost with no opportunity for future recovery if the position(s) remains vacant.

(2) Definitions of Seasonal and Federally Funded Positions. For purposes of this rule, seasonal and federally funded positions are defined as follows:

(A) Seasonal employees are defined as employees in positions involving short term, part-time or intermittent work schedules which do not exceed one thousand (1,000) hours per year, and who are eligible to retire based on prior state service in benefit eligible positions. Such seasonal positions may be refilled; and

(B) Entirely federally funded positions are defined as positions that have been funded one hundred percent (100%) with federal funds for the previous twelve (12) months.

(3) Department of Transportation and Department of Conservation. As provided by the authorizing statute, should the highway commission that governs the health care plans of the Missouri Department of Transportation and the Missouri Highway Patrol and the Conservation Commission of the Department of Conservation exercise the option to offer the medical benefit provided by the authorizing statute, each agency shall adhere to the provision of not refilling more than twenty-five percent (25%) of the vacated positions. No exceptions shall be granted except those otherwise expressed by this rule.

(4) Specific Educational Institutions. As provided by the authorizing statute, the provisions of this rule do not apply to Truman University, Lincoln University, or the educational institutions described in section 174.020, RSMo.

*AUTHORITY: Senate Bills Nos. 248, 100, 118, 233, 247, 341 and 420, as enacted, truly agreed and finally passed by the First Regular Session of the 92nd General Assembly (Section 2.5) and styled in part "relating to the retirement system and benefits, with penalty provisions and an emergency clause for certain sections". Original rule filed July 21, 2003.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Administration, Jacquelyn D. White, Commissioner, PO Box 809,*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 1—OFFICE OF ADMINISTRATION  
Division 10—Commissioner of Administration  
Chapter 18—Retirement Policy**

**PROPOSED RULE**

**1 CSR 10-18.010 Retirement Policy**

*PURPOSE: The state of Missouri adopted a retirement incentive providing health insurance at the active rate for five (5) years for eligible retirees meeting specific criteria. State agencies are allowed to fill only twenty-five percent (25%) of the positions vacated because of the retirement incentive between February 1, 2003 and September 1, 2003. Exceptions to the twenty-five percent (25%) restriction may be made for critical or seasonal positions, or positions which are entirely federally funded. This rule establishes the definitions of those exceptions.*

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 1—Wildlife Code: Organization**

**PROPOSED AMENDMENT**

**3 CSR 10-1.010 Organization and Methods of Operation.** The commission proposes to amend section (2).

*PURPOSE:* This amendment reflects organizational changes that were approved by the Conservation Commission effective July 1, 2003.

(2) The commission appoints a director who serves as the administrative officer of the Department of Conservation. The director appoints other employees and is assisted by a deputy director-field and a deputy director-administration with programs and activities carried out by the divisions of fisheries, wildlife, forestry, protection, outreach and education, administrative services, private land services, resource science and human resources. [An] **Two** (2) assistants to the director supervise/s/ the policy coordination section, and provide/s/ leadership for special projects and initiatives as assigned by the director; notably legislative liaison and partnerships with other entities.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 28, 1974, effective July 8, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 23, 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 30—Missouri Board for Architects, Professional  
Engineers, Professional Land Surveyors, and Landscape  
Architects  
Chapter 3—Seals**

**PROPOSED RESCISSION**

**4 CSR 30-3.020 Seal—Architect.** This rule described the format for the personal seal of an architect.

*PURPOSE:* This rule is being rescinded to allow the board to adopt a new rule that describes the format for the personal seal of an architect, professional engineer, a professional land surveyor and a landscape architect.

*AUTHORITY:* sections 327.041, RSMo Supp. 2001 and 327.411, RSMo 2000. Original rule filed March 16, 1970, effective April 16,

1970. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed July 24, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@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 30—Missouri Board for Architects, Professional  
Engineers, Professional Land Surveyors, and Landscape  
Architects  
Chapter 3—Seals**

**PROPOSED RESCISSION**

**4 CSR 30-3.030 Seal—Professional Engineer.** This rule described the format for the personal seal of a professional engineer.

*PURPOSE:* This rule is being rescinded to allow the board to adopt a new rule that describes the format for the personal seal of an architect, professional engineer, a professional land surveyor and a landscape architect.

*AUTHORITY:* sections 327.041, RSMo Supp. 2001 and 327.411, RSMo 2000. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed July 24, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@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 30—Missouri Board for Architects, Professional  
Engineers, Professional Land Surveyors, and Landscape  
Architects  
Chapter 3—Seals**

**PROPOSED RESCISSION**

**4 CSR 30-3.040 Seal—Professional Land Surveyor.** This rule described the format for the personal seal of a professional land surveyor.

*PURPOSE:* This rule is being rescinded to allow the board to adopt a new rule that describes the format for the personal seal of an architect, professional engineer, a professional land surveyor and a landscape architect.

*AUTHORITY:* sections 327.041, RSMo Supp. 2001 and 327.411, RSMo 2000. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed July 24, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@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 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 3—Seals**

#### **PROPOSED RESCISSION**

**4 CSR 30-3.050 Licensee's Seal—Landscape Architect.** This rule described the format for the personal seal of a landscape architect.

*PURPOSE:* This rule is being rescinded to allow the board to adopt a new rule that describes the format for the personal seal of an architect, professional engineer, a professional land surveyor and a landscape architect.

*AUTHORITY:* section 327.041, RSMo Supp. 2001. Original rule filed Oct. 30, 2002, effective April 30, 2003. Rescinded: Filed July 24, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@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 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects Chapter 3—Seals**

#### **PROPOSED RULE**

#### **4 CSR 30-3.060 Licensee's Seal**

*PURPOSE:* This rule describes the format for personal seal of an architect, a professional engineer, a professional land surveyor, and a landscape architect.

(1) Each person licensed on or after January 1, 2002 as an architect, professional engineer, professional land surveyor or landscape architect (not including interns or individuals "in-training") shall, at his/her own expense, secure a seal one and three-quarters inches (1 3/4") in diameter of the following design: the seal shall consist of two (2) concentric circles between which shall appear in Roman capital letters, the words, "State of Missouri" on the upper part of the seal and either "Architect," or "Professional Engineer," or "Professional Land Surveyor," or "Landscape Architect" as the case may be, on the lower part, and within the inner circle shall appear the name of the licensee, together with his/her license number preceded by the Roman capital letter A for Architect, PE for Professional Engineer, PLS for Professional Land Surveyor or LA for Landscape Architect. The seal of an Architect, a Professional Engineer, or a Professional Land Surveyor licensed prior to January 1, 2001, may display the word "Registered" in lieu of the word "Professional" as described herein.

(2) The seal may be in the form of an embossing seal, a rubber stamp, or a computer-generated image, identical in size, design and content with the provisions of section (1) above.

(3) In addition to the personal seal, the licensee shall also affix his/her signature on or through his/her seal and place the date when the document was originally sealed, under the seal, at the minimum, to the original of each sheet in a set of plans, drawings, specifications, estimates, reports and other documents which were prepared by the licensee or under his/her immediate personal supervision. The term "signature," as used herein shall mean a handwritten identification containing the name of the person who applied it; or for electronic or digital documents shall mean an electronic authentication process attached to or logically associated with the document. The digital signature must be unique to, and under the sole control of the person using it; it must also be capable of verification and be linked to a document in such manner that the digital signature is invalidated if any data on the document is altered.

(A) Documents that are without an electronic signature or authentication process that are transmitted electronically shall have the seal removed and the following inserted in its place: "This media should not be considered a certified document."

(B) When revisions are made, the licensee who made the revisions or under whose immediate personal supervision the revisions were made shall sign, seal and date each sheet and provide an explanation of the revisions.

(C) In lieu of signing, sealing and dating each page, the licensee(s) may sign, seal and date the title page, an index page, or a seals page on bound multiple page documents not considered to be drawings, providing that the signed page clearly identifies all of the other pages comprising the bound volume. Provided further that any of the other pages which were prepared by, or under the immediate personal supervision of another licensee be signed, sealed and dated as provided for, by the other licensee. Any additions, deletions or other revision shall not be made unless signed, sealed and dated by the

licensee who made the revisions or under whose immediate personal supervision the revisions were made.

(4) Plans, specifications, estimates, plats, reports, surveys, and other documents or instruments shall be signed, sealed and dated unless clearly designated preliminary or incomplete. If the plan is not completed, the phrase, "Preliminary, not for construction, recording purposes or implementation" or similar language or phrase shall be placed in an obvious location so that it is readily found, easily read and not obscured by other markings. It shall be a disclaimer and notice to others that the plans are not complete.

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

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

*AUTHORITY: sections 327.041, RSMo Supp. 2002, and 327.411, RSMo 2000 as amended by Senate Bill 478 (2003). Original rule filed July 24, 2003.*

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

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately twenty-four thousand eight hundred thirty-five dollars (\$24,835) annually for the life of the rule. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by facsimile at (573) 751-8046 or by e-mailing moapels@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: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 3 - Seals

Proposed Rule - 4 CSR 30-3.060 Licensee's Seal

Prepared April 8, 2003 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
47	Applicants (embossing seal @ \$30)	\$1,410.00
937	Applicants (rubber stamp @ \$25)	\$23,425.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$24,835.00</b>

### III. WORKSHEET

See table above.

### IV. ASSUMPTION

1. The board estimates that 937 new licensees will be required to purchase a seal annually. The board anticipates that 5% of these individuals will choose to purchase an embossing stamp.
2. Although the licensees will have to purchase a special software for the electronic seal, the board is getting feedback that it would save the licensees time and money if they could use computer generated seals because this would allow them to send documents electronically instead of making paper copies and sending the 2' x 3' drawings in the mail.
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 60—State Board of Barber Examiners  
Chapter 1—General Rules**

**PROPOSED RULE**

**4 CSR 60-1.040 Reinstatement of Expired License**

*PURPOSE:* This rule establishes the requirements for reinstatement of an expired license.

