

Volume 29, Number 2
Pages 83-146
January 15, 2004



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

MATT BLUNT

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

LYNNE C. ANGLE

EDITORS

BARBARA MCDUGAL

JAMES MCCLURE

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

TIFFANY M. DAVIS

PUBLISHING STAFF

WILBUR HIGHBARGER

HEATHER M. DOWNS

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
PO Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo 2000. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EMERGENCY RULES

Missouri Consolidated Health Care Plan
 Health Care Plan 87

PROPOSED RULES

Department of Economic Development
 State Board of Chiropractic Examiners 88
 Missouri Dental Board 89
 Missouri Board of Occupational Therapy 89
 State Board of Pharmacy 89

Department of Revenue
 Director of Revenue 90

ORDERS OF RULEMAKING

Office of Administration
 Commissioner of Administration 92
 Personnel Advisory Board and Division of Personnel 94

Department of Economic Development
 Missouri Board for Architects, Professional Engineers,
 Professional Land Surveyors, and Landscape Architects . . . 94

Department of Elementary and Secondary Education
 Missouri Commission for the Deaf and Hard of Hearing . . . 96

Department of Labor and Industrial Relations
 Division of Employment Security 96

Department of Revenue
 Director of Revenue 96

Elected Officials
 Secretary of State 97

Retirement Systems
 The Public School Retirement System of Missouri 113
 The County Employees' Retirement Fund 115

Department of Health and Senior Services
 Division of Senior Services 116
 Division of Health Standards and Licensure 116

Department of Insurance
 Financial Examination 117
 Licensing 118

IN ADDITIONS

Department of Economic Development
 Division of Credit Unions 119
 Public Service Commission 119

Department of Health and Senior Services
 Missouri Health Facilities Review Committee 119

DISSOLUTIONS 120

SOURCE GUIDES

RULE CHANGES SINCE UPDATE 123
EMERGENCY RULES IN EFFECT 131
EXECUTIVE ORDERS 134
REGISTER INDEX 135

| Register Filing Deadlines | Register Publication Date | Code Publication Date | Code Effective Date |
|---|---|--|--|
| November 3, 2003 November 17, 2003 | December 1, 2003 December 15, 2003 | December 31, 2003 December 31, 2003 | January 30, 2004 January 30, 2004 |
| December 1, 2003 December 15, 2003 | January 2, 2004 January 15, 2004 | January 30, 2004 January 30, 2004 | February 29, 2004 February 29, 2004 |
| January 2, 2004 January 15, 2004 | February 2, 2004 February 17, 2004 | February 29, 2004 February 29, 2004 | March 30, 2004 March 30, 2004 |
| February 2, 2004 February 17, 2004 | March 1, 2004 March 15, 2004 | March 31, 2004 March 31, 2004 | April 30, 2004 April 30, 2004 |
| March 1, 2004 March 15, 2004 | April 1, 2004 April 15, 2004 | April 30, 2004 April 30, 2004 | May 30, 2004 May 30, 2004 |
| April 1, 2004 April 15, 2004 | May 3, 2004 May 17, 2004 | May 31, 2004 May 31, 2004 | June 30, 2004 June 30, 2004 |
| May 3, 2004 May 17, 2004 | June 1, 2004 June 15, 2004 | June 30, 2004 June 30, 2004 | July 30, 2004 July 30, 2004 |
| June 1, 2004 June 15, 2004 | July 1, 2004 July 15, 2004 | July 31, 2004 July 31, 2004 | August 30, 2004 August 30, 2004 |
| July 1, 2004 July 15, 2004 | Aug. 2, 2004 Aug. 16, 2004 | Aug. 31, 2004 Aug. 31, 2004 | Sept. 30, 2004 Sept. 30, 2004 |
| August 2, 2004 August 16, 2004 | September 1, 2004 September 15, 2004 | September 30, 2004 September 30, 2004 | October 30, 2004 October 30, 2004 |
| September 1, 2004 September 15, 2004 | October 1, 2004 October 15, 2004 | October 31, 2004 October 31, 2004 | November 30, 2004 November 30, 2004 |

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>

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 2000), are available in the listed depository libraries, as selected by the Missouri State Library:

| | | | |
|---|--|--|---|
| Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689 | Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593 | Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802 | Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007 |
| Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160 | Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279 | Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325 | Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148 |
| St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376 | Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757 | Missouri Southern State University Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342 | University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631 |
| St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742 | Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141 | Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615 | Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646 |
| Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812 | Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656 | Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711 | Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551 |
| Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084 | James C. Kirkpatrick Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149 | Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748 | Garnett Library Southwest Missouri State University 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945 |
| Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443 | Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3546 | Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369 | Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110 |
| St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247 | Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438 | Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359 | Meyer Library Southwest Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533 |
| Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494 | University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438 | School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125 | |
| St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (636) 978-7997 | B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841 | Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279 | |
| Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416 | St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151 | | |

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.

