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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



MATT BLUNT

SECRETARY OF STATE

MISSOURI  
REGISTER

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

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

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

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

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

**RSMo**—The most recent version of the statute containing the section number and the date.

**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 symbology 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.

Proposed Amendment Text Reminder:  
**Boldface text indicates new matter.**  
*[Bracketed text indicates matter being deleted.]*

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

#### PROPOSED AMENDMENT

**3 CSR 10-5.205 Permits Required; Exceptions.** The commission proposes to amend subsection (1)(A).

*PURPOSE:* This amendment clarifies landowner permit privileges and that landowners are not exempt from training and permit requirements for use of cable restraint devices during the furbearer trapping season.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(A) A resident landowner or lessee, as defined in this Code, may hunt, trap or fish as prescribed in Chapters 6, 7 and 8 without permit (except landowner deer **and** turkey hunting permits, *[and]* migratory bird hunting permit, **and** cable restraint permit as prescribed), but only on land s/he owns or, in the case of the lessee, upon which s/he resides, and may transport and possess wildlife so taken.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the **Code of State Regulations**. Amended: Filed April 29, 2004.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

#### PROPOSED AMENDMENT

**3 CSR 10-5.352 Resident Firearms Antlerless [First Bonus] Deer Hunting Permit.** The commission is amending provisions of this rule.

*PURPOSE:* This amendment renames the resident firearms antlerless deer hunting permit and removes the unit specific designation.

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

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003, effective Nov. 30, 2003. Amended: Filed April 29, 2004.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



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

**PROPOSED RESCISSION**

**3 CSR 10-5.353 Resident Firearms Second Bonus Deer Hunting Permit.** This rule established a resident second bonus deer hunting permit.

*PURPOSE:* This rule is being rescinded because the permit type is being eliminated.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Rescinded: Filed April 29, 2004.

*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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**3 CSR 10-5.425 [Antlerless-Only] Resident Archery Antlerless Deer Hunting Permit.** The commission proposes to amend provisions of this rule.

*PURPOSE:* This amendment renames the resident antlerless archery deer hunting permit, removes requirement to first obtain an archer's hunting permit, removes the unit specific designation and increases the fee to \$7.

*[Required in addition to the prescribed archer's hunting permit to] To pursue, take, possess and transport an antlerless deer [in specified deer management units] during the archery deer hunting season. Fee: [five] seven dollars [(\$5)] (\$7).*

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 11, 1997, effective March 1, 1998. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed April 29, 2004.

*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 approximately sixty-two thousand dollars (\$62,000) more per year, or three hundred ten thousand dollars (\$310,000) in the five (5)-year aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W.

*Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation

Division: 10 Conservation Commission

Chapter: 5

Type of Rulemaking: Proposed amendment

Rule Number and Name: 3 CSR 10-5.425 Resident Archery Antlerless Deer Hunting Permit

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
31,000 resident archery antlerless deer permit holders		\$310,000

**III. WORKSHEET**

31,000 resident deer hunters are estimated to buy this permit each year. Each permit will cost an additional \$2. Total aggregate cost over the 5 year life for hunters is calculated as:

**31,000 permits X \$2 per permit X 5 years**

**IV. ASSUMPTIONS**

The above calculation assumes that permit buying habits will not change significantly. However, this amendment also allows hunters to buy this permit without first buying the regular \$19 Resident Archer's Hunting Permit, which has been required in the past. So, some hunters will probably make this choice and will save \$19 each under the new rule. Very few are expected to choose this option, but it will be available.

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

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

**PROPOSED AMENDMENT**

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

*PURPOSE:* This amendment renames the nonresident firearms antlerless deer hunting permit, removes the unit specific designation and clarifies a Nonresident Firearms Any-Deer Hunting Permit is a prerequisite.

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

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003, effective Nov. 30, 2003. Amended: Filed April 29, 2004.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**PROPOSED RESCISSION**

**3 CSR 10-5.553 Nonresident Firearms Second Bonus Deer Hunting Permit.** This rule established a nonresident second bonus deer hunting permit.

*PURPOSE:* This rule is being rescinded because the permit type is being eliminated.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 8, 1998, effective March 1, 1999. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed June 5, 2003, effective Nov. 30, 2003. Rescinded: Filed April 29, 2004.

*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 John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be

received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**PROPOSED RULE**

**3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit**

*PURPOSE:* This rule establishes a nonresident antlerless archery deer hunting permit and the prerequisite of obtaining a Nonresident Archer's Hunting Permit.

Required in addition to the prescribed Nonresident Archer's Hunting Permit to pursue, take, possess and transport an antlerless deer during the archery hunting season. Fee: seven dollars (\$7).

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004.

*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 cost private entities approximately two thousand six hundred dollars (\$2,600) per year or thirteen thousand dollars (\$13,000) in the five (5)-year aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with John W. Smith, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.



**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 3 - Department of Conservation
Division: 10 Conservation Commission
Chapter: 5
Type of Rulemaking: Proposed rule
Rule Number and Name: 3 CSR 10-5.554 Nonresident Archery Antlerless Deer Hunting Permit

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1300 nonresident archery antlerless deer permit holders		\$13,000

**III. WORKSHEET**

1,300 nonresident deer hunters are estimated to buy this permit each year. Each permit will cost an additional \$2. Total aggregate cost over the 5 year life for hunters is calculated as:

**1,300 permits X \$2 per permit X 5 years**

**IV. ASSUMPTIONS**

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

**Title 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 7—Wildlife Code: Hunting: Seasons, Methods,**  
**Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits.** The commission proposes to amend sections (2) and (5).

*PURPOSE:* This amendment establishes the option for hunters to use the Telecheck Harvest Reporting System to check fall and spring firearms turkeys, removes the requirement of checking in the county of harvest or an adjoining county and extends checking requirement to within twenty-four (24) hours of take. It further establishes that landowners and lessees must obtain a Landowner Turkey Hunting Permit.

(2) Turkeys may be possessed or transported only by the taker thereof and only when tagged immediately with the transportation portion of the permit. Detachment of the transportation portion of the permit prior to taking a turkey renders the permit void. *[During the spring and fall firearms seasons, the]* The taker shall submit *[these]* turkeys with head and plumage intact, along with the prescribed hunting permit, for inspection and *[recording]* registration at an *[established]* official checking station. *[in the county where taken or an adjoining county between the hours of 7:00 a.m. and 3:00 p.m. CDT on the day taken during the spring season and not later than 8:00 p.m. CDT on the day taken during the fall season.]* All turkeys taken must be checked within twenty-four (24) hours. During the spring and fall firearms turkey hunting seasons, the taker must check turkeys either at an official check station or through the Telecheck Harvest Reporting System. The telecheck confirmation number must be recorded immediately, on the transportation tag portion of the permit. During archery season, the taker shall submit *[these]* turkeys with head and plumage intact, along with the prescribed archery permit, for inspection and *[recording]* registration at an *[established]* official archery checking station *[within twenty-four (24) hours of the take]*.

(5) A resident landowner or lessee as defined in *[this Code, without holding a]* **3 CSR 10-20.805, possessing a landowner** turkey hunting permit, may take and possess turkey in accordance with this rule on his/her land or, in the case of the lessee, on the farm on which s/he resides, *[but s/he shall tag the turkey with his/her name and address immediately upon taking]* and shall personally deliver the turkey for checking or use the **Telecheck Harvest Reporting System** as required in this rule.

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. Original rule filed Dec. 15, 1975, effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 29, 2004.

*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 110—Missouri Dental Board**  
**Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 110-2.130 Dental Hygienists.** The board is proposing to amend paragraphs (8)(B)3. and (9)(B)3.

*PURPOSE:* This amendment eliminates the requirement that the document reflecting proof of the dental hygienist's competency be notarized.

(8) A hygienist may administer nitrous oxide analgesia if s/he:  
 (B) Obtains a nitrous oxide analgesia permit, issued by the board, upon submitting the following:  
 1. A completed application form provided by the board; and  
 2. A nonrefundable fee, payable to the Missouri Dental Board; and  
 3. A *[notarized]* copy of proof of competency.

(9) A hygienist may administer local anesthesia, which includes infiltration and block anesthesia, if s/he:

(B) Receives a local anesthesia permit, issued by the board, upon submitting the following:  
 1. A completed application form provided by the board; and  
 2. A nonrefundable fee, payable to the Missouri Dental Board; and  
 3. A *[notarized]* copy of proof of competency.

*AUTHORITY:* sections 332.031 and 332.091, *RSMo 2000* and 332.311 *[RSMo Supp. 1999]* and 332.071, *RSMo Supp. 2003*. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 3, 2004.

*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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216 or by e-mailing dental@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 120—State Board of Embalmers and Funeral**  
**Directors**  
**Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 120-2.080 Written Statement of Charges.** The board is proposing to amend sections (1) and (2), add new sections (3) and (5) and renumber the existing section (3) to (4).

*PURPOSE:* This amendment clarifies the written statement of charges at the time of need.

(1) Every Missouri licensed funeral director [in charge of arranging for any funeral service,] responsible for providing funeral services or arranging for the delivery of any funeral merchandise, shall give or cause to be given to the person(s) making such arrangements a written statement of charges for the funeral merchandise and funeral services selected.

(2) [The] At the time of need, a written statement of charges shall be completed and given to the person[(s)] making [such] the at-need arrangements. [at the time such arrangements are completed but] The written statement of charges shall be completed prior to the [time of] rendering of the funeral services or providing [the] merchandise. [and it shall contain, at] At a minimum, the written statement of charges shall contain the following [information]:

(A) The name and signature of the Missouri licensed funeral director responsible for marking the arrangements or providing the funeral merchandise;

[(A)] (B) The name and address of the Missouri licensed funeral establishment in charge of [the arrangements, or the name and address of the funeral establishment in charge of providing the merchandise selected, including the name and signature of the funeral director in charge of the arrangements or] providing the merchandise or funeral services;

[(B)] (C) The name, address and signature of the [purchaser] person making the at-need arrangements;

[(C)] (D) The date of the [purchaser's and funeral director's] signatures;

[(D)] (E) The name of the deceased [and the date of death];

(F) The date of death;

[(E)] (G) The price of the service(s) selected and the price of the supplemental (additional) items [of service];

[(F)] (H) The price of the merchandise selected [which shall include] including a detailed description of the casket and outer burial container;

[(G)] (I) The amount and description of all cash advance items; and

[(H)] (J) The method of payment.

(3) A preneed contract shall not be substituted for the written statement of charges required by this rule.

[(3)] (4) Violations of this rule will be deemed misconduct in the practice of funeral directing.

(5) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.111, RSMo Supp. 1997] and 333.145, RSMo [1994] 2000. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed May 3, 2004.*

*PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less 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 Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, 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 45—Missouri Gaming Commission  
Chapter 5—Conduct of Gaming**

**PROPOSED AMENDMENT**

**11 CSR 45-5.150 Inventory of Chips and Tokens.** The commission is amending section (2).

*PURPOSE: The commission proposes to amend this rule by changing from daily to monthly the requirement for casinos to inventory and compute the unredeemed liability for each denomination of chips and tokens in circulation.*

(2) Each holder of a Class A license on a [daily] monthly basis, shall compute and record the unredeemed liability for each denomination of chips and tokens in circulation and cause the result of this inventory to be recorded in the chip and token inventory ledger. On a monthly basis, each holder of a Class A license shall cause an inventory of chips in reserve to be made and cause the result of this inventory to be recorded in the chip and token inventory ledger. The procedures to be utilized to compute the unredeemed liability and to inventory chips and tokens in circulation and reserve shall be submitted to the commission for approval. A physical inventory of chips in reserve shall be required annually if the inventory procedures incorporate the sealing of the locked compartment.

*AUTHORITY: sections 313.004, 313.805, [and] 313.817, RSMo 1994] and 313.807, RSMo [Supp. 1997] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 28, 2004.*

*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 a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on August 18, 2004, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 6—Operation of the Riverboat**

**PROPOSED AMENDMENT**

**11 CSR 45-6.030 [Weapons] Firearms on the Riverboat.** The commission is amending section (1).

*PURPOSE: The commission proposes to amend this rule by describing how consent may be given by owners or managers to permit a person to carry a firearm onto an excursion gambling boat.*

(1) The only individuals who may carry a *[weapon]* **firearm** on an excursion gambling boat **without the approval of the owner or general manager of the excursion gambling boat** are commission agents, law enforcement officials *[acting in their official capacities]* **as described in section 571.030.2, RSMo**, security personnel authorized by the excursion gambling boat and security personnel under contract with Class A licensees to transport money. Any other person must obtain approval from the *[commission]* **owner or general manager of the excursion gambling boat** prior to carrying any *[weapon]* **firearm** on an excursion gambling boat. **Any owner or general manager giving permission for a person to carry a firearm onto an excursion gambling boat shall notify the commission agent on duty in writing on a form approved by the commission immediately upon granting permission. Such notice to the commission agent shall identify the person to whom the permission was granted, verify that the person to whom permission was granted is in possession of a current, valid concealed carry endorsement issued pursuant to section 571.094, RSMo, and contain the signature of the owner or general manager. Each Class A licensee shall provide to the commission a current list of all persons authorized to execute on its behalf the notice required by this section.**

(2) Excursion gambling boat licensees shall notify the commission of the licensee's security personnel who have been authorized by the licensee to carry firearms. Such security personnel must be in compliance with applicable state and local requirements regarding the carrying of firearms.

*AUTHORITY: sections 313.004 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 28, 2004.*

*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 approximately one thousand one hundred dollars (\$1,100) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on August 18, 2004, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 11 - DEPARTMENT OF PUBLIC SAFETY

Division: 45 - Missouri Gaming Commission

Chapter: 6 - Operation of the Riverboat

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 11 CSR 45-6.030 - Firearms on the Riverboat

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
11	Class A Licensees	\$1,100

**III. WORKSHEET**

11 Class A Licensees x \$100 for estimated cost in labor and materials to prepare a consent notice form = \$1,100

**IV. ASSUMPTIONS**



**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 10—Licensee's Responsibilities**

**PROPOSED AMENDMENT**

**11 CSR 45-10.020 Applicant's Duty to Disclose Changes in Information.** The commission is amending section (1).

*PURPOSE:* The commission proposes to amend this rule by allowing licensees ten (10) days to report changes in information.

(1) Applicants for licenses issued by the commission shall have a continuing duty to disclose, within [seven (7)] **ten (10)** business days, any material changes in the information provided in the application forms and requested materials submitted to the commission. The duty to disclose changes in information shall continue throughout any period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

*AUTHORITY:* sections 313.004, 313.800, 313.805 and 313.807, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired on Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed April 28, 2004.

*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 a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for 10 a.m. on August 18, 2004, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology.** The division is amending subsection (2)(B), adding subsections (2)(D) and (4)(D), and deleting section (5).

*PURPOSE:* This proposed amendment revises subsection (2)(B), adds subsection (2)(D) which outlines how the prospective outpatient payment percentage will be determined for hospitals that are missing a fourth, fifth, or sixth prior year cost report, adds definition of nominal charge provider to section (4), and removes section (5) out-of-state outpatient reimbursement which is addressed in proposed rule 13 CSR 70-15.190.

(2) Exempt Hospitals. Exempt Hospital Outpatient payment percent will be set as follows and will include:

(B) Hospitals who qualify as nominal charge providers under 42 CFR 413.13(f) or meet the definition of nominal charge provider in subsection (4)(D) shall be reimbursed on an interim basis by

Medicaid at the lesser of seventy-five percent (75%) of usual and customary charges as billed by the provider for covered services or one hundred percent (100%) of the facility's Medicaid-allowable outpatient cost-to-charge ratio as determined from the most recent desk-reviewed cost report. Reimbursement at the applicable percentage shall be effective July 1 of each SFY for all providers.

(D) A hospital that has failed to file one (1) of the cost reports used to determine their prospective outpatient payment percentage for the year, whether it be the fourth, fifth, or sixth prior year cost report, will have their prospective outpatient payment percentage based on the two (2) cost reports that are on file with the division plus the average of those two (2) cost reports to be used in place of the missing cost report. For example, if the division does not have on file a fourth prior year cost report but has the fifth and sixth prior year cost reports, an average of the fifth and sixth prior year cost reports would be used in place of the fourth prior year cost report. This average along with the fifth and sixth prior year cost reports would then be used to calculate the prospective outpatient payment percentage.

(4) Definitions.

(D) Nominal charge provider. A nominal charge provider is determined from the fourth prior year desk reviewed cost report. The hospital must meet the following criteria:

1. An acute care hospital with an unsponsored care ratio of at least sixty-five percent (65%) and is licensed for fifty (50) inpatient beds or more and has an occupancy rate of more than forty percent (40%). The unsponsored care ratio is determined as the sum of bad debts and charity care divided by total net revenue. The hospital must meet one (1) of the federally mandated Disproportionate Share qualifications; or

2. The hospital is a public hospital operated by the Department of Mental Health primarily for the care and treatment of mental disorders.

[(5) Out-of-State Outpatient Reimbursement.

(A) Out-of-state outpatient hospital services and services of federally-operated hospitals located within Missouri will be reimbursed by Missouri Medicaid at sixty percent (60%) of usual and customary charges as billed by the provider for covered services with the exceptions for services in subsection (1)(C).]

*AUTHORITY:* sections 208.152, 208.153 and 208.201, RSMo 2000 and 208.471, RSMo Supp. [2001] 2003. Emergency rule filed June 20, 2002, effective July 1, 2002, expired Feb. 27, 2003. Original rule filed June 14, 2002, effective Jan. 30, 2003. Amended: Filed May 3, 2004.

*PUBLIC COST:* This proposed amendment is expected to cost state agencies and political subdivisions five hundred fifty-three thousand eight hundred fifty-six dollars (\$553,856) in SFY 2004 and \$0 in SFY 2005.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate in SFY 2004 and SFY 2005.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, 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.

**FISCAL NOTE**

**PUBLIC COST**

**I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-15.160 Prospective Outpatient Hospital Services Reimbursement Methodology
Type of Rulemaking:	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency of Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services Division of Medical Services	SFY 2004 - \$553,856
Department of Social Services Division of Medical Services	SFY 2005 - \$0

**III. WORKSHEET**

For SFY 2004, the estimated annual impact is based on the assumption that there is only one hospital that meets the requirements of section (2) (D) of the proposed regulation. As a result of this change, their prospective outpatient payment percentage will increase from 68% to 96%. This results in additional payments that are estimated at \$553,856. For SFY 2005, the same assumptions apply except their prospective outpatient payment percentage is expected to decrease which results in less payments to the hospital and therefore, no additional cost.

**IV. ASSUMPTIONS**

The increased cost is based on section (2) (D) of the proposed methodology in which the prospective outpatient payment percentage methodology is outlined for hospitals that have failed to file a fourth, fifth, or sixth prior year cost report.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure  
Chapter 20—Hospitals**

**PROPOSED AMENDMENT**

**19 CSR 30-20.015 Administration of the Hospital Licensing Program.** The department proposes to amend section (1), and subparagraph (9)(C)2.O., add subparagraph (9)(C)2.P and update the form that follows the rule in the *Code of State Regulations*.

*PURPOSE:* This amendment corrects the department name and a typographical error in section (1) and adds another guideline for consideration during the determination of immediate and serious threat in section (9).

(1) Persons intending to operate a hospital shall submit information to the Department of Health[*'s Bureau of Hospital Licensing and Certification*] and Senior Services, as set out in the application form [(MO 580-007, 12/87)] (MO 580-0007(8-01)) included herein. Within thirty (30) days after receipt of the application, the applicant will be notified of any omitted information or documents. After sixty (60) days any incomplete application is null. Each application for license to operate a hospital shall be accompanied by the appropriate licensing fee required by section 197.050, RSMo. Each license shall be issued for the premises and persons named in the application.

(9) Inspection Findings.

(C) The following guidelines, applicable to the inspection, shall be used by the licensing representative to determine if a finding during an inspection constitutes an immediate and serious threat to the health and safety of one (1) or more patients. The guidelines used to determine immediate and serious threat serve only as guides for authorized department representatives to use when making the determination.

1. Failure to protect from abuse—
  - A. Serious injuries such as head trauma or fractures;
  - B. Non-consensual sexual interactions; e.g., sexual harassment, sexual coercion or sexual assault;
  - C. Unexplained serious injuries that have not been investigated;
  - D. Staff striking or roughly handling an individual;
  - E. Staff yelling, swearing, gesturing or calling an individual derogatory names;
  - F. Bruises around the breast or genital area; or
  - G. Suspicious injuries; e.g., black eyes, rope marks, cigarette burns, unexplained bruising.
2. Failure to prevent neglect—
  - A. Lack of timely assessment of individuals after injury;
  - B. Lack of supervision for individual with known special needs;
  - C. Failure to carry out doctor's orders;
  - D. Repeated occurrences such as falls which place the individual at risk of harm without intervention;
  - E. Access to chemical and physical hazards by individuals who are at risk;
  - F. Access to hot water of sufficient temperature to cause tissue injury;
  - G. Non-functioning call system without compensatory measures;
  - H. Unsupervised smoking by an individual with a known safety risk;

- I. Lack of supervision of cognitively impaired individuals with known elopement risk;
- J. Failure to adequately monitor individuals with known severe self-injurious behavior;
- K. Failure to adequately monitor and intervene for serious medical/surgical conditions;
- L. Use of chemical/physical restraints without adequate monitoring;
- M. Lack of security to prevent abduction of infants;
- N. Improper feeding/positioning of individual with known aspiration risk; *[or]*
- O. Inadequate supervision to prevent physical altercations $\text{./}$ ;

or

**P. Lack of appropriate use, care planning or monitoring of patients when any type of restraint, including but not limited to physical or chemical restraint, is utilized.**

3. Failure to protect from psychological harm—
  - A. Application of chemical/physical restraints without clinical indications;
  - B. Presence of behaviors by staff such as threatening or demeaning, resulting in displays of fear, unwillingness to communicate, and recent or sudden changes in behavior by individuals; or
  - C. Lack of intervention to prevent individuals from creating an environment of fear.
4. Failure to protect from undue adverse medication consequences and/or failure to provide medications as prescribed—
  - A. Administration of medication to an individual with a known history of allergic reaction to that medication;
  - B. Lack of monitoring and identification of potential serious drug interaction, side effects, and adverse reactions;
  - C. Administration of contraindicated medications;
  - D. Pattern of repeated medication errors without intervention;
  - E. Lack of diabetic monitoring resulting or likely to result in serious hypoglycemic or hyperglycemic reaction; or
  - F. Lack of timely and appropriate monitoring required for drug titration.
5. Failure to provide adequate nutrition and hydration to support and maintain health—
  - A. Food supply inadequate to meet the nutritional needs of the individual;
  - B. Failure to provide adequate nutrition and hydration resulting in malnutrition; e.g., severe weight loss, abnormal laboratory values;
  - C. Withholding nutrition and hydration without advance directive; or
  - D. Lack of potable water supply.
6. Failure to protect from widespread nosocomial infections; e.g. failure to practice standard precautions, failure to maintain sterile techniques during invasive procedures and/or failure to identify and treat nosocomial infections—
  - A. Pervasive improper handling of body fluids or substances from an individual with an infectious disease;
  - B. High number of infections or contagious diseases without appropriate reporting, intervention and care;
  - C. Pattern of ineffective infection control precautions; or
  - D. High number of nosocomial infections caused by cross contamination from staff and/or equipment/supplies.
7. Failure to correctly identify individuals—
  - A. Blood products given to wrong individual;
  - B. Surgical procedure/treatment performed on wrong individual or wrong body part;
  - C. Administration of medication or treatments to wrong individual; or
  - D. Discharge of an infant to the wrong individual.

8. Failure to safely administer blood products and safely monitor organ transplantation—
  - A. Wrong blood type transfused;
  - B. Improper storage of blood products;
  - C. High number of serious blood reactions;
  - D. Incorrect cross match and utilization of blood products or transplantation organs; or
  - E. Lack of monitoring for reactions during transfusions.
9. Failure to provide safety from fire, smoke and environment hazards and/or failure to educate staff in handling emergency situations—
  - A. Nonfunctioning or lack of emergency equipment and/or power source;
  - B. Smoking in high risk areas;
  - C. Incidents such as electrical shock, fires;
  - D. Ungrounded/unsafe electrical equipment;
  - E. Widespread lack of knowledge of emergency procedures by staff;
  - F. Widespread infestation by insects/rodents;
  - G. Lack of functioning ventilation, heating or cooling system placing individuals at risk;
  - H. Use of non-approved space heaters, such as kerosene, electrical, in resident or patient areas;
  - I. Improper handling/disposal of hazardous materials, chemicals and waste;
  - J. Locking exit doors in a manner that does not comply with NFPA 101;
  - K. Obstructed hallways and exits preventing egress;
  - L. Lack of maintenance of fire or life safety systems; or
  - M. Unsafe dietary practices resulting in high potential for food-borne illnesses.
10. Failure to provide initial medical screening, stabilization of emergency medical conditions and safe transfer for individuals and women in active labor seeking emergency treatment—
  - A. Individuals turned away from emergency room (ER) without medical screening exam;
  - B. Women with contractions not medically screened for status of labor;
  - C. Absence of ER or obstetrical (OB) medical screening records;
  - D. Failure to stabilize emergency medical condition; or
  - E. Failure to appropriately transfer an individual with an unstabilized emergency medical condition.





MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES  
HEALTH FACILITY REGULATION

P.O. BOX 570  
JEFFERSON CITY, MISSOURI 65102-0570

**APPLICATION FOR HOSPITAL LICENSE**

INITIAL APPLICATION

RENEWAL APPLICATION

DO NOT WRITE IN THIS SPACE

LICENSE NO.  
DATE  
CERTIFICATE NO.  
DATE MAILED

In accordance with the requirements of the Missouri Hospital Licensing Law (sections 197.010 through 197.120, RSMo), application is hereby made for a license to conduct and maintain a hospital (see "Definitions," section 197.020, subsection 2., RSMo).

NAME OF HOSPITAL (NAME TO APPEAR ON LICENSE) TELEPHONE NO.

ADDRESS (STREET AND NUMBER) (CITY) (ZIP CODE) (COUNTY)

CHIEF EXECUTIVE OFFICER (FULL NAME) (TITLE)

NEXT IN CHARGE (FULL NAME) (TITLE)

TYPE OF FACILITY  
 GENERAL HOSPITAL  SPECIALTY (SPECIFY REHABILITATION, MENTAL, ETC.)

**OWNERSHIP AND MANAGEMENT (CHECK ONLY ONE)**

<b>A. GOVERNMENTAL</b> <input type="checkbox"/> DISTRICT <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY-COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> OTHER (EXPLAIN)		<b>B. NON-GOVERNMENTAL</b> NON-PROFIT <input type="checkbox"/> CHURCH OPERATED <input type="checkbox"/> CHURCH AFFILIATED <input type="checkbox"/> OTHER NON-PROFIT		PROPRIETARY <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION	
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NAME OF GOVERNING BODY

CHIEF OFFICER OF GOVERNING BODY (FULL NAME) (TITLE)

LEGAL NAME OF OPERATING CORPORATION

IF OPERATED BY MANAGEMENT CONSULTANT, NAME OF FIRM

FISCAL YEAR MO. DAY TO MO. DAY COMPLETED AND RETURNED MOST RECENT ANNUAL SURVEY OF MISSOURI HOSPITALS? (FOR RENEWAL APPL ONLY)  YES  NO

**PROFESSIONAL DATA**

ACTIVE STAFF ►	NUMBER	<input type="checkbox"/> MEDICAL	<input type="checkbox"/> OSTEOPATHIC	<input type="checkbox"/> JOINT
RADIOLOGIST (NAME)	<input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME	PATHOLOGIST (NAME)	<input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME	
DIR. OF NURSING SERVICE (NAME)		DIR. MEDICAL RECORDS (NAME)		
DIR. DIETARY SERVICE (NAME)		DIR. PHYSICAL PLANT (NAME)		
ACCREDITED? <input type="checkbox"/> YES <input type="checkbox"/> NO	ACCREDITED BY <input type="checkbox"/> JCAH <input type="checkbox"/> AOA	APPLIED FOR ACCREDITATION? <input type="checkbox"/> YES <input type="checkbox"/> NO		
SCHOOL OF NURSING <input type="checkbox"/> YES <input type="checkbox"/> NO	APPROVED FOR RESIDENT-INTERN TRAINING <input type="checkbox"/> YES <input type="checkbox"/> NO	NUMBER OF RESIDENTS	NUMBER OF INTERNS	



BED DESIGNATION BY SERVICES (INDICATE TOTAL NUMBER OF BEDS IN EACH CATEGORY)				
MEDICAL-SURGICAL	ALCOHOL/DRUG ABUSE	LTC TOTAL _____	NEONATAL ICU	OTHER (SPECIFY SERVICE)
OBSTETRICAL	PSYCHIATRIC	SKILLED NURSING _____ INTERMEDIATE CARE _____	NURSERY BASSINETS	
PEDIATRIC	ICU-CCU	REHABILITATION	<b>TOTAL BEDS</b>	
				NUMBER

NOTE: ANY CHANGES IN TOTAL BED COMPLEMENT SINCE LAST APPLICATION (INCREASE OR DECREASE) MUST BE FULLY EXPLAINED.

**CERTIFICATION**

STATE OF MISSOURI

City of \_\_\_\_\_ }  
County of \_\_\_\_\_ } ss.

\_\_\_\_\_, CHAIRMAN/PRESIDENT OF BOARD OF TRUSTEES, OWNER,  
OR ONE PARTNER OF PARTNERSHIP and \_\_\_\_\_ HOSPITAL CHIEF EXECUTIVE OFFICER

being duly sworn by me on \_\_\_\_\_ oath, deposes and says that \_\_\_\_\_ have read the foregoing application and that the statements contained therein are correct and true and of \_\_\_\_\_ knowledge; and further gives assurance of the ability and intention of the \_\_\_\_\_ to comply with the regulations and codes promulgated under the Missouri Hospital Licensing Law (sections 197.010 through 197.120, RSMo).

It is further certified that the \_\_\_\_\_ will comply with all recommendations for correction and/or improvements as contained in the most recent Licensing Survey Report prepared by the Department of Health and Senior Services and submitted to said Hospital.

Signed \_\_\_\_\_  
CHAIRMAN/PRESIDENT OF BOARD OF TRUSTEES, OWNER,  
OR ONE PARTNER OF PARTNERSHIP

Signed \_\_\_\_\_  
HOSPITAL CHIEF EXECUTIVE OFFICER

NOTARY PUBLIC EMBOSSER OR BLACK INK RUBBER STAMP SEAL	STATE	COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS	
	DAY OF	YEAR
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES
NOTARY PUBLIC NAME (TYPED OR PRINTED)		
USE RUBBER STAMP IN CLEAR AREA BELOW.		

*AUTHORITY: sections 192.006, 197.080 and 197.293, RSMo 2000. This rule was previously filed as 13 CSR 50-20.015. Original rule filed April 9, 1985, effective July 11, 1985. Amended: Filed Nov. 4, 1992, effective June 7, 1993. Amended: Filed Nov. 21, 1995, effective July 30, 1996. Amended: Filed Oct. 6, 1998, effective April 30, 1999. Amended: Filed June 28, 2001, effective Feb. 28, 2002. Amended: Filed April 30, 2004.*

*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 Department of Health and Senior Services, Division of Senior Services and Regulation, Section for Health Standards and Licensure, Cynthia Schmutzler, Interim Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## **Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**

### **Division 30—Division of Health Standards and Licensure Chapter 20—Hospitals**

#### **PROPOSED AMENDMENT**

#### **19 CSR 30-20.021 Organization and Management for Hospitals.**

The department proposes to amend sections (2) and (3).

*PURPOSE: This amendment increases the maximum length of time for which medical staff can be initially appointed; modifies language regarding denials of appointment, reappointment, curtailment, suspension, revocation or modification of privileges; changes how often an independent practitioner's credentials must be reviewed; expands patient rights; modifies retention requirements for minutes of medical staff meetings; changes requirements related to the review and evaluation of the quality of clinical practice of the medical staff; adds an additional requirement on the use of abbreviations and symbols in medical records; modifies the time requirements related to inpatient histories and physical examinations; and limits the time frame for administering certain types of medications prepared by non-pharmacy personnel.*

#### **(2) Governing Body, Administration and Medical Staff.**

##### **(A) Governing Body.**

1. The governing body is defined as an individual owner(s), partnership, corporate body, association or public agency having legal responsibility for the operation of a hospital subject to provisions of sections 197.020–197.120, RSMo.

2. The governing body shall be the legal authority in the hospital and shall be responsible for the overall planning, directing, control and management of the activities and functions of the hospital.

3. The governing body shall establish and adopt bylaws to provide for the appointment of a qualified chief executive officer and members of the medical staff and of the delegation of authority and responsibility to each. A copy of the governing body bylaws and of all amendments or revisions shall be submitted to the Department of Health for its records.

4. Meetings of the governing body shall be held at regular, stated intervals and at other times necessary for proper operation of the

hospital. Minutes of all meetings shall be kept as permanent records, signed and made available to members of the governing body.

5. Bylaws of the governing body shall provide for the election of officers and for the appointment of standing and special committees necessary to effectively carry out its responsibilities. Written minutes of all committee meetings shall be maintained on a confidential basis.

6. Bylaws of the governing body shall establish a direct and effective means of liaison among the governing body, the administration and the medical staff.

7. The governing body shall select and employ a chief executive officer who should be qualified, by education and experience, in the field of hospital or health care administration.

8. Bylaws of the governing body shall describe and convey authority to the chief executive officer for the administration of the hospital in all its activities. The chief executive officer shall be subject to special policies adopted or specific orders issued by the governing body in accordance with its bylaws.

9. The Department of Health shall be notified of any change in the appointment of the chief executive officer.

10. Bylaws of the governing body shall require that the medical staff, hospital personnel and all auxiliary organizations, directly or indirectly, shall be responsible to the governing body through the chief executive officer.

11. Bylaws of the governing body shall require that a qualified individual be designated by the chief executive officer to act in his/her absence.

12. Duly appointed representatives of the Department of Health shall be allowed to inspect the hospital as required in section 197.100, RSMo.

13. Bylaws of the governing body shall provide for the selection and appointment of medical staff members based upon defined criteria and in accordance with an established procedure for processing and evaluating applications for membership. Applications for appointment and reappointment shall be in writing and shall signify agreement of the applicant to conform with bylaws of both the governing body and medical staff and to abide by professional ethical standards. Initial appointments to the medical staff shall not exceed *[twelve (12) months] two (2) years*. Reappointments, which may be processed and approved at the discretion of the governing body on a monthly or other cyclical pattern, shall not exceed two (2) years.

14. Bylaws of the governing body shall require that the medical staff develop and adopt medical staff bylaws and rules which shall become effective when approved by the governing body.

15. The governing body, acting upon recommendations of the medical staff, shall approve or disapprove appointments and on the basis of established requirements shall determine the privileges extended to each member of the staff.

16. Bylaws of *[both] the governing body [and medical staff shall provide for appeal and hearing procedures for the denial of reappointment and for the denial, curtailment, suspension, revocation or other modification of clinical privileges of a member of the medical staff. These bylaws also]* shall provide that notification of denial of appointment, reappointment, curtailment, suspension, revocation or modification of privileges shall be in writing and shall indicate the reason(s) for this action.

17. The governing body shall establish mechanisms which assure the hospital's compliance with mandatory federal, state and local laws, rules and standards.

18. Although independent licensed practitioners are not authorized membership to the medical staff, the governing body may include provisions within its bylaws to grant licensed practitioners clinical privileges, on an outpatient basis, for diagnostic and therapeutic tests and treatment. The privileges shall be within the scope and authority of each practitioner's current Missouri license and practice act.

A. The provisions shall include a mechanism to assure that independent practitioners who provide services have clinical privileges delineated by the governing body or designee.

B. The mechanism shall include criteria for a review of an independent practitioner's credentials *[or]* at least *[an annual basis the first two (2) years and at least]* every two (2) years *[after that]*. At a minimum, the criteria shall include documentation of a current license, relevant training and experience, and competency.

19. The governing body shall establish and implement a mechanism which assures compliance with the reporting requirements in section 383.133, RSMo.

(B) Administration, Chief Executive Officer.

1. The chief executive officer shall be the direct representative of the governing body and shall be responsible for management of the hospital commensurate with the authority delegated by the governing body in its bylaws.

2. The chief executive officer shall be responsible for maintaining liaison among the governing body, medical staff and all departments of the hospital.

3. The chief executive officer shall organize the administrative functions of the hospital through appropriate departmentalization and delegation of duties and shall establish a system of authorization, record procedures and internal controls.

4. The chief executive officer shall be responsible for the recruitment and employment of qualified personnel to staff the various departments of the hospital and shall insure that written personnel policies and job descriptions are available to all employees.

5. The chief executive officer shall be responsible for the development and enforcement of written policies and procedures governing visitors to all areas of the hospital.

6. The chief executive officer shall be responsible for establishing effective security measures to protect patients, employees and visitors.

7. The chief executive officer shall maintain policies protecting children admitted to or discharged from the hospital. Policies shall provide for at least the following:

A. A child shall not be released to anyone other than the child's parent(s), legal guardian or custodian;

B. The social work service personnel shall have knowledge of available social services for unmarried mothers and for the placement of children;

C. Adoption placements shall comply with section 453.010, RSMo; and

D. The reporting of suspected incidences of child abuse shall be made to the Division of Family Services as established under section 210.120, RSMo.

8. The chief executive officer shall be responsible for developing a written emergency preparedness plan. The plan shall include procedures which provide for safe and orderly evacuation of patients, visitors and personnel in the event of fire, explosion or other internal disaster. The plan shall also include procedures for caring for mass casualties resulting from any external disaster in the region.

9. The emergency plan in paragraph (2)(B)8. of this rule shall be readily available to all personnel. The chief executive officer is responsible for ensuring all employees shall be instructed regarding their responsibilities during an emergency. Drills for internal disasters, such as fires, shall be held at least quarterly for each shift and shall include the simulated use of fire alarm signals and simulation of emergency fire conditions. Annual drills for external disasters shall be held in coordination with representatives of local emergency preparedness offices. The movement of hospital patients is not required as a part of the drills.

10. The chief executive officer shall be responsible for carrying out policies of the governing body to ensure that patients are admitted to the hospital only by members of the medical staff and that each patient's general medical condition shall be the primary responsibility of a physician member of the medical staff.

11. The chief executive officer shall bring to the attention of the chief of the medical staff and governing body failure by members of that staff to conform with established hospital policies regarding administrative matters, professional standards or the timely preparation and completion of each patient's clinical record.

12. The chief executive officer shall be responsible for developing and maintaining a hospital environment which provides for efficient care and safety of patients, employees and visitors.

13. The chief executive officer shall be responsible for the development and enforcement of written policies which prohibit smoking throughout the hospital except specific designated areas where smoking may be permitted. Lobbies and dining rooms having an area of at least one thousand (1,000) square feet which are enclosed and separated from the access to exit corridor systems may have a designated smoking area. This designated smoking area may not exceed twenty percent (20%) of the total area of the room and shall be located to minimize the spread of smoke into the nonsmoking areas. Lobbies, dining rooms and other rooms of less than one thousand (1,000) square feet which are enclosed and separated from the access to exit corridor systems may be designated smoking areas provided one hundred percent (100%) of the air supplied to the room is exhausted. Individual patients may be permitted to smoke in their rooms with the consent of any other patients occupying the room and with the permission of his/her attending physician. If a patient is confined to bed or classified as not being responsible, smoking is permitted only under the direct supervision of an authorized individual. Modification of the patient room ventilation system is not required to permit occasional authorized smoking by a patient.

14. An annual licensing survey for each fiscal year shall be filed with the department on the survey document provided by the Department of Health and Senior Services. The survey shall be due within two (2) months after the hospital's receipt of the survey.

15. The chief executive officer shall be responsible for establishing and implementing a mechanism which will assure that patient services provide care or an appropriate referral that is commensurate with the patient's needs. If services are provided by contract, the contractor shall furnish services that permit the hospital to comply with all applicable hospital licensing requirements.

16. The chief executive officer shall be responsible for establishing and implementing a mechanism to assure that all equipment and physical facilities used by the hospital to provide patient services, including those services provided by a contractor, comply with applicable hospital licensing requirements.

17. The chief executive officer shall be responsible for establishing and implementing a mechanism to assure that patients' rights are protected. At a minimum, the mechanism shall include the following:

A. The patient has the right to be free from abuse, *[or]* neglect or harassment;

B. The patient has the right to be treated with consideration and respect;

C. The patient has the right to protective oversight while a patient in the hospital;

D. The patient or his/her designated representative has the right to be informed regarding the hospital's plan of care for the patient;

E. The patient or his/her designated representative has the right to be informed, upon request, regarding general information pertaining to services received by the patient;

F. The patient or his/her designated representative has the right to review the patient's medical record and to receive copies of the record at a reasonable photocopy fee;

G. The patient or his/her designated representative has the right to participate in the patient's discharge planning, including being informed of service options that are available to the patient and a choice of agencies which provide the service;



H. When a patient has brought personal possessions to the hospital, s/he has the right to have these possessions reasonably protected;

I. The patient has the right to accept medical care or to refuse it to the extent permitted by law and to be informed of the medical consequences of refusal. The patient has the right to appoint a surrogate to make health care decisions on his/her behalf to the extent permitted by law; *[and]*

J. The patient, responsible party or designee has the right to participate in treatment decisions and the care planning process*./;*

**K. The patient has the right to be informed of the hospital's patient grievance policies and procedures, including who to contact and how; and**

**L. The patient has the right to file a verbal or written grievance and to expect a prompt resolution of the grievance, including a timely written notice of the resolution. This written notice should include information on the steps taken on behalf of the patient to investigate the grievance, the results of the investigation, and the date the investigation was completed.**

(C) Medical Staff.

1. The medical staff shall be organized, shall develop and, with the approval of the governing body, shall adopt bylaws, rules and policies governing their professional activities in the hospital.

2. Medical staff membership shall be limited to physicians, dentists, psychologists and podiatrists. They shall be currently licensed to practice their respective professions in Missouri. The bylaws of the *[governing body and]* medical staff shall include the procedure to be used in processing applications for medical staff membership*;* *[approving or disapproving]* and the criteria for granting initial or continuing medical staff appointments*;* and *[determining the]* for granting initial, renewed or revised clinical privileges *[available to physicians, dentists, psychologists and podiatrists]*.

3. No application for membership on the medical staff shall be denied based solely upon the applicant's professional degree or the school or health care facility in which the practitioner received medical, dental, psychology or podiatry schooling, postgraduate training or certification, if the schooling or postgraduate training for a physician was accredited by the American Medical Association or the American Osteopathic Association, for a dentist was accredited by the American Dental Association's Commission on Dental Accreditation, for a psychologist was accredited with accordance to Chapter 337, RSMo and for a podiatrist was accredited by the American Podiatric Medical Association. Each application for staff membership shall be considered on an individual basis with objective criteria applied equally to each applicant.

4. Each physician, dentist, psychologist or podiatrist requesting staff membership shall submit a **complete** written application to the chief executive officer of the hospital **or his designee** on a form approved by the governing body. Each application shall be accompanied by evidence of education, training, professional qualifications, license and *[standards of performance]* **any other information required by the medical staff bylaws or policies.**

5. *[The governing body, acting upon recommendations of the medical staff, shall approve or disapprove appointments.]* Written criteria shall be developed for privileges extended to each member of the staff. A formal mechanism shall be established for recommending to the governing body delineation of privileges, curtailment, suspension or revocation of privileges and appointments and reappointments to the medical staff. The mechanism shall include an inquiry of the National Practitioner Data Bank. **Bylaws of the medical staff shall provide for hearing and appeal procedures for the denial of reappointment and for the denial, revocation, curtailment, suspension, revocation, or other modification of clinical privileges of a member of the medical staff.**

6. Any applicant for medical staff membership who is denied membership or whose completed application is not acted upon within ninety (90) calendar days **of completion of verification of cre-**

**dentials data** or a medical staff member whose membership *[is]* **or privileges are** terminated, curtailed or diminished in any way shall be given in writing the reasons for the action or lack of action. The reasons shall relate to, but not be limited to, *[standards of patient care,]* patient welfare, the objectives of the institution, **the inability of the organization to provide the necessary equipment or trained staff, contractual agreements,** or the conduct or competency of the applicant or **medical** staff member.

7. Initial appointments to the medical staff shall not exceed *[twelve (12) months]* **two (2) years.** Reappointments, which may be processed and approved at the discretion of the governing body on a monthly or other cyclical pattern, shall not exceed two (2) years.

8. The medical staff bylaws shall provide for—an outline of the medical staff organization; designation of officers, their duties and qualifications and methods of selecting the officers; committee functions; and an appeal and hearing process.

9. The medical staff bylaws shall provide for an active staff and other categories as may be designated in the governing body bylaws. The medical staff bylaws shall describe the voting rights, attendance requirements, eligibility for holding offices or committee appointments, and any limitations or restrictions identified with location of residence or office practice for each category.

10. The organized medical staff shall meet at intervals necessary to accomplish its required functions. A mechanism shall be established for monthly decision-making by or on behalf of the medical staff.

11. Written minutes of medical staff meetings shall be *[signed and permanently filed]* recorded. **Minutes containing peer review information shall be retained** on a confidential basis in the hospital. **The medical staff shall determine retention guidelines and guidelines for release of minutes not containing peer review materials.**

12. The medical staff as a body or through committee shall review and evaluate the quality of clinical practice of the **medical staff** *[throughout]* in the hospital *[at least once each quarter Review and evaluation shall include selected deaths, unimproved cases, tissue, infections, complications, errors in diagnosis and results of treatment.]* **in accordance with the medical staff's peer review function and performance improvement plan and activities.**

13. The medical staff shall establish in its bylaws or rules criteria for the content of patients' records provisions for their timely completion and disciplinary action for noncompliance.

14. Bylaws of the medical staff shall require that at all times at least one (1) physician member of the medical staff shall be on duty or available within a reasonable period of time for emergency service.

(3) Required Patient Care Services. Each hospital shall provide the following: central services, dietary services, emergency services, medical records, nursing services, pathology and medical laboratory services, pharmaceutical services, radiology services, social work services and an inpatient care unit.

(D) Medical Records.

1. The director of the medical record services shall be appointed by the chief executive officer or chief operating officer. This director may be a qualified registered record administrator, an accredited record technician or an individual with demonstrated competence and knowledge of medical record department activities supervised by a qualified consultant who is a registered record administrator or accredited record technician.

2. Patient care by members of the medical staff, nursing staff and allied health professionals shall be entered in the patient's medical record in a timely manner. Documentation shall be legible, dated, authenticated and recorded in ink, typewritten or recorded electronically.

3. All orders shall be dated and authenticated by the ordering practitioner and shall be kept in the patient's medical record. Verbal

orders shall be authenticated by the prescribing practitioner or attending physician within the time frame that is defined by the medical staff in cooperation with nursing and administration. Authentication shall include written signatures, initials, computer-generated signature codes or rubber stamp signatures by the medical members and authorized persons whose signatures the stamp represents. The use of rubber stamps is discouraged, but where authorized, a signed statement shall be maintained in the administrative offices with a copy in the medical records department stating that the medical staff member whose stamp is involved is the only one who has the stamp and is the only one authorized to use it. The duplication of signature stamps and the delegation of their use by others is prohibited.

4. Only abbreviations and symbols approved by the medical staff may be used in the medical records. Each abbreviation or symbol shall have only one (1) meaning and an explanatory legend shall be available for use by all concerned. **There shall be a list of abbreviations and symbols that shall not be used in handwritten communications.**

5. The medical record of each patient shall be maintained in order to justify admission and continued hospitalization, support the diagnosis, describe the patient's progress and response to medications and services and to facilitate rapid retrieval and utilization by authorized personnel.

6. Medical records are the property of the hospital and shall not be removed from the hospital premises except by court order, subpoena, for the purposes of microfilming or for off-site storage approval by the governing body.

7. Written consent of the patient or the patient's legal representative is required for access to or release of information, copies or excerpts from the medical record to persons not otherwise authorized to receive this information.

8. Patient records shall be considered complete for filing when the required contents are assembled and authenticated. Hospital policy shall define circumstances in which incomplete medical records may be filed permanently by order of the medical record committee.

9. An inpatient's medical record shall include: a unique identifying record number; pertinent identifying and personal data; history of present illness or complaint; if injury, how the injury occurred; past history; family history; physical examination; admitting diagnosis; medical staff orders; progress notes; nurses' notes; discharge summary; final diagnosis; and evidence of informed consent. Where applicable, medical records shall contain reports such as clinical laboratory, X-ray, consultation, electrocardiogram, surgical procedures, therapy, anesthesia, pathology, autopsy and any other reports pertinent to the patient's care.

10. Admission forms shall be designed to record pertinent identifying and personal data.

11. A certificate of live birth shall be prepared for each child born alive and shall be forwarded to the local registrar within seven (7) days after the date of delivery. If the physician or other person in attendance does not certify to the facts of birth within five (5) days after the birth, the person in charge of the institution shall complete and sign the certificate.

12. When a dead fetus is delivered in an institution, the person in charge of the institution or his/her designated representative shall prepare and, within seven (7) days after delivery, file a report of fetal death with the local registrar.

13. Medical records of deceased patients shall contain the date and time of death, autopsy permit, if granted, disposition of the body, by whom received and when.

14. The State Anatomical Board shall be notified of an unclaimed dead body. A record of this notification shall be maintained.

15. The patient's medical records shall be maintained to safeguard against loss, defacement and tampering and to prevent damage from fire and water. Medical records shall be preserved in a permanent file in the original, on microfilm or other electronic media.

Patients' medical records shall be retained for a minimum of ten (10) years, except that a minor shall have his/her record retained until his/her twenty-third birthday, whichever occurs later. Preservation of medical records may be extended by the hospital for clinical, educational, statistical or administrative purposes.

16. There shall be a mechanism for the review and evaluation on a regular basis of the quality of medical record services.

17. Should the hospital cease to be licensed, arrangements for disposition of the patient medical records shall be made with nearby hospitals, the patient's physician or a reliable storage company. Notification of the disposition is to be provided to the department.

18. A history and physical examination shall be completed on each inpatient within twenty-four (24) hours of admission, or a history and physical examination shall have been completed **or updated** within the seven (7) days prior to admission. **A history and physical which is performed up to and no more than thirty (30) days before admission may be utilized provided that the patient is reassessed and an update note is written, signed and dated to reflect the patient's status within seven (7) days prior to, or within twenty-four (24) hours after, admission.**

19. A patient's records shall be completed within thirty (30) days of discharge.

#### (G) Pharmacy Services and Medication Management.

1. Pharmacy services shall be identified and integrated within the total hospital organizational plan. Pharmacy services shall be directed by a pharmacist who is currently licensed in Missouri and qualified by education and experience. The director of pharmacy services shall be responsible for the provision of all services required in subsection (4)(G) of this rule and shall be a participant in all decisions made by pharmacy services or committees regarding the use of medications. With the assistance of medical, nursing and administrative staff, the director of pharmacy services shall develop standards for the selection, distribution and safe and effective use of medications throughout the hospital.

2. Additional professional and supportive personnel shall be available for services provided. Pharmacists shall be currently licensed in Missouri and all personnel shall possess the education and training necessary for their responsibilities.

3. Support pharmacy personnel shall work under the supervision of a pharmacist and shall not be assigned duties that by law must be performed by a pharmacist. Interpreting medication orders, selecting, compounding, packaging, labeling and the dispensing of medications by pharmacy staff shall be performed by or under the supervision of a pharmacist. Interpretation of medication orders by support personnel shall be limited to order processing and shall not be of a clinical nature.

4. Hours shall be established for the provision of pharmacy services. A pharmacist shall be available to provide required pharmacy services during hours appropriate for necessary contact with medical and nursing staff. A pharmacist shall be on call at all other times.

5. Space, equipment and supplies shall be available according to the scope of pharmacy services provided. Office or other work space shall be available for administrative, clerical, clinical and other professional services provided. All areas shall meet standards to maintain the safety of personnel and the security and stability of medications stored, handled and dispensed.

6. The pharmacy and its medication storage areas shall have proper conditions of sanitation, temperature, light, moisture, ventilation and segregation. Refrigerated medication shall be stored separate from food and other substances. The pharmacy and its medication storage area shall be locked and accessible only to authorized pharmacy and supervisory nursing personnel. The director of pharmacy services, in conjunction with nursing and administration, shall be responsible for the authorization of access to the pharmacy by supervisory nursing personnel to obtain doses for administering when pharmacy services are unavailable.

7. Medication storage areas outside of the pharmacy shall have



proper conditions of sanitation, temperature, light, moisture, ventilation and segregation. Refrigerated medications shall be stored in a sealed compartment separate from food and laboratory materials. Medication storage areas shall be locked and accessible only to authorized personnel.

8. The evaluation, selection, source of supply and acquisition of medications shall occur according to the hospital's policies and procedures. Medications and supplies needed on an emergency basis and necessary medications not included in the hospital formulary shall be acquired according to the hospital's policies and procedures.

9. Records shall be maintained of medication transactions, including: acquisition, compounding, repackaging, dispensing or other distribution, administration and controlled substance disposal. Persons involved in compounding, repackaging, dispensing, administration and controlled substance disposal shall be identified and the records shall be retrievable. Retention time for records of bulk compounding, repackaging, administration, and all controlled substance transactions shall be a minimum of two (2) years. Retention time for records of dispensing and extemporaneous compounding, including sterile medications, shall be a minimum of six (6) months.

10. Security and record keeping procedures in all areas shall ensure the accountability of all controlled substances, shall address accountability for other medications subject to theft and abuse and shall be in compliance with 19 CSR 30-1.030(3). Inventories of Schedule II controlled substances shall be routinely reconciled. Inventories of Schedule III-V controlled substances outside of the pharmacy shall be routinely reconciled. Records shall be maintained so that inventories of Schedule III-V controlled substances in the pharmacy shall be reconcilable.

11. Controlled substance storage areas in the pharmacy shall be separately locked and accessible only to authorized pharmacy staff. Reserve supplies of all controlled substances in the pharmacy shall be locked. Controlled substance storage areas outside the pharmacy shall be separately locked and accessible only to persons authorized to administer them and to authorized pharmacy staff.

12. Authorization of access to controlled substance storage areas outside of the pharmacy shall be established by the director of pharmacy services in conjunction with nursing and administration. The distribution and accountability of keys, magnetic cards, electronic codes or other mechanical and electronic devices shall occur according to the hospital's policies and procedures.

13. All variances involving controlled substances—including inventory, security, record keeping, administration and disposal—shall be reported to the director of pharmacy services for review and investigation. Loss, diversion, abuse or misuse of medications shall be reported to the director of pharmacy services, administration, and local, state and federal authorities as appropriate.

14. The provision of pharmacy services in the event of a disaster, removal from use of medications subject to product recall and reporting of manufacturer drug problems shall occur according to the hospital's policies and procedures.

15. Compounding and repackaging of medications in the pharmacy shall be done by pharmacy personnel under the supervision of a pharmacist. Those medications shall be labeled with the medication name, strength, lot number, expiration date and other pertinent information. Record keeping and quality control, including end-product testing when appropriate, shall occur according to the hospital's policies and procedures.

16. Compounding, repackaging or relabeling of medications by nonpharmacy personnel shall occur according to the hospital's policies and procedures. Medications shall be administered routinely by the person who prepared them, and preparation shall occur just prior to administration except in circumstances approved by the director of pharmacy, nursing and administration. **Compounded sterile medications for parenteral administration prepared by nonpharmacy personnel shall not be administered beyond twenty-four (24) hours of preparation.** Labeling shall include the patient's name, where appropriate, medication name, strength, [expiration] beyond

use date, identity of the person preparing and other pertinent information.

17. Compounded sterile medications shall be routinely prepared in a suitably segregated area in a Class 100 environment by pharmacy personnel. Preparation by nonpharmacy personnel shall occur only in specific areas or in situations when immediate preparation is necessary and pharmacy personnel are unavailable and shall occur according to policies and procedures. All compounded cytotoxic/hazardous medications shall be prepared in a suitably segregated area in a Class II biological safety cabinet or vertical airflow hood. The preparation, handling, administration and disposal of sterile or cytotoxic/hazardous medications shall occur according to policies and procedures including: orientation and training of personnel, aseptic technique, equipment, operating requirements, environmental considerations, attire, preparation of parenteral medications, preparation of cytotoxic/hazardous medications, access to emergency spill supplies, special procedures/products, sterilization, extemporaneous preparations and quality control.

18. Radiopharmaceuticals shall be acquired, stored, handled, prepared, packaged, labeled, administered and disposed of according to the hospital's policies and procedures and only by or under the supervision of personnel who are certified by the Nuclear Regulatory Commission.

19. A medication profile for each patient shall be maintained and reviewed by the pharmacist and shall be reviewed by the pharmacist upon receiving a new medication order prior to dispensing the medication. The pharmacist shall review the prescriber's order or a direct copy prior to the administration of the initial dose, except in an emergency or when the pharmacist is unavailable, in which case the order shall be reviewed within seventy-two (72) hours.

20. Medications shall be dispensed only upon the order of an authorized prescriber and only by or under the supervision of the pharmacist.

21. All medications dispensed for administration to a specific patient shall be labeled with the patient name, drug name, strength, expiration date and, when applicable, the lot number and other pertinent information.

22. The medication distribution system shall provide safety and accountability for all medications, include unit of use and ready to administer packaging, and meet current standards of practice.

23. To prevent unnecessary entry to the pharmacy, a locked supply of routinely used medications shall be available for access by authorized personnel when the pharmacist is unavailable. Removal of medications from the pharmacy by authorized supervisory nursing personnel, documentation of medications removed, restricted and unrestricted medication removal, later review of medication orders by the pharmacist, and documented audits of medications removal shall occur according to the hospital's policies and procedures. The nurse shall remove only amounts necessary for administering until the pharmacist is available.

24. Floorstock medications shall be limited to emergency and nonemergency medications which are authorized by the director of pharmacy services in conjunction with nursing and administration. The criteria, utilization and monitoring of emergency and nonemergency floorstock medications shall occur according to the hospital's policies and procedures. Supplies of emergency medications shall be available in designated areas.

25. All medication storage areas in the hospital shall be inspected at least monthly by a pharmacist or designee according to the hospital's policies and procedures.

26. The pharmacist shall be responsible for the acquisition, inventory control, dispensing, distribution and related documentation requirements of investigational medications according to the hospital's policies and procedures. A copy of the investigational protocol shall be available in the pharmacy to all health care providers who prescribe or administer investigational medications. The identity of all recipients of investigational medications shall be readily retrievable.

27. Sample medications shall be received and distributed by the pharmacy according to the hospital's policies and procedures.

28. Dispensing of medications by the pharmacist to patients who are discharged from the hospital or who are outpatients shall be in compliance with 4 CSR 220.

29. Persons other than the pharmacist may provide medications to patients leaving the hospital only when prescription services from a pharmacy are not reasonably available. Medications shall be provided according to the hospital's policies and procedures, including: circumstances when medications may be provided, practitioners authorized to order, specific medications and limited quantities, prepackaging and labeling by the pharmacist, final labeling to facilitate correct administration, delivery, counseling and a transaction record. Final labeling, delivery and counseling shall be performed by the prescriber or a registered nurse.

30. Current medication information resources shall be maintained in the pharmacy and patient care areas. The pharmacist shall provide medication information to the hospital staff as requested.

31. The director of pharmacy services shall be an active member of the pharmacy and therapeutics committee or its equivalent, which shall advise the medical staff on all medication matters. A formulary shall be established which includes medications based on an objective evaluation of their relative therapeutic merits, safety and cost and shall be reviewed and revised on a continual basis. A medication use evaluation program shall be established which evaluates the use of selected medications to ensure that they are used appropriately, safely and effectively. Follow-up educational information shall be provided in response to evaluation findings.

32. The pharmacist shall be available to participate with medical and nursing staff regarding decisions about medication use for individual patients, including: not to use medication therapy; medication selection, dosages, routes and methods of administration; medication therapy monitoring; provision of medication-related information; and counseling to individual patients. The pharmacist or designee shall personally offer to provide medication counseling when discharge or outpatient prescriptions are filled. The pharmacist shall provide requested counseling.

33. Medication orders shall be initiated or modified only by practitioners who have independent statutory authority to prescribe or who are legally given authority to order medications. That authority may be given through an arrangement with a practitioner who has independent statutory authority to prescribe and who is a medical staff member. The authority may include collaborative practice agreements, protocols or standing orders and shall not exceed the practitioner's scope of practice. Practitioners given this authority who are not hospital employees shall be approved through the hospital credentialing process. When hospital-based agreements, protocols or standing orders are used, they shall be approved by the pharmacy and therapeutics or equivalent committee.

34. All medication orders shall be written in the medical record and signed by the ordering practitioner. When medication therapy is based on a protocol or standing order and a specific medication order is not written, a signed copy of the protocol or of an abbreviated protocol containing the medication order parameters or of the standing order shall be placed in the medical record. Telephone or verbal orders shall be accepted only by authorized staff, immediately written and identified as such in the medical record and signed by the ordering practitioner within a time frame defined by the medical staff.

35. Medication orders shall be written according to policies and procedures and those written by persons who do not have independent statutory authority to prescribe shall be included in the quality improvement program.

36. Automatic stop orders for all medications shall be established and shall include a procedure to notify the prescriber of an impending stop order. A maximum stop order shall be effective for all medications which do not have a shorter stop order. Automatic stop orders are not required when the pharmacist continuously mon-

itors medications to ensure that they are not inappropriately continued.

37. Medications shall be administered only by persons who have statutory authority to administer or who have been trained in each pharmacological category of medication they administer, and administration shall be limited to the scope of their practice. Persons who do not have statutory authority to administer shall not administer parenteral medications, controlled substances or medications that require professional assessment at the time of administration. A person who has statutory authority to administer shall be readily available at the time of administration. Training for persons who do not have statutory authority to administer shall be documented and administration by those persons shall be included in the quality improvement program. Medications shall be administered only upon the order of a person authorized to prescribe or order medications. Administration by all persons shall occur according to the hospital's policies and procedures.

38. Medications brought to the hospital by patients shall be handled according to policies and procedures. They shall not be administered unless so ordered by the prescriber and identified by the pharmacist or the prescriber.

39. Medications shall be self-administered or administered by a responsible party only upon the order of the prescriber and according to policies and procedures.

40. Medication incidents, including medication errors shall be reported to the prescriber and the appropriate manager. Medication incidents shall be reported to the appropriate committee. Adverse medication reactions shall be reported to the prescriber and the director of the pharmacy services. The medication administered and medication reaction shall be recorded in the patient's medical record. Adverse medication reactions shall be reviewed by the pharmacy and therapeutics committee and other medical or administrative committees when appropriate.

*AUTHORITY: sections 192.006 and 197.080, RSMo 2000. This rule was previously filed as 13 CSR 50-20.021 and 19 CSR 10-20.021. Original rule filed June 2, 1982, effective Nov. 11, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed April 30, 2004.*

*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 Department of Health and Senior Services, Division of Senior Services and Regulation, Section for Health Standards and Licensure, Cynthia Schmutzler, Interim Director, PO Box 570, Jefferson City, MO 65102-0570. 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.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.431 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.431 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.431 Deer Hunting Seasons: General Provisions**

*PURPOSE: This rule establishes general provisions for hunting deer.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at*

*the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) The annual *Fall Deer & Turkey Hunting Regulations and Information* booklet is hereby adopted as a part of this *Wildlife Code* and by this reference herein incorporated. A printed copy of this booklet can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and is online at [www.missouriconservation.org](http://www.missouriconservation.org).

(2) Deer shall mean white-tailed deer and mule deer. Antlered deer shall mean deer with at least one (1) antler at least three inches (3") long, except as provided in 3 CSR 10-7.435. Deer may be pursued, taken, killed, possessed or transported only as permitted in the *Wildlife Code*.

(3) Persons hunting or pursuing deer must possess a prescribed deer hunting permit. Resident landowners and lessees can qualify for no-cost permits; nonresident landowners can qualify for reduced-cost permits.

(4) Deer may be pursued or taken only from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.

(5) Deer Hunting Methods.

(A) Archery: longbows and compound bows.

(B) Muzzleloader: muzzleloading or cap-and-ball firearms, .40 caliber or larger, not capable of being loaded from the breech.

(C) Any legal method: archery and muzzleloader methods; cross-bows; shotguns; handguns or rifles firing centerfire ammunition.

(D) Prohibited, in use or possession:

1. Methods restricted by local ordinance.

2. Self-loading firearms with capacity of more than eleven (11) cartridges in magazine and chamber combined.

3. Ammunition propelling more than one (1) projectile at a single discharge, such as buckshot.

4. Full hard metal case projectiles.

5. Fully automatic firearms.

(6) Deer may not be hunted, pursued, taken or killed:

(A) While in a stream or other body of water.

(B) From a boat with a motor attached.

(C) With the aid of a motor-driven land conveyance or aircraft.

(D) With the aid of dogs, in use or possession.

(E) With the aid of artificial light or night vision equipment.

(F) Within any area enclosed by a fence greater than seven feet (7') in height that could contain or restrict the free range of deer. Exceptions are provided in other rules or by written authorization of the director.

(G) With the aid of bait (grain or other feed placed or scattered so as to constitute an attraction or enticement to deer). Scents and minerals, including salt, are not regarded as bait. An area is considered baited for ten (10) days following complete removal of bait. Hunters can be in violation even if they did not know an area was baited. It is illegal to place bait in a way that causes others to be in violation of the baiting rule.

(7) During the firearms deer hunting season, all persons hunting any game and also adults accompanying youths hunting deer on a Youth Deer and Turkey Hunting Permit, must wear a hat and a shirt, vest, or coat of the color commonly known as hunter orange, which must be plainly visible from all sides. The following are exempt from this requirement:

(A) Migratory game bird hunters.

(B) Archery permittees during the muzzleloader portion.



(C) All hunters during the urban and antlerless portions in any county closed during those portions.

(D) Hunters using archery methods while hunting within municipal boundaries where discharge of firearms is prohibited.

(E) Hunters on federal or state public hunting areas where deer hunting is restricted to archery methods.

(F) Hunters of small game and/or furbearers during the muzzle-loader portion.

(8) Hunters who kill or injure a deer must make a reasonable effort to retrieve and tag it, but this does not authorize trespass.

(9) Hunters who kill a deer must tag it immediately with the transportation tag portion of the permit; detaching the transportation tag voids the permit. The transportation tag must remain attached to the intact or field-dressed carcass until it has been inspected and registered by the taker at an official checking station, or reported through the TeleCheck Harvest Reporting System and the confirmation number immediately recorded on the transportation tag portion of the permit. All deer taken must be checked within twenty-four (24) hours. Qualifying resident landowners may either submit deer at an official checking station or use the TeleCheck Harvest Reporting System.

(10) Deer checked in accordance with established procedures may be possessed, transported, and stored by anyone. Locking seals placed on deer at official checking stations, or transportation tags with TeleCheck confirmation numbers, must remain attached to the carcass until processing begins. Parts of properly checked deer, when labeled with the full name, address, and permit number of the taker, may be possessed and transported by anyone. Commercially processed deer meat may be donated to not-for-profit charitable organizations under guidelines established by the director.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective May 15, 2004.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.432 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.432 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.432 Deer: Archery Hunting Season**

*PURPOSE: This rule establishes the archery deer hunting season, limits and provisions for hunting.*

(1) The archery deer hunting season is September 15, 2004, through January 15, 2005, excluding the November portion of the firearms deer hunting season. Use archery methods only; firearms may not be possessed.

(2) Archery Deer Hunting Permits.

(A) Resident or Nonresident Archer's Hunting Permit. Valid for two (2) deer statewide, except that only one (1) antlered deer may be taken prior to the November portion of the firearms deer hunting season.

(B) Resident or Nonresident Archery Antlerless Deer Hunting Permit. Valid for one (1) antlerless deer in any open county. Persons may purchase and fill any number of these permits, where valid. A Nonresident Archer's Hunting Permit must be purchased before purchasing Nonresident Archery Antlerless Deer Hunting Permits.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective May 15, 2004.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.433 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.433 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.433 Deer: Firearms Hunting Seasons**

*PURPOSE: This rule establishes the firearms deer hunting seasons, limits and provisions for hunting.*

(1) The firearms deer hunting season is comprised of five (5) portions.

(A) Urban portion: October 8 through 11, 2004; use any legal deer hunting method to take antlerless deer in open counties.

(B) Youth portion: November 6 and 7, 2004; for persons at least six (6) but not older than fifteen (15) years of age and qualifying landowner youth age fifteen (15) and younger; use any legal deer hunting method to take one (1) deer statewide.

(C) November portion: November 13 through 23, 2004; use any legal deer hunting method to take deer statewide.

(D) Muzzleloader portion: November 26 through December 5, 2004; use muzzleloader methods to take deer statewide.

(E) Antlerless portion: December 11 through 19, 2004; use any legal deer hunting method to take antlerless deer in open counties.

(2) Firearms Deer Hunting Permits.



(A) Youth Deer and Turkey Hunting Permit: for persons at least six (6) but not older than fifteen (15) years of age; valid for one (1) deer statewide, except that only antlerless deer may be taken during the urban and antlerless portions of the season.

(B) Resident or Nonresident Firearms Any-Deer Hunting Permit: valid for one (1) deer statewide, except that only antlerless deer may be taken during the urban and antlerless portions of the season.

(C) Resident or Nonresident Firearms Antlerless Deer Hunting Permit: valid for one (1) antlerless deer in any open county. Persons may purchase any number of these permits and fill them where valid. A Nonresident Firearms Any-Deer Hunting Permit must be purchased before purchasing Nonresident Firearms Antlerless Deer Hunting Permits.

(3) A person may take only one (1) antlered deer during the firearms deer hunting season. Deer taken at managed deer hunts are not included in this limit.

(4) Other wildlife may be hunted during the firearms deer hunting season using methods as follows:

(A) During the November portion statewide and the antlerless portion in open counties, only a shotgun and shot not larger than No. 4 may be used; waterfowl hunters, trappers, landowners on their land or lessees on land upon which they reside, are exempt.

(B) Furbearers may be hunted using any legal deer hunting method during established furbearer hunting seasons by persons holding an unfilled Firearms Deer Hunting Permit, and:

1. A Resident Small Game Hunting Permit; or
2. A Nonresident Furbearer Hunting and Trapping Permit.

(C) Furbearers may not be chased, pursued, or taken with the aid of dogs during daylight hours from November 1 through the end of the November portion statewide and the antlerless portion in open counties.

(D) Squirrels and rabbits may not be chased, pursued, or taken with the aid of dogs during daylight hours of the November portion in Bollinger, Butler, Carter, Dent, Iron, Madison, Oregon, Reynolds, Ripley, Shannon, and Wayne counties.

(5) Feral hogs, defined as any hog, including Russian and European wild boar, not conspicuously identified by ear tags or other forms of identification and roaming freely on public or private lands without the landowner's permission (refer to section 270.400 of *Missouri Revised Statutes*), may be taken in any number during the firearms deer hunting season as follows:

(A) Hunters must possess a valid small game hunting or unfilled firearms deer hunting permit and abide by the methods of pursuit allowed for deer as well as any other restrictions that may apply on specific public areas.

(B) During the November portion statewide and the antlerless portion in open counties:

1. Firearms deer permittees may only use methods allowed for deer.
2. Small game permittees may only use a shotgun with shot not larger than No. 4.
3. Dogs may not be used.

(C) During the youth and muzzleloader portions statewide and the urban portion in open counties:

1. Deer permittees may only use methods allowed for deer.
2. Small game permittees may only use methods allowed for small game.

(D) Resident landowners and lessees on qualifying land are not required to have any permit and may use any method to take feral hogs throughout the year.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective **May 15, 2004**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.434 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.434 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.434 Deer: Landowner Privileges**

*PURPOSE: This rule establishes season limits and provisions for landowners.*

(1) Resident landowners and lessees as defined in 3 CSR 10-20.805 can obtain no-cost deer hunting permits from any permit vendor. When requesting such permits, landowners must specify the number of acres owned and county of ownership.

(A) Those with five (5) or more continuous acres can each receive one (1) Resident Landowner Firearms Any-Deer Hunting Permit, one (1) Resident Landowner Archer's Hunting Permit, and two (2) Resident Landowner Archery Antlerless Deer Hunting Permits.

(B) In addition to the permits listed in subsection (1)(A), those with seventy-five (75) or more acres located in a single county or at least seventy-five (75) continuous acres bisected by a county boundary can receive a maximum of two (2) Resident Landowner Firearms Antlerless Deer Hunting Permits.

(2) Nonresident landowners as defined in 3 CSR 10-20.805 may apply to purchase reduced-cost Nonresident Landowner Archery and Firearms Deer Hunting Permits.

(3) All landowner deer hunting permits are valid only on qualifying property.

(4) All landowners and lessees who take deer on landowner permits may also purchase and fill other deer hunting permits but must abide by seasons, limits, and restrictions.

(5) Persons defined as landowners include:

- (A) General partners of partnerships.
- (B) Officers of resident or foreign corporations.
- (C) Officers or managing members of resident limited liability companies.

(D) Officers of benevolent associations organized pursuant to Chapter 352 of the *Revised Statutes of Missouri*.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective **May 15, 2004**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.435 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amends 3 CSR 10-7.435 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.435 Deer: Special Harvest Provisions**

*PURPOSE: This rule establishes special deer harvest limits and restrictions for certain counties.*

(1) Only antlerless deer and antlered deer with at least one (1) antler having at least four (4) antler points may be taken in the counties of Adair, Andrew, Atchison, Boone, Chariton, Cole, Daviess, DeKalb, Franklin, Gasconade, Gentry, Grundy, Harrison, Holt, Howard, Linn, Livingston, Macon, Maries, Mercer, Miller, Nodaway, Osage, Pulaski, Putnam, Randolph, Schuyler, Sullivan, and Worth. No other antlered deer may be taken.

- (A) An antler point is at least one inch (1") long from base to tip.
- (B) The end of the main beam is a point.

(2) These special provisions apply to all deer hunting seasons and permittees, except during the youth portion of the firearms deer hunting season.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed June 30, 1975, effective July 10, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This rule filed April 29, 2004, effective **May 15, 2004**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.436 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.436 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.436 Deer: Managed Hunts**

*PURPOSE: This rule establishes general provisions for managed deer hunts.*

Additional deer may be taken at special managed deer hunts established annually by the department. A person may apply for and participate in only one (1) managed deer hunt during a permit year except that persons permanently confined to a wheelchair may participate in more than one (1) hunt. Persons selected to participate must purchase a Resident or Nonresident Managed Deer Hunting Permit and abide by rules established for the hunt.

*AUTHORITY: sections 40 and 45 Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective **May 15, 2004**.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,  
Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-7.437 is adopted.

This rule relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed rule.

The Department of Conservation adopts 3 CSR 10-7.437 by establishing seasons and limits for deer hunting season during the 2004–2005 seasons.

**3 CSR 10-7.437 Deer: Firearms Antlerless Deer Hunting Permit Availability**

*PURPOSE: This rule establishes deer harvest limits by county.*

(1) Archery Deer Hunting Season.

(A) Resident and Nonresident Archery Antlerless Deer Hunting Permits are not valid in the counties of: Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, Stoddard, and Wayne.

(2) Firearms Deer Hunting Season.

(A) Resident and Nonresident Firearms Antlerless Deer Hunting Permits are not valid in the counties of: Bollinger, Butler, Cape

Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Reynolds, Scott, Stoddard, and Wayne.

(B) Only one (1) Resident or Nonresident Firearms Antlerless Deer Hunting Permit per person may be filled in the counties of: Crawford, Dent, Douglas, Franklin, Gasconade, Jefferson, Maries, Osage, Ozark, Perry, Phelps, Pulaski, Ripley, Shannon, St. Francois, Ste. Genevieve, Taney, Texas, and Washington.

(C) Any number of Resident or Nonresident Firearms Antlerless Deer Hunting Permits may be filled in the counties of: Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Dade, Dallas, Daviess, DeKalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Jackson, Johnson, Jasper, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, Macon, Marion, McDonald, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Nodaway, Oregon, Pike, Polk, Platte, Pettis, Putnam, Ralls, Randolph, Ray, Saline, Schuyler, Scotland, Shelby, Stone, St. Charles, St. Clair, St. Louis, Sullivan, Vernon, Warren, Webster, Worth, and Wright.

*AUTHORITY: sections 40 and 45 Art. IV, Mo. Const. Original rule filed April 29, 2004, effective May 15, 2004.*

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed rule under section 536.021, RSMo.

This rule filed April 29, 2004, effective **May 15, 2004**.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 110—Missouri Dental Board**  
**Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Dental Board under sections 332.031, 332.071, and 332.091, and 332.311, RSMo 2000, the board withdraws a proposed amendment as follows:

**4 CSR 110-2.130 Dental Hygienists is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 89). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: Upon the board's review of the proposed amendment it was noted that another section of the rule was to be amended, but was inadvertently not included in this amendment. Therefore, this proposed amendment is being withdrawn and will be proposed at another date.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 120—State Board of Embalmers and Funeral Directors**  
**Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.111, 333.151.1 and 536.023.3, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-1.010 General Organization is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 165). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 120—State Board of Embalmers and Funeral Directors**  
**Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.111 and 333.221, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-1.020 Board Member Compensation is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 165-166). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 120—State Board of Embalmers and Funeral Directors**  
**Chapter 1—Organization and Description of Board**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.011 and 333.111, RSMo 2000, the board adopts a rule as follows:

**4 CSR 120-1.040 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 166-167). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received, however, during the board's open meeting to review the proposed rule, public input was accepted. Representatives of the Missouri Funeral Directors Association and Capital Reserve Life were present as well licensees and attorneys representing members of the profession.

COMMENT: The majority of crematories in the state of Missouri are licensed for cremation only. A crematory may provide contractual services for another funeral establishment. For the protection and safety of the public it is important to know the name of the establishment in charge of making the arrangements for the public served.  
RESPONSE AND EXPLANATION OF CHANGE: Based on the

board's review and public input, the board made changes to subsections (5)(G) and (9)(G) to require the name of the Missouri licensed funeral establishment in charge be included in the cremation and embalmer logs.

COMMENT: The board felt it important to clarify that the designees of the national examinations are at the discretion of the board if for some reason the vendor changes in the future, a rule change would not be required.

RESPONSE AND EXPLANATION OF CHANGE: Based on the board's review, the board made changes to sections (8) and (14).

COMMENT: Because there are very few limited licenses within the profession members of the profession requested the licensure type be defined.

RESPONSE AND EXPLANATION OF CHANGE: Based on the board's review and public input, the board made changes to the text of the proposed rule.

#### 4 CSR 120-1.040 Definitions

(5) Cremation log—a written record or log kept in the cremation area available at all times in full view for a board inspector, which shall include the following:

- (A) The name of the deceased to be cremated;
- (B) The name of the Missouri licensed establishment where the body is cremated;
- (C) The date and time the body arrived at the crematory;
- (D) The date and time the cremation took place;
- (E) The name and signature of the Missouri licensed funeral director supervising the cremation;
- (F) The supervising Missouri licensed funeral director's license number; and
- (G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

(8) Embalmer examination—an examination consisting of the following:

- (A) National Board Funeral Service Arts Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board;
- (B) National Board Funeral Service Science Section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; and
- (C) Missouri Law Section.

(9) Embalming log—a written record or log kept in the preparation/embalming room of a Missouri licensed funeral establishment available at all times in full view for a board inspector, which shall include the following:

- (A) The name of deceased to be embalmed;
- (B) The Missouri licensed funeral establishment location;
- (C) The date and time the dead human body arrived at the funeral establishment;
- (D) The date and time the embalming took place;
- (E) The name and signature of the Missouri licensed embalmer;
- (F) The Missouri licensed embalmer's license number; and
- (G) The name of the Missouri licensed funeral establishment, or other that was in charge of making the arrangements if from a different location.

(14) Funeral director examination—an examination consisting of the following:

- (A) Missouri Law Examination; and
- (B) Missouri Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board; or

(C) National Board Funeral Service Arts Examination developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

(19) Limited license—allows a person to work only in a funeral establishment which is licensed for only cremation including transportation of dead human bodies to and from the funeral establishment.

(20) Preparation room—refers to the room in a Missouri licensed funeral establishment where dead human bodies are embalmed, bathed, and/or prepared for cremation.

(21) Reciprocity examination—shall consist of the Missouri law examination.

(22) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 120—State Board of Embalmers and Funeral Directors Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041, RSMo Supp. 2003 and 333.091 and 333.111.1, RSMo 2000, the board rescinds a rule as follows:

#### 4 CSR 120-2.010 Embalmer's Registration and Apprenticeship is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 2, 2004 (29 MoReg 167). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 120—State Board of Embalmers and Funeral Directors Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041 and 333.081, RSMo Supp. 2003 and 333.091, 333.111 and 333.121, RSMo 2000, the board adopts a rule as follows:

#### 4 CSR 120-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 167-173). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.



**SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE:**  
No written comments were received, however, in order to provide clarity changes were made to the text of the proposed rule. The board provided clarity in section (12) by adding wording to require that a supervisor must be licensed and registered with the board. A candidate for licensure would need to be under the supervision of a licensee. In section (20) the word "section" was added to the text of the rule when referring to the examination. Additionally, the board felt it important to clarify that the designees of the national examinations are at the discretion of the board, therefore, the board made changes to sections (7), (8), and (10).

#### **4 CSR 120-2.010 Embalmer's Registration and Apprenticeship**

(7) After graduating from an accredited institution of mortuary science education, the applicant then must file, with the board, an official transcript of his/her embalming school grades showing s/he is a graduate of that school. In addition, the applicant shall ensure that his/her national board examination results are provided to the board in writing by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.

(8) Effective June 1, 2004 the Missouri State Board embalmers' examination shall consist of the National Board Funeral Service Arts section, the National Board Funeral Service Science section, and Missouri Law section. Application and payment for the national board examinations will be made directly through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board. Application and administration fees for the Missouri Law section shall be made directly to the board. Scheduling and payment for the Missouri Law section will be made directly to the International Conference of Funeral Service Examining Boards, Inc., or designee of the board. An applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section for another license within twelve (12) months of the date that the board receives the new application.

(10) An applicant must submit proof of having satisfied the requirements of the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the examination by having his/her scores from the International Conference of Funeral Service Examining Boards, Inc., or designee of the board transmitted to the board from the Conference.

(12) After the applicant has made a passing grade on the National Board Funeral Service Arts section and the National Board Funeral Service Science section of the embalming examination s/he then may apply for registration as an apprentice embalmer. This application must contain the name(s) of the Missouri licensed embalmer(s) under whom s/he will serve. Each supervisor must be licensed and registered with and approved by the board. Any change in supervisor shall also be registered and approved within ten (10) business days after the change has been made. Applications must be submitted on the forms provided by the board and must be accompanied by the applicable fee. Application forms are available from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(20) An applicant shall meet the requirements of the board for licensure within five (5) years of his/her graduation from an accredited institution of mortuary science. If the applicant fails to meet the requirements of the board within the required time, a new application and applicable fees shall be filed with the board and the applicant shall be required to appear for the oral examination within five (5) years of the new date of application. No previous practicum, apprenticeship, application or Missouri Law section will be considered for a new application. However, the successful examination results of the National Board Funeral Service Arts section and the

National Board Funeral Service Science section, or designee of the board will be accepted.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.081, RSMo Supp. 2003 and 333.111, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.020 Biennial License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 174). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
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Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.081, RSMo Supp. 2003 and 333.111, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.022 Retired License is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 174). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 194.119, RSMo Supp. 2003, and 333.091 and 333.111, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.030 Registration of Licensees with Local  
Registrars of Vital Statistics is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 174-175). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 43.543, RSMo Supp. 2003 and 333.051, 333.091 and 333.111.1, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 120-2.040** Licensure by Reciprocity is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 2, 2004 (29 MoReg 175). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.051, 333.091 and 333.111, RSMo 2000, the board adopts a rule as follows:

4 CSR 120-2.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 175-179). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No written comments were received, however, the board felt it important to clarify that the designees of the national examinations are at the discretion of the board, therefore, the board made changes to subsections (2)(D) and (2)(E) and section (5).

**4 CSR 120-2.040** Licensure by Reciprocity

(2) Any person holding a valid unrevoked and unexpired license to practice embalming or funeral directing in another state or territory, is eligible to obtain licensure by reciprocity by submitting to the board the following:

(D) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75%) or better on the National Funeral Service Arts Examination and the National Funeral Service Science Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for an embalmer license or an embalmer and funeral director license; or

(E) Evidence sufficient to the board that the applicant has achieved a score of seventy-five percent (75%) or better on the National Funeral Service Arts Examination provided by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board, if applying for only a funeral director license; and

(5) Applications must be completed and received by the board at least forty-five (45) days prior to the date of the next regularly scheduled examination and must be accompanied by the applicable administration fee. Scheduling and payment for the examination will be made directly through the International Conference of Funeral Services Examining Boards, Inc., or designee of the board. Applications are deemed complete upon submission of any and all requisite forms required by the board, payment of requisite fees, and submission of all materials required by this rule or supplemental materials requested by the board. Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.050** Miscellaneous Rules is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 180). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041 and 333.042, RSMo Supp. 2003 and 333.091, 333.111.1 and 333.121, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 120-2.060** Funeral Directing is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 2, 2004 (29

MoReg 180). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
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Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.041 and 333.042, RSMo Supp. 2003 and 333.091, 333.111 and 333.121, RSMo 2000, the board adopts a rule as follows:

4 CSR 120-2.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 180–185). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No written comments were received, however, the board felt it important to clarify that the designees of the national examinations are at the discretion of the board, therefore, the board made changes to sections (2), (3), (10) and (18)(C).

**4 CSR 120-2.060 Funeral Directing**

(2) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a Missouri funeral director license on the forms provided by the board and shall pay the funeral director application and the administration fees for the Missouri Law examination and Missouri Funeral Service Arts examination directly to the board. The scheduling and payment of the examinations will be made through the International Conference of Funeral Services Examining Boards, Inc., or designee of the board. If the applicant has successfully completed the National Funeral Service Arts examination, no Missouri Funeral Service Arts examination is required, and no Missouri Funeral Services Arts examination fee may be applicable. Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(3) Effective June 1, 2004, the funeral director examination administered by the board shall consist of the Missouri Law section and the Missouri Funeral Service Arts section developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board. In lieu of the Missouri Funeral Service Arts examination, successful completion of the National Funeral Service Arts examination results will be accepted.

(10) An applicant will be deemed to have successfully completed the funeral director examination when a score of seventy-five percent (75%) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section upon application and payment of the administration fee to the board. Scheduling and payment of the examination fee will be

made through the International Funeral Service Examining Boards, Inc., or designee of the board.

(18) No person other than a Missouri licensed funeral director shall be allowed to make the following at-need arrangements with the person having the right to control the incidents of disposition:

(C) Sale or rental to the public of funeral merchandise, services or paraphernalia.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.091, 333.111.1, 333.121 and 333.145, RSMo 2000, the board rescinds a rule as follows:

**4 CSR 120-2.070 Funeral Establishments is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 2, 2004 (29 MoReg 186). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.061, RSMo Supp. 2003 and 333.091, 333.111, 333.121 and 333.145, RSMo 2000, the board adopts a rule as follows:

4 CSR 120-2.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 2, 2004 (29 MoReg 186–191). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No written comments were received, however, during the board's open meeting to review the proposed rule, public input was accepted. Representatives of the Missouri Funeral Directors Association and Capital Reserve Life were present as well as licensees and attorney's representing members of the profession.

COMMENT: Statutorily, the board can only regulate practice in the state of Missouri, it was requested that the text of the rule be amended to provide clarity.

RESPONSE AND EXPLANATION OF CHANGE: Based on the board's review and public input, the board made changes to section (27) for clarity.



**4 CSR 120-2.070 Funeral Establishments**

(27) No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.061, RSMo Supp. 2003 and 333.111, 333.121 and 333.145, RSMo 2000, the board amends a rule as follows:

4 CSR 120-2.071 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 192–193). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No written comments were received, however, during the board's open meeting to review the proposed amendment, public input was accepted. Representatives of the Missouri Funeral Directors Association and Capital Reserve Life were present as well as licensees and attorney's representing members of the profession.

**COMMENT:** The majority of crematories in the state of Missouri are licensed for cremation only. A crematory may provide contractual services for another funeral establishment. For the protection and safety of the public it is important to know the name of the establishment in charge of making the arrangements.

**RESPONSE AND EXPLANATION OF CHANGE:** Based on the board's review and public input, the board made changes to the text of the proposed amendment.

**4 CSR 120-2.071 Funeral Establishments Containing a Crematory Area**

(4) Cremation log—a written record or log kept in the cremation area available at all times in full view, which will include the following:

- (A) The name of the deceased to be cremated;
- (B) The name of the Missouri licensed establishment where the body is cremated;
- (C) The date and time the body arrived at the crematory;
- (D) The date and time the cremation took place;
- (E) The name and signature of the Missouri licensed funeral director supervising the cremation;
- (F) The supervising Missouri licensed funeral director's license number; and
- (G) The name of the Missouri licensed funeral establishment or other that was in charge of making the arrangements if from a different location.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.111 and 333.145, RSMo 2000, the board withdraws a proposed amendment as follows:

**4 CSR 120-2.080** Written Statement of Charges is **withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 193–194). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** Upon the board's review of the original final order which contained changes to the text of the original proposed amendment, it was noted that unnecessary requirements were being implemented. Therefore, the board is withdrawing the proposed amendment and proposing a new amendment to state the board's original intent.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 192.020 and 333.111.1, RSMo 2000 and 333.061, RSMo Supp. 2003, the board amends a rule as follows:

4 CSR 120-2.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 194–195). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No written comments were received, however, during the board's open meeting to review the proposed amendment, public input was accepted. Representatives of the Missouri Funeral Directors Association and Capital Reserve Life were present as well as licensees and attorney's representing members of the profession.

**COMMENT:** Funeral directors in attendance felt that the word "secure" was not clear and that the use of the terms "functional lock" better promoted the safety and welfare of the public they served.

**RESPONSE AND EXPLANATION OF CHANGE:** Based on the board's review and public input, the board made changes to the text of the proposed amendment.

**4 CSR 120-2.090 Preparation Rooms/Embalming Room**

- (5) Plumbing.
  - (B) All plumbing must be sized, installed and maintained in accordance with local plumbing laws and ordinances. Where local codes are not in force, the Missouri licensed funeral director shall contact the International Code Council (ICC), Chicago District Office, or



designee of the board, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or current address, for additional requirements.

(14) Preparation rooms shall be secured with a functional lock so as to prevent entrance by unauthorized persons.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111.1, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.100 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 195-196). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.111, RSMo 2000 and 620.010.15(6), RSMo Supp. 2003, the board amends a rule as follows:

**4 CSR 120-2.110 Public Complaint Handling and Disposition  
Procedure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 196). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 120—State Board of Embalmers and  
Funeral Directors  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under section 333.111, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.115 Procedures for Handling Complaints Against  
Board Members is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 196-197). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.100, 338.140 and 338.280, RSMo 2000, the board amends a rule as follows:

**4 CSR 220-2.300 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 15, 2004 (29 MoReg 89-90). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One (1) comment was received.

COMMENT: The commenter stated that while it is understood that this proposed amendment is designed to bring current regulations on confidentiality to be consistent with the federal regulations promulgated to implement the Health Insurance Portability and Accountability Act Privacy (HIPPA) regulations, as written the rule is more restrictive than those regulations. For example, the amendment would not allow pharmacists to provide information about their customers to their own attorneys in connection with defending malpractice actions. It would not permit disclosures to organizations contracting with the government as opposed to the government itself. To alleviate those deficiencies and to bring the proposed amendment in line with the HIPPA regulations, it was suggested that subsection (2)(H) include Part 165 as well. Part 165 contains the twelve (12) categories of disclosure where authorization is not required, see 45 CFR section 165.512.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred with the comments and made changes to the text of the rule.

**4 CSR 220-2.300 Record Confidentiality and Disclosure**

(2) Confidential records shall not be released to anyone except—

(H) A person or entity to whom such information may be disclosed under 45 CFR Parts 160, 164, and 165 (the Privacy Standards of the Health Insurance Portability and Accountability Act of 1996).

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 30—Certification Standards  
Chapter 4—Mental Health Programs**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Mental Health under sections 630.050 and 630.055 RSMo 2000, the director amends a rule as follows:

**9 CSR 30-4.195 Access Crisis Intervention Programs is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 2, 2004 (29 MoReg 204). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments on the proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 50—Missouri State Highway Patrol  
Chapter 2—Motor Vehicle Inspection Division**

**ORDER OF RULEMAKING**

By the authority vested in the superintendent of the Missouri State Highway Patrol under section 307.366, RSMo Supp. 2003, the superintendent hereby amends a rule as follows:

**11 CSR 50-2.400 Emission Test Procedures is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2004 (29 MoReg 390-392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the supervisor of the Division of Alcohol and Tobacco Control under section 311.660, RSMo 2000, the supervisor amends a rule as follows:

**11 CSR 70-2.120 Retail Licensees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 43). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment.

COMMENT: The comment expressed concerns about sound traveling at various distances due to a number of climatic conditions not addressed in the proposed amendment.

RESPONSE: The existing noise rule contains an absolute ban on the transmission of any and all electronic sound from a licensed premises. The proposed amendment imposes a noise standard. The pro-

posed standard is the same noise standard imposed by the Missouri Water Patrol. Variances in humidity, wind, etc., as referenced in the comment, cannot reasonably be accounted for by rule and indeed are not accounted for in the statute of the Water Patrol or in any local noise ordinance to our knowledge. Therefore, no changes are being made to the proposed amendment.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 70—Division of Alcohol and Tobacco Control  
Chapter 2—Rules and Regulations**

**ORDER OF RULEMAKING**

By the authority vested in the supervisor of the Division of Alcohol and Tobacco Control under sections 311.060.2 and 311.660, RSMo 2000, the supervisor amends a rule as follows:

**11 CSR 70-2.140 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2004 (29 MoReg 43-44). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Alcohol and Tobacco Control received one (1) comment on the proposed amendment.

COMMENT: The comment expressed a concern about the wording of the existing rule and the amended rule that gives the Division of Alcohol and Tobacco Control authority over something (felons selling nonintoxicating beer) that has not been specifically authorized in section 311.060.2(2), RSMo.

RESPONSE AND EXPLANATION OF CHANGE: The Division of Alcohol and Tobacco Control agrees with the concern expressed in the comment. The words "or nonintoxicating beer" were deleted in the amended rule to remove terms not specifically authorized in section 311.060.2(2), RSMo.

**11 CSR 70-2.140 All Licensees**

(11) No licensee shall employ on or about the licensed premises any person who has been convicted since the ratification of the twenty-first amendment of the *Constitution of the United States* of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor; nor shall any licensee employ on or about the licensed premises any person who shall have had a license revoked under Chapter 311 or 312, RSMo.

(A) No retail licensee shall employ a prohibited felon to any position that involves the direct participation in retail sales of intoxicating liquor. The phrase "direct participation in retail sales" includes the duties of accepting payment, taking orders, delivering, mixing or assisting in the mixing or serving of intoxicating liquor in the capacity of, but not limited to, bar manager, bartender, waiter, waitress, cashier, and sales clerk.

(E) If the division determines that an employee involved in the direct participation of retail sales has a felony conviction not listed in subsection (11)(B), above, but believes that the felon's conviction should disqualify the employee from the direct participation in retail sales, the division will notify the licensee within ten (10) days. The licensee will either dismiss the employee, reassign the employee to a position not directly involving the retail sale of intoxicating liquor, or file a written appeal with the division within ten (10) days of receiving notice from the division by regular mail service.

(F) If a licensee, or any employee of the licensee acting through the licensee, wishes to appeal a determination by the division that the

employee is disqualified from the direct participation in the retail sale of intoxicating liquor as set forth in subsection (11)(E), above, the appeal will be heard by the supervisor or his/her designee within thirty (30) days of the division receiving written notice of the appeal. At the appeal, the division will determine whether the employee's conviction is reasonably related to the competency of the employee to be involved in the direct participation of retail sales. A written determination will be sent to the licensee and employee, if an address is supplied by the employee, within ten (10) days of the appeal.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.030.4, RSMo Supp. 2003, the director amends a rule as follows:

**11 CSR 75-13.030** Procedure to Upgrade Peace Officer License Classification is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 310). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 13—Peace Officer Licenses**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.030.3, RSMo Supp. 2003, the director amends a rule as follows:

**11 CSR 75-13.060** Veteran Peace Officer Point Scale is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 310). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 14—Basic Training Centers**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.030.1, RSMo Supp. 2003, the director amends a rule as follows:

**11 CSR 75-14.030** Standard Basic Training Curricula and Objectives is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 310–311). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and Training  
Program  
Chapter 16—Peace Officer Standards and Training  
Commission Fund**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Public Safety under section 590.120, RSMo Supp. 2003, the director amends a rule as follows:

**11 CSR 75-16.010** Peace Officer Standards and Training Commission Fund is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 311). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Family Support Division under section 207.020, RSMo 2000, the division amends a rule as follows:

**13 CSR 40-2.310** Requirements as to Eligibility for Temporary Assistance is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2004 (29 MoReg 392). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 2—Income Maintenance**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services, Family Support Division under section 207.020, RSMo 2000, the division adopts a rule as follows:

**13 CSR 40-2.380 Grandparents as Foster Parents is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2004 (29 MoReg 392). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 25—Division of Administration  
Chapter 30—Determination of Blood Alcohol by Blood, Breath, Saliva and Urine Analysis; and Determination for the Presence of Drugs in Blood and Urine**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 577.026, RSMo 2000 and 577.037, RSMo Supp. 2003, the director amends a rule as follows:

**19 CSR 25-30.051 Standard Simulator Solutions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 327-328). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 7—Health Maintenance Organizations**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Insurance under section 374.045, RSMo 2000, the department withdraws a proposed amendment as follows:

**20 CSR 400-7.095 HMO Access Plans is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 17, 2004 (29 MoReg 328-332). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The Missouri Department of Insurance received numerous comments on this proposed amendment. The majority of the comments objected to the exclusion of children's hospitals from the definition of "basic hospital" for purposes of HMOs filing their access plans with the department. Those that commented were concerned that the term "basic hospital," as defined by this proposed amendment, precluded children's hospitals from providing basic hospital services.

RESPONSE: The department has decided to withdraw this proposed amendment and file a new proposed amendment for several reasons.

The department wishes to spend additional time working on a proposed change that addresses the comments received as well as to further clarify some of the other issues raised by all of those that commented. The department would also like to make a change to a section of the regulation that was not included in this version of the proposed amendment.