

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 1—OFFICE OF ADMINISTRATION
Division 20—Personnel Advisory Board and Division of Personnel
Chapter 4—Appeals, Investigations, Hearings and Grievances

PROPOSED AMENDMENT

1 CSR 20-4.010 Appeals. The Personnel Advisory Board is amending subsection (3)(A) and adding section (4).

PURPOSE: This amendment establishes procedures for filing documents and when they are deemed filed as well as providing more detail on fax filing, how service of documents other than the original appeal may be done, and the consequences of not providing the board with a party's current address and telephone number. This amendment also establishes procedures which will allow parties to utilize mediation in an effort to resolve a disciplinary appeal.

(3) Appeals Must be Submitted and Hearings Conducted Following the Procedures and Guides Provided in this Rule.

(A) Appeal submission and preparation for hearing are governed by the following provisions:

1. Appeals shall be written. The appeal may be filed by *[FAX]* fax, by mail or by other delivery to the board's office. The written appeal must provide substantially the following information: appellant's name; appointing authority and agency; the type of disciplinary action appealed; the effective date of the disciplinary action; the appellant's reason for appealing the disciplinary action; the appellant's response to the reasons given by the appointing authority; names of witnesses to be subpoenaed if a hearing is granted; a detailed description of any books, papers or records to be subpoenaed, along with their location, and a statement of the reasons that the items are needed for the hearing; the name, address, telephone number and signature of the appellant's attorney, if any; the appellant's signed acknowledgement and certification of truth for the information supplied in the written appeal;

2. The appellant may file the appeal on the form for appeal prescribed by the board. The information required for completion of that form shall be deemed sufficient to satisfy the requirement for a written appeal. The board will provide to the appellant or to the appointing authority, on request, a copy of the current form for appeal. The appointing authority shall deliver a copy of the form to an employee receiving any appealable disciplinary action. The completed form or other written appeal must be received at the office of the board within thirty (30) days after the effective date of the disciplinary action appealed. A copy of the appellant's contentions set out in the appeal will be furnished to the appointing authority;

3. A party may file a document by—

A. Registered or certified mail. A document filed by registered or certified mail is deemed filed on the date shown on the United States Post Office records;

B. Electronic facsimile transmission (fax). A document filed by fax is deemed filed at the time the board receives a fax of the complete document. If a document arrives by fax after 5:00 p.m. and before 12:00 midnight or on a Saturday, Sunday or legal holiday, it is filed on the board's next business day, unless the board orders otherwise;

(I) The time controlling when a fax arrives at the board's office is the board's fax machine's journal;

(II) The person fax filing a document bears the risk of loss in transmission, nonreceipt or illegibility. If the document is not received or is materially illegible, the document is deemed not filed and totally null and void for all purposes;

(III) If the original document is not received by the board within four (4) business days following the fax filing, the document is deemed not filed and totally null and void for all purposes;

(IV) Any party or attorney who lists a fax number on a letterhead or pleading in the case file or in a telephone or professional directory or otherwise shall be deemed to have consented to receive service of documents by fax from the board or any other party or attorney; or

C. Any other method. A document filed by any method other than registered mail, certified mail or fax is deemed filed on the date the board receives the document in its office;

4. A party filing by fax shall—

A. Notify the board in advance, if possible, of its intention to file the document by fax;

B. Fax the document to the board's dedicated fax number;

C. Fax the document, if possible, to all other parties having electronic facsimile equipment. If unable to fax, a party shall notify all other parties of its intention to file the document by fax. The notice need not be in writing. A good faith attempt at compliance with this notice requirement shall satisfy the

requirements of this subparagraph. This subparagraph does not apply to fax filing of the original appeal;

D. Send the original signed document to the board;

E. Certify in the documents—

(I) The method of notice used to fulfill the requirements of subparagraph (3)(A)4.C. of this rule; and

(II) Compliance with the requirements of subparagraph (3)(A)4.D. of this rule; and

F. Send a copy of the document to all other parties except when filing the original appeal;

[3.]/5. Appellants may represent themselves and handle their own cases but shall have the right to be represented by duly licensed attorneys. A party to an appeal cannot be represented by anyone other than a duly licensed attorney except that the appointing authority may appear by an employee in the agency. If either party intends to employ and be represented by an attorney, that party promptly shall notify the Personnel Advisory Board of the name and address of his/her attorney;

[4.]/6. If either party to an appeal desires the issuance of a subpoena for any witness or records at any hearing, that party must apply for it sufficiently in advance of the hearing that the subpoena may be delivered to the requesting party by mail or by [FAX] fax at least one (1) day before the hearing. The requesting party shall provide the name and address of any witness subpoenaed, a detailed description of any records to be subpoenaed and a statement of what is intended to be proved by the records. The Personnel Advisory Board issues the subpoena by request, but the service of the subpoena rests in the hands of the party requesting it. Service of the subpoena is to be effected in accordance with section 536.077, RSMo;

[5.]/7. Upon the acceptance of an appeal, the appellant and appointing authority or their representatives may meet with the Personnel Advisory Board, at a time and place set by the board for a prehearing conference to determine the facts at issue. At the prehearing conference both parties may stipulate on mutually agreed matters relevant to the disciplinary action or the appeal may be resolved by agreement of the parties. If, during the prehearing conference, the case is not resolved and the appeal goes forward to a hearing before the Personnel Advisory Board, the board may confine the hearing to the law and facts at issue as stipulated by mutual agreement of the parties to the appeal. **All parties are required to provide the board with a current address and telephone number. If the appellant fails to provide the board with a current address and telephone number and cannot be reached to schedule a prehearing conference, or does not participate in the prehearing conference after receiving written notice of the date, time and location of the prehearing conference, it shall be deemed that the appellant no longer wishes to proceed with the appeal and is withdrawing the appeal; [and]**

[6.]/8. All motions or other pleadings by the parties shall be submitted in writing with a copy served or mailed to the opposing party. Parties to an appeal may amend their pleadings as a matter of course at any time before a responsive pleading is filed and served or if the pleading is one to which no responsive pleading is required and the action has not been set for hearing, the party may so amend it at any time within thirty (30) days after it is filed. Otherwise, a party may amend a pleading only by leave of the Personnel Advisory Board or by written consent of the adverse party; and leave shall be given freely when justice so requires. A party shall plead in response to an amended pleading within the time remaining for response to the original pleading or within ten (10) days after service of the amended pleading, whichever period may be the longer, unless the Personnel Advisory Board otherwise orders[.]; and

9. Service of filings other than the original appeal:

A. Unless otherwise provided by these rules or by other law, any party to a proceeding before the board or any person who seeks to become a party shall serve upon all attorneys of record and unrepresented parties a copy of any document or item the party files;

B. Methods of service.

(I) A person may service a document on an attorney by:

(a) Delivering it to the attorney;

(b) Leaving it at the attorney's office with a secretary, clerk or attorney associated with or employed by the attorney served;

(c) Mailing it to the attorney's last known address; or

(d) Facsimile transmitting (faxing) it to the attorney's last known fax number;

C. Any document or item filed shall contain or be accompanied by a certification of how and when the filing party has met the provisions of subparagraph (3)(A)9.A. of this rule; and

D. The requirements of this paragraph shall not apply to an original appeal.

(4) Mediation.

(A) Upon the filing of a request for mediation by both parties, or upon a request for mediation by both parties made at the prehearing telephone conference that establishes the hearing date of a disciplinary appeal, mediation services may be provided by a hearings officer, a board member, or a neutral third party for the purpose of attempting a resolution of the appeal.

(B) The Personnel Advisory Board may order that mediation proceed in a disciplinary case before any further proceeding in such case.

(C) A written application for mediation services should include the case number, the name of each party and a brief explanation of the case.

(D) If the mediator is also a hearings officer or a board member, that hearings officer or board member shall be disqualified from conducting an evidentiary hearing relating to that particular case and shall not make any communication regarding the mediation discussions in the case to any board member or the hearings officer appointed to preside in the case. Further, such a board member shall not vote or otherwise participate in the decision on such a disciplinary appeal.

(E) If necessary, the hearings officer presiding over the case may stay the case pending mediation. In no event, however, shall mediation take over two (2) months. If a case cannot be resolved in that amount of time, it shall proceed to hearing. The parties, however, are always free to settle an appeal, and the appellant is always free to withdraw the appeal even should mediation efforts fail to resolve an appeal.

(F) Failure to appear and participate in good faith in mediation shall be grounds for sanctions including dismissal or default of the noncompliant party.

(G) Should there be any cost charged by a third party mediator, the cost shall be divided evenly between the parties unless the Personnel Advisory Board orders otherwise.

AUTHORITY: sections 36.060, RSMo [Supp. 1993] and 36.070, RSMo [1986] 2000. Original rule filed July 9, 1947, effective July 19, 1947. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions up to six hundred forty dollars (\$640) per mediation for in-house legal representation at an assumed rate of thirty-five dollars (\$35) per hour for a four (4)-hour mediation (on average) and a maximum of one hundred twenty-five dollars (\$125) per hour for the cost of a qualified mediator.

PRIVATE COST: This proposed amendment will cost private entities up to eight hundred dollars (\$800) per mediation assuming legal representation at seventy-five dollars (\$75) per hour for a four (4)-hour mediation (on average) and a maximum of one hundred twenty-five dollars (\$125) per hour for the cost of a qualified mediator.

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 Office of Administration, Division of Personnel, Alma G. McKinney, Director, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received with thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 1:00 p.m, June 8, 2004 in Room 500 of the Harry S Truman State Office Building, 301 W. High Street, Jefferson City, Missouri.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 1 – Office of Administration
 Division: 20 – Personnel Advisory Board and Division of Personnel
 Chapter: 4 – Appeals, Investigations, Hearings and Grievances

Rule Number and Name:	1 CSR 20-4.010 Appeals
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
All merit agencies and any non-merit agencies that have elected to use the Board's appeal procedures	Up to \$640 per mediation

III. WORKSHEET

This fiscal note is summarizing the fiscal impact of Section (4) Mediation. The remainder of the proposed amendment will not have a fiscal impact.

The Personnel Advisory Board anticipates that the majority of mediations will be done with little if any cost. This is because the Dispute Resolution Center at the University of Missouri's Law School has agreed to conduct up to ten (10) mediations per semester at no cost. However, the parties will have to agree to go to Columbia for the mediation.

A small minority of the litigants in pending Personnel Advisory Board appeals may elect to hire their own mediator. The cost of a mediator ranges from approximately \$75 per hour to \$250 per hour. The average mediation lasts two (2) to four (4) hours. This is roughly the same as what private attorneys charge to represent clients in any type of legal matter. Preparation time for one mediation is estimated to be 0 to 4 hours. It is anticipated that each party will bear its own costs in the majority of mediations. Roughly 50% of the appellants in Personnel Advisory Board hearings never hire counsel.

Appointing Authorities are represented either by in-house counsel or an assistant attorney general. These attorneys are on salary, and the average hourly rate is estimated to be \$25 to \$35 an hour. These attorneys would have to prepare for and attend the mediation.

The Board also reserves the option of funding a mediator for the parties who cannot attend a mediation in Columbia, Missouri.

All of the above have been considered in arriving at an estimated average cost per mediation for the public sector, which is \$640 per mediation. This assumes in-house legal representation at an assumed rate of \$35 per hour for a four mediation (preparation and attendance) with a cost of \$125 per hour for the mediator.

IV. ASSUMPTIONS

Any other costs not identified in this fiscal note are unforeseeable.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 1 – Office of Administration
 Division: 20 – Personnel Advisory Board and Division of Personnel
 Chapter: 4 – Appeals, Investigations, Hearings and Grievances

Rule Number and Name:	1 CSR 20-4.010 Appeals
Type of Rulemaking:	Proposed Amendment

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:
Any litigant in a pending Personnel Advisory Board appeal who may elect to hire their own mediator	Appellants in Personnel Advisory Board appeals	Up to \$800 per mediation

III. WORKSHEET

This fiscal note is summarizing the fiscal impact of Section (4) Mediation. The remainder of the proposed amendment will not have a fiscal impact.

The Personnel Advisory Board anticipates that the majority of mediations will be done with little if any cost. This is because the Dispute Resolution Center at the University of Missouri's Law School has agreed to conduct up to ten (10) mediations per semester at no cost. However, the parties will have to agree to go to Columbia for the mediation.

A small minority of the litigants in pending Personnel Advisory Board appeals may elect to hire their own mediator. The cost of a mediator ranges from approximately \$75 per hour to \$250 per hour. The average mediation lasts two (2) to four (4) hours. This is roughly the same as what private attorneys charge to represent clients in any type of legal matter. Preparation time for the mediation is estimated at 0 to 4 hours per mediation. It is anticipated that each party will bear its own costs in the majority of mediations. Roughly 50% of the appellants in Personnel Advisory Board hearings never hire counsel.

The Board also reserves the option of funding a mediator for the parties who cannot attend a mediation in Columbia, Missouri.

All of the above have been considered in arriving at an estimated average cost per mediation for the private sector, which is \$800 per mediation. This assumes \$75 per hour for the cost of an attorney for a four hour mediation (preparation and attendance) and \$125 per hour for the mediator.

IV. ASSUMPTIONS

Any other costs not identified in this fiscal note are unforeseeable.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 1—Organization and Description

PROPOSED AMENDMENT

2 CSR 30-1.010 General Organization. The director is amending section (3).

PURPOSE: This proposed amendment reflects organizational changes to the Department of Agriculture.

(3) [Three (3)] **Two (2)** laboratories are maintained by the state veterinarian's office and are located at the following addresses: Cooperative State & Federal Veterinary Diagnostic Laboratory, 216 El Mercado Plaza, Jefferson City, MO 65109; and Veterinary Diagnostic Laboratory, 701 North Miller Avenue, Post Office Box 2510, Springfield, MO 65802-2510; and Northwest Missouri Veterinary Diagnostic Laboratory, 308 West Grand, Cameron, MO 64429].

AUTHORITY: section 536.023, RSMo [Supp. 1998] 2000. Original rule filed April 9, 1976, effective July 15, 1976. Amended: Filed Dec. 13, 1989, effective April 27, 1990. Amended: Filed Jan. 4, 1999, effective July 30, 1999. Amended: Filed March 5, 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, 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 scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 1—Organization and Description

PROPOSED AMENDMENT

2 CSR 30-1.020 Laboratory Services and Fees. The director is amending subsections (1)(A) and (1)(C).

PURPOSE: This proposed amendment reflects organizational changes within the Department of Agriculture.

(1) The Animal Health Diagnostic Laboratories are operated by and under the direction of the state veterinarian. The mailing addresses of the Animal Health Laboratories are as follows:

(A) Cooperative State & Federal Veterinary Diagnostic Laboratory, 216 El Mercado Plaza, Jefferson City, MO 65109 [(this laboratory performs primarily cooperative state and federal program tests)]; and

(B) Veterinary Diagnostic Laboratory, 701 North Miller Avenue, P.O. Box 2510, Springfield, MO 65802-2510; and].

[(C) Northwest Missouri Veterinary Diagnostic Laboratory, 307 West Grand, P.O. Box 377, Cameron, MO 64429.]

AUTHORITY: section 267.122, RSMo [Supp. 1998] 2000. Original rule filed July 15, 1993, effective Jan. 31, 1994. Amended:

Filed Jan. 4, 1999, effective July 30, 1999. Amended: Filed March 5, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, 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 scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for
Movement of Livestock, Poultry and Exotic Animals

PROPOSED AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The department is amending section (1).

PURPOSE: Changes to this section will reflect the Brucellosis-Free status granted to Missouri by USDA-APHIS, Veterinary Services.

(1) Cattle and Bison.

[(A) All test-eligible animals exchanged, bartered, leased or sold within Missouri must be accompanied by a Certificate of Veterinary Inspection except for animals consigned to a federal- or state-supervised market or slaughter establishment, if a waybill, bill of lading, backtag or owner/shipper statement accompanies the shipment showing origin and destination.

(B) A Certificate of Veterinary Inspection shall be void thirty (30) days after issue.]

[(C)](A) Brucellosis.

[1. Animals eighteen (18) months of age or over exchanged, bartered, leased or sold within Missouri must have a negative test for brucellosis within the preceding thirty (30) days, except—

A. Steers and spayed heifers;

B. Official calfhooed-vaccinated (OCV) heifers of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age if not parturient (springer) or post-parturient;

C. Animals from a certified brucellosis-free herd;]

[D.]1. Animals consigned from a farm to an approved market shall be tested prior to sale. Markets may apply to the state veterinarian for permission to backtag slaughter animals without testing if consigned directly to slaughter in a sealed vehicle[;].

[E. Animals consigned directly to a slaughter establishment; and

F. Finished-fed heifers under two (2) years of age.]

2. The official age for brucellosis official calfhooed vaccination (OCV) is four through twelve (4-12) months.

3. All test-eligible animals at a livestock market must be identified to the herd of origin with a state-approved backtag.

4. Brucellosis exposed animals or test-eligible animals of unknown status moving illegally within Missouri must be—

A. Returned to the state of origin;

B. Quarantined to farm of origin or farm of destination for a thirty (30)-, one hundred twenty (120)- and three hundred (300)-day negative retest. If the facts so warrant, earlier release may be authorized by the state veterinarian; or

C. Tagged and "S"-branded on the left tailhead and shipped direct to slaughter or to a quarantined feedlot accompanied by a VS 1-27 shipping permit. No indemnity will be paid on negative exposed animals unless in accordance with a previously approved depopulation program.

[(D)](B) Tuberculosis. No test required for movement of cattle from herds not under quarantine for tuberculosis.

AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. Amended: Filed March 5, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivision 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630 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 scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for
Movement of Livestock, Poultry and Exotic Animals**

PROPOSED AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition.
The department is amending sections (1), (2) and (3).

PURPOSE: The proposed changes to the exhibition requirements reflects the granting of brucellosis-free status by USDA-APHIS to Missouri and the pseudorabies-free status that we hold.

(1) Health Certificates.

(A) The term health certificate or Certificate of Veterinary Inspection means a legible record made on an official form of the state of origin, issued by an accredited veterinarian, which shows that the animal(s) listed meets the testing, vaccination, treatment and health requirements of the state of destination. [Unless stated otherwise in the following rules, a health certificate or Certificate of Veterinary Inspection must accompany all animals to be exhibited and be available on request by animal health officials.]

(2) Exhibition Requirements for Cattle in Missouri.

(A) Intrastate (cattle in Missouri moving for exhibition only in Missouri).

1. A health certificate is required (except steers).

2. Brucellosis. All breeding animals eighteen (18) months of age and over must be tested negative within ninety (90) days prior to exhibition except—

A. Animals from a certified brucellosis-free herd. The certified herd number and date of the last test must be shown on the health certificate; and

B. Officially calfhood-brucellosis-vaccinated heifers of beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age, unless these heifers are parturient (springer) or post-parturient in which case they shall be tested.]

[3.] 1. Tuberculosis. Tuberculosis tests are not required for Missouri cattle.

[4.] 2. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(B) Interstate (cattle from another state moving into Missouri for the purpose of exhibition only).

1. A health certificate is required.

2. Brucellosis.

A. Cattle from brucellosis-free states.

(I) All cattle may enter without a brucellosis test.

(II) Steers. No tests required but the steer(s) must be listed and identified on a health certificate.

B. Cattle from brucellosis Class A states. All breeding cattle eighteen (18) months of age and over must be tested and negative within ninety (90) days prior to entry except—

(I) Cattle from a certified brucellosis-free herd. The certified herd number and the date of the last herd test must be shown on the health certificate; and

[(III)] Officially calfhood-brucellosis-vaccinated heifers of beef breeds under twenty-four (24) months of age and of dairy breeds under twenty (20) months of age unless parturient (springer) or post-parturient in which case they shall be tested regardless of vaccination status or age; and [(IIII)](II) Steers. No tests required but the steer(s) must be listed and identified on a health certificate.

C. Cattle from brucellosis Class B and C states or areas are not eligible to exhibit in Missouri.

3. Tuberculosis. Tuberculosis tests are not required on cattle entering and moving in Missouri for exhibition only[.] except—

A. Cattle originating from a modified accredited state or area are required to have a negative test within sixty (60) days prior to entry; and

B. An entry permit.

4. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(3) Exhibition Requirements for Swine in Missouri.

(A) Intrastate and interstate swine must be individually identified by eartag, ear notch, tattoo or other approved device on the health certificate.

1. Brucellosis. [All breeding swine six (6) months of age and over will be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of last validating test must be recorded on the health certificate.]

A. Breeding swine originating from brucellosis-free states may exhibit without a brucellosis test.

B. Breeding swine originating from brucellosis stage II states must be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of last validating test must be recorded on the health certificate.

2. Pseudorabies (Aujeszky's Disease). All swine must be tested negative within sixty (60) days prior to exhibition except—

A. Swine from a qualified pseudorabies-free herd. The qualified herd number and date of the last qualifying test must be recorded on the health certificate;

B. Market class swine that are to be slaughtered at the end of the show. If the show or exhibit includes other classes of animals such as cattle, sheep or breeding swine, then the market swine must be tested and negative to pseudorabies or originate from a qualified pseudorabies-free herd; and

C. Swine originating from a state classified as Stage V in the National Pseudorabies (PRV) Eradication Plan.

[3. All swine at weigh-ins for show competition must originate from a qualified negative pseudorabies herd or be tested within sixty (60) days prior to the weigh-in.]

AUTHORITY: section 267.645, RSMo 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. Amended: Filed March 5, 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, 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 scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 3—Brucellosis

PROPOSED AMENDMENT

2 CSR 30-3.020 Brucellosis Quarantine Requirements on Cattle. The director is amending paragraph (1)(B)2.

PURPOSE: This proposed amendment addresses the granting of brucellosis-free status to Missouri as it impacts the cattle producers, dealers, and livestock markets. No provision has been made in previous or existing regulations for the achievement of this status and the subsequent modification of testing requirements for Missouri producers.

(1) Definitions.

(B) Whole Herd Vaccination. Vaccination of all female cattle except spayed heifers over eight (8) months of age with a brucellosis vaccine approved by the state veterinarian. Such cattle shall be identified as official adult vaccinates by an adult vaccination tag and tattoo.

1. Heifer calves eight (8) months of age and under that are not spayed, are to be vaccinated with a brucellosis vaccine approved by the state veterinarian.

2. The testing of the herd [shall] may resume within [one hundred twenty (120)] **thirty (30)** days after vaccine is administered. The test schedule shall be consistent with the schedule used in non-vaccinated herds.

AUTHORITY: section 267.645, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. Amended: Filed March 5, 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) day after publication of this notice in the *Missouri Register*. No public hearing scheduled.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 6—Livestock Markets

PROPOSED AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The department is amending sections (2) and (3), adding new sections (6) and (9) and renumbering sections as needed.

PURPOSE: The proposed amendment addresses the granting of brucellosis-free status to Missouri by USDA-APHIS and proposed changes to section (6) are designed to bring Missouri's scrapie requirements into compliance with revised federal regulations and to protect Missouri's livestock industry.

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 for the rule is printed here. This note refers only to the incorporated by reference material. The publication for *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, can be accessed at www.aphis.usda.gov/vs/disease_eradication.htm and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*, can be accessed at the USDA government website at www.aphis.usda.gov/oa/pubs/umr.html. The publication for *Scrapie Eradication Uniform Methods and Rules Effective October 1, 2003* can be accessed at www.aphis.usda.gov/oa/pubs/umr.html.

(2) Duties and Responsibilities of the Market/Sale Veterinarian. The market/sale veterinarian shall—

(A) Complete training successfully and be qualified to run the Brucella Buffered Antigen (B.B.A.) Card Test [and Concentration Immunoassay Technology (CITE) Test]. Any veterinarian assistant or animal health technician who performs any testing at a livestock market/sale under the supervision of the market/sale veterinarian must also successfully complete training and be qualified to run the B.B.A. Card Test [and CITE Test];

(C) [Blood test all test-eligible animals consigned to the market/sale] Collect blood samples from all test-eligible animals consigned to the market/sale and submit those samples to the Cooperative State and Federal Veterinary Diagnostic Laboratory in Jefferson City for testing;

(3) Required [Vaccination and] Testing of Bovine.

[(B) Official Brucellosis Vaccination.

1. All heifers four through twelve (4–12) months of age consigned to the market/sale from other than brucellosis Class Free or brucellosis Class A states shall be officially

calfhood vaccinated (OCV) against brucellosis before release from the market/sale. The director of the Missouri Department of Agriculture may reinstate mandatory brucellosis calfhood vaccination at his/her discretion, or shall reinstate mandatory brucellosis calfhood vaccination if the number of brucellosis-affected quarantined herds is greater than forty (40) for a period of longer than four (4) consecutive months.

2. All heifers imported from other than brucellosis Class Free or brucellosis Class A states consigned to the market/sale that are twelve (12) months of age and over that are not OCV shall be either—

A. Spayed; or

B. "S"-branded and restricted to sell to slaughter or to an approved quarantined feedlot.

3. Nonvaccinated finished-fed heifers may move through cattle market/sale channels directly to slaughter without being "S"-branded.]

[(C)](B) Testing of Bovine for Brucellosis.

1. The market/sale veterinarian must [test] draw blood on all test-eligible animals (bulls, heifers and cows eighteen (18) months of age and over) for brucellosis and submit those samples to the Cooperative State and Federal Veterinary Diagnostic Laboratory in Jefferson City for testing. This includes animals consigned to slaughter and feedlots as well as those that might return to farms as breeding stock. [All OCV dairy females under twenty (20) months of age and beef females under twenty-four (24) months of age are exempt from test if not parturient or post-parturient.] An [second] exception may occur at markets/sales with enough volume of test-eligible slaughter cattle that have acquired an agreement with the state allowing release of untested slaughter cattle in a sealed truck. The market/sale veterinarian will supervise persons appointed to apply official United States Department of Agriculture (USDA) seals to sealed trucks if the licensee has an agreement with the state to do so.