(1) The holder of an expired license to practice barbering may submit an application to the board to reinstate that license within two (2) years of the date the license expired. The application shall be on a form supplied by the board and shall be accompanied by the license renewal fee plus the late fee and other information as the board may require.

(2) Examination Required. Any person who has allowed his/her license to practice barbering to expire for a period of more than two (2) years but less than five (5) years may submit an application to the board to reinstate that license by examination. The examination shall consist of the practical portion of the licensure examination. The application shall be properly completed on a form supplied by the board and shall include or be accompanied by the individual's license number, the examination fee, two (2) bust photographs measuring approximately two inches by two inches (2" × 2") which have been taken within the last two (2) years and other information as the board may require.

*AUTHORITY:* sections 328.080, RSMo 2000 and 328.110, RSMo as amended by House Bill 358 (2003). Original rule filed July 31, 2003.

*PUBLIC COST:* This proposed rule will cost the State Board of Barber Examiners an estimated seven thousand three hundred eighty-seven dollars and ninety-two cents (\$7,387.92) annually for the life of the rule. It is anticipated that the cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*PRIVATE COST:* This proposed rule will cost private entities an estimated twenty thousand dollars (\$20,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102 or at barber@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER****Title 4 -Department of Economic Development****Division 60 - State Board of Barber Examiners****Chapter 1 - General Rules****Proposed Rule - 4 CSR 60-1.040**

Prepared May 5, 2003 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Barber Examiners	\$7,387.92

**Estimated Annual Cost of Compliance for the Life of the Rule** **\$7,387.92**

**I. CALCULATION OF EXPENSE AND EQUIPMENT AND PERSONAL SERVICE COSTS:**

Employee's salaries were calculated using their annual salary multiplied by 40.47% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The cost per hour was then multiplied by the amount of time individual staff spent processing the applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

The salary for the Executive Director and Senior Office Support Staff positions are shared with another board. The Clerk IV is supported solely by the State Board of Barber Examiners. The figures below represent the personal service costs supported by the State Board of Barber Examiners. Staff duties include:

The Executive Director will devote 26 hours annually to reviewing applications with discrepancies, signing admittance letters and administering the examination which is held 6 times a year.

The Clerk IV will devote 24 hours a year annually to registering applicants for the examination and administration of the national examination.

The Senior Office Support Staff will be devoted 30 minutes to each application by performing the following duties: Receiving and processing request for application packets, processing applications and the accompanying documentation, updating the division's licensing system; preparing and forwarding the exam scheduling and admittance letter to the licensee, issuing the license upon successful passing examination results.

**RENEWING AN EXPIRED LICENSE**

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	NUMBER OF HOURS PERFORMING DUTIES	TOTAL COST PER APPLICATION/ RENEWAL
Executive Director	\$5,348.00	\$7,512.34	\$3.61	26	\$93.90
Clerk IV	\$20,472.00	\$28,757.02	\$13.83	24	\$331.81
Senior Office Support Staff	\$5,118.00	\$7,189.25	\$3.46	70	\$4,900.00

**Total Annual Personal Service Cost** **\$5,325.72**

Four members are in attendance for the administration of each practical examinations given every 2 months. Board members receive \$50 per day for per diem. Therefore, the board estimates \$1200 will be paid annually to board members for per diem.

**Summary of Personal Service Expenses**

Employee's Salaries	\$5,325.72
Board Member Per Diem	<u>\$1,200.00</u>
<b>Total Personal Service Exepenses</b>	<b>\$6,525.72</b>

**EXPENSE AND EQUIPMENT - RENEWING AN EXPIRED LICENSE**

Renewal Application Printing	\$0.25
Application	\$0.16
Postage for Mailing Renewal Application	\$2.21
Printing License	\$0.35
Envelope for Mailing License	\$0.16
Postage for Mailing License	<u>\$0.35</u>
<b>Total Expense and Equipment Cost:</b>	<b>\$3.48</b>

**EXPENSE AND EQUIPMENT - REINSTATEMENT BY EXAMINATION**

Renewal Application Printing	\$0.25
Application	\$0.16
Postage for Mailing Renewal Application	\$2.21
NIC Practical Examination	\$15.00
NIC Written Examination	\$12.50
Examination Rental	\$10.00
Printing License	\$0.35
Envelope for Mailing License	\$0.16
Postage for Mailing License	<u>\$0.35</u>
<b>Total Expense and Equipment Cost:</b>	<b>\$40.98</b>

**Summary of Expense and Equipment Expenses**

	<u>Per Application</u>	<u>Number of Applications</u>	<u>Total Cost</u>
<b><u>Renewing an Expired License</u></b>			
Experience and Equipment	\$3.48	130	\$452.40
<b><u>Renewing an Expired License</u></b>			
Experience and Equipment	\$40.98	10	<u>\$409.80</u>
		<b>Total Expense and Equipment Expenses</b>	<b>\$862.20</b>

1. Figures above represent actual figures from FY02 and projected figures for FY03.
2. The total annual cost 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.



## PRIVATE ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 60 - State Board of Barber Examiners

Chapter 1 - General Rules

Proposed Rule - 4 CSR 60-1.040

Prepared April 8, 2003 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

## 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 annual cost of compliance with the amendment by affected entities:
130	Barbers (renewing an expired license - \$100 renewal fee plus \$50 reinstatement delinquent fee)	\$19,500.00
10	Barbers (reinstatement by examination - \$50)	\$500.00
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$20,000.00</b>

## III. WORKSHEET

See table above.

## IV. ASSUMPTION

1. Figures above represent actual figures from FY02 and projected figures for FY03.
2. The total annual cost 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.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 60—State Board of Barber Examiners  
Chapter 4—Sanitation Rules**

**PROPOSED AMENDMENT**

**4 CSR 60-4.015 Sanitation Rules.** The board is proposing to amend subsection (1)(K) and subparagraph (2)(G)1.B. of this rule.

*PURPOSE:* This rule is being amended to change the terminology and location of functional sinks in shops and schools/colleges and to clarify cut/blood spill procedures.

(1) Physical facilities shall consist of the following:

(K) *[Toilet Facilities] Restrooms.* All shops shall provide adequate and conveniently located *[toilet facilities] restrooms* for use by patrons and operators. All schools/colleges shall provide two (2) or more restrooms to separately accommodate male and female students. All *[lavatories] functional sinks* in barber schools and barbershops shall be provided with hot and cold running water, soap (liquid or powder), *[and]* paper towels, and *[shall be located within the toilet facility and]* shall be kept clean and in good repair. **A functional sink may be located inside or near the restrooms;**

(2) Sanitation requirements shall consist of the following:

(G) Disease Control and Injury/Blood Spill Procedure. No licensee or student barber within a barbershop or school/college shall attend patrons while afflicted with a communicable disease, nor shall patrons known to have a communicable disease be attended except as otherwise provided for under the Americans with Disabilities Act. Disposable gloves shall be worn by licensee or student barber with open wounds, dermatitis, or other non-intact skin of the hands. If a cut is sustained and/or blood spill should occur, the following steps must be followed:

1. Licensee or student barber cut/blood spill procedure—

A. Licensee or student barber must stop service immediately;

B. Clean cut area with soap (liquid or powder) and water and apply antiseptic. If necessary, *[liquid styptic or spray styptic] liquid, spray or powder styptic* may be applied to stop bleeding. Note: Do not allow containers or nozzles to touch or contact the wound; use an applicator as appropriate;

C. Cover cut area with adhesive bandage;

D. If work area and/or equipment are soiled with blood, licensee or student barber shall place disposable gloves on their hands and clean/disinfect the area and soiled objects;

E. Dispose of clean-up supplies and disposable gloves in covered waste receptacle;

F. Wash hands with soap (liquid or powder) and water; and

G. Place a clean disposable glove on if cut is sustained on the hand; and

2. Patron cut/blood spill procedure—

A. Licensee or student barber must stop service immediately;

B. Licensee or student barber must place disposable gloves on hands;

C. Cleanse cut area of patron, apply antiseptic and/or liquid styptic or liquid styptic or spray styptic, as necessary. Note: Do not allow container or nozzles to touch or contact the wound; use an applicator as appropriate;

D. Cover cut area with adhesive bandage as indicated;

E. If work area and/or equipment are soiled with blood, licensee or student barber shall disinfect work area and/or blood spill area and dispose of or disinfect all contaminated objects;

F. Remove and dispose of disposable gloves, and clean hands with soap (liquid or powder) and water; and

G. Return to service;

*AUTHORITY:* sections 328.060.2, 328.115, 328.130, 328.150 and 328.160, RSMo 2000. The material covered in this rule was previously filed as 4 CSR 60-3.010. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed July 31, 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 Missouri State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102 or at barber@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 70—State Board of Chiropractic Examiners  
Chapter 1—Organization and Description of Board**

**PROPOSED RESCISSION**

**4 CSR 70-1.010 Organization and Office Policies of Board.** This rule described the board's operation and methods and procedures where the public could obtain information or make submissions or requests.

*PURPOSE:* This rule is being rescinded and readopted to accurately reflect the board's current operations.

*AUTHORITY:* sections 331.100.2 and 536.023.3, RSMo 1986. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Rescinded: Filed July 31, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Chiropractic Examiners, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@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 70—State Board of Chiropractic Examiners  
Chapter 1—Organization and Description of Board**

**PROPOSED RULE**

**4 CSR 70-1.010 Organization and Office Policies of Board**

*PURPOSE:* This rule describes the board's operation and procedures for a name change.

(1) Whenever used in Title 4, Division 70 of the *Code of State Regulations*, the word "board" means the State Board of Chiropractic Examiners.

(2) Unless otherwise provided by statute or regulation, regular and special meetings of the board shall be governed by *Roberts' Rules of Order*.

(3) When a licensee or an applicant for licensure changes his/her name in any way, the licensee or applicant shall send to the board a copy of the official document granting the name change.