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

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

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

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—Plan Options**

EMERGENCY AMENDMENT

22 CSR 10-2.020 Membership Agreement and Participation Period. The board is amending subsection (7)(D).

PURPOSE: This amendment includes changes in the membership agreement and participation period made by the board of trustees regarding the Missouri Consolidated Health Care Plan.

EMERGENCY STATEMENT: This emergency amendment must be in place by January 1, 2004, in accordance with the new plan year. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered im-

mediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 1, 2004, in order that an immediate danger is not imposed on the public welfare. This rule reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. This emergency amendment complies with the protections extended by the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed December 19, 2003, becomes effective January 1, 2004, and expires June 28, 2004.

(7) Continuation of Coverage.

(D) Leave of Absence. An employee on approved leave of absence may elect to retain eligibility to participate in the plan by paying the required contributions. The employing department must officially notify the plan administrator of the leave of absence and any extension of the leave of absence by submitting the required form. Any employee on an approved leave of absence who was a member of the Missouri Consolidated Health Care Plan when the approved leave began, but who subsequently terminated participation in the Missouri Consolidated Health Care Plan while on leave, may recommence his/her coverage in the plan at the same level (employee only, or employee and dependents) upon returning to employment directly from the leave, but they will be subject to preexisting limitations, when applicable. Preexisting limitations under this provision will not apply to HMO or POS members. However, eligibility is terminated for those members receiving a military leave of absence, as specified in subsection (5)(C). Coverage may be reinstated upon return from military leave without proof of insurability or preexisting conditions. However, the former member must complete an enrollment form. **Coverage under this provision is effective on the first of the month coinciding with or following the employee's return to work. Coverage will be continuous if the employee returns to work in the subsequent month following the initial leave date and timely requests reinstatement of coverage.**

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Dec. 19, 2003, effective Jan. 1, 2004, expires June 28, 2004. A proposed amendment covering this same material will be published in the Feb. 2, 2004 issue of the *Missouri Register*.

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

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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 70—State Board of Chiropractic Examiners Chapter 4—Chiropractic Insurance Consultant

PROPOSED AMENDMENT

4 CSR 70-4.010 Chiropractic Insurance Consultant. The board is proposing to amend sections (1) and (3).

PURPOSE: This amendment clarifies the biennial renewal requirement for the chiropractic insurance consultant.

(1) All licensees who review chiropractic records for the purposes of determining the adequacy or sufficiency of chiropractic treatments, or the clinical indication for those treatments, must be certified to do so and shall notify the board *[annually]* **biennially** that they are engaged in those activities and the location where those activities are performed.

(3) All licensees must report *[annually]* **biennially** to the board the number of reviews which they conduct and the amount of their income derived from claims review expressed as a percentage of their total income from the practice of chiropractic.

AUTHORITY: sections 331.060, 331.100.2[,] and 376.423, RSMo [1986] 2000. Emergency rule filed Dec. 21, 1990, effective Dec. 31, 1990, expired April 29, 1991. Original rule filed Oct. 16, 1990, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 15, 2003.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at *chiro@mail.state.mo.us*. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 70—State Board of Chiropractic Examiners Chapter 4—Chiropractic Insurance Consultant

PROPOSED AMENDMENT

4 CSR 70-4.030 Renewal and Postgraduate Education. The board is proposing to amend sections (1) and (2) and deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment clarifies the biennial renewal and continuing education requirement for the chiropractic insurance consultant.

(1) The chiropractic insurance consultant's certification shall be renewed *[annually]* **biennially**. The board shall send a notice to each certified consultant.

(2) To renew the certification the chiropractic insurance consultant annually shall obtain twelve (12) hours of postgraduate education in insurance consulting *[which has been]* approved by the board. This postgraduate education *[is in addition to the postgraduate education required to renew the consultant's chiropractic license]* shall be in compliance with 4 CSR 70-2.080(4) for the general studies category of continuing education required to renew the consultant's chiropractic license.

AUTHORITY: sections 331.060, 331.100.2[,] and 376.423, RSMo [1986] 2000 and 331.050, RSMo Supp. 2003. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed March 4, 1993, effective Sept. 9, 1993. Amended: Filed Dec. 15, 2003.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiro@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 110-2.130 Dental Hygienists. The board is proposing to amend paragraph (8)(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.

AUTHORITY: sections 332.031 and 332.091, RSMo 2000 and 332.071 and 332.311, RSMo [Supp. 1999] Supp. 2003. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 15, 2003.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri 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 205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 205-3.030 Application for Limited Permit. The board is proposing to amend the language in section (8).