2. A market/sale veterinarian may recognize a brucellosis test performed at a Missouri market/sale as an official and valid test for five (5) days if proper health certificates accompany the animal(s). An official bangle tag may serve as a health certificate for intrastate movement, provided the following information is shown on the tag:

A. Date of test;

B. Complete official eartag number;

C. Age of the animal;

D. State code letters of the testing veterinarian; and

E. If color-coded bangle tags are used to indicate stage of pregnancy, they shall be applied as follows:

(I) Blue—first trimester—one through three (1–3) months pregnant;

(II) Red—second trimester—four through six (4–6) months pregnant;

(III) Green—third trimester—seven through nine (7–9) months pregnant;

(IV) Yellow—open—not pregnant; and

(V) White—not examined for pregnancy status.

3. All out-of-state test-eligible cattle must be retested when presented to a Missouri market/sale. The market/sale veterinarian shall accurately complete form MODAV-20 upon release of any test-eligible cattle originating from other than brucellosis Class Free or brucellosis Class A states.

A. The intrastate movement permit number shall be the MODAV-20 certificate number preceded by the letter code of the issuing veterinarian.

B. The proper distribution of the form MODAV-20 certificate is as follows:

(I) The yellow copy shall be issued to the purchaser or his/her agent prior to release of the animal(s) from the livestock market/sale;

(II) The white copy shall be mailed to the Missouri Department of Agriculture; and

(III) The green copy shall be retained by the issuing veterinarian.

4. Proper procedure for determining the age of test-eligible cattle is—

A. Eighteen (18) months—absence of the central deciduous (baby) incisors;

B. Two (2) years—the presence of the first pair of fully erupted permanent incisor teeth;

C. Two and one-half (2 1/2) years—the appearance of the second pair of permanent incisor teeth;

D. Eruption, spread and wear of incisor teeth may be used to determine age; and

E. The age of the animal will be shown on the official bangle tag or displayed on the animal in a manner easily visible to the buyer.

[5. A positive reaction to the standard card test shall make that animal eligible for further testing on the brucellosis CITE Test, or any other test approved by the USDA and the state veterinarian. The results of the CITE Test shall be recorded on the VS 4-54 market/sale test record as positive or negative.

A. A positive CITE Test result occurs when the sample test spot develops a color equal to or greater than the intensity of the low calibration spot.

B. A negative CITE Test result occurs when the sample spot develops no color or develops a color of less intensity than the low calibration spot.]

(6) Required Testing and Handling of Sheep and Goats.

(A) Veterinary inspection is required on all sheep and goats prior to sale.

(B) Sheep and goats are required to have permanent official identification to be in compliance with the Scrapie Eradication Uniform Methods and Rules Effective October 1, 2003, which is hereby incorporated by reference and made a part of this rule.

1. All breeding sheep regardless of age.

2. All sheep over eighteen (18) months of age.

3. Breeding goats, except slaughter goats.

(C) Eligible sheep and goats that come into the market without official identification must have official identification applied at the market prior to commingling with other animals, and prior to sale.

(D) Any official identification that is applied by the market veterinarian or market personnel must maintain the following records:

1. The date tagged.

2. The number of sheep and the number of goats identified.

3. The serial numbers applied.

4. The name and address of the owner of the flock of origin.

5. If the person who currently owns the animals is different from the owner of the flock of origin or birth, the current owner's name and address.

6. If the owner of the flock of birth is different from the owner of the flock of origin, and if the animals were born after January 1, 2002, the name and address of the owner of the flock of birth, if known.

7. All records of official identification must be maintained for five (5) years.

[(6)] (7) Ratites (Including, but not limited to, Ostrich and Emu). All ratites must be individually identified by a means approved by the Missouri state veterinarian on a certificate of veterinary inspection. In addition, ratites imported into Missouri presented for sale at a livestock market/sale must obtain an entry permit.

[(7)] (8) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock mar-

ket/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(A) Exotic bovids eight (8) months of age and over must have a negative brucellosis test and a negative tuberculosis test within thirty (30) days prior to arrival at the market/sale. Exotic bovids include *Bos gaurus* (Indian bison, Gaur) *Bos javanicus* (Banteng), *Bos sauveli* (Kouprey), *Bos grunniens* (domesticated yak), *Bubalus bubalis* (water buffalo), *Bubalus mindorensis* (Tamarau), *Bubalus quarlesi* (Mountain Anoa), *Bubalus depressicornis* (Lowland Anoa) and *Snycerus caffer* (buffalo group).

(B) Exotic cattle must meet the same brucellosis requirements as domestic cattle. These animals eight (8) months of age and over must be tested for tuberculosis within thirty (30) days prior to arrival at the market/sale.

(C) Camels, llamas, alpaca and others of that group must be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection.

(D) Captive cervids from out-of-state that arrive at a market/sale in Missouri must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids from out-of-state that arrive at a market/sale must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*. Movement of Missouri origin captive cervids must be in compliance with Missouri's intrastate movement regulations.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to arrival at the market/sale, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may be sold through a market/sale on the current herd number and test date;

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to arrival at the market/sale.

2. Captive cervids not known to be affected with or exposed to tuberculosis, and not in a status herd as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method. The second test must be within ninety (90) days prior to arrival at the market/sale.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may be sold through a market/sale on the current herd number and test date.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be sold through a market/sale without further tuberculosis testing, provided that they are accompanied by a certificate stating that such cap-

tive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to move through a Missouri livestock market/sale.

5. Elk, elk-hybrids, white-tailed deer and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to moving through a Missouri livestock market/sale. Other captive cervids must have participated in a surveillance program recognized by the state of origin prior to moving through a Missouri livestock market/sale.

(E) Exotic goats, sheep and antelope. No tests are required on these animals.

(F) Exotic equine, donkeys, asses, burros and zebras must meet domestic equine requirements.

(G) Feral swine, javalena, and peccaries must be in compliance with domestic swine requirements.

(H) Elephants (Asiatic, African) must be tested negative for tuberculosis within one (1) year prior to exhibition.

(I) Importation of skunks and raccoons into Missouri is prohibited by the *Missouri Wildlife Code* (3 CSR 10-9).

(9) Poultry.

(A) **Out-of-state live poultry (except those consigned directly to slaughter) shall be accompanied by an official Certificate of Veterinary Inspection or a VS Form 9-3 (see 2 CSR 30-2.040). If a VS Form 9-3 is used, a signed and dated owner/shipper statement must be included stating that to his/her best knowledge, the birds are healthy. Poultry known to be infected with pullorum or typhoid that are consigned directly to slaughter must be identified as such by the consignor.**

(B) **Out-of-state live poultry entering Missouri must be tested negative for pullorum-typhoid within the past ninety (90) days or originate from a flock approved by the National Poultry Improvement Plan (NPIP) or an equivalent program which has been tested within the past twelve (12) months with no change of ownership.**

(C) **All hatching eggs must be accompanied by an official Certificate of Veterinary Inspection certifying the eggs to be from pullorum-free flocks or by a VS Form 9-3.**

(D) **Out-of-state poultry and hatching eggs moving through a Missouri livestock market/sale require an entry permit prior to shipment. Annual entry permits shall be issued by the department to participants in the NPIP or an equivalent program. Producers not approved by NPIP or an equivalent program must request a permit with each shipment.**

AUTHORITY: section 277.160, RSMo 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. Amended: Filed March 5, 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 may have the potential of costing private entities \$0 to \$1 per head 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 Department of Agriculture, Division of Animal Health, Taylor H. Woods, D.V.M., State Veterinarian, PO Box 630, 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 scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian
Type of Rulemaking:	Proposed Amendment

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:
62,858 sheep 403 goats	individual who brings sheep, goats or poultry into a Missouri licensed livestock market/sale	The estimated cost of this proposed amendment is \$0 - \$63,261. Cost to an individual producer to identify their animal at a market range from \$0 to \$1 per head. The number of producers that are represented by the volume of livestock is unknown.

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

The cost of compliance for the sheep/goat and poultry industry with this proposed amendment is based on:

- The estimated number of sheep/goats/poultry is based on 2003 figures.
- The official identification applied to sheep and goats by market sale veterinarians will be furnished by the state at no cost at this time.
- Market may charge producer for the application of the official identification.
- Current regulations require markets to maintain records on livestock that move through the livestock market/sale.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards**

PROPOSED AMENDMENT

3 CSR 10-9.565 Licensed Hunting Preserve: Privileges. The commission proposes to amend subsection (1)(B).

PURPOSE: This amendment will eliminate the “ramp-up” requirement for the intrastate movement of cervids.

(1) Licensed hunting preserves are subject to inspection by an agent of the department at any reasonable time. Animal health standards and movement activities shall comply with all state and federal regulations. Any person holding a licensed hunting preserve permit may release on his/her licensed hunting preserve legally acquired pheasants, exotic partridges, quail and ungulates (hoofed animals) for shooting throughout the year, under the following conditions:

(B) Big Game Hunting Preserve.

1. The big game hunting preserve for ungulates shall be a fenced single body of land, not dissected by public roads, and not less than three hundred twenty (320) acres and no more than three thousand two hundred (3,200) acres in size. The hunting preserve shall be fenced so as to enclose and contain all released game and exclude all hoofed wildlife of the state from becoming a part of the enterprise and posted with signs specified by the department. Fence height shall meet standards specified in 3 CSR 10-9.220.

2. All elk, elk-hybrids, mule deer, and white-tailed deer introduced into a big game hunting preserve shall meet the following requirements:

A. Animals shall be tagged or marked in a method allowing individual animal identification.

B. Animals imported into Missouri must come from a herd that is enrolled and has achieved a status three (3) or higher in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

C. Animals from within Missouri must come from a herd comprised of animals enrolled in a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program. *[Effective January 1, 2004, the minimum herd status requirement will annually increase by one (1) level until January 1, 2006 when all introduced animals shall come from herds that have achieved a status three (3) or higher—three (3) years of surveillance, advancement, and successful completion of program requirements.]*

3. Effective January 1 of each year, one hundred percent (100%) of all elk, elk-hybrids, mule deer, and white-tailed deer over twelve (12) months of age that die of any cause within a big game hunting preserve operation, shall be tested for chronic wasting disease at a federally approved laboratory, up to an annual total of ten (10) animals in the aggregate, except:

A. Big game hunting preserve operations that have not introduced, during the past three (3) years, any elk, elk-hybrids, mule deer or white-tailed deer from a herd having a status less than three (3) as documented through a United States Department of Agriculture approved or state-sponsored chronic wasting disease monitoring program—three (3) years of surveillance, advancement, and successful completion of program requirements.

B. Elk, elk-hybrids, mule deer, and white-tailed deer documented through Missouri's Chronic Wasting Disease Monitoring Program as status five (5) herds—five (5) years of surveillance, advancement, and successful completion of program requirements.

4. All permits issued by the state veterinarian's office allowing cervids to enter Missouri and all chronic wasting disease test results

must be kept by the permittee and are subject to inspection by an agent of the department at any reasonable time. All test results documenting a positive case of chronic wasting disease shall be reported immediately to an agent of the department.

5. The permittee may exercise privileges provided in 3 CSR 10-9.353 only for species held within breeding enclosure(s) contained within or directly adjacent to the big game hunting preserve. Any such breeding enclosure(s) shall meet standards specified in 3 CSR 10-9.220. Breeding enclosures may be separated from the hunting preserve by a public road, but must be directly adjacent. Other breeding enclosures not contained within or directly adjacent to the hunting preserve are not covered under the privileges of this rule.

6. Any person taking or hunting ungulates on a big game hunting preserve shall have in his/her possession a valid licensed hunting preserve hunting permit. The permittee shall attach to the leg of each ungulate taken on the hunting preserve a locking leg seal furnished by the department, for which the permittee shall pay ten dollars (\$10) per one hundred (100) seals. Any packaged or processed meat shall be labeled with the licensed hunting preserve permit number.

7. Animal health standards and movement activities shall comply with all state and federal regulations.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This rule previously filed as 3 CSR 10-10.765. Original rule filed Jan. 19, 1972, effective Feb. 1, 1972. For intervening history, please consult the Code of State Regulations. Amended: Filed March 4, 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 20—Wildlife Code: Definitions**

PROPOSED AMENDMENT

3 CSR 10-20.805 Definitions. The commission proposes to amend sections (11) and (25).

PURPOSE: This amendment changes the definition of commercial fish and adds shovelnose sturgeon to the list of game fish.

(11) Commercial fish: All fish except *[shovelnose sturgeon more than thirty inches (30") in length (measured from tip of snout to fork of tail), pallid and lake sturgeon]* **endangered species as listed in 3 CSR 10-4.111(3)** and game fish as defined in this rule. Includes those species for which sale is permitted when legally obtained. For purposes of this Code, packaged salt water species or freshwater species not found in waters of this state, when the processed fish are truly labeled as to content, point of origin and name and address of the processor, are exempt from restrictions applicable to native commercial fish. Commercial fish include common snapping and soft-shelled turtles and crayfish taken from waters open to commercial fishing. In the Mississippi River and that part of the St. Francis River which forms the boundary between the states of Arkansas and Missouri, commercial fish also include channel,

blue and flathead catfish at least fifteen inches (15") in total length. In the Mississippi River only, commercial fish also include paddlefish at least twenty-four inches (24") in length (measured from eye to fork of tail) and shovelnose sturgeon up to thirty inches (30") in length (measured from tip of snout to fork of tail). In the Missouri River downstream from U.S. Highway 169 to Carl R. Noren Access and downstream from Chamois Access to its confluence with the Mississippi River, commercial fish also include shovelnose sturgeon twenty-four inches to thirty inches (24"-30") in length (measured from tip of snout to fork of tail).

(25) Game fish: Shall include the following in which the common names are to be interpreted as descriptive of, but not limiting, the classification by Latin names:

(C) *Esox*, all species commonly known as muskellunge, tiger muskie, muskie-pike[,/] hybrid, northern pike, chain pickerel, grass pickerel.

(L) *Scaphirhynchus platyrhynchus*, commonly known as shovelnose sturgeon, hackleback, sand sturgeon.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. This rule previously filed as 3 CSR 10-11.805. Original rule filed April 30, 2001, effective Sept. 30, 2001. Amended: Filed May 9, 2002, effective Oct. 30, 2002. Amended: Filed Aug. 30, 2002, effective Feb. 28, 2003. Amended: Filed Oct. 9, 2003, effective March 30, 2004. Amended: Filed March 4, 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 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

PROPOSED AMENDMENT

4 CSR 10-1.010 General Organization. The board is proposing to amend sections (4)–(6) and section (8) and add a new section (9).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

(4) The board is directed by [sections 326.110 and 326.170] Chapter 326, RSMo to adopt rules for the application and enforcement of Chapter 326, RSMo.

(5) The board has superintending control over the practice of accounting in Missouri and its primary duties consist of—

(A) Examination[, certification] and licensing of applicants;

(B) Registration and licensing of certified public [accountant firms and professional corporations] accounting firms;

(C) [Annual registration of each office established in the state for the practice of public accounting by a certified public accountant or public accountant, partnership or corpora-

tion of certified public accountants and partnership or corporation of public accountants] The establishment and collection of fees, penalties, and all monies payable to the State Board of Accountancy Fund and the Missouri State Board of Accountancy Investigation Fund;

(D) Review and investigation of complaints; [and]

(E) Disciplinary action including [suspending or revoking] sanctioning of certificates, licenses, and permits of certified public accountants [or] and certified public [accountants] accounting firms who [are guilty of violating] have been found to have violated the provisions of Chapter 326, RSMo[.]; and

(F) Protecting the public while maintaining the integrity of the profession.

(6) The board shall hold regular meetings as determined by the board. The annual meeting of the board shall be held between May 1 and July 31 of each year. [Three (3)] Four (4) voting members of the board shall constitute a quorum at any meeting. Information as to the dates and place of meetings can be obtained by contacting the Executive Director, P[.]/O[.] Box 613, Jefferson City, MO 65102-0613, (573) 751-0012 or www.ded.state.mo.us/pr/account.

(8) Any person may contact the Missouri State Board of Accountancy, P[.]/O[.] Box 613, Jefferson City, MO 65102-0613, (573) 751-0012 or www.ded.state.mo.us/pr/account for information and application forms or to register a complaint involving the public accounting profession as provided in 4 CSR 10-1.030.

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

AUTHORITY: sections [326.110, RSMo 1994] 326.256, 326.259.4, 326.262, 326.268.1 and 326.319, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 7, 1982, effective March 11, 1983. Amended: Filed Aug. 3, 1988, effective Nov. 24, 1988. Amended: Filed Nov. 13, 1992, effective June 7, 1993. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed Feb. 1, 1996, effective July 30, 1996. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

PROPOSED AMENDMENT

4 CSR 10-1.030 Public Complaint Handling and Disposition Procedure. The board is proposing to amend sections (1), (3), (4)

and (6), add a new section (9) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to implement provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the form that immediately follows this rule in the Code of State Regulations.

(1) The Missouri State Board of Accountancy shall receive and process each complaint alleging certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 326, RSMo by any licensee, **certificate holder**, permit holder, *[registrant of the board]* or unlicensed individual or entity. Any individual, except a member of the board, may make and file a complaint with the board. A member of the board may file a complaint if *[s/he]* **he or she** excuses him/herself from further board deliberations or activity concerning the matters alleged within the complaint. The executive director or any staff member of the board may file a complaint in the same manner as any other person.

(3) Oral or telephone communications will not be considered or processed as complaints, but the person making the communications will be provided with a complaint form and requested to complete it and return it to the board. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral or telephone communications received by the board, *[unless those communications are believed by the staff member to be false]*.

(4) Each complaint received under this rule shall be logged in a *[book]* **database** maintained by the board for that purpose. *[Complaints shall be logged in consecutive order as received. The log book]* **The complaint database** shall contain a record of each complainant's name and address; the name and address of the subject of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any victim of the alleged acts or practices; a notation as to whether or not the complaint resulted in its dismissal by the board or settlement in lieu of filing of formal charges with the Administrative Hearing Commission or in the filing of a formal complaint with the Administrative Hearing Commission seeking disciplinary action; and the ultimate disposition of the complaint. This *[log book]* **database** shall be a closed record of the board **pursuant to section 326.295, RSMo**.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record of the board and shall not be available for inspection by the public. *[However, upon receipt of a signed authorization on a form provided by the board from the person who is the subject of the complaint and payment of the fee established under 4 CSR 10-2.160, the board shall provide that person, or that person's]* **The board shall provide the subject of the complaint, or the subject of the complaint's** authorized representative, **upon a receipt of a signed authorization**, with a copy of the complaint and any attachments to the complaint unless otherwise privileged. During the investigative stage, the board or its executive staff shall keep the complaint and the fact of its existence confidential to the extent practicable.

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

AUTHORITY: sections [326.110, RSMo Supp. 1993] 326.262, 326.295, and 620.010.15(6), RSMo Supp. 2003. Original rule filed Nov. 10, 1981, effective April 11, 1982. Amended: Filed Jan. 23, 1986, effective June 28, 1986. Amended: Filed Aug. 13, 1987, effective Nov. 23, 1987. Amended: Filed April 3, 1990, effective Sept. 28, 1990. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

PROPOSED RESCISSION

4 CSR 10-1.040 Board Policy on Release of Public Information. This rule set forth the board's written policy in compliance with sections 610.010–610.030, RSMo regarding the release of information on any meeting, record or vote of the board.

PURPOSE: This rule is being rescinded to allow the office to adopt an administrative policy.

AUTHORITY: section 326.110, RSMo 1994. Original rule filed Oct. 22, 1987, effective March 25, 1988. Amended: Filed Feb. 25, 1993, effective Aug. 9, 1993. Amended: Filed Feb. 1, 1996, effective July 30, 1996. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED RESCISSION

4 CSR 10-2.005 Definitions. This rule defined terms used in the rules of the Missouri State Board of Accountancy. The board is also proposing to delete the annotation that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being rescinded and readopted to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. The board is also deleting the annotation that immediately follows the rule in the *Code of State Regulations*.

AUTHORITY: section 326.110, RSMo 1994. Original rule filed July 3, 1975, effective Aug. 25, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Nov. 10, 1981, effective April 11, 1982. Amended: Filed Sept. 3, 1986, effective Jan. 30, 1987. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed June 4, 1990, effective Nov. 30, 1990. Amended: Filed Sept. 25, 1991, effective March 9, 1992. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed Aug. 25, 1995, effective March 30, 1996. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 10-2.005 Definitions

PURPOSE: This rule defines terms used in the rules of the Missouri State Board of Accountancy.

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) Commission fee or referral fee shall include, but not be limited to:

(A) Any fee, profit or other thing of value required or received for the rendering or selling of goods or services; or

(B) Any fee, profit or other thing of value required or received for referring a client to the products or services of others; or

(C) Any fee, profit or other thing of value paid to obtain a client. This rule does not apply to payments made where the payments are

part of the employees' compensation or for the purchase of all, or a material part, of an accounting practice, or to retirement payments to persons formerly engaged in the practice of public accounting.

(2) Contingent fee means compensation for the performance of professional services where the compensation or the amount is contingent upon the findings or result of those services.

(3) CPA means a certified public accountant.

(4) Enterprise means any person(s) or entity, whether organized for profit or not, for which a licensee provides services.

(5) Financial statement is a presentation of financial data, including accompanying notes, if any, intended to communicate an entity's economic resources and/or obligations at a point in time or the changes therein for a period of time, in accordance with generally accepted accounting principles or a comprehensive basis of accounting other than generally accepted accounting principles. Incidental financial data to support recommendations to a client or in documents for which the reporting is governed by Statements on Standards for Attestation Engagements, which is incorporated by reference in this rule, and tax returns and supporting schedules do not, for this purpose, constitute financial statements. The statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion. Statement on Standards of Attestation Engagement are documents included in the American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct, which is incorporated by reference in this rule. A printed copy or copy on CD-Rom or other electronic copies of the Rules of Professional Conduct may also be obtained from the American Institute of Certified Public Accountants, PO Box 2209, Jersey City, New Jersey 07303-2209 or <http://www.aicpa.org>.

(6) Practice of public accounting means:

(A) Performing or offering to perform for an enterprise, client or potential client one (1) or more services involving the use of accounting or auditing skills or one (1) or more management advisory or consulting services or the preparation of tax returns or the furnishing of advice on tax matters by a person or firm using the title "CPA" in signs, advertising, directory listings, business cards, letterheads, or other public representations, except that this shall not contradict section 326.292, RSMo;

(B) Signing or affixing one's own name, any trade or assumed name used by him or her, or a professional firm in his or her or its professional firm name, with any wording indicating he or she or the professional firm has expert knowledge in accounting or auditing, to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing financial information or facts respecting compliance with conditions established by law or contract including, but not limited to, statutes, ordinances, rules, grants, loans and appropriations, except that this shall not contradict section 326.292, RSMo;

(C) Offering to the public or to prospective clients to perform or actually performing on behalf of clients any professional services that involve or require an audit or examination of financial records leading to the expression of a written attestation or opinion concerning these records, except that this shall not contradict section 326.292, RSMo; or

(D) Maintaining an office for the transaction of business as a CPA firm.

(7) Professional services means any services including all services performed by a member while holding himself or herself out as a CPA.

(8) Resident of this state is an individual considered to be for the purposes of Chapter 326, RSMo, a resident of this state, provided:

(A) The individual maintains a permanent place of residence in Missouri and actually resides in Missouri;

(B) The individual is a full-time student at an accredited college or university in this state;

(C) The individual who is a graduate from a Missouri college or university, and at the time of graduation had a Missouri address, shall be considered a resident of this state for six (6) months from the date of graduation;

(D) The individual is regularly employed full-time in this state; or

(E) The individual is a permanent resident of Missouri and is serving on active duty in the armed services, or the individual is a permanent resident of Missouri and is the spouse of an individual serving on active duty in the armed services. To satisfy the requirements of this rule, employment in Missouri need not be in public accounting.

(9) A resident manager of an office is a CPA holding an active license to practice, issued under section 326.280, RSMo and currently practicing public accounting, who has direct supervision of the office and who, in addition, oversees the planning, administration, direction and review of the services being performed by that office.

(10) Accounting firm is a certified public accountant firm, a CPA firm, or firm, sole proprietorship, a corporation, a partnership or any other form of organization issued a permit pursuant to section 326.289, RSMo.

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

AUTHORITY: sections 326.256 and 326.262, RSMo Supp. 2003. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 5, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED RESCISSION

4 CSR 10-2.010 Eligibility Requirements for a Certificate as a Certified Public Accountant. This rule clarified the requirements of the statutes an applicant shall meet before being granted a certificate as a certified public accountant. This rule also explained some of the statutory requirements set out in section 326.280, RSMo.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1997. This version of rule filed Sept. 11, 1974, effective Sept. 21, 1974. Amended: Filed Jan. 13, 1975, effective Jan. 23, 1975. Rescinded and readopted: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Dec. 15, 1983, effective April 12, 1984. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed March 17, 1994, effective Sept. 30, 1994. Amended: Filed June 10, 1998, effective Dec. 30, 1998. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED RESCISSION

4 CSR 10-2.021 Temporary Certificates and Temporary Permits.

This rule clarified the requirements of section 326.280, RSMo relating to the issuance of temporary certificates and temporary permits to certified public accountants from another state moving to Missouri to practice public accounting in Missouri.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110 and 326.170, RSMo 1994. Original rule filed Sept. 10, 1978, effective Jan. 13, 1979. Amended: Filed Jan. 23, 1986, effective June 28, 1986. Amended: Filed Sept. 20, 1994, effective April 30, 1995. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.030 Reciprocity. This rule clarified the requirements of the statutes as they pertain to the issuance of the certificate of certified public accountant to applicants from other states.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo 1994. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. Rescinded and readopted: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.041 Eligibility Requirements for the [C.P.A.] CPA Examination. The board is proposing to amend sections (1)–(7).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

(1) The applicant must comply with [sub]section [326.060] 326.280.1(1), (2) and (3), RSMo and either—

(A) If [s/he applies] he or she applied for the initial examination prior to June 30, 1999, hold a baccalaureate or higher degree conferred by an accredited college or university recognized by the board with a concentration or major in accounting or substantially the equivalent of a concentration in accounting as described in subsection (2)(A) or (B) of this rule; or

(B) If [s/he applies] he or she applied for the initial examination on or after June 30, 1999, have at least one hundred fifty (150) semester hours of college education including a baccalaureate or higher degree conferred by an accredited college or university recognized by the board with a concentration or major in accounting or substantially the equivalent of a concentration in accounting as described in subsection (2)(C) of this rule.

(2) The equivalent of a concentration in accounting shall be determined in the following manner:

(C) For candidates whose applications for the initial examination were postmarked on or after June 30, 1999, the concentration or major in accounting, or the equivalent of a concentration in accounting shall be sixty (60) semester hours or ninety (90) quarter hours of accounting and other related courses. At least twenty-seven (27) semester hours or forty (40) quarter hours shall be accounting courses with at least one (1) course in auditing and at least eighteen (18) semester hours or twenty-seven (27) quarter hours of accounting courses taken at the upper division level. [Principles of accounting (or i]Introductory accounting[)] courses will not be credited toward the required number of hours of accounting courses, but may be credited toward the other related courses. For the purposes of this rule “upper division level” courses shall mean courses taken beyond the elementary level. The remaining thirty-three (33) semester hours or fifty (50) quarter hours shall be in accounting or other areas of business administration such as business law, statistics, economics, finance, marketing, management, data processing and business communications. These courses shall be taken at an accredited college or university recognized by the board.

(3) An applicant for the examination whose initial application to Missouri is postmarked on or after June 30, 1999, who meets the qualifications in [sub]section/s 326.060/ 326.280.1(1), (2) and (3), RSMo—

(A) Who sat for the examination in another jurisdiction prior to June 30, 1999, or whose original application for the examination was postmarked to the other jurisdiction prior to June 30, 1999, if [s/he/ he or she] meets the standard in subsections (1)(A) and (2)(A) or (B) of this rule, then examination credit will be granted in accordance with the provisions of section [326.060/ 326.280, RSMo and rule 4 CSR 10-2.140 just as though the candidate had been approved and had sat in Missouri and [s/he/ he or she] will be approved to sit as a Missouri candidate; or

(B) Whose original application for the examination was postmarked to another jurisdiction on or after June 30, 1999 or, if the postmark date is not available, who first sat for the examination in the other jurisdiction after June 30, 1999, if [s/he/ he or she] meets the standard in subsections (1)(B) and (2)(C) of this rule, then examination credit will be granted in accordance with the provisions of section [326.060/ 326.280, RSMo and rule 4 CSR 10-2.140 just as though the candidate had been approved and had sat in Missouri and [s/he/ he or she] will be approved to sit as a Missouri candidate.

(4) Once an applicant has qualified under sections (1) and (2) of this rule and been approved by the board as a Missouri candidate for the examination, and as long as [s/he/ he or she] continues to meet the requirement of subsection [326.060/ 326.280.1(3), RSMo and has not committed an act or acts which would be cause to deny an application under section [326.130/ 326.310, RSMo, [s/he/ he or she] will be considered qualified for subsequent examinations.

(5) An applicant who satisfies the requirements of section [326.060/ 326.280.1(1), (2) and (3), RSMo shall be eligible to take the examination if the applicant reasonably expects to satisfy the educational requirements of section [326.060/ 326.280.1(4), RSMo within sixty (60) days after the examination. No [certificate/ license shall be issued or credit for the examination issued unless the educational requirements [is/ are, in fact, met within the sixty (60)-day period.

(6) Any university or college accredited by the Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools or Western Association of Schools and Colleges is recognized by the board and will satisfy the

requirements of section [326.060] 326.280.1, RSMo and this rule. The board may recognize as accredited, any university or college accepted by two (2) or more states for the purpose of allowing a candidate to sit for the certified public accountant examination.

(7) [To satisfy the requirements of this rule, employment in Missouri need not be in public accounting.] The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

AUTHORITY: sections 326.262 and 326.280[.1(4)], RSMo Supp. [2001] 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED RESCISSION

4 CSR 10-2.042 Definition of a Resident of This State. This rule defined the phrase “a resident of this state” as used in section 326.280, RSMo and rules 4 CSR 10-2.010 and 4 CSR 10-2.041.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo 1994. Original rule filed Sept. 12, 1984, effective Jan. 12, 1985. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.051 Registration of [Firms, Partnerships, Limited Liability Companies and Professional Corporations as Certified Public Accountants and Public Accountants] Certified Public Accounting Firms. The board is proposing to amend the title, the original purpose statement, delete sections (1)–(3) and add new sections (1)–(14) and delete the forms that immediately follows this rule in the Code of State Regulations.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the forms that immediately follows this rule in the Code of State Regulations.

PURPOSE: This rule clarifies the requirements of section[s] 326.040 and 326.050] 326.289, RSMo for registration of [firms, partnerships, limited liability companies and professional corporations as certified public accountants and public accountants] certified public accounting firms.

(1) Each certified public accounting firm shall provide the board with a completed initial firm permit application form provided by the board and pay all applicable fees as determined by the board.

[(1)](2) [Applications for approval of the registration of a firm, partnership, limited liability company or professional corporation and a permit to practice as required in sections 326.040 and 326.050, RSMo shall be filed with the board prior to the date the firm, partnership, limited liability company or professional corporation begins the practice of public accounting in this state.] Applications for approval of the permit of a certified public accounting firm shall be filed with the board prior to the date the firm begins the practice of public accounting in this state.

[(2)](3) [If a partner, member or shareholder is admitted or a partner, member or shareholder withdraws and there is a resulting change in the name of the firm, partnership, limited liability company or professional corporation, it shall be considered by the board as a new firm, partnership, limited liability company or professional corporation which must file applications for registration and a permit to practice.] If a partner, member or shareholder is admitted or a partner, member or shareholder withdraws and there is a resulting change in the name of the certified public accounting firm, it shall be considered by the board as a new firm, which must file an application for a permit to practice.

[(3)](4) [All out-of-state certified public accountant firms, partnerships, limited liability companies and professional corporations which regularly practice public accounting in this state must be registered with the board under section 326.040 or 326.050, RSMo and must obtain a permit to practice. All partners, members, shareholders and employees of these firms, partnerships, limited liability companies and professional corporations who regularly practice in this state, must obtain a permit to practice issued under section 326.210, RSMo.] All out-of-state certified public accounting firms that practice public accounting in this state must obtain a permit to practice. All partners, members, shareholders and employees of these firms, who practice in this state, must obtain

a license or a provisional license to practice issued under Chapter 326, RSMo. There must be at least one (1) active individual Missouri certified public accountant (CPA) licensee or Missouri CPA provisional licensee in the firm for the firm's permit to be considered active.

(5) Each office established, registered or maintained for the practice of public accounting by a CPA or certified public accounting firm, out of which a CPA practices or offers to practice public accounting shall be registered with the board annually. Application shall be on a form provided by the board and shall include the name and license number of the resident manager of each office.

(6) Notice shall be given to the board within thirty (30) days of any change of an office address, change of resident manager for an existing office, the address of any additional office opened for the practice of public accounting or of the closing of any office. No form is provided by the board for this notice, but the notice must be in writing and must be clearly headed with "Notice of New Office," "Change of Address of Office," "Change of Resident Manager" or "Closing of Office" and in the case of a new office must contain the name and license number of the resident manager.

(7) Before a current permit to practice will be issued an applicant must pay all required fees and penalties that were not paid previously for all years the applicant was engaged in the practice of public accounting in Missouri. No permit shall be issued or reinstated until all required fees and penalties are paid by the applicant.

(8) Each certified public accounting firm shall attest that all employees, representatives and agents practicing public accounting in Missouri and all Missouri resident partners, members, managers and shareholders of certified public accounting firms who hold Missouri certificates issued under prior law or any individual who received an initial license after August 28, 2001 hold an active Missouri license to practice in a certified public accounting firm.

(9) The change of majority ownership, form of organization (i.e., professional corporation (PC), limited liability company (LLC), etc.), or name or title of the firm, shall require the issuance of a new permit to practice public accounting with the completion of an initial firm permit application form provided by the board and payment of all applicable fees as determined by the board.

(10) In the event a firm through which the practicing CPAs are provisionally licensed, and there is no physical location for the firm within the state of Missouri, the firm shall complete the form for such practice as provided by the board and payment of all applicable fees as determined by the board. The firm permit shall only be valid for such time that the firm has an active provisional licensee in the state of Missouri. If the firm opens or operates a firm location within the state of Missouri, the firm is required to complete an initial firm permit application and pay all applicable fees as determined by the board.

(11) The name of the firm shall not be misleading nor shall it include words or phrases that are quantitative or qualitative such as: "biggest," "best," "finest," "cheapest," etc.

(12) The name of sole proprietorships or sole practitioners shall not include the words "and Associates," "Company," "and Company," or any designation that implies there is multiple or corporate ownership. Sole proprietorships and sole practitioners

shall only use a business name that is in the singular form or represents itself in a neutral manner.

(13) Names of one (1) or more past partners, members or shareholders may be included in the firm name of a partnership, limited liability company, or professional corporation or its successor. A partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two (2) years after becoming a sole proprietorship or a sole practitioner.

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

AUTHORITY: sections [326.110, RSMo 1994] 326.262 and 326.289, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed April 5, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated four hundred sixty-seven dollars and seventy-three cents (\$467.73) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost private entities an estimated eight thousand one hundred thirty-seven dollars (\$8,137) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.051 Registration of Certified Public Accounting Firms

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$467.73
Total Annual Cost of Compliance for the Life of the Rule	
	\$467.73

III. WORKSHEET

Applications for registration and provisional licensure are processed by the Licensure Technician I who reviews the application, updates the information contained in the licensing computer system and mails the licenses. The Executive I reviews any questions or problems on renewals and provides guidance for resolution.

The board estimates of 90 applications for registration and 10 applications for provisional licensure will be received annually. The board estimates the Executive I will assist with 10 applications annually. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$18,732.00	\$25,119.61	\$12.08	\$0.20	15 minutes	\$3.02	\$301.92
Executive I	\$30,192.00	\$40,487.47	\$19.47	\$0.32	\$2.00	\$2.27	\$22.71

Total Personal Service Costs \$324.63

Expense and Equipment Dollars for Initial Applications

Application Printing	\$0.25	
Envelope for Mailing Application	\$0.16	
Postage for Mailing Application	\$0.32	
Printing Permit	\$0.35	
Envelope for Mailing Permit	\$0.16	
Postage for Mailing Permit	\$0.35	
Total Expense and Equipment Cost per Application:	\$1.59	
Total Expense and Equipment Costs		\$143.10

IV. ASSUMPTION

- The above figures were based on FY03 actuals. The board anticipates the annual number of firms will remain constant for the life of the rule.
- The board does not currently charge a fee for a Notice of Change of Address, Notice of a New Office, Notice of Change of Resident Manager, or Notice of Closing of an Office. A Notice of New Office and a change of shareholders requires an application to complete an initial application form and pay all applicable fees. Applicants applying for a new office have been calculated in the fiscal note for 4 CSR 10-2.072.
- It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 10-2.051 Registration of Certified Public Accounting Firms

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
90	Licenseses (registration of certified public accounting firms @ \$90)	\$8,100.00
10	Applicants (provisional license @ \$150)	\$1,500.00
100	Licenseses (postage @ \$.37)	\$37.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$8,137.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

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

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.061 Requirements for an Initial [Permit] License to Practice. The board is amending the title, purpose, proposing to delete sections (1)–(10), add a new section (1), renumber the remaining sections accordingly and amend the newly renumbered section (6).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

PURPOSE: This rule sets forth the type of work experience that is required for a certified public accountant to obtain or receive an initial [permit] license to practice in Missouri [and the supervision that must be provided to the applicant for that experience to be acceptable].

[(1) Except as provided in sections (2) and (3) of this rule, the two (2)-year public accounting experience requirement for a permit provided by section 326.210.1(1), RSMo shall consist solely of experience gained in the performance of activities generally performed by certified public accountants (C.P.A.s) including, but not limited to, financial audits, reviews, compilations, management audits, operational audits, compliance audits, management advisory or consulting services, tax advisory services, tax return preparation and financial planning services, under the level of supervision set forth in section (5) of this rule.

(2) The provisions of sections (1) and (3) of this rule notwithstanding, the board shall accept as fulfillment of the experience requirement provided for by section 326.210.1(1) RSMo—

(A) Two (2) years' experience gained by an applicant while employed full-time by the Missouri state auditor, Missouri state treasurer, Missouri secretary of state or any department created by Article IV of the Constitution of Missouri or any governmental unit transferred to a state department by a type III transfer under the Omnibus Reorganization Act of 1974 or an appropriation committee of the Missouri general assembly, provided that the elected state office holder, department director, transferred governmental unit head or appropriations staff director or the equivalent, as the case may be, holds a certificate and live permit from this or another state as a C.P.A. and provided the level of supervision required by section (5) of this rule and the applicant's experience is gained in an agency which complies with the requirements set forth in 4 CSR 10-2.112; and

(B) Two (2) years' experience gained by an applicant while employed full-time by a federal audit agency or in the office of an inspector general in an occupational code of 510, 511, 512 or the equivalent, provided the applicant's supervisor is a grade GM-15 or above and holds a certificate and permit from this or another state as a C.P.A. and provides the level of supervision required by section (5) of this rule and the applicant's experience is gained in an agency which complies with the requirements set forth in 4 CSR 10-2.112.

(3) Except as provided in subsections (2)(A) and (B) of this rule, the four (4)-year governmental accounting experience requirement for a permit provided by section 326.210.1(3), RSMo shall consist solely of experience gained in the per-

formance of the activities generally performed in governmental accounting, budgeting or auditing, including auditing of tax returns, as a state employee of Missouri, a political subdivision of this state or of the United States government, when the previously mentioned activities have been performed under the level of supervision set forth in section (5) of this rule and when the applicant's experience is gained in an office or unit which complies with the requirements set forth in 4 CSR 10-2.112.

(4) The four (4) years' experience requirement provided for by section 326.210.1(4), RSMo shall consist of experience gained in the performance of activities as an accountant for a corporation, partnership or other business entity. These activities shall include, but not be limited to, general accounting, internal audits, operational audits, tax advisory services and tax return preparation, which must have been performed as an employee in a department, division or unit of a nongovernmental business entity under the level of supervision as set forth in section (5) of this rule. The department, division or unit must have, as principal functions within the corporation, partnership or other business entity, those functions commonly associated with accountants, other financial or fiscal officers, or both, as described in this rule.

(5) Supervision as used in section 326.210, RSMo shall mean personal supervision provided by a C.P.A. holding a live permit to practice from this or another state who is involved in directing the efforts of the applicant. Elements of supervision shall include planning, administration, instruction of assistants, keeping informed of significant problems encountered and reviewing the work performed.

(6) The two (2)-year experience requirement for a permit provided by section 326.210.1(2), RSMo shall consist of experience gained in the full-time, legal practice of public accounting in another state as a C.P.A. while holding a live permit in the other state. The experience shall consist solely of the performance of activities generally performed by C.P.A.s including, but not limited to, financial audits, compliance audits, management advisory or consulting services, tax advisory services, tax return preparation and financial planning services.

(7) The two (2)-year public accounting experience requirement for a permit to practice may be fulfilled by a part-time employment with two thousand (2000) hours of part-time work considered to be equivalent to one (1) year of full-time employment. The board will not accept more than forty (40) hours of part-time work in any week. Each applicant who relies on experience gained through part-time work shall file with the board a schedule listing the number of hours worked each week. The schedule shall be signed by a C.P.A. who is the applicant's employer or supervisor.

(8) An internal revenue agent applying for a permit to practice may fulfill the experience requirement by obtaining one (1) year of public accounting experience as set forth in this rule, provided the applicant has at least four (4) years' experience as an employee of the federal government as an internal revenue agent in the Internal Revenue Service (IRS), of which at least two (2) years is certified by a district director of IRS as having been of field agent experience at the journeyman level, grade GS-512-11 or above, as specified in the United States Civil Service Commission's qualification standard as of December 1, 1975.

(9) *Periods of experience qualifying under subsections 326.210.1(1), (2), (3) and (4), RSMo may be combined to meet the requirements of section 326.210.1, RSMo as long as the total time credited is equal to or greater than the higher of the required times in the subsections that apply to the definition of the type of experience. Experience under the provisions of section 326.210.1(3), RSMo relating to internal revenue agents shall not be combined with any other experience under this rule.*

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

(1) Applicants for initial licensure shall meet the education requirements outlined in 4 CSR 10-2.041 and successfully complete the examination requirements as outlined in 4 CSR 10-2.150.

[(11)] (2) [On or after August 28, 2001 t]The board shall require as a condition for licensure, the verification of experience as provided for by section 326.280.1(6), RSMo. A licensee from this or another state shall verify on a form provided by the board:

(A) The applicant has one (1) year of **accounting** experience consisting of full-time employment that is no less than one (1) year and no fewer than two thousand (2,000) hours or in the case of part-time employment, experience that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services as described in section 326.280.1(6), RSMo; and

(B) The applicant has acceptable experience, which may include employment in industry, government, academia or public practice. The board may look at such factors as the complexity and diversity of the work as set forth in the experience verification section of the initial application form.

[(12)] (3) In accordance with section 326.289.4(3), RSMo any individual licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising attest services or signs or authorizes someone to sign attestation reports on behalf of a firm, shall have an additional year of experience, which includes attest services, consisting of full-time employment that is no less than one (1) year and no fewer than two thousand (2,000) hours or in the case of part-time employment, experience that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services. The experience shall be under the supervision of a licensee from this or another state. The experience shall consist of either:

(A) Practicing public accounting in a [registered] **certified public** accounting firm; or

(B) Practicing as an auditor, employed by a local, state, or federal government entity, devoted principally to the comprehensive application of generally accepted accounting principles or generally accepted government auditing standards to diversified field examinations.

[(13)] (4) In accordance with section 326.289.4/(3)/(4), RSMo any licensee who was initially licensed on or after August 28, 2001, and who is responsible for supervising, or signs or authorizes someone to sign review [or compilation] reports shall have a year of experience consisting of full-time employment that is no less than one (1) year and no fewer than two thousand (2,000) hours or in the case of part-time employment, experience that extends over a period of no less than one (1) year and no more than three (3) years and includes no fewer than two thousand (2,000) hours of performance of services as described in section 326.280.1(6), RSMo. Acceptable experience

shall include employment in industry, government, academia or public practice.

[(14) Evidence of Applicant's Experience.]

[(A)](5) Any licensee who has **direct access and knowledge of an applicant's experience and who has** been requested by an applicant to submit to the board evidence of the applicant's experience and has refused to do so shall, upon request by the board, explain [in writing or in person] the basis for such refusal **in a written submission**.

[(B)] The board may require any licensee who has [furnished evidence of an] **verified the** applicant's experience to substantiate the information **in a written submission**.

[(C)] Any applicant may be required to appear before the board to supplement or verify evidence of experience.

[(D)] The board may inspect **applicant-provided** documentation relating to [an] **the** applicant's claimed experience.

(6) Satisfactory completion of a written examination in professional ethics acceptable to the board shall be required for issuance of a Missouri license as a certified public accountant (CPA).

(A) **Verification that the applicant has received a score of ninety percent (90%) on the examination of the correspondence course on professional ethics for CPAs of the American Institute of Certified Public Accountants shall satisfy this requirement.**

(B) **Applicants applying for a license as a CPA under section 326.280, RSMo can satisfy this requirement by submitting verification that they have passed a written examination on professional ethics approved by the Missouri State Board of Accountancy where they hold a valid license.**

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

AUTHORITY: sections 326.262 and 326.280[.1(6) and 326.289.4(3)], RSMo Supp. [2001] 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.062 Evidence of Work Experience Required for an

Initial Permit to Practice. This rule set forth the evidence of experience required from applicants for an initial permit to practice.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1996 and 326.170, RSMo 1994. Original rule filed Sept. 3, 1986, effective Feb. 28, 1987. Amended: Filed July 19, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 16, 1996, effective June 30, 1997. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.070 Renewal of [Permits] Licenses. The board is proposing to amend the Purpose, section (1), delete section (2), renumber the remaining sections accordingly, amend the newly renumbered sections (2)–(6), add new language in section (7) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the form that immediately follows this rule in the Code of State Regulations.

PURPOSE: This rule clarifies requirements of the statutes pertaining to the renewal of the [permit] license to practice public accounting by certified public accountants and public accountants in this state.

(1) *[Individuals. Permits] Licenses* shall be issued for a licensing period of *[one (1)] two (2)* years beginning on October 1 and expiring on September 30 and shall be renewed *[annually] biennially*.

[(2) Partnerships, Limited Liability Companies and Professional Corporations. Permits shall be issued for a licensing period of one (1) year beginning on November 1 and expiring on October 31 and shall be renewed annually.]

[(3)] (2) Each certified public accountant (CPA) *[or public accountant]* shall provide the board with the following information at the time of application for renewal of *[his/her] his or her* individual *[permit] license* to practice:

- (A) *[r]*Residence address;
- (B) *[b]*Business connection or employer;
- (C) *[b]*Business address;

(D) Verification that the individual has met the Continuing Professional Education (CPE) requirements as described in Chapter 4;

(E) *[d]*Details regarding any conviction of any criminal offense other than a traffic violation;

(F) *[d]*Details regarding any suspension, revocation or cancellation of the certificate or permit to practice by any jurisdiction; details regarding any suspension, revocation or restriction of *[his/her] his or her* right to practice by the Internal Revenue Service, Securities Exchange Commission or any other federal or state agency;

(G) *[d]*Details regarding any judgments rendered against the licensee for professional malpractice; and

(H) *[d]*Details regarding any willful violation of the rules and standards of professional conduct governing the practice of public accounting.

(I) Each licensee shall notify the board in writing within thirty (30) days of any change occurring during the renewal period.

[(4)] (3) [All employees, representatives and agents practicing public accounting in Missouri and all Missouri resident partners, members, managers and shareholders of firms, partnerships, limited liability companies, and professional corporations who hold Missouri certificates are required to have live permits to practice.] All employees, representatives and agents practicing public accounting in Missouri and all Missouri resident partners, members, managers and shareholders of certified public accounting firms who hold Missouri certificates issued under prior law or any individual who received an initial license after August 28, 2001 is required to have an active Missouri license to practice in a certified public accounting firm.

[(5)](4) [Permit] License renewal applications will be mailed to each licensee at the last known address at least thirty (30) days before the *[permit] license* expiration date. Failure to receive this notice does not relieve the licensee of the obligation *[annually] biennially* to renew the *[permit] license* to practice.

[(6)](5) An applicant who has allowed *[his/her permit] his or her license* to expire because *[s/he] he or she* was not employed in public accounting in Missouri and who is reentering the practice of public accounting in Missouri shall apply for a *[permit] license* to practice within sixty (60) days of the date *[s/he] he or she* reenters public accounting. If an application for a *[permit] license* to practice is not received by the board within sixty (60) days after the date the applicant reenters the practice of public accounting in Missouri, the applicant is required to pay the *[permit] license* fee plus a delinquent fee *[for each month or portion of a month for which a permit is required]*.

[(7)](6) Before a current *[permit] license* to practice will be issued, an applicant must pay all required fees and penalties, which *[s/he] he or she* has not paid previously, for all years the applicant was engaged in the practice of public accounting in Missouri *[subsequent to October 13, 1967]*. No *[permit] license* shall be issued or reinstated until *[the application is approved by the board and]* all required fees and penalties are paid by the applicant.

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

AUTHORITY: sections [326.110, RSMo Supp. 1993] 326.262, 326.286 and 620.010.15(2), RSMo [1986] Supp. 2003. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. Rescinded and readopted: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 9,

1982, effective May 13, 1982. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed April 18, 1989, effective July 27, 1989. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 10-2.072 Renewal of a Certified Public Accounting Firm Permit

PURPOSE: This rule establishes requirements pertaining to the issuance and renewal of the permit to practice public accounting by certified public accounting firms.

(1) Each office established, registered or maintained for the practice of public accounting by a certified public accountant (CPA) or certified public accounting firm, out of which a CPA practices or offers to practice public accounting shall obtain a permit with the board annually. Renewal shall be on a form provided by the board and shall include the name and license number of the resident manager of each office.

(2) Firm permits shall be issued for a period of one (1) year beginning on November 1 and expiring on October 31 and shall be renewed annually.

(3) Permit renewal applications will be mailed to each applicant at the last known address, provided to the board, at least thirty (30) days before the permit expiration date. Failure to receive this notice does not relieve the firm of the annual obligation to renew the permit to practice. Failure to renew timely may cause the board to assess additional penalties as provided in 4 CSR 10-2.160.

(4) Each certified public accounting firm shall provide the board annually with a completed renewal application form provided by the board and pay all applicable fees as determined by the board.

(5) As a part of the annual renewal of each office established and maintained for the practice of public accounting or out of which a CPA practices or offers to practice public accounting, the sole practitioner or partner, president or managing officer of a certified public accounting firm, shall affirm that:

(A) All of his or her employees, its resident partners or its members and managers, shareholders in Missouri, or any combination of these, who are Missouri CPAs have applied for a current license to practice public accounting; and

(B) All of his or her employees, its resident partners, its members and managers or shareholders in Missouri, or any combination of these, who hold a CPA license issued by another state have applied for a Missouri CPA license by reciprocity or by provisional licensure through substantial equivalency.

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

AUTHORITY: sections 326.262 and 326.289, RSMo Supp. 2003. Original rule filed April 5, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated one thousand four hundred eighty-nine dollars and twenty-three cents (\$1,489.23) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated one hundred eight thousand four hundred forty-four dollars (\$108,444) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.072 Renewal of a Certified Public Accounting Firm Permit

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$1,489.23
Total Annual Cost of Compliance for the Life of the Rule	
	\$1,489.23

III. WORKSHEET

Renewal applications are received and processed by the division's central processing unit. The board transfers approximately \$1,374 from their fund to the division annually for the processing of renewals for public accounting firms. Applications needing clarification are forwarded to the board for review by the Licensure Technician I who reviews the application, prepares correspondence, addresses the issue via a telephone call, updates the information in the licensing computer system and mails the licenses. The Executive I reviews any questions or problems on renewals and provides guidance for resolution.

The board estimates of 1,200 renewal applications will be received annually and 90 of those applications will be forwarded to the board office annually for processing. Of those 90 applications processed in the office, the Executive I will assist with approximately 15 applications. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$18,732.00	\$25,119.61	\$12.08	\$0.20	5 minutes	\$1.01	\$90.90
Executive I	\$30,192.00	\$40,487.47	\$19.47	\$0.32	5 minutes	\$1.62	\$24.33

Total Costs **\$1,489.23**

IV. ASSUMPTION

1. The above figures were based on FY03 actuals. The board anticipate the number of firms renewing will remain constant for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.072 Renewal of a Certified Public Accounting Firm Permit

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1200	Licensees (annual renewal @ \$90)	\$108,000.00
1200	Licensees (postage @ \$.37)	\$444.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$108,444.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

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

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.075 Reinstatement of [Permits] License to Practice.

The board is proposing to amend the original Purpose statement, delete section (1), add new sections (2) and (5), amends section (2), (3), and (4) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the form that immediately follows this rule in the Code of State Regulations.

PURPOSE: This rule establishes requirements for reinstatement of a [permit] license to practice. [It specifies that if more than two years have elapsed since the expiration of the applicant's original permit, s/he must have completed one hundred twenty hours of continuing education courses in the three years prior to application. The rule is intended to assure that licensees have kept up to date with changes in the profession.]

[(1) The holder of a certificate issued under section 326.060, RSMo whose permit has expired and who has not renewed his/her permit within two (2) years after the expiration date may apply for reinstatement of his/her permit.]

[(2)] (1) The board shall not reinstate the [permit] license of any [certificate holder if more than two (2) years have elapsed since the expiration of his/her permit] licensee unless—

(A) That person submits evidence to the board that [s/he] he or she has completed one hundred twenty (120) hours of continuing professional education during the three (3) years previous to making application for reinstatement of the [permit] license with not less than twenty (20) hours in the year immediately preceding the date of application for reinstatement; or

(B) That person agrees to a regular program to obtain the required one hundred twenty (120) hours of continuing professional education within one (1) year of applying for reinstatement.

(2) In the event of application for reinstatement of a license to practice, wherein the license had been previously suspended or revoked by the board, the board may modify the earlier discipline by placing requirements or restrictions upon the reinstated license. Such modifications may include probation, preissuance reviews, and other such requirements as permitted by law and determined by the board.

(3) Continuing education courses required under section (2) of this rule shall comply with the provisions of the current continuing education requirements as set forth in [4 CSR 10-4.020, 4 CSR 10-4.030, and 4 CSR 10-4.040 and 4 CSR 10-4.050(4)] 4 CSR 10-4.011.

(4) No [permit] license shall be reinstated until the applicant pays all required fees and penalties, which [s/he] he or she has not paid previously, for any periods during which [s/he] he or she was practicing public accounting in Missouri.

(5) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full

force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

AUTHORITY: sections [326.110, RSMo Supp. 1995] 326.262, 326.286, 326.310, 326.316 and 620.149, RSMo Supp. 2003. Original rule filed June 13, 1984, effective Oct. 11, 1984. Amended: Filed July 15, 1985, effective Dec. 12, 1985. Amended: Filed Jan. 26, 1995, effective July 30, 1995. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Amended: Filed April 5, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated twenty-five dollars and thirty-two cents (\$25.32) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed amendment will cost private entities an estimated seven hundred one dollar and eighty-five cents (\$701.85) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 10-2.075 Reinstatement of License to Practice

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$25.32
Total Annual Cost of Compliance for the Life of the Rule	
	\$25.32

III. WORKSHEET

Applications for reinstatement are processed by the Licensure Technician I who reviews the application, updates the information contained in the licensing computer system and mails the licenses. The Executive I reviews any questions or problems on renewals and provides guidance for resolution.

The board estimates 5 applications for reinstatement will be received annually. The board estimates the Executive I will assist with 1 application annually. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$18,732.00	\$25,119.61	\$12.08	\$0.20	15 minutes	\$3.02	\$15.10
Executive I	\$30,192.00	\$40,487.47	\$19.47	\$0.32	\$2.00	\$2.27	\$2.27

Total Personal Service Costs \$17.37

Expense and Equipment for Initial Applications

Application Printing	\$0.25
Envelope for Mailing Application	\$0.16
Postage for Mailing Application	\$0.32
Printing Permit	\$0.35
Envelope for Mailing Permit	\$0.16
Postage for Mailing Permit	\$0.35
Total Expense and Equipment Cost per Application:	\$1.59

Total Expense and Equipment Costs (for 5 applications for reinstatement) \$7.95

IV. ASSUMPTION

1. Currently the board process approximately 5 applications for reinstatement annually. The board estimates that delinquent fees average approximately \$50 per applicant. In recent years the number of firms practicing without a license has decreased due to the board's auditing process and with the implementation of peer review the board anticipates the number will continue to decrease.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 10-2.075 Reinstatement of License to Practice

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Licenseses (reinstatement of license @ \$90 + an average of \$50 delinquent fees)	\$700.00
5	Licenseses (postage @ \$.37)	\$1.85
	Estimated Annual Cost of Compliance for the Life of the Rule	\$701.85

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. Currently the board process approximately 5 applications for reinstatement annually. The board estimates that delinquent fees average approximately \$50 per applicant. In recent years the board has been decreasing the number of firms practicing without a license and with the implementation of peer review anticipates the number will continue to decrease.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.095 Ownership of CPA Firms. The board is proposing to amend the original Purpose statement, amend sections (1)–(3) and add new sections (4) and (5).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

PURPOSE: This rule clarifies the statutes pertaining to ownership of certified public accounting firms [of certified public accountants and public accountants].

(1) Limited Liability Companies (L.L.C.).

(A) Ownership. Only the following may have a member's interest in a L.L.C.:

1. *[Natural persons who hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country, if the other state or country or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;] A majority ownership shall consist of natural persons who hold a license as a certified public account (CPA) to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent if the other state or country or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;*

2. *[Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country, if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;] Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners who have a majority of ownership hold an active license as a CPA to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;*

3. Professional corporations holding a permit to practice public accounting issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. All shareholders of either a domestic or foreign professional corporation shall own their shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting, provid-

ed that all non-CPA members are active individual participants in the firm or affiliated entities. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a *[certificate as a C.P.A. and a permit] license as a CPA* to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during *[his/her] his or her* lifetime. *[and that all trustees of the trust, i]If there are multiple trustees, a majority shall hold a [certificate as a C.P.A. and a permit] license as a CPA* to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia. **Any trustees who are not licensed CPAs shall be active individual participants in the firm.**

(B) Transfer of Member's Interest. Provisions shall be made in the Articles of Organization or in Restated Articles of Organization and in any merger or consolidation document, which shall require that a member who, for whatever reasons, ceases to be eligible to be a member to dispose of all of *[his/her] his or her* membership interest within a reasonable period of time to a person qualified to be a member or to the L.L.C.

(2) Professional Corporations.

(A) Ownership. A professional corporation may issue shares only to the following:

1. Natural persons who hold a *[certificate as a C.P.A. and a current permit] current license as a CPA* to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of *[C.P.A. certificates] a CPA license* issued by this state;

2. Domestic or foreign general partnerships, including limited liability partnerships, in which all of the partners hold *[both] a [certificate as a C.P.A. and a current permit] current license as a CPA* to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of *[C.P.A. certificates] CPA licenses* issued by this state;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders at all times shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a *[certificate as a C.P.A. and a permit] current license as a CPA* to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during *[his/her] his or her* lifetime *[and that all trustees of the trust, i]If there are multiple trustees, [hold a certificate as a C.P.A. and a permit] each shall hold a license* to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia.

(B) Transfer of Shares. Provisions shall be made requiring any shareholder who ceases to be eligible to be a shareholder to dispose of all of [his/her] his or her shares within a reasonable period to a person qualified to be a shareholder or to the corporation or association.

(3) Partnerships[, Sole-Proprietorships, and Other Business Entities] and Limited Liability Partnerships (LLP).

(A) Ownership. A partnership [, sole-proprietorship or other lawful business entity, as the case may be,] or LLP may issue ownership interest only to the following:

1. [Natural persons who hold a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any other country or province of another country, if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;] A majority ownership shall consist of natural persons who hold a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or the District of Columbia, or any state, country or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;

2. [Domestic or foreign general partnerships, including limited liability partnerships, in which all the partners hold both a certificate as a C.P.A. and a current permit to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country, if the other country or state or province of another country grants reciprocity licensure to holders of C.P.A. certificates issued by this state;] Domestic or foreign general partnerships, including limited liability partnerships, in which all the partners who have a majority ownership hold an active license as a CPA to practice public accounting issued by this state, another state or territory of the United States, the District of Columbia or any other country or state or province of another country, or holds a foreign designation recognized by the board to be substantially equivalent, if the other country or state or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state. A minority ownership shall consist of natural persons who are active individual participants in the firm or affiliated entities;

3. Professional corporations holding a permit to practice issued by this state or foreign professional corporations authorized by law in this state to practice public accounting. Shareholders [at all times] of either a domestic or foreign professional corporation shall own their own shares in their own right and shall be the beneficial owners of the equity capital ascribed to them;

4. Limited liability companies (L.L.C.) holding a permit to practice public accounting issued by this state or foreign L.L.C. authorized by law in this state to practice public accounting, provided that all non-CPA members are active individual participants in the firm or affiliated entities. All members of either a domestic or foreign L.L.C. shall own their member's interest in their own right; and

5. [Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a certificate as a C.P.A. and a permit to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his/her lifetime and that all trustees of the trust; if there are multiple trustees, hold a certificate as a C.P.A. and permit to

practice accounting issued by this state, another state or territory of the United States or the District of Columbia.] Trusts, created pursuant to revocable trust agreements, of which the trustee is a natural person who holds a license as a CPA to practice public accounting issued by this state, another state or territory of the United States or District of Columbia, provided that the trustee is also the settler and beneficiary of the trust during his or her lifetime. If there are multiple trustees, a majority shall hold a license as a CPA to practice accounting issued by this state, another state or territory of the United States or the District of Columbia. Any trustees who are not licensed CPAs shall be active individual participants in the firm.

(B) Transfer of Interest. [Provisions shall be made requiring any interest holder who ceases to be eligible to be an interest holder to dispose of all of his/her interest within a reasonable period to a person qualified to be an interest holder of the firm.] Provisions shall be made in the Articles of Organization or in Restated Articles of Organization and in any merger or consolidated document, which shall require that a member who, for whatever reasons, ceases to be eligible to be a member to dispose of all of his or her membership within a reasonable period to a person qualified to be a member or to the L.L.C.

(4) Sole Proprietorships.

(A) The ownership of a sole proprietorship shall consist of a natural person who holds a license as a CPA to practice public accounting issued by this state, another state, or territory of the United States or the District of Columbia, or any state, country or province of another country if the other state or country or province of another country grants reciprocity licensure to holders of CPA licenses issued by this state.

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

AUTHORITY: sections [326.021, 326.040 and 326.050, RSMo 1994 and 326.110, RSMo Supp. 1999] 326.262, 326.280 and 326.289, RSMo Supp. 2003. Original rule filed Aug. 31, 2000, effective Feb. 28, 2001. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.101 Resident Manager. This rule defined the term resident manager.

PURPOSE: This rule is being rescinded because the same language is included in 4 CSR 10-2.005.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 15, 1983, effective April 12, 1984. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.111 Registration of Each Office of Public Accounting. This rule clarified the requirements of section 326.055, RSMo regarding annual registration of each office established and maintained for the practice of public accounting or out of which a certified public accountant or public accountant practices or offers to practice public accounting.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1993 and 326.170, RSMo 1986. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. Amended: Filed Oct. 3, 1974, effective Oct. 13, 1974. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed April 1, 1986, effective July 11, 1986. Amended: Filed April 14, 1987, effective July 23, 1987. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.112 Registration of Governmental Accounting Offices. This rule established requirements regarding annual registration of each office or unit established and maintained by Missouri, a political subdivision of this state or the United States government, for the practice of governmental accounting, budgeting or auditing including the auditing of tax returns, as specified in section 326.210, RSMo.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1993 and 326.170, RSMo 1986. Original rule filed Sept. 3, 1986, effective Feb. 28, 1987. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.115 Display of Permits by Public Accounting Offices. This rule required each public accounting office to display a live permit to practice at all times.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1993 and 326.170, RSMo 1986. Original rule filed July 10, 1984, effective Dec. 13, 1984. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive

Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.120 Ethics Examinations. This rule required candidates for a certificate as a certified public accountant to complete a course of ethics approved by the board.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed July 3, 1975, effective July 17, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed June 13, 1984, effective Oct. 11, 1984. Amended: Filed July 13, 1993, effective Jan. 31, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.130 Applications for Examination. The board is proposing to amend sections (2)–(5) and (8), add new language in section (11) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the form that immediately follows this rule in the *Code of State Regulations*.

(2) Items which constitute a complete initial application are—/: a completed and notarized application form, the appropriate fee, one (1) recent two-inch by two-inch (2" × 2") passport-type photograph of the applicant and certified college transcripts. The applicant is responsible for insuring that transcripts are received by the board or the firm which administers the examination for the board at least thirty (30) days before the examination or the application will be considered incomplete.

(3) [Items which constitute a complete re-examination application are—a completed and notarized application form and the appropriate fee.] Applicants wishing to apply for reexamination must call 1-800-CPA-Exam or register on-line at www.nasba.org and pay the appropriate fee.

(4) Applicants who wish to transfer conditional credit from other jurisdictions must use the initial application form [see 4 CSR 10-2.062] and pay the fee for all parts of the examination. These candidates are responsible for requesting transfer of their grades from the original jurisdiction. The applicant is responsible for insuring that grades from the other jurisdiction are received by the board or the firm which administers the examination for the board at least thirty (30) days before the date of the examination or the application will be considered incomplete. A form for this purpose can be obtained from the board's office or the firm which administers the examination for the board.

(5) Applicants who are applying for examination under the provisions of section [326.060.8] 326.280, RSMo and who expect to satisfy the educational requirements within sixty (60) days after the examination also must submit a certificate of enrollment as required by 4 CSR 10-2.135. The applicant is responsible for insuring that the certificate of enrollment is received by the board or the firm which administers the examination for the board at least thirty (30) days before the date of the examination or the application will be considered incomplete. A form for this purpose can be obtained from the board's office or the firm which administers the examination for the board.

(8) To assist the board in evaluating the educational qualifications of applicants who have degrees from colleges or universities outside the United States of America, these applicants shall have their educational qualifications and transcripts evaluated by a qualified evaluator which has been approved in advance by the board. Names and application forms for approved evaluators may be obtained from the board office. The applicant shall be responsible for paying any fees charged by the [evacuator] evaluator. The applicant is responsible for insuring that, at least thirty (30) days before the date of the examination, the evaluator's report detailing the evaluator's findings is received by the board or the firm which administers the examination for the board or the application will be considered incomplete.

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

AUTHORITY: sections [326.110, RSMo Supp. 1997 and 326.170, RSMo 1994] 326.262, 326.268 and 326.286, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 7, 1982, effective March 11, 1983. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed June 10, 1998, effective Dec. 30, 1998. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.135 Requirements for Applicants for the Examination Who Expect to Satisfy the Educational Requirements Within Sixty Days After the Examination. The board is proposing to amend the Purpose section, sections (1)–(3), add new language in sections (4) and (5) and delete the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly. This amendment also deletes the form that immediately follows this rule in the *Code of State Regulations*.

PURPOSE: This rule specifies the procedure an applicant must follow to demonstrate that [s/he] he or she reasonably expects to satisfy the educational requirements of section 326.060[280.1(4), RSMo.

(1) An applicant for examination under the provisions of section [326.060.8] **326.280.5**, RSMo who expects to satisfy the educational requirements of section [326.060.1] **326.280.1**, RSMo within sixty (60) days after the date of the examination shall submit with the application a certified copy of [his/her] his or her transcript(s) listing all courses completed.

(2) The applicant shall submit a certificate of enrollment which must be signed by the candidate under oath and notarized or bear the school seal and the signature of the dean, registrar or department head of the college or university in which [s/he] he or she is enrolled. This certificate of enrollment shall list all accounting and business courses the applicant currently is taking and state the anticipated date the courses will be completed, the degree the applicant will be awarded and the date the degree will be conferred. [A form for this purpose can be obtained from the board.] It shall be the applicant's responsibility to submit a certified copy of [his/her] his or her final transcript as evidence that the applicant satisfies the educational requirements.

(3) No [certificates] licenses shall be issued and no grades for any part of the examination shall be issued to any applicant unless the educational requirement, in fact, is met within the sixty (60)-day period.

(4) An applicant for the Uniform CPA Examination who is currently enrolled in college and who will complete all courses and graduation requirements no later than sixty (60) days following the examination, may be permitted to take the examination. In order to determine eligibility, the information required by this rule must be completed and submitted with all transcript(s) at least thirty (30) days prior to the examination.

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

AUTHORITY: sections [326.110, RSMo Supp. 1993 and 326.170, RSMo 1986] 326.262, 326.268 and 326.280, RSMo

Supp. 2003. Original rule filed Sept. 6, 1983, effective Jan. 13, 1984. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 10-2.140 Granting of Credit for the Examination. The board is proposing to amend section (1), add new language in subsection (2)(E), amend sections (3), (4), (6) and (8), add new language in sections (9)–(10) and (13), and renumber the remaining sections accordingly.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

(1) A candidate who passes two (2) parts of the exam [for practice prior to the May 1994 examination,] and receives a score of fifty percent (50%) or more on the remaining parts of the examination at one (1) sitting shall be granted conditional credit for the part(s) of the examination passed. The conditional credit shall expire unless the candidate is granted credit for passing all remaining parts of the examination within the next six (6) regularly scheduled examinations. A candidate may add conditional credit of additional parts by passing one (1) or more parts of the exam and by receiving a score of fifty percent (50%) or more on any parts [s/he] he or she did not pass. Adding to conditional credit shall not extend the time limit of the condition.

(2) Candidates who were granted credit for passing parts of the examination prior to the May 1994 examination are deemed to have been granted conditional credit according to the following guidelines:

(C) Credit granted for passing accounting theory prior to May 1994 shall be retained as credit for financial accounting and reporting—business enterprises (FARE) until either remaining sections are passed or credit expires under this rule; [and]

(D) Credit granted for passing accounting practice prior to May 1994 shall be retained as credit for accounting reporting—taxation, managerial and governmental and not-for-profit organizations (ARE) until either remaining sections are passed or credit expires under this rule.; and

(E) Candidates who passed the practice section prior to May 1994 shall be considered to have passed two (2) parts for the purpose of determining conditioning.

(3) A candidate shall be deemed to have passed the certified public accountant examination when [s/he] he or she has been granted credit for all four (4) parts of the examination.

(4) In addition to the conditions set out in sections (1) and (2) of this rule, a grade of at least seventy-five percent (75%) is required to pass any part. **After the November 2003 written examination, applicants are required to pass the computer-based Uniform CPA Examination.**

(6) An applicant who */is/* was not required to take one (1) or more parts of the examination prior to May 1994 because of being licensed by this state as an attorney-at-law will not be required to pay the fee for that part(s) of the examination. Conditional credit granted under this section shall expire at the time of the May 1994 examination *for as provided in section (1) of this rule, whichever occurs first*.

(8) A candidate must sit for all parts of the examination for which */s/he/* the candidate has not already been granted conditional credit by this state.

(9) Candidates who have attained conditional status as of the launch date of the computer-based Uniform CPA Examination will be allowed a transition period to complete any remaining sections of the CPA examination. The transition period is the period of time or maximum number of opportunities (whichever is first exhausted) the candidates who have conditioned under the paper-and-pencil examination have remaining, at the launch of the computer-based CPA examination, to complete all remaining sections.

(10) If a previously conditioned candidate does not pass all remaining sections during the transition period, conditioned credits earned under the paper-and-pencil examination will expire and the candidate will lose credit for the sections earned under the paper-and-pencil examination. However, any section passed during the transition period is subject to the conditioning provisions of the computer-based examination as indicated in the aforementioned conditioning recommendation, except that a previously conditioned candidate will not lose conditional credit for a section of the computer-based examination that is passed during the transition period, even though more than eighteen (18) months may have elapsed from the date the section is passed, until the end of the transition period.

(11) After the launch date of the uniform computer-based examination when a candidate first passes one (1) or more sections of the CPA examination the candidate must pass any remaining sections within eighteen (18) months. In the event all four (4) sections of the Uniform CPA Examination are not passed within the rolling eighteen (18)-month period, credit for any section(s) passed outside the eighteen (18)-month period will expire and that section(s) must be retaken.

/[9]/(12) No information pertaining to grades or passing or failing of candidates shall be given to anyone by telephone.

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

AUTHORITY: sections [326.060 and 326.170, RSMo 1986, and 326.110, RSMo Supp. 1993] 326.262, 326.268 and 326.280, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. II, 1980. Amended: Filed July 10, 1984, effective Dec. 13, 1984. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions an estimated nineteen dollars and forty-seven cents (\$19.47) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 10 - Missouri State Board of Accountancy
Chapter 2 - General Rules
Proposed Rule - 4 CSR 10-2.140 Granting of Credit for the Examination
Chapter 3 - Seals
 Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$19.47
Total Annual Cost of Compliance for the Life of the Rule	
	\$19.47

III. WORKSHEET

Examination scores are received from the testing service approximately 4 times a year on a disk. Upon receipt of the examination scores, the Executive 1 will load the tape into the division's computerized licensing system. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER EXAM	TOTAL COST
Executive 1	\$30,192.00	\$40,487.47	\$19.47	\$0.32	15 minutes	\$4.87	\$19.47

IV. ASSUMPTION

1. The above figures were based on FY03 actuals. The board anticipate the number of firms renewing will remain constant for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.150 Examination Procedures. The board is proposing to amend sections (2), (5), (6) and (8) and add new language in section (11).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

(2) Examinations shall be held in the months of May and November *[on]* of each year in a location designated by the board. Notice of the time and place of the examination shall be mailed to each candidate whose application to sit for the examination has been filed with and approved by the board.

(5) A candidate is required to pay a nonrefundable fee for all parts for which *[s/he] he or she* has not yet been granted credit by this state. For the purpose of determining the fee, accounting practice is considered two (2) parts until the November 1993 examination, after which each part tested shall be charged as a single part.

(6) A candidate who shall have been found qualified to take the examination and fails to pass the examination shall remain qualified to apply for reexamination if the candidate in the meantime has not committed an act which is grounds to refuse to issue a *[certificate] license* under section *[326.130] 326.310*, RSMo.

(8) Reference to books, or other matter, by a candidate during the examination or exchange of information with other persons shall be considered fraud or deceit in obtaining a *[certificate] license*.

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

AUTHORITY: sections [326.110, RSMo 1994] 326.262, 326.268, 326.280 and 326.286, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. 11, 1980. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Oct. 22, 1987, effective March 25, 1988. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 1995, effective Oct. 30, 1995. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.160 Fees. The board is proposing to delete subsection (1)(I) and renumber the remaining subsection, delete section (2) and renumber the remaining sections accordingly.

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

(1) The following fees are established by the Missouri State Board of Accountancy:

<i>[(I) Labels of names and addresses of successful exam candidates</i>	<i>\$20.00</i>
	<i>plus \$.01 per record</i>
<i>(the purchaser must provide the labels);]</i>	
<i>[(J)] (I) Proctoring Fee (proctoring exam candidates for other state boards)</i>	<i>\$60.00[.]</i>

[(2) For those individuals applying for their initial license to practice prior to October 1, 2002, the fee shall be the full annual amount if the application is received in the board office prior to April 1 and one-half (1/2) the annual amount if the application is received on or after April 1.]

[(3)] (2) All fees are nonrefundable and cannot be applied to another application, except under extraordinary circumstances as determined by the board.

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

AUTHORITY: sections 326.262, 326.271, 326.277, 326.280, 326.283, 326.286 and 326.289, RSMo Supp. [2001] 2003. Emergency rule filed Aug. 6, 1981, effective Aug. 16, 1981, expired Dec. 10, 1981. Original rule filed Aug. 6, 1981, effective Dec. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.180 Procedures for Peer Review Hearings. This rule established the procedure to be followed in hearings concerning the peer review required by section 326.055.2, RSMo.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.055 and 326.170, RSMo 1986 and 362.110, RSMo Supp. 1993. Original rule filed Dec. 11, 1984, effective May 11, 1985. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.190 Subpoenas. This rule specified that failure to comply with a lawful subpoena issued by the board constitutes misconduct.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1993 and 326.170, RSMo 1986. Original rule filed Feb. 13, 1985, effective May 11, 1985. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 10-2.200 Use of the Title Certified Public Accountant and Display of [C.P.A. Certificates] CPA Licenses. The board is proposing to amend the rule Title and the original Purpose statement, amend sections (1) and (2) and add new language in section (3).

PURPOSE: This rule is being amended to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

PURPOSE: This rule clarifies when a certified public accountant who received his or her certificate prior to August 28, 2001, is prohibited from using the title certified public accountant and displaying a certified public accountant certificate.

(1) If the holder of a certificate as a certified public accountant [(C.P.A.)] (CPA) does not hold a [live permit] current license to practice issued under [section 326.210, RSMo] prior law and [s/he] he or she is engaged either full- or part-time in performing or offering to perform for the public one (1) or more types of services involving the use of accounting, auditing or bookkeeping skills, one (1) or more types of management advisory or consulting services, the preparation of tax returns, the furnishing of advice on tax matters, or any similar occupation, then [s/he] he or she shall not use the title certified public accountant or [C.P.A.] CPA in any manner except in a resume or qualifications prepared in connection with an application for employment.

(2) If the holder of a certificate as a [C.P.A.] CPA does not hold a [live permit] current license to practice issued under section [326.210] 326.286, RSMo and if [s/he] he or she is engaged either full- or part-time in performing or offering to perform for the public one (1) or more types of services involving the use of accounting, auditing or bookkeeping skills, one (1) or more types of management advisory or consulting services, the preparation of tax returns, the furnishing of advice on tax matters, or any similar occupation, then [s/he] he or she shall not display [his/her] his or her certificate.

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

AUTHORITY: sections [326.110, RSMo Supp. 1993 and 326.170, RSMo 1986] 326.262 and 326.292, RSMo Supp. 2003. Original rule filed Sept. 16, 1985, effective March 24, 1986. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.210 Peer Reviews. This rule established the standards for conducting a peer review in accordance with section 326.055.2, RSMo.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: sections 326.110, RSMo Supp. 1993 and 326.170, RSMo 1986. Original rule filed Dec. 15, 1983, effective April 12, 1984. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 10-2.215 Requirements Necessary to be Accredited to Perform Peer Reviews Under Section 326.055.2, RSMo. This rule set forth the qualifications necessary to be accredited by the board to perform peer reviews as provided for in section 326.055.2, RSMo.

PURPOSE: This rule is being rescinded to implement the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed Feb. 5, 1990, effective June 28, 1990. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct**

PROPOSED AMENDMENT

4 CSR 10-3.010 General Purpose of Ethics Rules. The board is proposing to amend the original Purpose statement and sections (1)–(5) and add language in a new section (6).

PURPOSE: This rule is being amended to implement provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

PURPOSE: This Code of Professional Conduct is promulgated under the authority granted by section [326.170] 326.271, RSMo which delegates to the board the power and duty to prescribe rules of professional conduct for establishing and maintaining high standards of competence and integrity in the profession of public [accountancy] accounting.

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 Rules of Conduct set forth rest upon the premise that the reliance of the public in general, and of the business community in particular, on sound financial reporting, and on the implication of professional competence which inheres in the authorized use of a legally restricted title relating to the practice of public accountancy, imposes on persons engaged in that practice certain obligations both to their clients and to the public. These obligations, which the Rules of Conduct are intended to enforce where necessary, include the obligation to maintain independence of thought and action, to strive continuously to improve one's professional skills, to observe, where applicable, generally accepted accounting principles and generally accepted auditing standards, to promote sound and informative financial reporting, to hold the affairs of clients in confidence, to uphold the standards of the public accountancy profession and to maintain high standards of personal conduct in all matters affecting one's fitness to practice public accountancy.] A licensee shall comply with the professional standards of the most current American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct, including the most current AICPA Interpretations of the Code of Professional Standards. Said standards are incorporated by reference in this rule. A printed copy or copy on CD-Rom, or other electronic copy of the Code of Professional Conduct may also be obtained from the American Institute of Certified Public Accountants, PO Box 2209, Jersey City, New Jersey 07303-2209 or <http://www.aicpa.org>. The licensee shall also comply with the requirements of any state, territory, federal agency, or country, which may regulate professional responsibilities of accountants. In the event of a conflict between the AICPA Code of Professional Conduct and the Missouri statute or rules, the Missouri statute or rules shall prevail.

(2) [Acceptance of licensure to engage in the practice of public accountancy, or to use titles which imply a particular competence so to engage, involves acceptance by the licensee of those obligations, and accordingly of a duty to abide by the Rules of Conduct.] As the AICPA Code of Professional Conduct is considered to be generally accepted

standards of auditing and accounting, regardless whether a licensee is a member or non-member of the AICPA, the licensee shall comply with its provisions. When these pronouncements are written in terms of "should," a licensee shall follow the pronouncements in every applicable instance as though they were written in mandatory language, except in those cases where a justifiable reason exists for a departure from the pronouncements in the licensee's or licensed entity's report on those financial statements.

(3) *[The Rules of Conduct are intended to have application to all kinds of professional services performed in the practice of public accountancy, including tax and management advisory services, and to apply as well to all licensees, whether or not engaged in the practice of public accountancy, except where the wording of a rule clearly indicates that the applicability is more limited.]* A licensee who performs audits, reviews, compilations, management advisory services, taxes, or other professional services shall comply with standards promulgated by the AICPA or by other governmental entities having similar authority as recognized by the board. Other professional pronouncements that have similar generally recognized authority are considered to be interpretations of generally accepted auditing standards, and departures therefrom must be justified.

(4) A licensee who is engaged in the practice of public *[accountancy]* accounting outside the United States will not be subject to discipline by the board for departing, with respect to foreign practice, from any of the rules, so long as *[his/her]* his or her conduct is in accordance with the standards of professional conduct applicable to the practice of public *[accountancy]* accounting in the country in which *[s/he]* he or she is practicing. However, even in this case, if a licensee's name is associated with financial statements in a manner as to imply that *[s/he]* he or she is acting as a *[n independent]* certified public accountant and under circumstances that would entitle the reader to assume that United States practices are followed, *[s/he]* he or she will be expected to comply with *[4 CSR 10-3.020(1) and (2)]* this rule.

(5) In the interpretation and enforcement of the AICPA Code of Professional Conduct, the board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by the boards of other jurisdictions, and by appropriately authorized committees on ethics of professional organizations.

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

AUTHORITY: section *[326.170, RSMo 1986]* 326.271, RSMo Supp. 2003. Original rule filed July 3, 1975, effective Aug. 25, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct

PROPOSED RESCISSION

4 CSR 10-3.020 Independence, Integrity and Objectivity. This rule set forth the first of four ethical principles a certified public accountant or public accountant or firm, partnership, limited liability company or professional corporation practicing public accounting in this state should maintain his/her or its integrity and objectivity and, when engaged in the practice of public accounting, be independent of those s/he or it serves.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo 1994. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 3—Professional Ethics—Rules of Conduct

PROPOSED RESCISSION

4 CSR 10-3.030 Competence and Technical Standards. This rule set forth the second of four ethical principles and was intended to help insure that a certified public accountant or public accountant or firm, partnership, limited liability company or professional corporation practicing public accounting observed the profession's standards and strived continually to improve his/her or its competence and the quality of his/her or its service.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed July 3, 1975, effective Aug. 25, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed June 13, 1984, effective Oct. 11, 1984. Amended: Filed June 2, 1986, effective Oct. 27, 1986. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed Nov. 13, 1992, effective June 7, 1993. Amended:

Filed Oct. 13, 1993, effective May 9, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 3—Professional Ethics—Rules of Conduct

PROPOSED RESCISSION

4 CSR 10-3.040 Responsibilities to Clients. This rule presented the third of four ethical principles and was intended to help insure that a certified public accountant or public accountant or firm, partnership, limited liability company or professional corporation practicing public accounting was fair and candid with his/her or its clients and served them to the best of his/her or its ability with professional concern for their best interests consistent with his/her or its responsibilities to the public.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed July 3, 1975, effective Aug. 25, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Sept. 3, 1986, effective Jan. 30, 1987. Amended: Filed Oct. 22, 1987, effective March 25, 1988. Amended: Filed Nov. 1, 1988, effective Feb. 11, 1989. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy Chapter 3—Professional Ethics—Rules of Conduct

PROPOSED AMENDMENT

4 CSR 10-3.060 Other Responsibilities and Practices. The board is proposing to amend the original Purpose statement and sections (1)–(4), (6), (9) and (11).

PURPOSE: This rule is being amended to implement provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

PURPOSE: This rule sets forth the [fourth of four ethical] professional principles and is intended to help insure that a certified public accountant [or public accountant] or certified public accounting firms, [partnership, limited liability company or professional corporation] practicing public accounting shall conduct him/herself or [itself] the firm in a manner which will enhance the stature of the profession and its ability to serve the public.

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) A licensee shall not commit any act that reflects adversely on [his/her] his or her or [its] the firm's fitness to engage in the practice of public [accountancy] accounting.

(2) A licensee shall be determined to have committed an act which reflects adversely on [his/her] his or her or [its] the firm's fitness to engage in the practice of public [accountancy] accounting if [s/he] he or she or [it] the firm fails to comply with a rule adopted by the board for the purpose of implementing the provisions of sections [326.055 and 326.210] 326.280 to 326.289, RSMo or with any order issued pursuant to either of the previously mentioned sections.

(3) A licensee shall not permit others to carry out on [his/her] his or her or [its] the firm's behalf, either with or without compensation, acts which, if carried out by the licensee, would place [him/her] him or her or [it] the firm in violation of the [R]rules of [C]conduct.

(4) A licensee shall not use or participate in the use of any form of public communication having reference to [his/her] his or her or [its] the firm's professional services which contains a false, fraudulent, misleading, deceptive or unfair statement or claim.

(6) A licensee shall not practice public [accountancy] accounting under a firm name which is misleading in any way, as to the legal form of the firm, or as to the persons who are partners, members, managers, officers, directors or shareholders of the firm, partnership, limited liability company or professional corporation, as the case may be or as to any matter with respect to which public communications are restricted by section (4) of this rule. However, names of one (1) or more past partners, members or shareholders may be included in the firm name of a partnership, limited liability company, or professional corporation or its successor, and a partner surviving the death or withdrawal of all other partners may continue to practice under a partnership name for up to two (2) years after becoming a sole practitioner.

(9) When testifying as an expert witness in a judicial proceeding or properly constituted inquiry, a licensee shall be candid even though [his/her] his or her testimony may be damaging to another licensee.

(11) [No licensee (person, firm, partnership, limited liability company, professional corporation or other entity) engaged in the practice of public accounting, or offering to engage in the practice of public accounting, in this state shall pay a commission to a third party to obtain a client, nor shall any licensee, directly or indirectly, accept a commission for a referral to a client of products or services of others unless, prior to being engaged by such client, or making the referral for products or services of others, the licensee discloses to the client in writing the fact and the amount of any such commission(s). The term commission shall include, but not be limited to, any fee, profit or other thing of value required or received for the rendering or selling of goods or services and any fee, profit or other thing of value required or received for referring a client to the products or services of others or any fee, profit or other thing of value paid to obtain a client. This rule does not apply to payments made where the payments are part of the employees' compensation or for the purchase of all, or a material part, of an accounting practice, or to retirement payments to persons formerly engaged in the practice of public accountancy.] A licensee shall comply with any accounting record retention requirements in the professional standards of the most current American Institute of Certified Public Accountants (AICPA) Code of Professional Conduct, which is incorporated by reference in this rule, and any other governmental agency, which may regulate client business or use the licensee's report to evaluate the client's compliance with applicable laws and related regulations. However, documentation or working papers required by professional standards for attest services, for present or former clients, shall be maintained in paper or electronic format by a licensee or permit holder for a period of not less than four (4) years from the date of any report issued in connection with the attest service. Failure to maintain such documentation or working papers may be deemed an admission that they do not comply with professional standards.

AUTHORITY: sections [326.110 and 326.170, RSMo 1994] 326.271, 326.280 and 326.289, RSMo Supp. 2003. Original rule filed July 3, 1975, effective Aug. 25, 1975. Amended: Filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. 11, 1980. Amended: Filed July 15, 1985, effective Dec. 12, 1985. Amended: Filed April 1, 1986, effective July 11, 1986. Amended: Filed Nov. 1, 1988, effective Feb. 11, 1989. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed Oct. 13, 1995, effective April 30, 1996. Amended: Filed April 5, 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 State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED RESCISSION

4 CSR 10-4.010 Effective Dates and Basic Requirements. This rule set the date on which continuing education courses were required for renewal of permits to practice and established the basic continuing education requirements.

PURPOSE: This rule is being rescinded and readopted to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1996. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed Aug. 3, 1988, effective Nov. 24, 1988. Amended: Filed April 18, 1989, effective July 27, 1989. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed Oct. 9, 1996, effective April 30, 1997. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED RULE

4 CSR 10-4.010 Effective Dates and Basic Requirements

PURPOSE: This rule sets forth the continuing education requirements for renewal of license to practice.

(1) The following requirements of continuing professional education apply to the renewal of licenses pursuant to section 326.286, RSMo:

(A) An applicant seeking renewal of a license shall have completed not less than one hundred twenty (120) hours of continuing professional education, complying with these rules during the three (3)-year period preceding renewal. Commencing on January 1, 2004, a minimum of twenty (20) hours of continuing professional education (CPE) is required in each calendar year. Also commencing on January 1, 2004, a minimum of two (2) hours of the required twenty (20) hours per calendar year of CPE shall be in the area of ethics. An applicant seeking renewal of a license shall demonstrate participation in a program of learning meeting the standards set forth in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by National Association of State Boards of Accountancy (NASBA) and American Institute of Certified Public Accountants (AICPA) as provided in 4 CSR 10-4.020, or such other standards acceptable to the board;

(B) An applicant whose license has lapsed shall have completed not less than one hundred twenty (120) hours of CPE complying with these rules during a three (3)-year period preceding the date of reapplication; or who agrees to obtain the one hundred twenty (120) hours of CPE within one (1) year of applying for reinstatement. The applicant shall provide to the board, upon request, copies of CPE

documentation verifying compliance with this requirement;

(C) A nonresident licensee seeking renewal of a license in this state shall be determined to have met the CPE requirement of this rule by meeting the CPE requirements for renewal of a license in the state in which the licensee's principal office is located;

(D) Nonresident applicants for renewal shall demonstrate compliance with the CPE renewal requirements of the state in which the licensee's principal office is located by attesting on an application provided by the board;

(E) If a nonresident licensee's principal office state has no CPE requirements for renewal of a license, the nonresident licensee must comply with all CPE requirements for renewal of a license in this state.

AUTHORITY: section 326.271, RSMo Supp. 2003. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed April 5, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated seven hundred eighteen dollars and two cents (\$718.02) annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,550,400 annually for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
 Division 10 - Missouri State Board of Accountancy
 Chapter 4 - Continuing Education Requirements
 Proposed Rule - 4 CSR 10-4.010 Effective Dates and Basic Requirements
 Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$718.02
Total Annual Cost of Compliance for the Life of the Rule	
	\$718.02

III. WORKSHEET

The board will conduct random audits annually of 165 licensees. The Account Clerk II will generate a random listing of licensees to be contacted for the audit, prepare the correspondence and mailing, review documentation for compliance, approve documentation and notify licensee of approval. The board estimates that 15 licensees will require additional communication with the board due to noncompliance. The Senior Auditor will oversee the auditing process, contact licensees for noncompliance and negotiate a plan to bring the licensee into compliance. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 40.47% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER LICENSEE	TOTAL COST
Account Clerk II	\$21,072.00	\$28,257.55	\$13.59	\$0.23	10 minutes	\$2.26	\$373.60
Senior Auditor	\$44,184.00	\$59,250.74	\$28.49	\$0.47	15 minutes	\$7.12	\$106.82
Total Costs							\$480.42

Expense and Equipment Dollars for Initial Applications

Letterhead	\$0.10
Envelope for Mailing	\$0.16
Postage	\$0.32
Printing Permit	\$0.35
Envelope for Mailing Permit	\$0.16
Postage for Mailing Permit	\$0.35
Total Expense and Equipment Cost per Application:	\$1.44

**Total Expense and Equipment Costs
(for 165 applications for reinstatement) \$237.60**

IV. ASSUMPTION

1. The above figures were based on FY03 actuals. The board anticipate the number of firms renewing will remain constant for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER**Title 4 -Department of Economic Development****Division 10 - Missouri State Board of Accountancy****Chapter 4 - Continuing Education Requirements****Proposed Rule - 4 CSR 10-4.010 Effective Dates and Basic Requirements**

Prepared April 1, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1938	Continuing Professional Education (40 hours per year @ \$20 per hour)	\$1,550,400.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$1,550,400.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board anticipates 5,831 (75%) licensees will obtain the required continuing professional education at no direct cost to them through their employer or via the self study programs. The board further estimates that 1,938 (25%) licensees will receive 40 hours of continuing professional education annually for an average cost of \$20.00 per hour for the life of the rule. However, it is not possible to estimate all costs, (i.e., gas, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements

PROPOSED RESCISSION

4 CSR 10-4.020 Programs Which Qualify. This rule established the criteria to be satisfied in order for a continuing education program to be considered acceptable by the board.

PURPOSE: This rule is being rescinded and readopted to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed June 4, 1990, effective Nov. 30, 1990. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements

PROPOSED RULE

4 CSR 10-4.020 Qualifying Programs

PURPOSE: This rule establishes the criteria to be satisfied in order for a continuing education program to be considered acceptable by the board.

(1) Programs Qualifying for Continuing Professional Education Credit.

(A) Standards. Effective January 1, 2003 a program qualifies as acceptable continuing professional education for purposes of section 326.286, RSMo and these rules if it is a program of learning that contributes to the growth in the professional knowledge and professional competence of a licensee. The program must meet the minimum standards of quality of development, presentation, measurement, and reporting of credits set forth in the Statement on Standards for Continuing Professional Education Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA) or such other standards acceptable to the board.

(B) Subject Areas. The board will accept programs meeting the standards set forth in the Statement on Standards for Continuing Professional Education Programs jointly approved by the NASBA and the AICPA or standards deemed by the board to be comparable thereto.

AUTHORITY: section 326.271, RSMo Supp. 2003. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed June 4, 1990,

effective Nov. 30, 1990. Rescinded and readopted: Filed April 5, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements

PROPOSED RESCISSION

4 CSR 10-4.030 Qualifying Subjects. This rule established general subject matters acceptable as continuing education courses.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements

PROPOSED RULE

4 CSR 10-4.031 Continuing Professional Education (CPE) Documentation

PURPOSE: This rule sets forth the record requirements for documenting the required continuing professional education (CPE).

(1) Continuing Professional Education Records.

(A) Applicants for renewal of a license shall attest on an application provided by the board that they have met the requirements for participation in a program of continuous learning as set forth by the

board or contained in the Statement on Standards for Continuing Professional Education (CPE) Programs jointly approved by the National Association of State Boards of Accountancy (NASBA) and the American Institute of Certified Public Accountants (AICPA). Responsibility for documenting the acceptability of the program and the validity of the credits rests with the applicant who should retain such documentation for a period of five (5) years following completion of each learning activity.

(B) The board may verify information submitted by applicants for licensure. In cases where the board determines that the requirement is not met, the board may grant an additional period of time in which the deficiencies can be cured. Fraudulent reporting of CPE is a basis for disciplinary action.

AUTHORITY: sections 326.271 and 326.310, RSMo Supp. 2003. Original rule filed April 5, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED RESCISSION

4 CSR 10-4.040 Measurement of Continuing Education Hours. This rule established the method for measuring continuing education credit. It also restricted the number of continuing education hours that could be claimed for self-study programs, writing articles or publications and teaching continuing education courses.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1993. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed July 11, 1994, effective Jan. 29, 1995. Rescinded: Filed April 5, 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 the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED RULE

**4 CSR 10-4.041 Continuing Professional Education (CPE)
Exceptions and Waivers**

PURPOSE: This rule sets forth the exemptions from continuing professional education (CPE) requirements in certain circumstances.

(1) Exceptions.

(A) A licensee who received a license after August 28, 2001 and who is not practicing public accounting in any setting may be granted an inactive license and be exempted from the continuing professional education (CPE) requirement by the board. The inactive licensee shall place the word “inactive,” “retired,” or “ret.” in association with their certified public accountant title. The inactive licensee may return to active status upon showing evidence that they have completed no less than one hundred twenty (120) hours of CPE during the three (3)-year period preceding the request for reactivation; or agrees in writing to meet the requirement within one (1) year of applying for reactivation.

(B) The board may in particular cases make exceptions to the requirements set out in 4 CSR 10-4.010 for reasons of individual hardship including health, military service, foreign residence, or other good cause.

(C) Applicants requesting a waiver of CPE requirements shall do so in writing and shall provide documentation supporting the request if required by the board.

AUTHORITY: section 326.271, RSMo Supp. 2003. Original rule filed April 5, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 10—Missouri State Board of Accountancy
Chapter 4—Continuing Education Requirements**

PROPOSED RESCISSION

4 CSR 10-4.050 Reporting and Supporting Evidence. This rule prescribed the requirement for reporting continuing education courses and the records to be retained by the licensee.

PURPOSE: This rule is being rescinded to implement the provisions of the Missouri Uniform Accountancy Act, which was passed in House Bill 567 of the 91st General Assembly.

AUTHORITY: section 326.110, RSMo Supp. 1996. Original rule filed Nov. 5, 1984, effective Feb. 11, 1985. Amended: Filed April 18, 1989, effective July 27, 1989. Amended: Filed June 15, 1992, effective Feb. 26, 1993. Amended: Filed Oct. 9, 1996, effective April 30, 1997. Rescinded: Filed April 5, 2004.

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

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613 or at boa@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 15—Acupuncturist Advisory Committee
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 15-1.030 Fees. The board is proposing to amend section (3).

PURPOSE: The State Board of Chiropractic Examiners upon recommendation by the Acupuncturist Advisory Committee is statutorily obligated to enforce and administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.068, RSMo, the board shall by rule and regulation set the amount of fees necessary to administer the provisions of sections 324.475–324.499, RSMo. Therefore, the board is reducing the fees associated with licensure.

(3) The fees are established as follows:

- | | | |
|--|-------------|-----------------|
| (A) Acupuncturist Application Fee | [\$ 700.00] | \$500.00 |
| (B) Acupuncturist Biennial Renewal Fee | [\$ 700.00] | \$500.00 |
| (C) Fingerprinting Fee | [\$ 23.00] | |

Amount to be determined by the Missouri State Highway Patrol

- | | | |
|---|------------|----------------|
| (D) Insufficient Funds Check Charge Fee | [\$ 50.00] | \$25.00 |
|---|------------|----------------|

AUTHORITY: sections 324.481, 324.487, 324.490 and 324.493, RSMo 2000. Original rule filed July 24, 2001, effective Feb. 28, 2002. Amended: Filed March 15, 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 save private entities an estimated seven thousand six hundred dollars (\$7,600) biennially and four hundred dollars (\$400) annually for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost savings, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Acupuncturist Advisory Committee, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-0735 or via e-mail at acupunct@mail.state.mo.us. To be considered, comments must be

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 15 - Missouri Acupuncture Advisory Committee

Chapter 1

Proposed Rule - 4 CSR 15-1.030

Prepared August 13, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost savings with the rule by affected entities:
38	Acupuncture Biennial Renewal Fee Decrease \$200	\$7,600.00
	Estimated Biennial Cost Savings for the Life of the Rule	\$7,600.00
2	Acupuncture Application Fee Decrease \$200	\$400.00
	Estimated Annual Cost Savings for the Life of the Rule	\$400.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The original fiscal notes estimating the costs of original licensure and renewal were filed with the Secretary of States Office on July 24, 2001 with 4 CSR 15-2.010 Application for Licensure and 4 CSR 15-2.020 License Renewal, Restoration and Continuing Education.
2. In fiscal year 2003 the advisory committee renewed 34 licenses for acupuncture. An additional 4 licenses have been issued since the end of the renewal cycle. The advisory committee estimates a total of 38 licenses will be impacted by the renewal fee decrease.
3. The advisory committee estimates it will receive 2 licensure applications per year.

NOTE:

The board is statutorily obligated to enforce and administer the provisions of sections 324.240-324.275, RSMo. Pursuant to Section 324.245, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 324.240-324.275, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.240-324.275, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 324.240-324.275, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

**Division 15—Acupuncturist Advisory Committee
Chapter 2—Acupuncturist Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 15-2.020 License Renewal, Restoration and Continuing Education. The board is proposing to amend section (3).

PURPOSE: This amendment adds universal precautions/infection control and cardiopulmonary resuscitation (CPR) certification as part of the continuing education requirement.

(3) Prior to the expiration date of the license and as a condition of the license renewal, a licensed acupuncturist shall complete thirty (30) hours of continuing education within the two (2)-year licensure period. Continuing education shall be related to the practice of acupuncture **and include universal precautions/infection control and cardiopulmonary resuscitation (CPR) certification.** For the first year of licensure continuing education hours shall not be required.

AUTHORITY: sections 324.481, 324.490, **324.493** and 324.496, RSMo 2000. Original rule filed July 24, 2001, effective Feb. 28, 2002. Amended: Filed March 15, 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 Acupuncturist Advisory Committee, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-0735 or via e-mail at acupunct@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 15—Acupuncturist Advisory Committee
Chapter 3—Standards of Practice,
Code of Ethics, Professional Conduct**

PROPOSED AMENDMENT

4 CSR 15-3.010 Standards of Practice. The board is proposing to add a new section (5) and renumber the remaining sections accordingly.

PURPOSE: This rule establishes standards of practice for licensed acupuncturists.

(5) If a licensed acupuncturist discontinues practice in Missouri, the licensee shall notify the patient in writing at least thirty (30) days in advance of discontinuing practice that the patient records shall be made available to either the patient or another licensed acupuncturist of the patient's choosing. The board may waive the thirty (30)-day requirement if the licensee can make a showing of good cause for failing to comply.

[[5]] (6) If services are to be provided by an acupuncturist trainee or detox technician the patient shall be advised in advance.

[[6]] (7) Acupuncturists, auricular detox technicians, and acupuncturist trainees under the supervision of a licensed acupuncturist shall follow the standards for Clean Needle Technique (CNT) as published by the National Acupuncture Foundation in effect at the time the acupuncture service is performed, and shall follow universal precautions.

(A) For the purpose of this rule, "universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

[[7]] (8) All disposable needles shall be disposed of immediately after use and placed in a biohazard container as required by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA).

[[8]] (9) When reusable needles are used, a basic, double sterilization procedure protocol shall be utilized. Specific procedures of the protocol are outlined in the *Clean Needle Technique Manual* published by the National Acupuncture Foundation. The procedures include, but are not limited to the following:

(A) Immediately after each use, the reusable needle shall be stored in a container designated for contaminated needles. Initial sterilization may be obtained by using a chemical sterilant;

(B) After the first sterilization, the needle shall be soaked in a chemical disinfectant as defined in section [[10]](11) of this rule; and

(C) Final sterilization procedures shall conform to one of the following:

1. Pressurized steam bath, such as an autoclave, at a required two hundred fifty degrees Fahrenheit (250°F), at fifteen (15) pounds pressure for thirty (30) minutes. The pressure must be released quickly at the end of the sterilization cycle; or

2. Dry heat sterilization at a required three hundred thirty-eight degrees Fahrenheit (338°F) for two (2) hours.

[[9]] (10) Glass bead devices, boiling water, alcohol and pressure cookers shall not be acceptable forms of sterilization.

[[10]] (11) After each patient, a chemical disinfectant shall be used on all equipment that does not penetrate the skin, come into direct contact with needles, or is made of rubber or plastic. Chemical disinfectants include, but are not limited to:

(A) Chlorine-based agents, such as bleach;

(B) Aqueous solution of two percent (2%) glutaraldehyde;

(C) Seventy percent (70%) ethyl or isopropyl alcohol.

AUTHORITY: sections 324.481 and 324.496, RSMo 2000. Original rule filed July 24, 2001, effective Feb. 28, 2002. Amended: Filed March 15, 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 Acupuncturist Advisory Committee, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-0735 or via e-mail at acupunct@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 15—Acupuncturist Advisory Committee
Chapter 4—Supervision of Auricular Detox Technicians
and Acupuncturist Trainees**

PROPOSED AMENDMENT

4 CSR 15-4.020 Supervision of Acupuncturist Trainees. The board is amending section (4).

PURPOSE: This amendment reflects a change to the educational requirements.

(4) Programs that are not certified by ACAOM shall consist of a curriculum that is at least three (3) academic years in length with a minimum of *[ninety-three (93)]* **one hundred five (105)** semester credits or *[one thousand seven hundred and twenty-five (1,725)]* **one thousand nine hundred five (1,905)** hours of study. The curriculum shall be composed of at least:

(B) Twenty-two (22) semester credits (six hundred sixty (660) clock hours) in clinical training; *[and]*

(C) *[Twenty-four (24)]* **Thirty (30)** semester credits *[(three hundred sixty (360) clock hours)]* **(four hundred fifty (450) clock hours)** in biomedical clinical sciences~~./.~~; and

(D) **Six (6) semester credits, (ninety (90) clock hours) in counseling, communication, ethics, and practice management.**

AUTHORITY: sections 324.481 and 324.487, RSMo 2000. Original rule filed July 24, 2001, effective Feb. 28, 2002. Amended: Filed March 15, 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 an estimated one hundred fifty dollars (\$150) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Acupuncturist Advisory Committee, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102 or via e-mail at acupunct@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division: 15 - Missouri Acupuncture Advisory Committee

Chapter 4 - Supervision of Auricular Detox Technicians and Acupuncturist Trainees

Proposed Rule - 4 CSR 15-4.020

Prepared December 29, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
1	Additional Educational Requirements	\$150.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$150.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The advisory committee estimates it will receive one licensure application per year that will be required to meet the educational requirements.
2. Because Missouri does not have an accredited acupuncture program and in order to provide an estimated cost, several accredited acupuncture programs in the United States were reviewed. The total cost is determined by multiplying the increase in the number of semester hours (12) by \$12.50 per semester hour.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 2—Code of Professional Conduct

PROPOSED RULE

4 CSR 30-2.040 Standards of Care

PURPOSE: This rule provides the recipient of professional architectural and engineering services assurances that all buildings are designed in accordance with the most recent applicable codes.

(1) In the absence of any local building code, all buildings shall be designed in accordance with the most recent applicable codes as published by the International Code Conference. Violation of the applicable codes shall constitute incompetency in the performance of functions or duties of any profession licensed or regulated by Chapter 327, RSMo pursuant to section 327.441.2(5), RSMo.

AUTHORITY: sections 327.041, RSMo Supp. 2003 and 327.441, RSMo 2000. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 11—Renewals

PROPOSED RULE

4 CSR 30-11.025 Continuing Education for Architects

PURPOSE: The continuing education requirement is to demonstrate a continuing level of competency for architects.

(1) Purpose.

(A) Effective December 31, 2006, as a condition for renewal of an architectural license issued pursuant to section 327.171, RSMo a licensee shall have successfully completed twenty-four (24) continuing education units (CEUs), as defined by this regulation and the American Institute of Architects (AIA), within the two (2) years immediately preceding the renewal date or be exempt from these continuing education requirements as provided in this rule. At least sixteen (16) CEUs shall be related to health, safety, and welfare (HSW) acquired in structured educational activities. All twenty-four (24) hours may be acquired in such HSW subjects and activities. Failure to comply with these requirements will result in nonrenewal of the architect's license or other disciplinary action or both unless noted

below. Any licensee who completes more than twenty-four (24) CEUs within the preceding two (2) calendar years may apply the excess, not to exceed twelve (12) units, to the requirement for the next two (2)-year period.

(B) Continuing education is a requirement for every architect who is actively licensed by the board, regardless of age, area of practice, or whether the licensee lives in-state or out-of-state pursuant to section 327.171, RSMo.

(C) Continuing education obtained by a licensee should maintain, improve or expand skills and knowledge obtained for initial licensure, or to develop skills and knowledge relevant to the practice of architecture and necessary to safeguard life, health, property and promote the public welfare.

(2) Definitions.

(A) Architectural Division. The three (3)-member division of the board that concerns itself with the profession of architecture.

(B) Board. The Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects.

(C) Contact hour. One (1) nominal contact hour of acceptable continuing education is equivalent to one (1) CEU.

(D) Continuing education unit (CEU). One (1) nominal contact hour of instruction or presentation. One (1) CEU shall represent a minimum of fifty (50) minutes of actual course time. No credit will be allowed for introductory remarks, meals, breaks or administrative matters related to courses of study.

(E) Sponsor. An individual, organization, association, institution or other entity that provides an educational activity for the purpose of fulfilling the continuing education requirements of the board. The sponsor is responsible for providing the attendees with verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(3) Initial Registration.

(A) An architect who holds licensure in Missouri for less than twelve (12) months from the date of his/her initial licensure, shall not be required to report continuing education hours at the first license renewal. An architect who holds licensure in Missouri for more than twelve (12) months, but less than twenty-four (24) months from the date of initial licensure, shall be required to report twelve (12) CEUs, which includes eight (8) CEUs in HSW earned in the preceding twelve (12) months at the first license renewal.

(4) Activities.

(A) The following suggested list may be used by all licensed architects in determining the types of activities that may fulfill continuing education requirements:

1. Contact hours in attendance at short courses or seminars, dealing with architectural or engineering subjects, as appropriate, to each discipline and sponsored by colleges or universities;

2. Contact hours in attendance at technical presentations on subjects which are held in conjunction with conventions or at seminars related to materials use and function. Such presentations as those sponsored by the National Council of Architectural Registration Boards, American Institute of Architects (AIA), Construction Specifications Institute, Construction Products Manufacturers Council or similar organizations devoted to architectural or engineering education may qualify;

3. Contact hours in attendance at short courses or seminars, relating to business practice or new technology and offered by colleges, universities, professional organizations or system suppliers;

4. Contact hours spent in self-study courses sponsored by the National Council of Architectural Registration Boards, AIA or similar organizations;

5. Three (3) units preparing for each class hour spent teaching architectural courses or seminars. College or university faculty may not claim credit for teaching regular curriculum courses;

6. Contact hours spent in architectural research, which is published or formally presented to the profession or public;

7. College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal fifteen (15) CEUs;

8. Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards or commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards or code study committees;

9. Contact hours spent in education tours of architecturally significant buildings, where the tour is sponsored by a college, university or professional organization; or

10. A maximum of two (2) CEUs annually may be used for serving as a mentor or sponsor for the Intern Development Program (IDP).

(5) Exemptions.

(A) A licensed architect shall be deemed to have complied with the foregoing continuing education requirements if the architect attests in the required renewal that for not less than twenty-one (21) months of the preceding two (2)-year period of licensure, the architect (one of the following):

1. Is a resident of another state or district having continuing education requirements for licensure as an architect and has complied with all requirements of that state or district for practice therein; or

2. Is a government employee working as an architect and assigned to duty outside the United States.

(B) If the licensee served on full-time active duty in the military the licensee may renew his/her license without completing the CEU requirement for the renewal period during which the licensee served.

(6) Reactivation—Retired or Inactive.

(A) Architects, who so attest on their renewal that they are retired from active practice or are not engaged in the active practice of architecture, may place their license in an inactive status. Those doing so cannot practice but can still retain the title of architect. Such architect may, however, reenter practice only after paying the required fee and satisfying the board of their proficiency. Proficiency may be established by any one (1) of the following:

1. Submitting verifiable evidence of compliance with the aggregate continuing education requirements for the reporting periods attested as retired from active practice or not engaged in active practice; or

2. Retake the architectural examination; or

3. Fulfill alternative reentry requirements determined by the board, which serve to assure the board of the current competency of the architect to engage in the practice of architecture.

(7) Reciprocity.

(A) CEUs may be acquired at locations other than Missouri, so long as the content meets the requirements of this regulation.

(8) Forms.

(A) All renewal applications will require the submission of either a continuing education form specified and supplied by the board or the AIA/CES reporting form prescribed by the AIA. The licensee must certify and complete the attestation on the form, before submitting it with the renewal application and fee. Failure to fulfill the continuing education requirements, or file the required reporting form, properly and completely signed, shall result in nonrenewal of a licensee's license.

(9) Records.

(A) The responsibility of maintaining records, which can be used to support credits claimed, is the responsibility of the licensee. Each architect shall complete and submit the required reporting form certifying that he/she has acquired the required continuing education hours. These records must be maintained for a period of four (4) years and copies must be furnished to the board for audit verification purposes, if requested. At its discretion, the board may randomly audit a portion of licensees each renewal period or a specific licensee if a complaint has been filed against the licensee. Any untrue or false statements or the use thereof with respect to course attendance or any other aspect of continuing education activity is fraud or misrepresentation and will subject the architect to license revocation or other disciplinary action. If in the review, the board finds that the CEU is not acceptable, the board shall inform the licensee of the criteria that has not been adhered to. The licensee shall have one hundred eighty (180) days after notification to substantiate the original claim or to earn other credits to meet the minimum requirements.

AUTHORITY: sections 327.041, RSMo Supp. 2003 and 41.946 and 327.171, RSMo 2000. Original rule filed March 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated six thousand three hundred thirty dollars and twenty-six cents (\$6,330.26) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated one hundred forty-one thousand one hundred twenty dollars (\$141,120) biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102 or via e-mail at moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 30 - Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects

Chapter 11 - Renewals

Proposed Rule - 4 CSR 30-11.025 Continuing Education for Architects

Prepared November 21, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects	\$6,330.26
Total Annual Cost of Compliance for the Life of the Rule	
	\$6,330.26

III. WORKSHEET

The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board with its audits by providing timely and complete responses to the board's inquiries. Based on the current number of licensed architects, it is estimated that the board will audit approximately 3% of current licensees annually and request verification of their completion of the continuing education hours.

The Executive I will prepare the reporting forms to be mailed with the renewal notice and sent to the state's copying center for reproduction. Because the reporting forms will be included in the mailing of renewal notices, no additional postage will be needed. The division's central processing unit will process the renewal form and continuing education reporting form. The board will then audit 3% of the current licensee population to verify compliance with the rule's requirements. The Executive Director will request and monitor receipt of the continuing education. The Executive I will prepare letters requesting licensees to submit information, assist with monitoring their receipt, update the computer licensing system and mail the information to members of the board.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST EACH BIENNIAL RENEWAL PERIOD
Executive Director	\$52,200.00	\$70,000.20	\$33.65	\$0.56	60 minutes	\$33.65	\$4,745.21
Executive I	\$27,540.00	\$36,931.14	\$17.76	\$0.30	30 minutes	\$8.88	\$1,251.75

Three members of the Architects Division of the board will review for approval all continuing education received. The board estimates each member of the Architects Division will receive \$50 per day for this review. It is estimated that board members will spend a total of 1 day reviewing the licensee's continuing education. Based on these assumptions, it is estimated the board will pay \$150 annually for this review. Because other board correspondence may be mailed to the members of the board with continuing education audits, the cost for this mailing was calculated into the fiscal note.	\$150.00
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Total Personal Service Costs \$6,146.96

Expenditure of Money

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Letterhead Printing Cost	\$0.15	282	\$42.30
Envelope for Mailing Letter Requesting Verification of Continuing Education Hours	\$0.16	282	\$45.12
Postage for Mailing Application	\$0.34	282	\$95.88

Total Expense and Equipment Costs \$183.30

IV. ASSUMPTION

- In order to even out the board's cash flow, the board implemented a biennial split renewal for the FY04 renewal period. Licenses are generally renewed for a 2 year period depending on the year of issuance (even or odd). However, the board will be conducting audits annually based on the split biennial renewal cycles. The above figures are based on FY03 actuals.
- Employees salaries were calculated using their annual salary multiplied by 40.47% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications/renewals. The total cost was based on the cost per application/renewal multiplied by the estimated number applications or renewals.
- It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 30 - Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects
Chapter 11 - Renewals
Proposed Rule 4 CSR 30-11.025 Continuing Education for Architects
Prepared November 21, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
2,352	Licenseses (\$30 per hour x 2 hours)	\$141,120.00
	Estimated Biennial Cost of Compliance for the Life of the Rule Beginning in 2005	\$141,120.00 with a continues biennial growth rate of \$70,560

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board estimates of the 4,704 currently licensed architects approximately 2,352 (or 50%) of these licenseses are members of AIA and are already earning 24 hours of continuing education every two years, therefore, these licenseses will not procure any additional expenses. The other 2,352 (or remaining 50%) may experience a potential cost in order to gain their continuing education hours. Approximately 60% of continuing education hours are offered at no charge and the remaining 40% offered average anywhere from \$10-\$50 per hour. With so many hours offered at no charge, it is possible for our licenseses to acquired the hours needed at no added expense. However, for the purpose of this fiscal note, the board estimates that a licensee would pay for 10% of the required 24 hours of continuing education.
2. The board estimates that in 2005 licenseses will begin obtaining continuing education hours for the 2006 renewal period. The board estimates an biennial growth rate of .5% in the number of licenseses.
3. It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
4. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 3—Well-Being Rules**

PROPOSED RULE

4 CSR 110-3.010 Definitions

PURPOSE: This rule provides definitions for specific terms used throughout the rules.

- (1) Board—Missouri Dental Board.
- (2) Committee board of directors—Composed of one (1) member designated by the Missouri Dental Association, one (1) member designated by the Missouri Dental Hygienists' Association, one (1) member designated by the Missouri Dental Board, and the committee administrator to promote the early identification, intervention, treatment and rehabilitation of dentists or dental hygienists who may be impaired by reasons of illness, substance abuse, or as a result of any physical or mental condition.
- (3) Committee administrator—The person(s) who is hired, appointed or contracted with by the committee with the approval of the board to coordinate the activities of the committee.
- (4) Contractor—A nonprofit corporation or dental association with whom the board contracts for the purpose of creating, supporting and maintaining the committee.
- (5) Dental professional—Dentist or dental hygienist licensed in the state of Missouri and a dentist or dental hygienist who has applied for licensure in the state of Missouri.
- (6) Impairment—an illness, substance abuse or physical or mental condition suffered by a dentist or dental hygienist that is reasonably related to the practice of dentistry or dental hygiene.

AUTHORITY: sections 332.031.3, RSMo 2000 and 332.327, RSMo Supp. 2003. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the 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 110—Missouri Dental Board
Chapter 3—Well-Being Rules**

PROPOSED RULE

4 CSR 110-3.020 Membership and Organization

PURPOSE: This rule establishes the membership and organization of the Well-Being Committee.

(1) The Well-Being Committee (hereinafter committee) shall be composed of:

- (A) One (1) member designated by the Missouri Dental Association;
- (B) One (1) member designated by the Missouri Dental Hygienists' Association;
- (C) One (1) member designated by the Missouri Dental Board; and
- (D) The committee administrator.

(2) The committee shall serve staggered three (3)-year terms and shall serve as many terms as their respective organizations deem appropriate. The entity designating a member to the committee shall designate a person to finish the three (3)-year term of any member of the committee who becomes unable to serve. The committee shall annually elect a chairperson.

(3) The committee shall meet at least two (2) times annually.

(4) The committee shall serve without compensation other than that allowed by law for service as a board member. Each member of the committee shall be entitled to reimbursement for travel expenses as deemed appropriate by the board.

(5) The committee shall oversee all aspects of the general operation of the contractor including, but not limited to, oversight of the administration, staffing, financial operations and case management as it pertains to the Well-Being Program.

(6) The committee, with the approval of the board, shall appoint, hire or contract with a committee administrator to oversee and manage the day-to-day operations of the committee.

(7) The committee administrator shall be a nonvoting member of the committee.

AUTHORITY: sections 332.031.3, RSMo 2000 and 332.327, RSMo Supp. 2003. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the 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 110—Missouri Dental Board
Chapter 3—Well-Being Rules**

PROPOSED RULE

4 CSR 110-3.030 Well-Being Committee/Contractor Duties

PURPOSE: This rule establishes the duties of the Well-Being Committee and contractor.

(1) The committee/contractor shall provide a written and oral report to the Missouri Dental Board at each quarterly board meeting or

upon request of the board. The report shall outline the status of each impaired dental professional referred to the committee by the board in such detail as requested by the board. The identity of the dental professionals who voluntarily submit to the committee/contractor shall remain anonymous for purposes of these reports.

(2) The committee/contractor shall provide written and oral reports to the Missouri Dental Board, including quarterly income and expense reports. These reports must be itemized and account for all income from any and every source and each expense to any and every vendor that relates to the Well-Being Program in any way.

(3) The committee/contractor shall enter into written contracts with each impaired dental professional. The contract between the committee/contractor and the dental professional shall include, but not be limited to the following:

(A) Each contract shall be a minimum of five (5) years in duration;

(B) Each impaired dental professional will abstain from the possession or consumption of controlled substances except as prescribed by a treating physician;

(C) Each impaired dental professional shall abstain from the possession or consumption of alcohol or illegal drugs;

(D) Each impaired dental professional shall submit to random drug testing unless otherwise specified by the board;

(E) Each impaired dental professional shall report all relapses to the committee;

(F) Upon request of the committee, each impaired dental professional shall report to the committee;

(G) Each impaired dental professional shall attend support meetings as requested by the committee or treatment providers;

(H) Each impaired dental professional referred to the Well-Being Program by the board shall authorize the committee to release any and all information regarding the impaired dental professional to the board;

(I) Each impaired dental professional voluntarily enrolled in the Well-Being Program shall authorize the committee to release any and all information regarding the impaired dental professional to the board upon a violation of Chapter 332, RSMo or the rules promulgated pursuant thereto or the contract with the committee;

(J) Each impaired dental professional shall be financially responsible for all drug screens and any other professional or administrative service rendered on behalf of the impaired dentist or dental hygienist; and

(K) The following paragraph shall be contained in each written agreement:

1. In consideration of my being allowed to participate in the Well-Being Program I expressly release the contractor, the committee, and the Missouri Dental Board and all of their employees, board members, agents and independent contractors from any and all claims, whether now existing or hereafter arising, related to or arising from my participation in the Well-Being Program or any services provided to me thereunder, including but not limited to claims that I might hereafter assert that the contractor, the committee, or Missouri Dental Board, any of the agents or independent contractors, board members or employees were negligent or that any of said persons or entities committed any acts of omission or commission that I claim are or were negligent or that I claim were acts of professional malpractice, it being the intent hereof that I will be forever barred from asserting any such claims hereafter. In the event I hereafter assert any such claim, I agree that such assertion will disqualify me from further participation in the Well-Being Program and that the committee will be absolutely entitled to discharge me from said program.

(4) The committee/contractor shall provide services when appropriate to impaired dental professionals which include, but are not limited to, the following:

(A) Monitoring compliance of the contract between the committee and the impaired dental professional;

(B) Executing drug screens;

(C) Assisting the impaired dentist or dental hygienist in obtaining evaluation and treatment;

(D) Requiring evaluators to provide written reports which address whether a member of the Well-Being Program suffers from an impairment, identifies the impairment, provides recommendations for treatment of the impairment and whether the member's practice of dentistry or dental hygiene should be restricted due to the impairment; and

(E) The committee shall require the costs of drug screens and professional and administrative services to be paid by the impaired dentist or dental hygienist.

(5) The committee/contractor shall report, in writing, to the Missouri Dental Board all violations of board disciplinary orders or the Dental Practice Act which occur after the date of the disciplinary order or the date of the dental professional entering the Well-Being Program, whichever occurs first. All violations shall be reported promptly but no later than ten (10) days after obtaining knowledge of the violation.

(6) The committee/contractor shall assist the board in carrying out the terms of any disciplinary order pertaining to an impaired dental professional.

(7) The committee/contractor shall obtain a written release from all dental professionals referred to the Well-Being Program by the board. The release shall authorize the committee/contractor to release all information and documents pertaining to the dental professional to the board and committee and to communicate all information regarding the impaired dental professional to the board and committee.

(8) The committee/contractor shall provide the Missouri Dental Board access to all information and documents pertaining to impaired dental professionals referred to the Well-Being Program by the board.

(9) The contractor shall require the committee administrator to supply information and documentation with regard to the identification, intervention, treatment and rehabilitation of all dental professionals who participate or are assisted by the Well-Being Program to the committee as directed by the committee.

(10) The contractor shall require the committee administrator to supply all reports provided the Missouri Dental Board to the committee. The contractor shall provide all reports, including reports on dental professionals who participate in or are assisted by the Well-Being Program, and fiscal reports to the committee as directed by the committee. The information and documentation as described herein shall only be released to the board pursuant to Chapter 332, RSMo and the rules promulgated thereto.

(11) The contractor shall require the committee administrator to provide the committee with all information on dental professionals participating in or assisted by the contractor as directed by the committee.

(12) The committee/contractor shall prepare and implement an action plan and budget as directed by and approved by the board. The committee/contractor shall report on progress with regard to preparing and implementing the action plan and budget as directed by the board and committee.

(13) The committee/contractor shall require the committee administrator to submit progress reports to the committee and the Missouri Dental Board with regard to each dental professional participating in

the Well-Being Program upon the dental professional's completion of the program, prior to June 30 of each year, quarterly prior to each meeting of the board and as otherwise requested by the committee or board. Reports of those voluntarily participating in the program shall be for statistical purposes only.

(14) The contractor shall coordinate activities of the committee, oversee and manage the daily operations of the committee and assist with the administrative duties of the committee.

AUTHORITY: sections 332.031.3, RSMo 2000 and 332.327, RSMo Supp. 2003. Original rule filed March 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated fifty-four thousand dollars (\$54,000) annually for the lifetime of the rule. It is anticipated that the total cost will recur for the life of the rule. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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

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

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 110 - Missouri Dental Board

Chapter 3 - Well Being Rules

Proposed Rule - 4 CSR 110-3.030 Well Being Committee/Contractor Duties

Chapter 3 - Well Being Rules

Prepared January 16, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Dental Board	\$54,000.00
Total Annual Cost of Compliance for the Life of the Rule	\$54,000.00

III. WORKSHEET

IV. ASSUMPTION

1. Pursuant to Section 332.327 the Board may enter into a contractual agreement with a nonprofit corporation or a dental association for the purpose of creating, supporting and maintaining a committee to be designated as the well-being committee. The Board has entered into a contractual agreement with the Missouri Dental Association for this purpose in the amount of \$54,000.00. These funds are in a special appropriation for the Well Being Program.
2. It is anticipated that the total cost will recur annually for the life of the rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 3—Well-Being Rules**

PROPOSED RULE

4 CSR 110-3.040 Confidentiality

PURPOSE: This rule establishes the guidelines regarding the confidentiality of the records and information of the impaired professional.

(1) The committee shall provide the board access to all information pertaining to each impaired dental professional referred to the committee by the Missouri Dental Board.

(2) The committee shall obtain a written release from each impaired dental professional in the Well-Being Program authorizing the release of all information and documents pertaining to the impaired dental professional to the Missouri Dental Board authorizing the committee to communicate all information pertaining to the impaired dental professional to the Missouri Dental Board. The information and documentation as described herein shall only be released to the board pursuant to Chapter 332, RSMo and the rules promulgated thereto.

(3) The board and committee may exchange privileged and confidential information, interviews, reports, statements, memoranda and other documents including information on investigations, findings, conclusions, interventions, treatment, rehabilitation and other proceedings of the board and committee and other information closed to the public to promote the identification, interventions, treatment, rehabilitation and discipline (accountability) of dentists or dental hygienists who may be impaired.

(4) All privileged and confidential information and other information not considered to be public records or information pursuant to Chapter 610, RSMo shall remain privileged and confidential and closed to the public after such information is exchanged.

AUTHORITY: sections 332.031.3, RSMo 2000 and 332.327, RSMo Supp. 2003. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the 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 110—Missouri Dental Board
Chapter 3—Well-Being Rules**

PROPOSED RULE

4 CSR 110-3.050 Committee Administrator

PURPOSE: This rule establishes the qualifications and duties of the

committee administrator.

(1) The committee administrator shall possess a combination of education and experience in the area of addiction counseling and be licensed in Missouri as a psychologist, professional counselor or clinical social worker.

(2) The committee administrator shall be familiar with dental professionals suffering from well-being issues which include, but shall not be limited to, the following:

- (A) Dependency;
- (B) Alcohol addiction;
- (C) Drug addiction;
- (D) Other addictive diseases (gambling, sexual, spending, eating disorders);
- (E) Physical issues; and
- (F) Mental health issues.

(3) The duties of the committee administrator shall include, but not be limited to, the following:

- (A) Organizing and carrying out interventions;
- (B) Referring dental professionals for appropriate treatment;
- (C) Monitoring treatment progress including random drug screens;
- (D) Assisting dental professionals to reenter practice from treatment;
- (E) Assisting with aftercare issues, such as practice restructuring; and
- (F) Any and all reporting of these areas to appropriate agencies.

(4) The committee administrator shall provide the following as directed by the committee:

- (A) Program development;
- (B) Outreach education;
- (C) Intervention;
- (D) Assessment;
- (E) Referrals to treatment programs;
- (F) Case management;
- (G) Monitoring;
- (H) Aftercare contracts;
- (I) Coordinate peer assistance meetings; and
- (J) Other necessary services as determined by the committee.

(5) The committee administrator shall supply information and documentation with regard to the identification, intervention, treatment and rehabilitation of all dental professionals who participate or are assisted by the Well-Being Program to the committee as directed by the committee.

(6) The committee administrator shall supply all reports provided the Missouri Dental Board to the committee. The contractor shall provide all reports, including reports on dental professionals who participate in or are assisted by the Well-Being Program, and fiscal reports to the committee as directed by the committee.

(7) The committee administrator shall provide the committee with all information on dental professionals participating in or assisted by the contractor as directed by the committee.

(8) The committee administrator shall submit progress reports to the committee and the Missouri Dental Board with regard to each dental professional participating in the Well-Being Program upon the dental professional's completion of the program, prior to June 30 of each year, quarterly prior to each meeting of the board and as otherwise requested by the committee or board. Reports of those voluntarily participating in the program shall be for statistical purposes only.

AUTHORITY: sections 332.031.3, RSMo 2000 and 332.327, RSMo

Supp. 2003. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the 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 165—Board of Examiners for Hearing
Instrument Specialists
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 165-2.010 Hearing Instrument Specialist in Training (Temporary Permits). The board is proposing to add a new section (10).

PURPOSE: This amendment exempts students attending an accredited hearing sciences program and participating in a practicum from obtaining a temporary permit.

(10) A temporary permit is not required for students attending a hearing sciences program at an accredited college or university that are participating in a practicum to complete that program. The student must be under the direct supervision of a registered supervisor. Direct supervision shall mean the licensed hearing instrument specialist is on the premises where the patient is being treated and is quickly and easily available and the patient has been examined by a licensed hearing instrument specialist at such times as acceptable hearing instrument specialist practice requires. Such students shall not identify themselves as a “hearing instrument specialist,” “hearing instrument specialist in training” or a “temporary permit holder.”

AUTHORITY: sections 346.070, 346.075, 346.080 and 346.115.1(7), RSMo 2000. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Amended: Filed March 15, 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 Board of Examiners for Hearing Instrument Specialists, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102 or at behis@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 200—State Board of Nursing
Chapter 4—General Rules**

PROPOSED AMENDMENT

4 CSR 200-4.020 Requirements for Licensure. The board is proposing to amend subsection (1)(B) and paragraphs (8)(A)3. and 4.

PURPOSE: This amendment changes the name of the Army Practical Nursing Program and eliminates the requirement for foreign applicants to obtain a completed certification of licensure form from a foreign country.

(1) Examination.

(B) The registered professional nurse (RN) candidate shall have successfully completed the basic prescribed curriculum and received a degree or diploma from a school with an accredited professional nursing program. The practical nurse candidate shall have successfully completed a basic prescribed curriculum in an accredited school of practical nursing and have earned a practical nursing degree, diploma or certificate or completed a comparable period of training as determined by the board. A comparable period of training as determined by the board shall mean graduation from an accredited professional nursing program with validation by examination of a personal and vocational concepts course by an accredited practical nursing program or graduation from the [peacetime Army Clinical Specialist Course: MOS; 91C20(6-69)] Army Practical Nurse Program.

(8) Intercountry Licensure by Examination in Missouri—RN and LPN.

(A) Application Procedure.

1. A professional/practical nurse licensed outside of the United States or Canada shall be entitled to apply to take the examination for licensure if, in the opinion of the Missouri State Board of Nursing, current requirements for licensure in Missouri are met.

2. An applicant must request, in writing, an Application for Professional/Practical Nurse Licensure by Examination. The request shall include the applicant's full name, current mailing address and country of original licensure. The application shall be properly executed by the applicant in black ink and shall be included in the documents submitted to the Missouri State Board of Nursing for evaluation with the required credentials. All original documents shall be returned to the applicant. Credentials in a foreign language shall be translated into English, the translation shall be signed by the translator and the signature shall be notarized by a notary public. The translation shall be attached to the credentials in a foreign language when submitted to the Missouri State Board of Nursing.

3. The required credentials for practical nurse applicants are—

A. A course-by-course evaluation report received directly from a foreign credentials evaluation service approved by the board;

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, copy of baptismal certificate, passport or notarized statement from an authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of marriage license/certificate (if applicable);

D. TOEFL certificate indicating successful completion of examination. Foreign practical nurse applicants from non-English speaking countries or from English speaking countries with different native language shall be required to take the TOEFL and attain a minimum score of fifty (50) in each section of the paper-based examination OR a minimum score of sixteen (16) in the Computer-Based Listening, eighteen (18) in the Computer-Based Structure/Writing, and fifteen (15) in the Computer-Based Reading section of the

Computer-Based Test of English as a Foreign Language (TOEFL) Examination. When the applicant achieves a passing score (as defined above) in each section of the test, the board of nursing will not address itself to that section should there be a required repeat of the examination for other sections;

E. Test of Spoken English (TSE®) Certificate indicating that the applicant has obtained a minimum overall score of forty-five (45);

[F. The certification of licensure form from the licensing agency where the original registration by examination was secured;]

[G.] F. Photostatic copy of original license issued by the licensing agency where original licensure/registration was secured by examination; and

[H.] G. The completed application must be accompanied by one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation and the required application fee. All fees are non-refundable.

4. The required credentials for professional nurse applicants are—

A. Commission on Graduates of Foreign Nursing Schools (CGFNS) Certificate. The CGFNS agency must forward the certificate to our office. This certification must signify a passing grade on the CGFNS English language and nursing practice proficiency examination as evidence of meeting similar qualifications of graduates of nursing programs in Missouri for the purpose of qualifying for admission to the licensure examination;

B. A photostatic copy of birth certificate (if a copy of birth certificate is not available, a copy of baptismal certificate, passport or notarized statement from authorized agency will be accepted as verification of name, date of birth and place of birth);

C. Photostatic copy of original license or certificate issued by the licensing agency where original licensure/registration was secured by examination;

D. Photostatic copy of marriage license/certificate (if applicable); **and**

[E. The certificate of licensure form from the licensing agency where the original registration/licensure by examination was secured; and]

[F.] E. The completed examination application with the required examination fee, one (1) two-inch by two-inch (2" × 2") portrait/photograph of the applicant, two (2) sets of his/her fingerprints, the fingerprinting fee as charged by the Missouri State Highway Patrol and Federal Bureau of Investigation and all the credentials shall be submitted to the Missouri State Board of Nursing.

AUTHORITY: sections 335.036(2) and (7), 335.046 and 335.051, RSMo 2000. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 15, 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 State Board of Nursing, Lori Scheidt, Executive Director, PO Box 656, Jefferson City, MO 65102, by fax at (573) 751-0075 or via e-mail at nursing@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 210—State Board of Optometry
Chapter 2—General Rules

PROPOSED AMENDMENT

4 CSR 210-2.080 Certification of Optometrists to Use Pharmaceutical Agents. The board is proposing to amend section (1), add new sections (2) and (5), renumber the remaining sections accordingly and amend the newly renumbered sections (3), (4), and (6).

PURPOSE: The purpose of this proposed amendment is to combine the two (2) rules regarding pharmaceutical certification into one (1) rule, thereby eliminating the need for 4 CSR 210-2.081, which will be rescinded. The board is also proposing to eliminate obsolete examination requirements.

(1) No optometrist licensed in this state may use pharmaceutical agents in the practice of optometry unless that optometrist has been certified by the *[State Board of Optometry]* board as qualified to use those pharmaceutical agents in the practice of optometry.

(2) All applications for pharmaceutical certification must be made on forms provided by the board and must be accompanied by the pharmaceutical certification fee. The application must be accompanied by proof that the applicant has passed an examination approved by the board.

[[2]] (3) The board will certify optometrists currently licensed in this state as qualified to use pharmaceutical agents in the practice of optometry in accordance with the following guidelines:

(A) All applicants for certification must present official documentation **and/or** transcripts showing successful completion of *[at least six (6)-credit (ninety-six (96) classroom) hours of study in general and ocular pharmacology and]* at least one hundred (100) hours of approved, supervised, clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa, in a program supervised by a board-certified ophthalmologist. The board cannot approve any credit hours unless they were taught by an institution having facilities for both the didactic and clinical instruction in pharmacology, which is approved by the board and which is accredited by a regional or professional accrediting organization which is recognized by the Council on Postsecondary Accreditation or the United States Department of Education or its successors/. *No applicant will be admitted to the examination until the documentation required in this rule has been received and approved by the board]; and*

(B) All applicants for certification must pass *[the]* a written examination in pharmacology administered or approved by the board/*and]*.

[[C]] All applications for certification (see 4 CSR 210-2.081) must be submitted on the forms provided by the board and must be accompanied by the application fee.]

[[3]] (4) The board may not accept any documentation required by subsection *[[2]]*(3)(A) of this rule unless the course of studies it reflects is certified by the institution as being comparable in content to those courses in general and ocular pharmacology required by other licensing boards whose licensees or registrants are permitted the use of pharmaceutical agents in the course of their professional practice.

(5) Applicants certified to use pharmaceutical agents in another state whose requirements for certification are substantially equivalent as those required in this state may be granted a certification to use pharmaceutical agents in Missouri without examination.

[(4)](6) Use of oral analgesic agents shall be limited to those specific uses as follows:

(A) Prior to the administration of oral analgesic therapy, a complete and careful history of current medications and past drug allergies and sensitivities must be documented in the record, with particular attention to interaction of analgesics with other systemic medications. Optometrists using these agents must be thoroughly familiar with the interactions of these drugs with other systemic medications;

(B) Prescription strength oral analgesic agents and particularly controlled substances are rarely required for the relief of pain in ocular conditions. Therefore, they may be used only for pain of which the etiology can be clearly demonstrated and in which, in the judgment of the optometrist, sufficient relief would not be obtained with noncontrolled substances;

(C) Ocular pain may not be treated with controlled substances over forty-eight (48) hours without referral or consultation with a physician skilled in the treatment of the eye unless marked improvement in the underlying condition can be demonstrated;

(D) When prescribing oral analgesic agents which are categorized as controlled substances, only scheduled oral agents that have been shown to be effective for ocular pain may be prescribed;

(E) Prescriptions for controlled substances may not exceed in number the recommended analgesic dosage for the duration of the prescription;

(F) Prescriptions for controlled substances may not be refilled without further examination and follow-up care; and

(G) Optometrists may not maintain inventories of controlled substances for dispensing or administering.

AUTHORITY: sections 336.160 and 336.200, RSMo 2000 [336.220, RSMo Cum. Supp. 1996]. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. Amended: Filed March 14, 1982, effective June 11, 1982. Amended: Filed Aug. 4, 1986, effective Nov. 13, 1986. Amended: Filed Nov. 15, 1989, effective March 11, 1990. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 15, 1996, effective April 30, 1997. Amended: Filed March 15, 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 State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via e-mail at optom@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 210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 210-2.081 Examinations of Optometrists for Certification to Use Pharmaceutical Agents. This rule established the examinations approved by the board to meet the examination requirement for certification to use pharmaceutical agents.

PURPOSE: The purpose of this rescission is to combine the two (2)

rules regarding pharmaceutical certification into one (1) rule, thereby eliminating the need for 4 CSR 210-2.081, which will be rescinded.

AUTHORITY: sections 336.160.1. and 336.220, RSMo 2000. Original rule filed Nov. 4, 1986, effective Jan. 30, 1987. Amended: Filed May 15, 1987, effective Sept. 11, 1987. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed May 26, 1993, effective Nov. 8, 1993. Amended: Filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed March 15, 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 the Missouri State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8216 or via e-mail at optom@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 235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 235-1.020 Fees. The committee is proposing to add subsections (1)(G) and (1)(H) and renumber the remaining subsections accordingly.

PURPOSE: This rule establishes the fees to place a license on inactive status and to renew an inactive license.

(1) The following fees are established for the State Committee of Psychologists and are payable to the State Committee of Psychologists:

(G) Inactive License Fee	\$100.00
(H) Reactivation Fee	\$150.00
[(G)] (I) Licensure Verification/Transfer of Score to Other States Fee	\$25.00
[(H)] (J) Replacement of Wall-Hanging License Fee	\$25.00
[(I)] (K) Insufficient Funds Check Service Charge	\$25.00
[(J)] (L) Prior Review Fee (educational experience)	\$50.00
[(K)] (M) Prior Review Fee (postdegree supervision)	\$50.00
[(L)] (N) Health Service Provider Application Fee	\$100.00
[(M)] (O) Health Service Provider Biennial Renewal Fee	\$100.00

AUTHORITY: sections 337.030[.4], RSMo Supp. 2003 and 337.050, RSMo 2000. Emergency rule filed Dec. 9, 1981, effective Jan. 11, 1982, expired April 4, 1982. Original rule filed Dec. 9, 1981, effective April 4, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 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 Missouri State Committee of Psychologists, Pam Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@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.

Director, PO Box 1335, Jefferson City, MO 65102-0613 or at scop@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 235—State Committee of Psychologists
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 235-1.050 Renewal of License. The committee is proposing to add section (4).

PURPOSE: This amendment outlines the procedure to place a license in an inactive status and to reactivate an inactive license.

(4) Licensees who request to be classified as inactive pursuant to section 337.030.5, RSMo, may maintain their inactive status and receive a license indicating their inactive status by paying the inactive license renewal fee as provided in 4 CSR 235-1.020. Holders of an inactive license need not complete the continuing education requirement. However, a holder of an inactive license shall not have his/her license reactivated until s/he pays the required reactivation fee, and in addition, submits proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation. If a holder of an inactive license reactivates at the time of renewal, the licensee shall only be required to pay the renewal fee, and in addition, submit proof of having completed forty (40) continuing education hours within the two (2) years immediately prior to the date of reactivation.

AUTHORITY: sections 337.030, RSMo Supp. 2003 and 337.050, [9., RSMo Supp. 1989] RSMo 2000. Original rule filed Aug. 11, 1983, effective Dec. 11, 1983. Amended: Filed May 4, 1987, effective Aug. 13, 1987. Amended: Filed Oct. 4, 1988, effective Dec. 29, 1988. Amended: Filed July 30, 1991, effective Feb. 6, 1992. Amended: Filed March 15, 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 an estimated five thousand dollars (\$5,000) biennially beginning in FY05 and seven hundred fifty dollars (\$750) annually beginning in FY06 and continuing annually for the life of the rule. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri State Committee of Psychologists, Pam Groose, Executive

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

**Title 4 - Department of Economic Development
Division 235 - State Committee of Psychologists
Chapter 1 - General Rules
Proposed Amendment 4 CSR 235-1.050 Renewal of License**

Prepared January 23, 2002 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Biennially

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the of business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
50	Licensees (psychologist inactive fee - \$100)	\$5,000

Estimated Biennial Cost Beginning in FY06 and Continuing for the Life of the Rule \$5,000

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the of business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Licensees (psychologist reactivation fee - \$150)	\$750

Estimated Annual Cost Beginning Two Years After Implementation of the Rule and Continuing Annually for the Life of the Rule \$750

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based merely on data gathered by the board for this fiscal note and is merely an estimate of future activity.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Sections 337.010-337.093, RSMo. Pursuant to Section 337.037, RSMo, the board shall by rule and regulation set the amount of fees authorized by Sections 337.010-337.093, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Sections 337.010-337.093, RSMo.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

PROPOSED RULE

4 CSR 240-32.200 General Provisions for the Assignment, Provision and Termination of 211 Service

PURPOSE: This rule applies to the assignment and provision of 211 service and the commission's application requirements for Information and Referral Services Providers. This rule is intended to enhance the ability of the public to access services that provide free information and referral to community resources in situations that are not immediately life-endangering, but still represent a serious but less urgent threat to basic human needs and individuals' health or welfare.

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) Definitions. For the purposes of 4 CSR 240-32.200, the following definitions are applicable:

(A) 211 is an abbreviated dialing code assigned by the Federal Communications Commission for community information and referral services.

(B) 211 Network is the system of 211 providers authorized by the commission that provide Information and Referral (I&R) services via 211 throughout the state of Missouri.

(C) Abbreviated dialing code is a three (3)-digit dialing pattern which enables callers to connect to a location in the telecommunications network that otherwise would be accessible only via a seven (7)-or ten (10)-digit telephone number. The telecommunications network must be preprogrammed to translate the three (3)-digit code into the appropriate seven (7)-or ten (10)-digit telephone number and route the call accordingly.

(D) Accreditation is a process by which the Alliance of Information and Referral Systems determines whether information and referral programs are in compliance with the standards as set forth in the *Standards for Professional Information and Referral*, 4th edition, revised October 2002.

(E) Alliance of Information and Referral Systems (AIRS) is a nonprofit, professional membership organization for information and referral providers.

(F) Applicant is a nonprofit organization as defined by section 501(c)(3) of the federal tax code that requests to be authorized by the commission to become a Missouri I&R Provider.

(G) Exchange is used as defined in section 386.020, RSMo 2000.

(H) Human services are services which include, but are not limited to, activities that help people to become more self-sufficient, sustain independence, strengthen family relationships, support personal and social development and ensure the well-being of individuals, families, groups and communities. Specific kinds of human services include ensuring that people have access to adequate food, shelter, clothing and transportation; financial resources to meet their needs; consumer education and decision support; legal services; training and employment; health and mental health care including substance abuse services; both routinely and in times of disaster or other emergencies.

(I) Information and Referral Provider (I&R Provider) is an organization which helps match people with requested services. The I&R Provider acts as an intermediary, matching the person with the necessary combination of human services that will address the individual's needs.

(J) Missouri I&R Provider is an I&R Provider that has received authority pursuant to this rule.

(K) Qualified human services entity is an entity offering human services and complying with AIRS standards for database inclusion thus making it eligible to be included in a Missouri I&R Provider's database.

(L) *Standards for Professional Information and Referral*, 4th edition, revised October 2002 is the document published by the Alliance of Information and Referral Systems that defines the national standards for information and referral programs and systems.

(M) Telecommunications company is used as defined in section 386.020, RSMo 2000.

(N) Volunteer or donation management means assisting individuals or organizations to provide volunteer services to the community.

(2) When a telecommunications company receives a request from an entity to use 211 as the Information and Referral Provider for a geographic area, the telecommunications company shall:

(A) Ensure that any entities that were using 211 at the local level prior to July 31, 2000, relinquish use of the code for noncompliant services;

(B) Take steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the Information and Referral Provider;

(C) Submit a tariff to the commission, if no tariff exists, incorporating rates, terms and conditions for 211 service; the tariff shall include rates established pursuant to the provisions of section 392.220(3), RSMo; and

(D) Determine that the entity is a Missouri I&R Provider or has submitted an application to become an authorized I&R Provider in Missouri.

(3) Entities interested in becoming a Missouri I&R Provider shall file an application with the commission.

(A) All applications shall include a statement that the applicant meets the following criteria:

1. Applications must comply with 4 CSR 240-2.060(1);

2. A statement that the applicant is a not-for-profit organization as defined by section 501(c)(3) of the federal tax code;

3. A statement that the 211 telephone line will be monitored twenty-four (24) hours a day, seven (7) days a week, by:

A. The applicant's personnel;

B. The personnel of another Missouri I&R Provider under subcontract with the applicant; or

C. The personnel of a qualified human services entity under subcontract with the applicant;

4. The 211 telephone line shall not be answered through an answering service or answering machine;

5. Will adhere to the Alliance of Information and Referral Systems, Incorporated *Standards for Professional Information and Referral*, 4th edition, revised October 2002, which is incorporated herein by reference, and is AIRS accredited, or has initiated, or will initiate, the written application process and shall become accredited within three (3) years;

6. Offers comprehensive services pursuant to the AIRS standards;

7. Shares resource database information with other Missouri I&R Providers;

8. Works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elderly help-lines, homeless coalitions, designated emergency management systems, 911 and 311 systems, as applicable;

9. Uses a method common to all Missouri I&R Providers to measure and evaluate outcomes for the operation of a 211 call center;

10. Has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and average call length;

11. Tracks information on inquirer needs, unmet needs, and barriers to services and shares this data with other Missouri I&R Providers, and local and state organizations;

12. Removes or excludes human services entities from the Missouri I&R Providers' database for failure to deliver service, fraud, misrepresentation and discrimination;

13. Maintains a computerized information and referral database that has up-to-date information and resource data and the capacity to collect caller information;

14. Ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations;

15. Publicizes 211 services through a written public awareness, marketing, advertising, and education plan to inform the public regarding available services;

16. Provides teletype (TTY) services for speech and hearing impaired individuals and multi-lingual accessibility either on-site, or through access to translators; and

17. Has formal agreements with clearinghouse agencies that provide volunteer or donation management services.

(B) In addition to the requirements of subsection (3)(A), the application must include:

1. A statement that the applicant possesses sufficient technical, financial and managerial resources and abilities to become the I&R Provider for the requested telephone exchanges;

2. A statement as to the applicant's ability and willingness to abide by commission rules and policies; and

3. A statement that sets forth the exchange(s) to be served.

(4) Upon receipt of an application, the commission shall issue notice to all incumbent local exchange telecommunications companies in the exchange(s) to be served, all facilities-based alternative local exchange telecommunications companies certificated to provide basic local telecommunications service, all human services entities listed in the yellow pages under the categories "Human Service Organizations" and "Social Service Organizations" for the exchanges to be served, all county seats for the requested exchanges, and all city governments in cities within the requested exchanges that have a population of five thousand (5,000) or more persons.

(A) Any other party interested in becoming the Missouri I&R Provider for the geographic area to be served shall submit an application in compliance with subsections (3)(A) and (B) above within thirty (30) days of the notice issued in section (4) above.

(B) The commission will grant an entity's application to become a Missouri I&R Provider unless it finds that granting the application is not in the public interest.

(C) The commission will authorize only one (1) I&R Provider for each telephone exchange. This shall not preclude a Missouri I&R Provider from serving multiple telephone exchanges.

(5) A Missouri I&R Provider shall comply with the statements set forth in its application.

(6) To ensure the efficient use of the 211 number for information and referral services, the Missouri I&R Provider shall be required to coordinate with all other information and referral service providers and the telecommunications companies within its designated telephone exchange or exchanges.

(7) A Missouri I&R Provider will be entitled to use the three (3) digit 211 abbreviated dialing code to serve the community for a period of three (3) years.

(8) If the applicant wishes to continue as the authorized Missouri I&R Provider after the three (3)-year period, the applicant must reapply for authority with the commission.

(A) Reapplication shall be submitted at least ninety (90) days prior to the expiration of the Missouri I&R Provider's authorization.

(B) Reapplication shall include all items listed under subsections (3)(A) and (B) above.

(9) If a Missouri I&R Provider loses AIRS accreditation, within forty-five (45) days of the loss of accreditation, the provider shall submit to the commission for approval a plan to secure AIRS accreditation.

(10) If the commission receives a formal complaint filed pursuant to Chapter 2 of 4 CSR 240 that a Missouri I&R Provider is in violation of the AIRS criteria, or of a statute, rule, order or tariff applicable to the provision of 211 service, or that its continued authorization is not in the public interest, the commission shall initiate an investigation of the complaint within twenty-one (21) calendar days after the filing of the formal complaint and take action as appropriate including, but not limited to, revocation of the Missouri I&R Provider's authorization.

(11) The commission shall revoke the use of the 211 dialing code from any entity that is not authorized by the commission.

(A) Prior to revocation, the commission shall notify the entity using the 211 number that it has thirty (30) days from receipt of the notification to file an application seeking authority to become a Missouri I&R Provider.

(B) If the entity using the 211 number fails to meet the commission's authorization criteria within thirty (30) days of receipt of revocation notice, the commission, shall direct the appropriate local exchange company(s) to revoke use of the 211 number.

(12) A Missouri I&R Provider will be responsible for all costs of provisioning service, including nonrecurring and recurring charges incurred by the use of the abbreviated dialing code 211.

(13) Neither a telephone company nor a Missouri I&R Provider shall charge end users for 211 service.

(14) Any qualified human services entity may be listed in the Missouri I&R Provider's database at no charge.

(A) To be listed in the 211 database, a qualified human services entity must provide the following information to the Missouri I&R Provider:

1. Contact information;

2. A description of provided services; and

3. A list of the counties where service is provided.

(B) Missouri I&R Providers shall inform qualified human services entities that inclusion in the database is a privilege rather than a right and that they may be removed or excluded from the database for failure to deliver service, fraud, misrepresentation and discrimination.

(15) The 211 abbreviated dialing code shall not be used for commercial advertisements or solicitation.

(16) A Missouri I&R Provider shall submit to the commission an annual report documenting information and referral services provided—

(A) The annual report shall include geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services;

(B) The annual report shall cover the previous year's activities and shall follow the state's fiscal year from July 1 through June 30; and

(C) The report shall be submitted to the manager of the Telecommunications Department on or before August 1 of each year.

(17) All telecommunications companies and Missouri I&R Providers operating pursuant to the emergency rule shall meet any additional requirements in compliance with this rule within six (6) months after its effective date. All new applicants shall comply with all portions of this rule beginning on its effective date.

AUTHORITY: sections 386.040 and 386.250 RSMo 2000 and 392.200, RSMo Supp. 2003. Emergency rule filed Feb. 9, 2004, effective March 15, 2004, expires Sept. 10, 2004. Original rule filed March 12, 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 is estimated to cost private entities approximately nine thousand dollars (\$9,000) per year. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before May 17, 2004, and should include a reference to Commission Case No. TX-2004-0154. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for May 26, 2004, at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
 Division: Missouri Public Service Commission
 Chapter: Telecommunications Service
 Type of Rulemaking: Proposed
 Rule Number and Name: 4 CSR 240-32.200 General Provisions for the Assignment, Provision and Termination of 211 Service.

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:
4	Class A Local Telephone Companies	\$0
37	Class B Local Telephone Companies	\$0
15	Class C Local Telephone Companies	\$0
0	Class Interexchange Companies	\$0
3	Missouri I & R Provider	\$9,000
	All entities	\$9,000

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Missouri I & R Providers are non-profit organizations as defined by Section 501(c)(3) of the federal tax code that requests to be authorized by the Commission to be a 211 Information and Referral Provider.

III. WORKSHEET

1. The proposed rule applies to all incumbent local exchange telecommunications companies and all facilities-based competitive local exchange telecommunications companies certificated by the Missouri Public Service Commission that receive a request for the provision of 211 service in Missouri. The proposed rule also applies to any not-for-profit entities authorized by the Commission as the Information and Referral Provider for an area.
2. Class A, B, and C local telecommunications companies are able to recover costs associated with provisioning 211 service through tariffed rates.
3. It is an entity's choice to submit an application to become an Information and Referral Provider, not a requirement established by this proposed rulemaking.
4. Most rule requirements are imposed by the Alliance of Information and Referral Systems (AIRS) and not separate requirements imposed by this proposed rulemaking. Cost to receive AIRS accreditation as required by the rule is \$3,000.

IV. ASSUMPTIONS

1. Fiscal year 2004 dollars were used to estimate costs. No adjustment for inflation is applied.
2. Estimates assume no sudden change in technology that would influence costs.
3. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.
4. Fiscal impact assumes three separate not-for-profit entities will seek authorization to serve as a Missouri authorized Information and Referral Provider in any given year.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 263-1.035 Fees. The committee is proposing to amend the original Purpose statement and section (1).

PURPOSE: The State Committee for Social Workers is statutorily obligated to enforce and administer the provisions of sections 337.600–337.689, RSMo. Pursuant to sections 337.612 and 337.662, RSMo, the committee shall set by rule the appropriate amount of fees so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of 337.600–337.689, RSMo. Therefore, the committee is reducing the fees associated with licensure. This amendment establishes the inactive license fee and renumbers the remaining subsections accordingly.

PURPOSE: This rule[s] establishes the fees for both clinical and baccalaureate social workers.

(1) The following fees are established by the committee and are payable in the form of a cashier’s check, personal check or money order:

(A) Application/Initial License Fee [as a Licensed Clinical Social Worker]

- 1. October–January (two (2)-year license) [*\$200.00*] **\$130.00**
- 2. February–May (one and one-half (1 1/2)-year license) [*\$ 150.00*] **\$98.00**
- 3. June–September (one (1)-year license) [*\$ 100.00*] **\$65.00**

(B) Registration of Supervision Fee [as a Licensed Clinical Social Worker] **\$25.00**

(This is an initial one-time fee)

(C) Two (2)-Year License Renewal Fee [as a Licensed Clinical Social Worker *\$ 100.00*] **\$65.00**

[(D) Application/Initial License Fee as a Licensed Baccalaureate Social Worker

- 1. October–January (two (2)-year license) **\$ 200.00**
- 2. February–May (one and one-half (1 1/2)-year license) **\$ 150.00**
- 3. June–September (one (1)-year license) **\$ 100.00**

(E) Registration of Supervision Fee as a Licensed Baccalaureate Social Worker **\$ 25.00**

(This is an initial one-time fee)]

(F) Two (2)-Year License Renewal Fee as a Licensed Baccalaureate Social Worker **\$ 100.00]**

[(G)] (D) Delinquent Fee for Failure to Obtain a License or Timely Renew a License [*\$ 100.00*] **\$65.00**

[(H)] (E) Restoration of Lapsed License Fee [*\$ 200.00*] **\$130.00**

[(Sixty-one (61) days to two (2) years from date of expiration— **\$ 100.00**

renewal fee plus delinquent) **\$ 100.00]**

[(I)] (F) [Reciprocity Application Fee] Inactive Status [*\$ 225.00*] **\$25.00**

[(J)] (G) [Wall-Hanging Replacement Fee] Reciprocity Application Fee [*\$ 5.00*] **\$146.00**

[(K)] (H) [Insufficient Funds Check Charge Fee] Wall-Hanging Replacement Fee [*\$ 25.00*] **\$ 5.00**

(I) Insufficient Funds Check Charge Fee **\$ 25.00**

AUTHORITY: sections 337.612 and 337.677, RSMo Supp. [2001] 2003 and 337.627, RSMo 2000. Original rule filed Jan. 20, 1999, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 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 save private entities an estimated ten thousand two hundred thirty dollars (\$10,230) annually and one hundred thousand seven hundred eighty-five dollars (\$100,785) biennially for the life of the rule. It is anticipated that the savings will recur for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

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

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 263 - State Committee for Social Workers

Chapter 1 - General Rules

Proposed Amendment 4 CSR 263-1.035 Fees

Prepared December 4, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost saving of the rule by affected entities:
65	Applicants (October-January - \$70 decrease)	\$4,550.00
50	Applicants (February-May - \$52 decrease)	\$2,600.00
88	Applicants (June-September - \$35 decrease)	\$3,080.00
Estimated Cost Savings Compliance for the Life of the Rule		\$10,230.00

Biennial

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost saving of the rule by affected entities:
2165	Licensee (2 Year License Fee - \$35 decrease)	\$75,775.00
130	Licensee (Delinquent Fee - \$35 decrease)	\$4,550.00
Estimated Cost Savings Compliance for the Life of the Rule		\$100,785.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

- The board is statutorily obligated to enforce and administer the provisions of sections 337.600-337.689, RSMo. Pursuant to Section 337.612, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 337.600-337.689, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 337, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 337.600-337.689, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.
- It is anticipated that the savings will recur for the life of the rule, may vary with inflation and is expected to decrease at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.032 Registration of Supervised Social Work Experience. The committee is amending sections (1)–(3), (5) and (7).

PURPOSE: This amendment provides clarification for the registration of supervision.

(1) Supervised social work experience shall be registered for approval by the committee **within thirty (30) days of the beginning of supervision.** This will ensure that the supervision is acceptable to the committee prior to applying for licensure. **In the event the applicant fails to pre-approve their supervisor(s), or are applying through reciprocity, the committee at its discretion, may review the supervision for compliance and consideration of licensure.**

(2) Registration of supervision for social workers beginning the practice of clinical social work experience **or the practice of baccalaureate social work** under supervision in another state and intending to apply for licensure in Missouri is accepted by the committee if the supervisor holds a license in the other state, determined by the committee, to be equivalent to Missouri's.

(3) The applicant for registration of supervision shall—

(B) Submit a completed registration of supervision form provided by the committee *[as soon as supervision has commenced] within thirty (30) days of the beginning of supervision; [and]*

(C) *[Pay the one (1)-time registration of supervision fee as prescribed by the committee.] Submit a copy of a contract negotiated between the applicant and the proposed supervisor. However, should the contract be terminated before the completion of the minimum hours required, the supervisee is responsible for negotiating a new contract and obtaining all evaluation and termination forms required to document prior supervision. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and the relationship could in any way, bias or compromise the supervisor's evaluation of the supervisee; and*

(D) Pay the one (1)-time registration of supervision fee as prescribed by the committee.

(5) Whenever a supervisee changes a supervisor or adds a supervisor or new setting, a *[new Registration of Supervision] Change of Status* form, provided by the committee, shall be submitted to the committee. **There is no fee for updating a change of supervision and/or setting.**

(7) *[Supervisees shall report any change of supervisor, setting, or both, in writing on a new Registration of Supervision form, provided by the committee. There is no fee for updating a change of supervision and/or setting.]* The committee shall notify both supervisee and registered supervisor, in writing, of the committee's approval or refusal of the registration of supervision. **A registration of supervision will not be reviewed until all items required by section (3) of this rule are received.**

AUTHORITY: sections 337.627, RSMo 2000 and 337.600, 337.612, 337.615, 337.650, 337.665 and 337.677, RSMo Supp. [2001] 2003. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Jan. 11, 1995, effective June 30, 1995. Rescinded: Filed Dec. 30, 1998, effective July 30, 1999. Readopted: Filed Jan. 20, 1999, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.045 Provisional Licensed Clinical Social Worker. The committee is proposing to amend section (7).

PURPOSE: This amendment changes the name of the *Registration of Supervision Form* to *Change of Status Form*.

(7) Provisional licensed clinical social workers shall report any change of supervisor, setting, or both in writing on a *[new Registration of Supervision] Change of Status* form provided by the committee. There is no fee for updating a change of supervision and/or setting. The committee shall notify both the provisional licensed clinical social worker and registered supervisor, in writing, of the committee's approval or refusal of the registration of supervision.

AUTHORITY: sections 337.627 and 337.630, RSMo 2000 and 337.600, 337.612 and 337.615, RSMo Supp. [2001] 2003. Original rule filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.047 Provisional Licensed Baccalaureate Social Worker. The committee is proposing to amend section (7).

PURPOSE: This amendment changes the name of the Registration of Supervision Form to Change of Status Form.

(7) Provisional licensed baccalaureate social workers shall report any change of supervisor, setting, or both in writing on a [new Registration of Supervision] Change of Status form provided by the committee. There is no fee for updating a change of supervision and/or setting. The committee shall notify both the provisional licensed baccalaureate social worker and registered supervisor, in writing, of the committee's approval or refusal of the registration of supervision.

AUTHORITY: sections 337.650, 337.653, 337.665[.4] and 337.677, RSMo Supp. [2001] 2003. Original rule filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 263-2.060 Licensure by Reciprocity as a Licensed Clinical Social Worker. The committee is amending subsection (1)(C).

PURPOSE: This amendment specifies the requirements related to licensure.

(1) The committee may issue a license by reciprocity to individuals who meet the licensure requirements as set forth in the rules promulgated by the committee and provide the following:

(C) Verification form provided by the committee to be completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a clinical social worker in that state, territory, province or country whose licensing or certification requirements **at the time the application is submitted to the committee** are substantially similar to those in Missouri, [as determined by the committee] **at the time the application for reciprocity is submitted to the committee**. The applicant has the burden of providing the information necessary for determination of this issue.

1. The applicant for licensure by reciprocity shall furnish to the committee true and accurate copies of the licensure law from the state in which s/he is licensed and/or certified.

AUTHORITY: sections 337.627 and 337.630, RSMo 2000 and 337.600, 337.612 and 337.615, RSMo Supp. [2001] 2003. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded

and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed Nov. 13, 2002, effective June 30, 2003. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 263-2.062 Licensure by Reciprocity as a Licensed Baccalaureate Social Worker. The committee is amending subsection (1)(C).

PURPOSE: This amendment specifies the requirements related to licensure.

(1) The committee may issue a license by reciprocity to individuals who meet the licensure requirements as set forth in the rules promulgated by the committee and provide the following:

(C) Verification form provided by the committee to be completed by the regulatory entity verifying that the individual holds a valid, unrevoked, undisciplined, unrestricted, unexpired license as a baccalaureate social worker in that state, territory, province or country whose licensing or certification requirements **at the time the application is submitted to the committee** are substantially similar to those in Missouri, [as determined by the committee] **at the time the application for reciprocity is submitted to the committee**. The applicant has the burden of providing the information necessary for determination of this issue.

1. The applicant for licensure by reciprocity shall furnish to the committee true and accurate copies of the licensure law from the state in which s/he is licensed and/or certified.

AUTHORITY: sections 337.650, 337.665 and 337.677.1, RSMo Supp. [2001] 2003. Original rule filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 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 state 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 Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.085 Restoration of [the Clinical Social Work] License. The board is proposing to amend the title, Purpose and the language in sections (2) and (3).

PURPOSE: This amendment changes the word *inactive* to *expired*.

PURPOSE: This rule outlines the process for restoring a license to practice as a clinical social worker or a baccalaureate social worker.

(2) Failure of a licensee to renew a license for a period of more than sixty (60) days after the expiration of the license will cause the license to become *[inactive]* **expired**.

(3) Any licensee whose license has been *[inactive]* **expired** who, within two (2) years of the expiration date of the license, wishes to restore the license, shall make application to the committee by submitting an application for Restoration of Licensure and the restoration fee(s) as set forth in the rules promulgated by the committee.

AUTHORITY: sections 337.627 and 337.630, RSMo [Supp. 1998] 2000 and 337.600, 337.612, 337.618, 337.650, 337.662, 337.677, RSMo Supp. 2003. Original rule filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED RULE

4 CSR 263-2.090 Inactive Status

PURPOSE: This rule outlines the process of requesting inactive status to maintain a license as a licensed social worker.

(1) A licensee may request in writing that his/her license be placed on an inactive status. An inactive license shall be renewed biennially. Failure to receive a renewal notice shall not relieve the licensee of the obligation to renew the inactive license and pay the required fee

prior to the expiration date of the inactive license. Renewals shall be postmarked no later than the expiration date of the license to avoid the late renewal penalty fee as defined in rules promulgated by the committee.

(2) Each inactive licensee shall provide the committee, at the time of application for renewal of the inactive license, with a completed renewal form issued by the committee that shall contain updated information since the preceding application/renewal period.

(3) The licensee shall not practice, as a clinical or baccalaureate social worker in the state of Missouri while the license is inactive.

(4) Licensees granted an inactive license by the committee shall place the word "inactive" adjacent to their Licensed Clinical or Baccalaureate Social Worker title on any business card, letterhead or any other document or device.

(5) If an inactive licensee wishes to return a license to active status the licensee shall complete a Licensed Clinical or Baccalaureate Social Worker renewal form and pay the renewal fee as stated in the rules promulgated by the committee. In addition the licensee shall:

(A) Furnish evidence of completion of at least thirty (30) hours of continuing education within the prior two (2) years, or agree to complete thirty (30) hours within one (1) calendar year from the date of reactivation; or

(B) Successfully complete an examination approved by the committee prior to reactivation of their license.

(6) In addition to the requirements set forth in section (5) above, a licensee whose license is inactive for five (5) years or more and has not maintained sixty (60) hours of continuing education within five (5) years shall be required to successfully complete an examination approved by the committee prior to reactivation of their license.

(7) The inactive license fee is established in 4 CSR 263-1.035.

AUTHORITY: sections 620.150, RSMo 2000 and 337.600 and 337.677, RSMo Supp. 2003. Original rule filed March 15, 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 not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 3—Ethical Standards/Disciplinary Rules**

PROPOSED AMENDMENT

4 CSR 263-3.020 Moral Standards. The board is proposing to amend sections (1)–(7).

PURPOSE: The purpose of this amendment is to implement changes made to sections 337.612–337.689, RSMo pursuant to House Bill 567 of the 91st General Assembly.

(1) The public must be protected from those who are not qualified to be licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders, or registrants by reason of a deficiency in education, experience, moral standards or other relevant factors, but who nevertheless attempt to or actually practice clinical social work **or baccalaureate social work**. To assure the maintenance of high standards of the profession of clinical **or baccalaureate** social work, licensees, temporary permit holders and registrants should assist the committee in promulgating, enforcing and improving requirements for admission to and for the practice of clinical social work **or baccalaureate social work**.

(2) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not—

(3) Prior to recommending an applicant for licensure, a licensed *[clinical]* social worker should satisfy him/herself that the applicant is of good moral character. Although a licensed *[clinical]* social worker should not become a self-appointed investigator or judge of applicants, s/he must report to the committee all unfavorable information not otherwise privileged which s/he possesses relative to the character, education, experience, citizenship, age or other qualifications of an applicant.

(4) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall be subject to discipline if s/he has made a materially false statement, or if s/he has deliberately failed to disclose a material fact requested in connection with his/her application.

(5) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder, registrant and applicant shall respond to all requests for information and/or all other correspondence from the committee. Failure to provide the requested information may be cause for denial of licensure, permit and/or registration of supervision.

(6) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall not engage in any activity that exploits clients, students or supervisees, including sexual intimacies, which means physical or other contact by either the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder, registrant or the client, including, but not limited to:

(C) Kissing by either the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder, registrant or client;

(D) Touching or caressing by either the licensed *[clinical]* social worker, provisional *[licensing clinical]* licensed social worker, temporary permit holder, registrant or client of the other person's legs, thighs, stomach, chest, breasts, genitals or buttocks, clothed or unclothed;

(7) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall report to the committee any known or suspected violation(s) of the laws or regulations promulgated by the committee governing the practice of *[clinical]* social work **or baccalaureate social work** which do not violate a client's right to privacy.

AUTHORITY: sections 337.600, 337.615, 337.650, 337.665, 337.677 and 337.680, RSMo Supp. 2003 and 337.627 and 337.630, RSMo [Supp. 1998] 2000. Original rule filed Sept. 18, 1990,

effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsw@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 263—State Committee for Social Workers
Chapter 3—Ethical Standards/Disciplinary Rules**

PROPOSED AMENDMENT

4 CSR 263-3.040 Client Relationships. The board is proposing to amend the Purpose and the language in sections (1)–(13).

PURPOSE: The purpose of this amendment is to implement changes made to sections 337.612–337.689, RSMo pursuant to House Bill 567 of the 91st General Assembly.

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo [Supp. 1997] 2000 and sets forth the ethical standards/disciplinary rules for client relationships.

(1) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not enter into or continue a dual or multiple relationship, including social relationship, business relationship or sexual relationship, as defined by the committee, with a current client or with a person to whom the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant has at anytime *[within the previous twenty-four (24) months]* rendered psychotherapy (**clinical social work**) or other professional social work services for the treatment or amelioration of mental and emotional conditions. Business relationships do not include purchases made by the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant from the client when the client is providing necessary goods or services to the general public, and the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant determines that it is not possible or reasonable to obtain the necessary goods or services from another provider.

(2) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment.

(3) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants should make clear to clients the purposes, goals, techniques, rules of procedure and limitations that may affect the professional relationship at or before the time that it is begun. Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall not provide professional services to

clients without being able to justify the basis upon which those services are rendered.

(4) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients. A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not undertake or continue a professional relationship with a client when the competency of the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not undertake and/or continue a professional relationship with a client when the objectivity or competency of the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant is, or reasonably could be expected to be, impaired because of present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(6) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants should be knowledgeable about the services available in the community and make appropriate referrals for their therapeutic clients. When a licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant has a relationship, particularly of an administrative, supervisory and/or evaluative nature, with an individual seeking counseling services, the licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder or registrant shall not serve as the therapist for such individual but shall refer the individual to another professional.

(7) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant must inform therapeutic clients about electronic recording of sessions, how such sessions will be used and provide specific information about any specialized or experimental activities in which they may be expected to participate as a condition of service.

(8) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship or when the service has been satisfactorily rendered.

(9) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall protect clients against physical threats, intimidation and coercion in the provision of social services insofar as is reasonably possible.

(10) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

(11) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant rendering therapeutic services to a client shall maintain professional records that include:

(F) A copy of a written communication with the client identifying the date and reason for termination of professional service if the licensed *[clinical]* social worker is in private practice.

(12) For the purpose of these rules, the licensed *[clinical]* social worker and temporary permit holder shall assure that professional records are maintained for at least five (5) years after the date of service is terminated.

(13) The licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not falsify or permit the unauthorized destruction of client records.

AUTHORITY: sections 337.600 and 337.615, RSMo Supp. 2003 and 337.627 and 337.630, RSMo [Supp. 1998] 2000. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 3—Ethical Standards/Disciplinary Rules

PROPOSED AMENDMENT

4 CSR 263-3.140 Competence. The board is proposing to amend the language in sections (1)–(12).

PURPOSE: The purpose of this amendment is to implement changes made to sections 337.612–337.689, RSMo pursuant to House Bill 567 of the 91st General Assembly.

(1) *[Clinical social work is a broad area covering many areas of social work.]* Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall limit their practice to the area(s) for which they are trained.

(2) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall utilize consultation on an as-needed, self-determined basis.

(3) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall be knowledgeable about how and when to utilize the expertise of other professional disciplines for their clients.

(4) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall maintain their accessibility to clients.

(5) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall make every effort to foster maximum self-determination on the part of the client.

(6) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall stress the personal risks involved in any services and help clients explore their readiness to face these risks.

(7) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall promote the welfare of clients in the selection, utilization and interpretation of assessment measures and strategies of intervention.

(8) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall recognize the effects of socioeconomic, ethnic, gender, sexual orientation, disability and racial and cultural factors on clients in assessment and planning services.

(9) When a client's judgement is seriously impaired, a licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall use careful deliberation before assuming responsibility for the client. The client should resume responsibility for him/herself as quickly as possible.

(10) A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall not engage in the practice of clinical social work or **baccalaureate social work** beyond the scope of his/her competence, as is demonstrated by his/her education, training or experience. A licensed *[clinical]* social worker, provisional licensed *[clinical]* social worker, temporary permit holder and registrant shall make a referral to other professionals when the services required are beyond his/her competence.

(11) Licensed *[clinical]* social workers, provisional licensed *[clinical]* social workers, temporary permit holders and registrants shall seek treatment for their own medical, substance abuse, psychological and emotional problems to ensure that their personal problems do not interfere with their ability to provide services to clients.

(12) A licensed *[clinical]* social worker shall take all necessary and reasonable steps to maintain continued competence in the practice of clinical social work or **baccalaureate social work** by completing at least thirty (30) clock hours of continuing education on or before the expiration of the license for each renewal period.

AUTHORITY: sections 337.600, 337.615, 337.618, 337.650, 337.662, 337.665, 337.677 and 337.680, *RSMo Supp. 2003 and 337.627 and 337.630, RSMo [Supp. 1998] 2000. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Rescinded and readopted: Filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed July 26, 1999, effective Jan. 30, 2000. Amended: Filed March 15, 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 Vanessa Beauchamp, Executive Director, State Committee for Social Workers, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via e-mail at lcsww@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 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.020 [Resources Management Plan] Emergency Operations Plan (State). The director is amending section (1) to correct the title of the state plan and correct the Title and Purpose section.

PURPOSE: This amendment is to change the title from Resource Management Plan to the State of Missouri Emergency Operations Plan as used in the chapter.

PURPOSE: The State Emergency Management Agency, [o]Office of the [a]Adjutant [g]General has the authority to establish a plan for emergency management of resources as required by section 44.010, *RSMo*.

(1) The **[Resources Management Plan] State of Missouri Emergency Operations Plan** contains plans for emergency management of resources and administration of economic controls as may be needed to provide for the welfare of the people either on order of or at the request of the federal government or in the event the federal government is incapable of administering control.

AUTHORITY: sections 44.010 to 44.130, *RSMo [1986] 2000 and Supp. 2003. Original rule filed Dec. 20, 1966, effective Dec. 30, 1966. For intervening history, please consult the Code of State Regulations. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.070 Political Subdivision Assistance. The director is amending section (2) and adding a new section (3).

PURPOSE: This amendment is changing section (2) wording where it states "personnel having qualifications and expertise," "to state-designated personnel" to provide a means of reimbursing those necessary, extraordinary costs associated with mutual assistance. Section (3) is being added to allow the State Emergency Management Agency the flexibility of using qualified contracted or temporary hire personnel to accomplish this task.

(2) Inspections and estimates of eligible losses shall be made and determined by state agency [personnel having qualifications and expertise] or state-designated personnel.

(3) In the event that mutual assistance within the state is directed by the governor, or his designated representative, those eligible, extraordinary costs associated with that assistance may be reimbursed by the Missouri Disaster Fund; subject to the availability of funds and the eligibility requirements established by the director of the State Emergency Management Agency.

AUTHORITY: section 44.032, RSMo [1986] 2000. Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.080 Individual Assistance. The director is amending section (3).

PURPOSE: This amendment will allow the state the flexibility to address the life safety needs of disaster victims within the state.

(3) Assistance will be provided when funds are available for essential repairs, items of equipment, supplies or services necessary to reestablish the household, as determined by the director of the State Emergency Management Agency[, and will not exceed one thousand dollars (\$1,000) for each eligible applicant].

AUTHORITY: section 44.032, RSMo [1986] 2000. Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.100 Major Disasters, Presidentially Declared. The director is deleting part of section (1) and adding section (2).

PURPOSE: This amendment will allow us to cover the state's share of disaster related costs in a federally declared disaster.

(1) The Missouri Disaster Fund is not intended to replace federal disaster assistance under Public Law 93-288 which may be available when major disasters occur and which provides a wide range of assistance in accordance with federal regulations. [The Missouri Disaster Fund is enacted to provide relief for political subdivisions and individuals when the magnitude and impact of disaster is below the level of eligibility for application to the federal government for a major disaster declaration but which would have a severe impact to a community or to individuals.]

(2) The Missouri Disaster Fund may be used to provide the state portion of the nonfederal share for federally declared disasters. The governor will decide the state's contribution to the nonfederal share.

AUTHORITY: section 44.032, RSMo [1986] 2000. Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.110 Limitations. The director is amending section (1).

PURPOSE: This amendment is to provide more efficient disaster operations. This change would allow the governor to grant the director of the State Emergency Management Agency the authority to expend funds up to the estimated total for the event.

(1) The director of the State Emergency Management Agency shall administer the Missouri Disaster Fund and shall not make any expenditure from the fund in excess of one thousand dollars (\$1,000) unless approved by the governor prior to expenditure. **At the discretion of the governor, and based on the total estimated expenditures for the disaster event, the governor may grant the director of the State Emergency Management Agency the authority to expend funds up to the estimated total for the event.** Expenditures shall be for immediate and necessary needs, personnel and/or equipment to reduce the imminent impact of the incident. Expenditures must be documented and will be subject to state audit.

AUTHORITY: section 44.032, RSMo [1986] 2000. Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.120 Volunteer Inspectors Administrative Plan (State). The director is amending section (1).

PURPOSE: This amendment is to address any possible disaster event.

(1) The purpose of the administrative plan is to fulfill the requirements of the legislation to establish and administer an emergency volunteer program. These volunteers are to be Missouri registered professional architects and engineers that will be used to assist local officials in the inspection of buildings after the occurrence of **[an earthquake or other natural] a catastrophic natural, or man-made** disaster. These volunteers will be utilized for a period of three (3) days during which their incidental expenses will be paid by the local jurisdiction. They will have immunity from personal liability except in cases of willful misconduct or gross negligence.

AUTHORITY: section 44.023, RSMo Supp. [1991] 2003. Original rule filed March 31, 1994, effective Sept. 30, 1994. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116,

Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 10—Adjutant General
Chapter 11—State Emergency Management Agency**

PROPOSED AMENDMENT

11 CSR 10-11.210 General Organization Missouri Emergency Response Commission. The director is amending section (1).

PURPOSE: This amendment is to clarify that the director of SEMA has the responsibility for oversight, as well as day-to-day operations.

(1) The Department of Public Safety is authorized under sections 292.600–292.625, RSMo to administer the state and the federal Emergency Planning and Community Right-to-Know Act (EPCRA). The State Emergency Management Agency (SEMA) has been designated by the Department of Public Safety to provide the day-to-day operation **[of] and oversight of the Missouri Emergency Response Commission (MERC)**, the EPCRA Program and the Hazardous Materials Emergency Preparedness (HMEP) Program.

AUTHORITY: section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.010. This rule also filed as 10 CSR 24-1.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 20, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.210. Amended: Filed Dec. 19, 2001, effective June 30, 2002. Amended: Filed March 4, 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 Craig Rodick, State Emergency Management Agency, PO Box 116, 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.