*AUTHORITY:* section 331.100.2, RSMo 2000. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed July 31, 2003.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.020 Diagnostic Procedures and Instruments.** The board is proposing to delete the annotations that immediately follow this rule in the *Code of State Regulations*.

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

*AUTHORITY:* section 331.010, RSMo [1986] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Amended: Filed July 5, 1978, effective Oct. 13, 1978. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed April 18, 1989, effective July 13, 1989. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.030 Adjunctive Procedures.** The board is proposing to delete the annotations that immediately follow this rule in the *Code of State Regulations*.

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

*AUTHORITY:* section 331.010, RSMo [1986] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. Amended: Filed July 5, 1978, effective Oct. 13, 1978. Rescinded and readopted: Filed July 9, 1982, effective Nov. 11, 1982. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.040 Application for Licensure.** The board is proposing to amend section (2) and add a new subsection (5)(G).

*PURPOSE:* This amendment requires that a person desiring to take the Special Purposes Examination for Chiropractic (SPEC) make application to the board to take the examination.

(2) Application forms may be obtained by writing the [board's executive director] board at 3605 Missouri Boulevard, P[.JO.] Box 672, Jefferson City, MO 65102-0672, contacting the board office at (573)-751-2104, or sending an e-mail request for an application packet to [chiro@mail.state.mo.us](mailto:chiro@mail.state.mo.us). [A copy of the

*applicable statutory provisions and rules governing the practice of chiropractic shall be provided with the application.]*

(5) Items to accompany application for licensure by reciprocity are—  
(E) Copy of high school diploma or General Educational Development (GED) Certificate if applicant was licensed prior to preprofessional requirement; *[and]*

(F) Two (2) sets of fingerprints and fingerprinting fee.; **and**

**(G) An applicant requesting board authorization to take the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners shall have an application filed with the board and pay the applicable fee as defined in 4 CSR 70-2.090(1)(C).**

*AUTHORITY: sections 43.543, 331.100.2, [RSMo 1994] and 331.030, RSMo [Supp. 1998] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 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 estimated one thousand eight hundred dollars (\$1,800) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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: 70 - Missouri State Board of Chiropractic Examiners**

**Chapter 2- General Rules**

**Proposed Rule - 4 CSR 70-2.040 Application for Licensure**

Prepared March 31, 2003 by the Division of Professional Registration

### II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
30	Applicants - SPEC Examination (\$60 fee decrease)	\$1,800.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$1,800.00</b>

### III. WORKSHEET

- The above figures are based on the number of applications for reciprocity received in 2002. These applications are automatically eligible for review of the SPEC examination in the event the board determines the licensure laws of the state of original licensure and Missouri are not substantially the same. However, the board also receives written requests for individuals wishing to be licensed in another state to be able to take the SPEC test in Missouri due to the chiropractor's location at the time. The board estimates 5 applications will be received annually.
- The board is currently charging \$240 for in state applications and \$300 for an application by reciprocity. The board is proposing to amend 4 CSR 70-2.090 to set all application fees at \$240 regardless of how a person applies for licensure.

### IV. ASSUMPTION

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

Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules

PROPOSED AMENDMENT

**4 CSR 70-2.045 Board-Approved Chiropractic Colleges.** The board is proposing to amend section (1) and delete section (2).

*PURPOSE: This amendment deletes the list of approved colleges of chiropractic education from the text of the rule. A list of approved chiropractic colleges can be obtained from the board office and/or website.*

(1) Under section 331.030, RSMo, the State Board of Chiropractic Examiners shall approve all chiropractic colleges having accredited status with the Commission on Accreditation of the Council on Chiropractic Education and will maintain a list of all approved chiropractic colleges which shall be available upon request.

*[(2) The board will maintain a list of all approved chiropractic colleges which shall be available upon request. Board-approved chiropractic colleges are—*

- (A) Cleveland Chiropractic College—Kansas City, MO;*
- (B) Cleveland Chiropractic College—Los Angeles, CA;*
- (C) Life Chiropractic College—Marietta, GA;*
- (D) Life Chiropractic College—West—San Lorenzo, CA;*
- (E) Logan College of Chiropractic—Chesterfield, MO;*
- (F) Los Angeles College of Chiropractic—Whittier, CA;*
- (G) National College of Chiropractic—Lombard, IL;*
- (H) New York Chiropractic College—Glen Head, NY;*
- (I) Northwestern College of Chiropractic—Bloomington, MN;*
- (J) Palmer College of Chiropractic—Davenport, IA;*
- (K) Palmer College of Chiropractic—West—Sunnyvale, CA;*
- (L) Parker College of Chiropractic—Irving, TX;*
- (M) Texas Chiropractic College—Pasadena, TX;*
- (N) Western States College of Chiropractic—Portland, OR;*
- (O) Canadian Memorial Chiropractic College—Toronto, Ontario, Canada; and*
- (P) School of Chiropractic, Phillip Institute of Technology—Bundoora, Victoria, Australia.]*

*AUTHORITY: sections 331.030[ , RSMo Supp. 1988] and 331.100.2., RSMo [1986] 2000. Original rule filed April 8, 1983, effective July 11, 1983. Amended: Filed April 10, 1986, effective July 11, 1986. Rescinded and readopted: Filed April 18, 1989, effective July 13, 1989. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules

PROPOSED AMENDMENT

**4 CSR 70-2.050 Examination.** The board is proposing to amend subsection (3)(B), delete subsection (6)(C) and reletter remaining subsections, amend section (7) and subsections (7)(A) and (7)(B), add a new subsection (7)(C), and amend subsection (8)(A) and add a new section (12).

*PURPOSE: This amendment allows an applicant to submit a color photo or a black and white photo for identification purposes; removes language regarding acceptable attire while taking the national examination; clarifies the language regarding passing the national and jurisprudence examination; and establishes one (1) year as the amount of time the board will maintain an application file.*

(3) For a senior student to be eligible to take the N.B.C.E. Part IV examination, or the board's practical examination, the following documentation is required:

(B) One (1) original, unretouched, black and white or color photograph of the applicant taken within the last six (6) months, showing the head and shoulders, front view, not to exceed two inches by two inches (2" × 2"), not a polaroid-type photograph;

(6) If the candidate is applying for a practical examination to be administered by the board, the following procedures will apply:

*[(C) Applicants may dress casually for the X-ray and jurisprudence examinations. Applicants shall dress professionally for the oral examination;]*

*[(D)](C) While examinations are in progress, any applicant detected cheating, attempting to give aid or accepting aid from another shall be excluded from further examination and the applicant's examination papers, if any, rejected;*

*[(E)](D) Any applicant who fails any portion of the board's practical examination three (3) times shall be required to return to an accredited chiropractic college and successfully complete a semester of additional study in the failed subjects; and*

*[(F)](E) If a candidate fails the examination or any portion thereof and subsequently passes an examination in another state, then wishes to obtain a Missouri license by reciprocity, that candidate shall successfully pass the previously failed section(s) of the Missouri board's practical examination or the Special Purposes Examination for Chiropractic (SPEC) which is administered by the National Board of Chiropractic Examiners before a license will be granted.*

(7) Requirements for a passing *[grade] score* are—

(A) The applicant must achieve a composite score of seventy-five percent (75%) on the N.B.C.E. Part IV examination, or score seventy-five percent (75%) in each section of the board's practical examination. *[The applicant must also achieve a composite score of seventy-five percent (75%) on the exam over the Missouri statutes, rules and regulations; and]*

(B) The applicant will be required to retake only the failed section(s), if any, of the board's practical examination or the examination over the Missouri statutes, rules and regulations, upon payment of the reexamination fee.; and

(C) **The applicant must receive a composite score of seventy-five percent (75%) on the jurisprudence examination regarding Missouri statutes and regulations.**

(8) Notification of Examination Results if Taking a Practical Examination Administered by the Board.

(A) An applicant who receives a passing *[grade]* score will be notified that s/he has passed but will not be advised of the score received.

**(12) If the applicant fails to provide all materials required in 4 CSR 70-2.050 within one (1) year of filing the application for licensure, the board may return the application and materials to the applicant. The applicant may request an extension of the one (1) year time period upon submitting a written request to the board outlining the reasons the applicant is not able to provide the documentation required for licensure.**

*AUTHORITY: sections 331.030], and 331.050, RSMo Supp. 1999] and 331.100.2, RSMo [1994] 2000. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@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 70—State Board of Chiropractic Examiners Chapter 2—General Rules

#### PROPOSED AMENDMENT

**4 CSR 70-2.060 Professional Conduct Rules.** The board is proposing to amend section (1), paragraph (6)(E)8., and section (7), delete sections (8), (11) and (12), renumber the remaining sections accordingly, amend the newly renumbered sections (8)–(11) and section (13).

*PURPOSE: This amendment requires a licensee to provide both residential and business address and telephone numbers; provide a mailing address, telephone number, and e-mail address to use when an applicant has a change of address; clarifies disclosure of information regarding specialty areas of practice; clarifies the requirement regarding patient notification when a practice is sold and removes language when a practice closes due to the death of the licensee; clarifies the minimum time frame to retain patient records as well as identifying minimum record keeping requirements; and removes the title “nutritional evaluation” since the language is not necessary for the enforcement of the regulation.*

(1) Each licensed chiropractic physician shall notify the board of his/her *[professional]* **business and residential address and telephone number(s)** and immediately shall inform the *[board’s executive director]* **board** of any change of address or **telephone number within fifteen (15) days of such change. Notification shall be sent to the board at 3605 Missouri Boulevard, or PO Box 672, Jefferson City, MO 65102-0672, contacting the board office at (573) 751-2104, or sending an e-mail to chiro@mail.state.mo.us.**

(6) Advertisement or Solicitation.

(E) An advertisement or solicitation, as defined in this rule, shall not be false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading and/or deceptive shall include, but not be limited to, the following contents or omissions:

1. Any untrue statement;
2. Any matter, or presentation or arrangement of any matter, in a manner or format which is false, misleading or deceptive to the public;
3. Omission of any fact which under the circumstances makes the statement false, misleading or deceptive to the public;
4. Transmission in a manner which involves coercion, intimidation, threats or harassing conduct;
5. An attempt to attract patronage in a manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;
6. Any self-laudatory statements;
7. Transmission to a person who has made known to the licensee a desire not to receive communication from the licensee; or
8. A statement or implication that a licensee is a specialist, *[unless the licensee holds a current certificate as a specialist, issued by the Missouri State Board of Chiropractic Examiners, or]* unless the advertisement contains a notice that neither Missouri nor the Missouri State Board of Chiropractic Examiners reviews or approves certifying organizations or specialist designations for chiropractic physicians.

*(7) [Chiropractic Practices Following Death of Chiropractic Physician or When a Chiropractic Physician Moves From City or Sells Practice.]* A chiropractic office shall not be closed until the board has been provided with information which in the board’s view is sufficient to assure the board that adequate measures have been taken by the licensee or licensee’s heirs to provide for the transfer of patient records, including X-rays, to either the patient or another health-care provider of the patient’s choosing or to assure the board that the patient does not desire the records delivered to him/her or another health-care provider.

*[(8) Death or Divorce of Licensee. Any person who acquires an interest in a chiropractic office as a result of the death or divorce of the licensee and who is not him/herself a licensee may continue to operate the chiropractic office for a period not to exceed six (6) months; provided, however, that the person must divest all interest in the business by the end of the six (6)-month period and that person shall not have any control over the methods of practice or the professional judgment of any licensee(s) employed by the chiropractic business. Nothing in this rule shall be construed to authorize any person not otherwise licensed under this chapter to engage in the practice of chiropractic in any form.]*

*[(9)](8) The licensee *[should]* **shall** retain patient records for at least *[five (5)] seven (7)* years.*

*[(10)](9) *[Medical Records to be Released to Patient, When, Exception, Fee Permitted, Amount, Liability of Provider Limited.]* Failure of the licensee to comply with section 191.227, RSMo shall be considered unprofessional conduct.*

*[(11) Minimal Recordkeeping Standards.]*

*[(A)](10) *[These]* **Minimal record keeping** standards apply to all licensed chiropractic physicians, chiropractic assistants and certified chiropractic technicians. These standards also apply to those examinations advertised at a reduced fee or free (no charge) service.*

*[(B)](A) Adequate patient records shall be legibly maintained. Initial and follow-up services (daily records) shall consist of document-*

tation to justify care. If abbreviations or symbols are used in the daily record keeping, a key must be provided.

**[(C)](B)** *[All patient records]* **Minimum record keeping regarding a patient** shall include patient history, symptomatology, examination, diagnosis, prognosis and treatment.

**[(D)](C)** Provided the board takes disciplinary action against a chiropractic physician for any reason, these minimal clinical standards will apply. It is understood that these procedures are the accepted standard(s) and anything less than this shall be considered unprofessional conduct in the practice of chiropractic.

*[(12) Nutritional Evaluation.]*

**[(A)] (11)** A nutritional evaluation which is in response to stimulation of the olfactory nerve receptors and those procedures including holding vitamins, minerals, herbs or any food or food product in the hand, laying vitamins, minerals, herbs or any food or food product on or near the skin and touching various areas of the skin, are unproven, could lead to errors in diagnosis and are potentially detrimental to the health of the patient being evaluated and is considered unprofessional conduct in the practice of chiropractic.

**[(B)] (A)** Nutritional evaluation shall include history; type of dysfunction; laboratory tests, if necessary; physical diagnosis; and dietary inadequacies. Nutritional evaluation without these procedures is deemed unprofessional conduct.

**[(C)] (B)** Nutritional evaluation which is in response to stimulation of the gustatory nerve receptors is not a diagnostic procedure but may be used as an adjunctive procedure when used in conjunction with subsection **[(11)](B)** **(10)(A)**.

**[(13)] (12)** Any licensee who performs a chiropractic review under section 376.423, RSMo without having obtained a certification from the board or is not in compliance with 4 CSR 70-4 of the board's rules shall be deemed to have engaged in unprofessional conduct in the practice of chiropractic.

**[(14)] (13)** Violation of the Health Care Payment Fraud and Abuse Act, *Missouri Revised Statutes* section 191.900 et seq. or the "anti-kickback" portions of the Medicare/Medicaid anti-fraud and abuse statute, 42 *United States Code* section 1320a-7b[b], by knowingly and willingly offering, paying, soliciting or receiving remuneration in order to induce business reimbursed under the Medicare or state administered health care programs will be considered unprofessional or improper conduct in the practice of chiropractic. Conduct will not be considered a violation of this rule, if the ownership or investment interest in such service meets the requirements of the "safe harbor" provisions of Title 42 *Code of Federal Regulations* part 1001.

**AUTHORITY:** sections 331.060 and 331.100.2, RSMo [1994] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 31, 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 estimated seven hundred three thousand four hundred eighty-eight dollars (\$703,488) during the first year of implementation and an estimated six hundred eighty-one thousand five hundred four dollars (\$681,504) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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: 70 - Missouri State Board of Chiropractic Examiners

Chapter 2- General Rules

Proposed Rule - 4 CSR 70-2.060 Professional Conduct Rules

Prepared March 31, 2003 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1832	Licenses - One Time Rental Setup Fee (\$12)	\$21,984.00
1832	Licenses - Rental of Additional Space (\$372 annually)	\$681,504.00
	<b>Estimated Cost of Compliance During the First Year of Implementation of the Rule</b>	<b>\$703,488.00</b>
		<b>with a continuous annual cost of \$681,504 for the life of the rule</b>

## III. WORKSHEET

1. The proposed amendment requires chiropractors to retain medical records 7 years, therefore, all licensed chiropractors will be affected by the proposed amendment. The board assumes that chiropractors keep paper medical records versus electronic medical records. Additional space may be needed for retaining the records. The board anticipates the square footage and cost of retaining records off site is likely comparable to retaining records at an office, therefore, the total current licensee count was used in calculating this fiscal note.
2. Two national storage companies with several locations in Missouri were used to obtain costs estimates. A 5 x 5 climate controlled unit in the St. Louis area ranges from \$25-\$37 per month. Therefore, the board used an average of \$31 per month to calculate this private entities cost. This average is for the St. Louis area.

## IV. ASSUMPTION

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

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.065 Public Complaint Handling and Disposition.** The board is proposing to amend sections (3) and (4), delete section (6), renumber the remaining sections accordingly and delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment simplifies the regulations and reflects current procedures of the board for handling complaints.

(3) All complaints shall be made by affidavit sworn before a notary public or other authorized officer and fully shall identify the affiant by name and address. Complaints may be made on forms provided by the board and available upon request. Oral, telephone or written [unsworn communications] **information that is not notarized will not be considered or processed as complaints, but the person [making these communications] communicating with the board** will be provided with a complaint form and requested to complete it and return it to the board in affidavit form. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged [in a book] **and** maintained by the board for that purpose. The [logbook] **complaint information** shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This [logbook] **complaint information** shall be a closed record of the board.

[[6] *The executive committee, composed of the president and secretary, of the board, from time-to-time and as it deems necessary, in consultation with the board's legal counsel and executive director, may direct the board's investigator to investigate any complaint before the complaint has been considered by the board. The executive director shall report any actions to the board.*]

[[7]](6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general public. However, a copy of the complaint and any attachments to it shall be provided to any licensee who is the subject of that complaint, or his/her legal counsel, upon written request to the board, by the licensee.

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

[[9]](8) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing

boards. This rule is not deemed to protect, or inure to the benefit of, those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 331, RSMo.

*AUTHORITY:* sections [4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B and] **620.010.15(6), RSMo Supp. 2002 and 331.100.2., RSMo [1986] 2000.** Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.070 Reciprocity.** The board is proposing to amend section (3) and subsections (4)(A) and (4)(B), delete sections (5) and (7), and renumber the remaining sections accordingly.

*PURPOSE:* This amendment includes a telephone number and e-mail address that applicants can obtain information regarding licensure by reciprocity; allows applicants for licensure by reciprocity to submit either a color photo or a black and white photo as identification and designates a passing score acceptable for licensure; and removes the requirement that an applicant for licensure by reciprocity obtain letters of recommendation and redundant language concerning the jurisprudence examination.

(3) Application forms may be obtained by writing the [board's executive director] **board** at 3605 Missouri Boulevard, or P[O.] Box 672, Jefferson City, MO 65102-0672 **calling the board at (573) 751-2104 or sending an e-mail to [chiro@mail.state.mo.us](mailto:chiro@mail.state.mo.us).** [A copy of the applicable statutory provisions and rules governing the practice of chiropractic shall be provided with the application.]

(4) The following documentation must be received by the board before a license will be issued:

(A) An original, unretouched, black and white **or color** photograph of the applicant taken within the last six (6) months, showing the head and shoulders, front view, not to exceed two inches by two inches (2" × 2");

(B) A [completed open-book] **composite score of seventy-five percent (75%) on the jurisprudence examination regarding Missouri statutes and regulations;**

[(5) Satisfactory evidence that applicant continuously has practiced for at least one (1) year immediately preceding the filing of the application shall be, but is not limited to—

(A) Notarized letters from at least two (2) other chiropractic physicians or health care professionals in the community where applicant has been or is still practicing;

(B) Notarized letters from at least two (2) patients in the community where applicant has been or is still practicing;

(C) Notarized letters from at least two (2) community leaders, clergy or attorneys in the community where applicant has been or is still practicing; or

(D) Copies of Schedule C of the federal income tax return for the past two (2) years.]

[(6)](5) When a chiropractic physician obtains a Missouri license by reciprocity, the licensee shall submit proof of having obtained the required postgraduate education hours prior to the first renewal period.

[(7) Applicants for licensure by reciprocity shall submit the completed open-book jurisprudence examination with the application. This should be completed in black ink or type-written.]

[(8)](6) When applicant is seeking Missouri licensure by reciprocity and the state from which applicant is seeking to reciprocate does not allow equivalent reciprocal licensing of Missouri licensees, or if that state's requirements for securing a chiropractic license are not equivalent to the requirements of this state for licensure, the board may, in its discretion, require the applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners.

**AUTHORITY:** sections 331.030[, RSMo Supp. 1998] and 331.100.2, RSMo [1994] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners Chapter 2—General Rules

#### PROPOSED AMENDMENT

**4 CSR 70-2.080 Biennial License Renewal.** The board is proposing to add subsection (3)(A), amend section (4), subsection (4)(E), and sections (16)–(18), delete section (19) and renumber the remaining sections accordingly.

**PURPOSE:** This amendment clarifies continuing education requirements for a newly licensed chiropractor; clarifies the acceptance of

continuing education hours obtained via the Internet; clarifies the continuing education requirement for a chiropractor licensed by reciprocity or examination and removes language that is addressed in another section of the regulation; clarifies the continuing education acceptable for licensure renewal when a licensee serves as an associate examiner during the administration of the national examination for chiropractic licensure; and clarifies the reactivation of a license that has expired due to a licensee not renewing the license.

(3) Every currently licensed chiropractic physician shall obtain annually the required number of continuing education hours (herein “C.E. credits”) in the appropriate categories noted in section (2) of this rule. The continuing education reporting period shall begin each year on January 1 and end on December 31. C.E. credits earned after December 31 shall apply to the next reporting cycle unless the licensee pays the continuing education penalty fee. Payment of the continuing education penalty fee will entitle a licensee to earn C.E. credits after December 31 but by no later than the following February 28/29.

(A) A chiropractic physician issued a license within one (1) year of graduation from an approved chiropractic college shall be exempt from the continuing education requirements for the calendar year that the license was issued.

(4) At least twelve (12) of the twenty-four (24) C.E. credits required must be credit hours earned by attending formal continuing education programs which meet the requirements of 4 CSR 70-2.081(1). The twelve (12) C.E. credits earned by attending formal continuing education programs shall be four (4) hours credit in diagnostic imaging; four (4) hours in differential or physical diagnosis, or both; and four (4) hours in boundary training, emergency procedures, Human Immunodeficiency Virus (HIV) or infectious diseases. No more than twelve (12) C.E. credits can be earned during each reporting period through other continuing education experiences, and nothing herein shall be construed to require that licensees obtain any portion of their C.E. credits through such other continuing education experiences. Other continuing education experiences shall be categorized as general studies unless [pre]approved by the board and meets the requirements of section 331.050.1, RSMo and board rule 4 CSR 70-2.081(2). The board defines other continuing education experiences as follows:

(E) Individual Study. Relevant chiropractic courses subscribed via the [i]Internet or by other electronic means. [Individual study may also be classified as formal continuing education if the program is approved by the board in advance and meets the requirements of 4 CSR 70-2.081(1) and (2).]

[(16) Continuing Education Requirements During the First Year of Practice.

[(A) All licensees who have received their licenses by reciprocity must complete the required hours of continuing education prior to the first renewal date following the granting of their license by reciprocity.

(B) All licensees who have received a license by examination within the preceding twelve (12) months of the expiration date of the license shall not be required to earn C.E. credits for their initial year of licensing or portion of it.]

**(16) All licensees who have received their licenses by reciprocity must complete the required hours of continuing education prior to the first renewal date following the granting of their license by reciprocity.**

(17) Chiropractic physicians acting as associate examiners for either the state board practical examination or the regional/national practical examination (Part IV) administered by the National Board of Chiropractic Examiners (N.B.C.E.) may receive up to a maximum of

[sixteen (16)] **twenty-four (24)** hours per year of continuing education credit for the administration of the examination.

(A) For the first full day of service provided to the N.B.C.E. in administering the Part IV examination, associate examiners will be credited with four (4) hours of continuing education in differential or physical diagnosis and four (4) hours of credit in general chiropractic continuing education.

(B) For the second full day of service provided to the N.B.C.E. in administering the Part IV examination, associate examiners will be credited with eight (8) hours of general chiropractic continuing education.

(C) If a chiropractic physician should provide less than four (4) hours of service to the N.B.C.E. in any one administration of the Part IV examination, continuing education credit will not be available to that licensee. C.E. credits earned from administering the Part IV examination shall be in the formal continuing education category.

(D) **If the associate examiner attends the examiner orientation as part of the N.B.C.E. examination administration the associate examiner is eligible for two (2) hours of continuing education in boundary training for each full day the associate examiner participates in the N.B.C.E. administration.**

(E) **If the associate examiner proctors the X-ray portion of the N.B.C.E., the associate examiner is eligible for one (1) hour of continuing education in X-ray for each examination session. The associate examiner shall be eligible for up to four (4) hours of continuing education credit in X-ray for proctoring the X-ray portion of the examination the entire day.**

(18) If a bad check is received by the board to renew a license and if the replacement [cashier's check] fee is not received prior to the expiration date of the license, the license will be [inactivated] **not current** and the licensee shall not practice until the [license has been reactivated] **reactivation form and fee have been submitted to the board.**

[(19)] *The license period shall be set by the director of the division of professional registration.*

[(20)](19) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a chiropractic physician depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the requisite hours of continuing education and engages in the active practice of chiropractic without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of chiropractic.

*AUTHORITY: sections 331.050, RSMo Supp. [1999] 2002 and 331.100.2, RSMo [1994] 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@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 70—State Board of Chiropractic Examiners**  
**Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.081 Postgraduate Education.** The board is proposing to amend sections (2), (3) and (4), add a new section (5), renumber the remaining sections according, amend the newly renumbered sections (8) and (9), and delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment clarifies when a chiropractor must return to college upon expiration of a license and eliminates the reference to an inactive status; removes language regarding automatic acceptance of formal continuing education hours provided by chiropractic colleges that are approved by the Council of Chiropractic Education (CCE); clarifies information to be submitted to the board by the sponsor of the continuing education program; and deletes the form that immediately follows this rule in the Code of State Regulations.*

(2) For board approval of postgraduate education programs, sponsoring organizations [other than Council on Chiropractic Education (CCE)-accredited chiropractic colleges] shall forward to the board's executive director six (6)] **two (2)** copies of the completed [A]application [for Course Approval], syllabus or outline of material covered in the course and vitae on the speaker(s). This material must be received in the board office at least forty-five (45) days prior to the seminar to receive board approval. A request for approval of a seminar will not be considered by the board if the request is made after the seminar has occurred.

(3) **All [P]postgraduate education programs [sponsored by CCE-accredited chiropractic colleges are automatically approved providing—] shall be subject to the following criteria:**

(A) The program/s] shall meet the definition of postgraduate education as defined in section (1) of this rule;

(B) The [college] sponsor shall properly monitor/s] the [chiropractic physician's] attendance **of the chiropractic physician at the program;** and

(C) The [college notifies] sponsor shall notify the board of the date, title, hours, names of speakers and location of seminar and contact person.

(4) If [the CCE-accredited chiropractic colleges do] **any program submitted for board approval does not meet the requirements of section (3) of this rule, [the] such program(s) will not be [disapproved automatically] approved.**

(5) **Continuing education programs in diagnostic imaging shall be taught by a Diplomate, American Board of Chiropractic Radiology (DACBR) or a medical radiologist.**

[(5)](6) Any postgraduate program offered for license renewal must carry the following disclaimer: "Approval of this course is not an acknowledgement or ruling by the board that the methods taught in this course are recognized and approved by the board as the appropriate practice of chiropractic as defined in section 331.010, RSMo." This disclaimer shall be on all brochures and handouts or on a separate piece of paper distributed at each program.

[(6)](7) All postgraduate education sponsors shall provide each licensee with a certificate verifying his/her attendance at an approved postgraduate education seminar. The certificate shall be provided to the licensee by the sponsor within thirty (30) days from the date of

the licensee's attendance at the seminar and it shall contain, at a minimum, the following information:

- (A) Name, address and telephone number of the sponsoring organization;
- (B) Name, address and license number of the licensee in attendance at the approved seminar;
- (C) Course approval number which will be provided to the sponsor at the time the sponsor is notified by the board of its approval of the seminar;
- (D) Title, date(s) and location of the seminar; and
- (E) The total number of hours that the licensee was in attendance at the seminar. These hours must be reflected within the following categories:

1. General chiropractic education;
2. Diagnostic imaging;
3. Differential or physical diagnosis;
4. Emergency procedures or boundary training; and
5. Human Immunodeficiency Virus (HIV) or infectious diseases.

[[7]](8) When *[an inactive]* a chiropractic physician **applies to reinstate a license that has been expired for at least three (3) years and s/he** must return to a **Council on Chiropractic Education (CCE)**-accredited chiropractic college for a semester of review in the clinical subjects, the following subjects shall be covered in the semester of review:

- (A) X-ray (case presentation or interpretation);
- (B) Physical examination;
- (C) Neuromusculoskeletal (NMS) diagnosis;
- (D) Neurological and orthopedic examination or diagnosis;
- (E) Laboratory diagnosis/interpretation; and
- (F) An adjusting technique course.

[[8]](9) When *[an inactive]* a chiropractic physician must return to a CCE-accredited chiropractic college for a semester of review, the review shall be completed successfully.

**AUTHORITY:** sections 331.050, RSMo Supp. 2002 and 331.100.2, RSMo [1994] 2000. Original rule filed April 16, 1990, effective June 30, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners Chapter 2—General Rules

#### PROPOSED AMENDMENT

**4 CSR 70-2.090 Fees.** The board is proposing to amend section (1).

**PURPOSE:** This amendment corrects errors in fees that were doubled because of the biennial renewal cycle; deletes fees pursuant to section 610.026, RSMo which states fees for copying records shall not exceed the actual cost of document search and duplication; corrects the fingerprinting fee cost to reflect the amount charged by the Missouri State Highway Patrol to conduct a criminal background check by submitting fingerprints to the Federal Bureau of Investigation (FBI); clarifies the fee for a continuing education application; clarifies the requirement concerning payment of the application fee and how the license fee is calculated; and deletes the fee required to issue a duplicate license.

(1) The following fees hereby are established by the State Board of Chiropractic Examiners:

(A) Examination Fee	\$/ <del>600.00</del> /300.00*
(C) Application <i>[Processing]</i> Fee	\$/ <del>480.00</del> ** /240.00
[[D)] Reciprocity License Fee	\$600.00
(E) Duplicate License Fee	\$15.00]
[[F)](D) Renewal Fee	\$300.00
[[G)](E) Reactivation Fee	\$/ <del>500.00</del> /250.00
[[H)](F) Certificate of Corporations Fee	\$15.00
[[I)](G) Certification of Licensure Fee	\$10.00
[[J)] Various types of computer printouts of licenses	\$5.00—\$25.00]
[[K)](H) Renewal Fee (retired)	\$50.00
[[L) Computer Set of Labels	\$50.00
(M) Monthly Licensee Update Annual Fee	\$45.00]
[[N)](I) Section Regrade Fee (Written Practical)	\$25.00
[[O)](J) Reevaluation Fee (Oral Practical)	\$50.00
[[P)](K) Meridian Therapy/Acupressure/Acupuncture Certification Application Fee	\$/ <del>200.00</del> /100.00
[[Q)](L) Preceptorship Program Application Fee	\$35.00
[[R)](M) Insurance Consultant Certification Fee	\$/ <del>200.00</del> /100.00
[[S)](N) Insurance Consultant Renewal Fee	\$100.00
[[T) Photocopy Fee—Public Records (per page)	\$.25
(U) Chiropractic Law Book with Binder Fee	\$12.00]
[[V)](O) Fingerprinting Fee	\$/ <del>37.00</del>
<b>(amount determined by the Missouri State Highway Patrol)</b>	
[[W)](P) Continuing Education Sponsor Fee (per <i>[application]</i> session)	\$5.00
[[X)](Q) Annual Continuing Education Sponsor Fee	\$500.00**/]/
[[Y)](R) Continuing Education Late Fee	\$50.00./
(S) Bad Check Fee	\$25.00

\*If the candidate has not taken the board examination within four (4) consecutive examinations for which the candidate would be eligible, the candidate must pay new examination fee. Candidates taking the N.B.C.E. regional/national practical examination (Part IV) will pay an examination fee directly to the N.B.C.E. This fee will be determined by the N.B.C.E. Applicants paying the \$300 Examination Fee will not be charged the \$240 Application Processing Fee.

[\*\* This fee includes the issuance of a new license.]

\*\*[/] This fee provides continuing education sponsors with the option of paying one annual fee in lieu of paying the \$5 fee required with each session on an application for continuing education course approval. The annual fee must be paid with the first application filed by the continuing education sponsor for programs offered in any one continuing education reporting period. No additional fee will be assessed on subsequent applications for continuing education course approval filed for programs offered throughout the continuing education reporting period, regardless of the number of applications filed by the continuing education sponsor.

*AUTHORITY:* sections 43.543, 331.070 and 331.100.2, RSMo [1994] 2000.\* Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 31, 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 estimated five thousand one hundred twenty-five dollars (\$5,125) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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: 70 - Missouri State Board of Chiropractic Examiners

Chapter 2- General Rules

Proposed Rule - 4 CSR 70-2.090 Fees

Prepared March 31, 2003 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be the proposed rule:	Classification by type of the business entities which would	Estimated cost of compliance with the rule by affected
1000	Continuing Education Sponsor Fee (\$5.00 per session)	\$5,000.00
5	Licenses/Applicants (Bad Check Fee - \$25)	\$125.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$5,125.00</b>

## III. WORKSHEET

The board received 200 applications in 2003. The board estimates that an application averages 5 sessions that would be 1000 sessions x \$5 = \$5000 annually.

## IV. ASSUMPTION

1. The Examination Fee, Application Processing Fee, Reactivation Fee, Meridian Therapy/Acupressure/Acupuncture Certification Application Fee, Insurance Consultant Fee and Fingerprinting Fee were never enforced by the board because they were mistakenly doubled in the proposed amendment as published in the May 15, 2000 *Missouri Register*. A fiscal note was not filed at that time because the amendment simply allowed the board to implement a biennial renewal.
2. The figures used above were based on the average number of licensees in FY01 and FY02.
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 70—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 70-2.100 Professional Corporations.** The board is proposing to amend section (1) and delete sections (2)–(4).

*PURPOSE: This amendment clarifies the relationship of the professional corporation and licensure; deletes unnecessary language; and specifies the requirements of a professional corporation to file information with the licensure board.*

(1) Professional Corporations—Organization.

(A) A person licensed as a chiropractor in this state may form or be a member of a professional corporation organized under and existing in compliance with Chapter 356, RSMo, which corporation may be composed of any combination of the professions [set out/ defined as a professional service in [subsection (1)(B) of this rule] section 356.021, RSMo;] provided, that each person is duly licensed to practice his/her profession in this state under the laws applicable to that profession and provided further that the licensing authority of each profession by rule has authorized the members of that profession to form a professional corporation with a person licensed by the State Board of Chiropractic Examiners.

(B) A chiropractor licensed to practice chiropractic in Missouri may combine with any of the [following] professions defined as a professional service in section 356.021, RSMo in the same professional corporation to further the providing of health-care services of the respective professions and services ancillary to that profession[:].

1. A podiatrist licensed pursuant to the provisions of Chapter 330, RSMo;

2. A dentist, dental specialist or dental hygienist licensed pursuant to the provisions of Chapter 332, RSMo;

3. A physician, a surgeon, whether medical doctor or doctor of osteopathy, or a professional physical therapist licensed pursuant to the provisions of Chapter 334, RSMo;

4. A registered professional nurse, practical nurse or registered nurse licensed pursuant to the provisions of Chapter 335, RSMo;

5. An optometrist licensed pursuant to the provisions of Chapter 336, RSMo;

6. A psychologist licensed pursuant to the provisions of Chapter 337, RSMo;

7. A pharmacist licensed pursuant to the provisions of Chapter 338, RSMo; or

8. A chiropractor licensed pursuant to the provisions of Chapter 331, RSMo.]

(D) Any professional corporation formed pursuant to this rule shall comply with all applicable requirements of Chapter 356, RSMo. As soon as practicable, but no later than thirty (30) days from the date of issuance of a Certificate of Incorporation by the Missouri secretary of state, each professional corporation shall provide the board with a copy of the Articles of Incorporation, certified by the secretary of the corporation that the articles are true and correct copies and also shall provide a copy of the Certificate of Incorporation issued by the Missouri secretary of state.

(E) No professional corporation shall dissolve or elect to cease being a professional corporation under the provisions of section 356.201, RSMo, until the corporation has provided the board with information which in the board's view is sufficient to assure the board that adequate measures have been taken by the corporation to provide for the transfer of patient records, including X-rays, to either the patient or another health care provider of the patient's choosing or to assure the board that the patient does not

desire the records delivered to him/her or another health care provider.

(F) A chiropractor licensed pursuant to Chapter 331, RSMo shall not select or use any name for a professional corporation which is false, deceptive, or misleading to the general public concerning the nature of professional services offered or provided by the professional corporation, and shall not be a member of any professional corporation having a name in violation of this subsection. The name of any professional corporation formed pursuant to this rule shall comply with section 356.071, RSMo. Any violation of this subsection (F) shall be deemed the use of an advertisement which is false, deceptive, or misleading to the general public, in violation of section 331.060.2(14), RSMo.

(G) No chiropractor licensed pursuant to Chapter 331, RSMo shall practice in the form of a professional corporation or other business entity where a person who is not a licensed chiropractor has the right to direct or control the professional judgment of the chiropractic physician.

(H) Failure on the part of a licensee of the State Board of Chiropractic Examiners to comply with the provisions of Chapter 356, RSMo or this rule is deemed to be conduct which is unprofessional or improper in the practice of chiropractic, in violation of section 331.060.2(18), RSMo.

*[(2) Professional Corporations—Name Approval.*

(A) The State Board of Chiropractic Examiners must approve the names of all professional corporations incorporated pursuant to the provisions of Chapter 356, RSMo organized for the purpose of providing professional chiropractic services to the public or approve the name of a professional corporation of which a licensee of the State Board of Chiropractic Examiners is a member. The name approval required by this rule shall apply to any professional corporation of which a chiropractor is a member whether the corporation is composed solely of chiropractors or composed of any combination of the licensed professionals as provided for by section, 356.051, RSMo.

(B) In order for the board to consider approval of a name requested by a licensee for a professional corporation, the following conditions must be met:

1. The applicant shall submit his/her request for the corporate name approval to the board on forms provided by the board and shall supply all of the information requested. The form shall be submitted under oath or affirmation indicating that the matters set forth are true and correct based upon the applicant's best knowledge and belief, subject to the penalties of making a false affidavit and declaration and indicating that the applicant has been authorized by the corporation to make the application;

2. At the time of application, the applicant shall provide to the board a copy of the current professional license, certificate or permit, as the case may be, of each shareholder of the professional corporation;

3. The professional corporation name shall meet the following requirements:

A. Shall contain, after August 13, 1986, the words professional corporation or the abbreviation P.C. in the corporate name, as required by section 356.071, RSMo;

B. Shall contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. where the purpose of the professional corporation is solely to provide the services of a chiropractor licensed under the provisions of Chapter 331, RSMo. The professional corporation name does not need to contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. if the purpose of the professional corporation is to engage in the practice of chiropractic as well as provide the health care service of another licensed professional



described in subsection (1)(B) of this rule and the professional corporation provides such other health care service at least twenty (20) hours per month. The professional corporation name shall contain the words chiropractic, chiropractor, chiropractic physician, doctor of chiropractic or D.C. if the professional corporation engages in the practice of chiropractic as well as the health care service of another licensed professional described in subsection (1)(B) of this rule, if the professional corporation fails to employ, due to death, termination or resignation, such other licensed professional for a period of or exceeding six (6) months;

C. Shall not indicate or suggest by its terms an official status or affiliation with any state, county, municipal or other governmental entities;

D. Shall not contain deceptive, misleading or self-laudatory terminology; and

E. Shall not contain terms suggesting or relating to other regulated health care professions other than chiropractic unless the professional corporation is composed of members of more than one (1) health care profession as provided by section 356.051, RSMo;

4. Any change in a professional corporation name must have the approval of the State Board of Chiropractic Examiners prior to the name change being filed with the Office of the Secretary of State as provided for by section 356.041.3, RSMo. If the board approves the request, it shall issue a certificate approving the change of the corporate name; and

5. The application form for either the approval of a corporate name or approval of a change in a corporate name shall be accompanied by a processing fee.]

[(3) Professional Corporations—General. In addition to the provisions of section (1) of this rule, the following shall apply to all professional corporations, whether composed solely of chiropractors or one (1) or more chiropractors and other health care professionals;

(A) Every professional corporation annually shall provide the board with a copy of the Annual Registration statement required to be filed with the Office of the Secretary of State. The registration statement shall be provided to the board on the same date the statement is required to be filed or is filed with the Office of the Secretary of State, all as required by section 356.211, RSMo;

(B) No professional corporation shall dissolve or elect to cease being a professional corporation under the provisions of section 356.201, RSMo, until the corporation has provided the board with information which in the board's view is sufficient to assure the board that adequate measures have been taken by the corporation to provide for the transfer of patient records, including X-rays, to either the patient or another health care provider of the patient's choosing or to assure the board that the patient does not desire the records delivered to him/her or another health care provider;

(C) Failure on the part of a licensee of the State Board of Chiropractic Examiners to comply with the provisions of Chapter 356, RSMo and this rule is deemed to be a violation of professional trust and confidence and is considered conduct which is unprofessional or improper regarding the practice of chiropractic in this state; and

(D) Failure of a licensee to comply with the provisions of this rule shall be grounds for the secretary of state to forfeit the charter of the professional corporation of which the licensee is a member. Any failure of compliance with the rules of the State Board of Chiropractic Examiners must be certified to the secretary of state by the board and to the licensee at the registered office of the professional corporation, all as provided for by section 356.025, RSMo.]

[(4) Professional Corporations.

(A) As soon as practicable, but no later than thirty (30) days from the date of issuance of a Certificate of Incorporation by the Missouri secretary of state, each professional corporation shall provide the board with a copy of the Articles of Incorporation, certified by the secretary of the corporation that the articles are true and correct copies and also shall provide a copy of the Certificate of Incorporation issued by the Missouri secretary of state;

(B) Death or Divorce Licensee. Any person who acquires an interest in a professional corporation which is engaging in the practice of chiropractic as a result of the death of a licensee and who is not him/herself a licensee must divest all interest in the business in accordance with section 356.141, RSMo, and the person shall not have any control over the methods of practice or the professional judgment of any licensees employed by the professional corporation. Nothing in this rule shall be construed to authorize any person not otherwise licensed under this chapter to engage in the practice of chiropractic in any form.

(C) No person, other than those licensed professionals described in subsection (1)(B) of this rule, may acquire any interest whatsoever in any professional corporation engaged in the practice of chiropractic, either by means of contract, court order or other means, and any person acquiring an interest shall divest him/herself of the interest in six (6) months from the date that the interest is acquired according to the terms set forth in subsection (4)(B).

(D) No doctor of chiropractic shall practice in the form of a corporation, professional corporation, partnership or association where a person, not a doctor of chiropractic, has the right to direct or control the professional judgment of the chiropractic physician.]

*AUTHORITY:* sections 331.060[.2(14)(e)], 331.070, 331.100.2, 356.041.4, 356.111 and 356.191, RSMo [1994] 2000. Original rule filed April 8, 1983, effective July 11, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at [chiro@mail.state.mo.us](mailto:chiro@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 70—State Board of Chiropractic Examiners Chapter 3—Preceptorship

#### PROPOSED AMENDMENT

**4 CSR 70-3.010 Preceptorship.** 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 331.100.2, RSMo [1986] 2000. Original rule filed April 16, 1990, effective June 30, 1990. Amended: Filed Aug. 13, 1990, effective Dec. 31, 1990. Amended: Filed Oct. 15, 1990, effective April 29, 1991. Amended: Filed July 31, 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 Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at [chiro@mail.state.mo.us](mailto:chiro@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 150—State Board of Registration for the Healing Arts

#### Chapter 2—Licensing of Physicians and Surgeons

#### PROPOSED AMENDMENT

**4 CSR 150-2.080 Fees.** The board is proposing to amend subsection (1)(B).

*PURPOSE:* This amendment allows the board to modify the title of the “Special Purpose Examination Fee” inasmuch as the Federation of State Medical Boards is now in a position to accept payments directly from applicants who take the Special Purpose Examination. The fee amount will also be modified to match the fee for a new license since it will now be considered a “Reinstatement Fee.”

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

(B) [*Special Purpose Examination Fee*]  
**Reinstatement Fee** [*\$680.00*] **\$300.00**

*AUTHORITY:* sections 334.090.2 and 334.125, RSMo 2000. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 31, 2003.

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

*PRIVATE COST:* The proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as this amendment simply requires applicants to pay the examination fee directly to the Federation of State Medical Boards.

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

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

#### PROPOSED AMENDMENT

**4 CSR 240-3.155 Requirements for Electric Utility Cogeneration Tariff Filings.** The Public Service Commission amends sections (3), (4) and (6).

*PURPOSE:* This amendment clarifies the timing of the cogeneration tariff filings. It also changes the reference to the Public Service Commission in this rule to be consistent with the definition of commission in the definition rule (4 CSR 240-3.010) of this chapter.

(3) All tariffs and other data required to be prepared and filed by electric utilities under the provisions of section (2) shall be submitted no later than [*September 15, 1981,*] **January 15, 2005** and updated and revised on or before January 15[, 1983 and not less than every two (2)] **of every odd-numbered year/s** after that, unless otherwise ordered by the commission.

(4) [*To*] **In order to** make available data from which avoided costs may be derived, not later than [*September 15, 1981, and updated and revised on or before*] January 15, [*1983*] **2005**, and [*not less than every two (2) years*] **on or before January 15 of every odd-numbered year** after that, unless otherwise ordered by the commission, each regulated electric utility shall provide to the [*Public Service Commission (PSC)*] **commission** and shall maintain for public inspection the following data:

(6) [*PSC*] **Commission Review.**

(A) Any data submitted by an electric utility under this section shall be subject to review by the [*PSC*] **commission**.

(B) In any such review, the electric utility has the burden of coming forward with justification for its [*data*] **projections**.

*AUTHORITY:* sections 386.250 and 393.140, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed July 25, 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:* Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before October 2, 2003, and should include a reference to Commission Case No. EX-2003-0367. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 8, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days

prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Alcohol and Drug Abuse Programs**

**PROPOSED AMENDMENT**

**9 CSR 30-3.206 SATOP Program Structure.** The department is amending section (6) and adding new subsections (9)(D) and (9)(E).

*PURPOSE:* This amendment is necessary to make the rule consistent with newly signed legislation ensuring that the appropriate supplemental fee is collected. The amendment clarifies basic requirements and structure for Substance Abuse Traffic Offenders Programs including the assessment screening and referral process. The amendment establishes reciprocity criteria essential to the issuance of a SATOP completion certificate.

(6) Assessment Screening Cost. The cost of the assessment screening, along with the *[sixty dollar (\$60)]* supplemental fee, approved by the department shall be borne by the client and should not be excessively greater than relative costs indicate and shall include the costs for any case coordination functions necessary to—

(A) Monitor the client's progress in either education or a treatment and rehabilitation program; and/or

(B) Coordinate with the courts or probation and parole.

(9) Criteria for Successful Completion of Treatment. When the assessment screening process indicates and if the person is eligible, certified alcohol and drug treatment and rehabilitation programs may also provide services for prior and persistent offenders. In addition, such persons, including first offenders who complete certified rehabilitation programs after being charged or adjudicated for their DWI offense but prior to their **offender management unit (OMU)** screening process, may substitute participation in these rehabilitation programs under certain conditions. In order to be recognized by SATOP as successfully completing treatment, the offender must have written verification from a certified treatment and rehabilitation program that he or she has—

(B) Substantially achieved personal recovery goals;

(C) Met any other program requirements for successful completion of treatment. Those persons presenting substance dependence with a history of multiple offenses must participate in one hundred sixty (160) hours of services during the treatment episode.

(D) **Individuals who complete approved programs at recognized treatment and rehabilitation programs may present documentation of such completion to an OMU. A subsequent SATOP screening is not required, but the OMU must obtain a Missouri driving record to verify there have been no other offenses since the successful completion of a treatment or rehabilitation program. The OMU will complete the Notice of Offender Assignment, Notice of Offender Compliance and SATOP Completion Certificate for those individuals. A supplemental fee must be collected for these individuals.**

(E) **Individuals who complete approved programs outside of the state of Missouri may submit a SATOP Comparable Program Completion Form to the Department of Mental Health. Upon approval of the program, notification will be provided to the Department of Revenue that the program has met SATOP requirements for license reinstatement.**

*AUTHORITY:* sections 302.540, *RSMo Supp. [2001] 2002*, 577.001, 577.049, 577.520, 577.525, 630.050, 630.053, *[and]* 630.655 and 631.010, *RSMo 2000*. This rule originally filed as 9 CSR 30-3.760. Original rule filed Nov. 2, 1987, effective May 14, 1988.

For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 29, 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 by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, 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 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 3—Alcohol and Drug Abuse Programs**

**PROPOSED AMENDMENT**

**9 CSR 30-3.208 SATOP Supplemental Fee.** The department is amending section (1).

*PURPOSE:* This amendment is necessary to make the rule consistent with newly signed legislation ensuring that the appropriate supplemental fee is collected.

(1) Supplemental Fee. All Substance Abuse Traffic Offenders Programs shall collect from all applicants entering the program a *[sixty dollar (\$60)]*-supplemental fee which shall be in addition to any other costs which may be charged by the program. The supplemental fee shall be collected no more than one (1) time from any individual who has entered SATOP, whether for assessment or for an educational program.

*AUTHORITY:* sections 302.540, *RSMo Supp. 2002*, 577.001, 577.049, 577.520, 577.525, 630.050, 630.053, 630.655 and 631.010, *RSMo 2000*. This rule was originally filed as 9 CSR 30-3.790. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed April 29, 1998, effective Oct. 30, 1998. Moved to 9 CSR 30-3.208 and amended: Filed Feb. 28, 2001, effective Oct. 30, 2001. Amended: Filed July 29, 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 by writing to Rosie Anderson-Harper, Mental Health Manager, Division of Alcohol and Drug Abuse, Department of Mental Health, PO Box 687, 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 11—DEPARTMENT OF PUBLIC SAFETY  
Division 10—Adjutant General  
Chapter 5—Missouri [World War II] Veterans' Recognition Program**

PROPOSED AMENDMENT

**11 CSR 10-5.010 Missouri [World War II] Veterans' Recognition Program.** The division is amending the titles of the chapter and the rule and sections (1), (4), (6) and (8).

*PURPOSE: This amendment expands the recognition program to include Korean Conflict veterans who were honorably discharged and reside in Missouri. Further, the amendment also alters the World War II Veterans' Recognition Program by extending by one year the application deadline and also expands the application eligibility criteria.*

(1) Definitions—as used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

*(G) Director [World War II Veterans' and "D-Day" Invasion of Europe] Missouri Veterans' Recognition Program*—Person designated by the Adjutant General to administer the [World War II] Missouri Veterans' Recognition Program;

*(J) Eligible Korean Conflict Veteran*—Any person defined as a veteran by the United States Department of Veterans' Affairs, who honorably served on active duty in the United States military service at anytime beginning June 27, 1950 and ending January 31, 1955 provided—

1. That such veteran was a legal resident of the state of Missouri on August 28, 2003 or was a legal resident of this state at the time of his or her death; and

2. Such veteran was honorably separated or discharged from military service or is still in active service in honorable status, or was a legal resident of this state at the time of his or her death;

*/(J)/(K) Honorably separated*—The release from military service or duty under honorable conditions;

*/(K)/(L) Honorable status*—Attesting to creditable conduct while serving on active duty in the military;

*/(L)/(M) Intestate survivor*—The survivor of a World War II veteran who has died without a will;

*(N) Eldest living survivor—the eldest survivor of a veteran connected by blood or affinity;*

*/(M)/(O) Jubilee of Liberty Medal*—A medal created by the Regional Council of Normandy, France, in 1994 to commemorate the 50th anniversary of the June 6, 1944, "D-Day" invasion of Europe;

*(P) Korean Conflict*—The United States led United Nations forces to defend South Korea from North Korean invaders aided by China and the former Soviet Union, beginning June 27, 1950 and ending January 31, 1955;

*(Q) Korean Conflict Veterans' Recognition Award Fund*—As defined in section 42.206, RSMo, consisting of all gifts, donations and bequests to the fund to be administered by the Adjutant General;

*/(N)/(R) Legal resident*—A person (veteran) whose official United States mailing address is within the boundaries of the state of Missouri;

*/(O)/(S) Medal*—A small object usually metal in nature bearing an emblem or picture that is issued to commemorate a person's participation in an event or is awarded for excellence or achievement;

*/(P)/(T) Medallion*—An object or coin, usually round or oval in shape, resembling a medal;

*/(Q)/(U) Replica*—A close reproduction or facsimile of the original;

*/(R)/(V) Spouse*—Married person, i.e.: husband, wife;

*/(S)/(W) Veteran*—Any person defined as a veteran by the United States Department of Veterans' Affairs or its successor agency;

*/(T)/(X) Veterans Commission*—The commission created by section 42.007, RSMo;

*/(U)/Y World War II*—The World War beginning December 7, 1941, and ending December 31, 1946;

*/(V)/(Z) World War II Veterans' Recognition Award Fund*—As defined in section 42.195, RSMo, consisting of gifts, bequests, and donations to be administered by the Adjutant General.

(4) To be eligible for the World War II or Korean Conflict Veterans' Recognition Awards, the veteran must:

(A) Have served on active duty in the United States military service at anytime beginning December 7, 1941, and ending December 31, 1946 for the World War II award; and June 27, 1950, and ending January 31, 1955 for the Korean Conflict award;

(B) Be a legal resident of Missouri on August 28, 2000 for World War II veteran and August 28, 2003 for the Korean Conflict veteran or was a legal resident of this state at the time of his or her death; and

(D) Any veteran, spouse or eldest living survivor of a veteran, who is entitled to a World War II and Korean Conflict recognition award under this rule but who died prior to having made application for the award and has not previously received the award, may apply.

(6) World War II, [and] "D-Day" Invasion of Europe, and Korean Conflict veterans, to obtain authorized medals, medallions, and certificates, must complete an application form and provide copies of appropriate [World War II] military service record verification forms to the Office of the Adjutant General, Attention: Director, [WWII] Missouri Veterans' Recognition Program, 2303 Militia Drive, Jefferson City, MO 65101-1203. [Applications] World War II and Jubilee of Liberty award applications must be submitted anytime after January 1, 2001, and before [July 1, 2003] July 1, 2004. Korean Conflict Award applications must be submitted anytime after January 1, 2004, and before January 1, 2005. Applications and service forms will not be returned and will become property of the state of Missouri.

(8) If any person dies after applying for a medallion, medal and a certificate pursuant to sections 42.170 to [42.190] 42.206, RSMo, and such person would have been entitled to the medallion, medal, and the certificate, the Adjutant General shall award the medallion, medal, and the certificate in the following order:

(A) To the spouse of the deceased veteran or eldest living survivor; or

*AUTHORITY: section 42.175, RSMo [2000] Supp. 2002. Original rule filed Sept. 14, 2000, effective March 30, 2001. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 25, 2003, effective Aug. 21, 2003, expires Feb. 17, 2004. Amended: Filed July 25, 2003.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions \$1,660,000 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 Office of the Adjutant General, BG Dennis Shull, Adjutant General, 2302 Militia Drive, Jefferson City, MO 65101. 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:	11 CSR 10-5.010 Missouri Veterans Recognition Programs
Type of Rulemaking:	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
DPS/Office of the Adjutant General	\$1,660,000
(Veterans Commission CI Trust Fund)	
	\$1,660,000 (Total)

**III. WORKSHEET**

All costs in the fiscal note from Senate Bill 219 are estimates, actual program cost will vary based on the amount of recognition award requests received. Personal Service and Expense & Equipment operating costs projected in this note include salaries, fringe benefits, contract labor, award, mailing costs, public awareness programs and other miscellaneous program operating expense and equipment items.

**IV. ASSUMPTIONS**

RSMo, 313.835 1(2)f, authorizes monies deposited in the Veterans Commission Capitol Improvement Trust Fund (VCCITF) to be used to support the W.W. II Veterans Recognition Program and the new Korean Conflict Veteran Award Program.

By extending the W.W. II Veteran Recognition Program through July 1, 2004 and making eldest living survivors of deceased veterans eligible to apply for the award, it is assumed that of Missouri's 435,000 W.W. II veterans, 25% or 109,000 will apply. Approximately 40,000 W.W. II awards were issued as of July 1, 2003 making 69,000 awards yet to be issued.

The Missouri Veterans Commission estimates that 150,000 Missourians served in the Korean War and further estimates that 37,500 (25%) Korean Conflict veterans and surviving spouses or eldest living survivors of deceased veterans would apply for the Korean Conflict awards.

The OTAG assumes both temporary state employees and contract labor will be employed to administer the program.

OTAG estimates the cost per award for medal, medallion package including postage to be \$9.67, which is the actual cost of the W.W. II veteran recognition awards. It is projected that the one-time Korean Veteran Recognition Awards program and the W.W. II Veterans Recognition program will be completed by the end of FY 2005 (June 2005) and no further expenses would be incurred from the program.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 4—Conditions of Recipient Participation, Rights  
and Responsibilities**

**PROPOSED AMENDMENT**

**13 CSR 70-4.070 Title XIX Recipient Lock-In Program.** The Division of Medical Services is amending section (9), and removing the forms that follow this rule in the *Code of State Regulations*.

*PURPOSE: This amendment adds to specific instances when a Medicaid recipient will be referred to the Division of Medical Services lock-in proceedings or the Department of Social Services, Division of Investigation, or both, for the protection of both the recipients of and resources of the Medicaid program.*

(9) If Missouri Medicaid recipients are identified as misutilizing the Title XIX Medicaid Program in the following areas, but not limited to, lock-in proceedings, referral to the Division of Investigation, or both, will be implemented:

(C) Seeking excessive or unnecessary medical care as defined in subsection (1)(A) of this rule, that is, drugs, office visits, eyeglasses, dentures, etc.; *[and]*

(D) Utilizing *[multimedical]* **multiple medical providers**.; or

(E) **Refusing to submit to or failing to have predicted urine or blood levels following testing for opioid or opioid-like controlled substances covered by Missouri Medicaid while engaged in a pain or substance abuse treatment regimen.**

*AUTHORITY: section 208.201, RSMo [Supp. 1987] 2000. This rule was previously filed as 13 CSR 40-81.200. Emergency rule filed July 13, 1981, effective Aug. 1, 1981, expired Oct. 10, 1981. Original rule filed July 13, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 1, 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 Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*