PURPOSE: This rule is being amended to clearly state who is eligible to renew a limited permit.

- (8) [Only those individuals who did not successfully complete their first available examination may renew their limited permit.] **Only those individuals who completed their first**

available examination but failed to achieve a passing score may renew their limited permit. The limited permit may be renewed only once using the form provided by the board. A renewed limited permit will be valid for eight (8) weeks from the date of the limited permit holder's second available examination. If the limited permit holder successfully completes the second available examination with a passing score, the limited permit will be extended for an additional sixty (60) days during which time the limited permit holder may apply for a license.

AUTHORITY: sections 324.050, 324.056, 324.065, 324.068 and 324.077, RSMo 2000 and 324.086, RSMo Supp. [2001] 2003. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Dec. 15, 2003.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Vanessa Beauchamp, Executive Director, State Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at ot@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 220-2.300 Record Confidentiality and Disclosure. The board is proposing to amend the original purpose statement, section (1) and subsections (2)(B), (2)(C), (2)(E), (2)(F), (2)(G), add a new subsection (2)(H) and section (4) to comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

PURPOSE: This amendment will create language to require pharmacies to comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

PURPOSE: This rule establishes [guidelines] requirements for the confidentiality and disclosure of records related to patient care.

- (1) Prescription records, physician orders and other records related to **any patient care or medical condition(s) of a patient** that are maintained by a pharmacy in accordance with section 338.100, RSMo shall be considered confidential. Adequate security shall be maintained over such records in order to prevent any indiscriminate or unauthorized use of any written, electronic or verbal communications of confidential information.

- (2) Confidential records shall not be released to anyone except—
(B) [The authorized prescriber who issued the prescription order or a licensed health professional who is currently treating the patient] **A health care provider involved in treatment activities of the patient;**
(E) Any other person or entity authorized by a patient to receive such information;

(F) For /7/the transfer of medical or prescription information between pharmacists as provided by law; /or/

(G) Government agencies acting within the scope of their statutory authority./.; or

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

(4) Methods to access, transmit, store, analyze, or purge confidential information shall be implemented using procedures generally recognized as secure by experts qualified by training and experience. Procedures shall be in place to ensure that purged confidential information cannot be misused or placed into active operation without appropriate authorization as provided in this rule. Internet connectivity or remote access tied directly to systems containing confidential information must be secure as provided for in 4 CSR 220-2.085(2)(B).

AUTHORITY: sections 338.100, 338.140 and 338.280, RSMo 2000. Original rule filed May 4, 1995, effective Dec. 30, 1995. Rescinded and readopted: Filed Nov. 1, 2000, effective June 30, 2001. Amended: Filed Dec. 15, 2003.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Pharmacy, Kevin Kinkade, Executive Director, PO Box 625, Jefferson City, MO 65102, via facsimile to (573) 526-3464 or e-mail at pharmacy@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.

| | |
|------|-----|
| 1999 | 8% |
| 2000 | 8% |
| 2001 | 10% |
| 2002 | 6% |
| 2003 | 5% |
| 2004 | 4% |

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Nov. 17, 2003, effective Jan. 1, 2004, expires June 28, 2004. Amended: Filed Nov. 17, 2003.

PUBLIC COST: This proposed amendment will have an impact to public entities, a fiscal note reflecting this is attached. Because the future amount of past due taxes is unknown, the precise dollar impact on public entities is also unknown. There are no expenditures required by this regulation; however because the amount of interest collected on past due amounts of taxes will be at a reduced rate, the aggregate impact on public entities will be more than five hundred dollars (\$500).

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 Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105-0629. 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 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2004 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2004.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governor's of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

| Calendar Year | Rate of Interest on Unpaid Amounts of Taxes |
|---------------|---|
| 1995 | 12% |
| 1996 | 9% |
| 1997 | 8% |
| 1998 | 9% |

**FISCAL NOTE
 PUBLIC COST**

I. RULE NUMBER

| | |
|-----------------------|---|
| Rule Number and Name: | 12 CSR 10-41.010 Annual Adjusted Rate of Interest |
| Type of Rulemaking: | Proposed Amendment |

II. SUMMARY OF FISCAL IMPACT

| Affected Agency or Political Subdivision | Estimated Cost of Compliance in the Aggregate |
|--|---|
| Counties | There are no expenditures required by this regulation; however because the amount of interest collected on past due amounts of taxes will be at a reduced rate, the aggregate impact on public entities will be more than \$500. Because the future amount of pastdue taxes is unknown, the precise dollar impact on public entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the cost to the state will be \$10 per year for every \$1000 of tax owed. |
| Cities | |
| Special Taxing Districts | |

III. WORKSHEET

The proposed amendment adjusts the rate of interest for 2004 to 4%, down from 5% in 2003.

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent.