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SALUS POPULI SUPREMA LEX ESTO

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



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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

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

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

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

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

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

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

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

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

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

*representatives of the insurance industry were consulted. The department believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed April 14, 2005, effective April 26, 2005, expires January 1, 2006.*

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, the following acts or practices “demonstrating incompetence, untrustworthiness and financial irresponsibility”:

(A) Recommending to a customer the purchase, sale or exchange of any variable life or variable annuity product without reasonable grounds to believe that this transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer’s investment and insurance objectives, financial situation and needs, and any other relevant information known by the producer;

(B) Inducing trading or switching of variable contracts of a customer that is excessive in frequency in view of the customer’s financial resources for the purpose of accumulation or compounding commissions;

(C) In connection with the offer, sale or purchase of any variable life or variable annuity product, any business entity producer failing to reasonably supervise employees or agents of the producer;

(D) In connection with the offer, sale or purchase of any variable life or variable annuity product, failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers, or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission;

(E) Materially aiding or participating in any of the acts or practices enumerated in this rule.

(2) The conduct set forth above is not inclusive. Engaging in any violation of state or federal law or regulation may constitute an act and practice demonstrating incompetence, untrustworthiness or financial irresponsibility. Engaging in other conduct such as nondisclosure or incomplete disclosure of material facts are fraudulent or dishonest business practices and may subject a producer to discipline or disqualification.

*AUTHORITY: sections 374.040, 374.045 and 375.013, RSMo 2000. Emergency rule filed April 14, 2005, effective April 26, 2005, expires Jan. 1, 2006. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Insurance Producers**

**EMERGENCY RULE**

**20 CSR 700-1.145 Demonstrating Incompetence, Untrustworthiness or Financial Irresponsibility in the Conduct of Variable Life and Variable Annuity Business by Insurance Producers**

*PURPOSE: This rule implements the requirements of section 375.141.1(8), RSMo, with respect to the demonstration of incompetence, untrustworthiness or financial irresponsibility in the sale of variable life and variable annuity products.*

*EMERGENCY STATEMENT: This emergency rule contains grounds for the discipline or disqualification of insurance producers in the sale of variable life and variable annuity products. This emergency rule is necessary to preserve the public welfare of Missouri citizens by ensuring the protection of consumers from unlawful activities of insurance producers regarding the sale of variable life and variable annuity products. As a result, the Missouri Department of Insurance finds an immediate danger to the public welfare and a compelling governmental interest, which requires emergency action. The scope of this emergency rule is limited to the conditions creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, rep-*

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

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

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

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

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

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

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 20-4.020 Grievance Procedures.** The Personnel Advisory Board is amending subsection (1)(B).

*PURPOSE: This amendment eliminates the alternative dispute resolution procedure for personnel transactions or administrative decisions that are appealable only to the Personnel Advisory Board.*

(1) Grievance Procedure Established. The settlement of differences within the classified service between management and employees shall be provided through the establishment of an orderly grievance procedure in each division of service subject to the State Personnel Law.

(B) *[Unless an agency has entered into an agreement with a certified bargaining representative that provides otherwise, t/The grievance procedure shall not apply in instances where the grievance involves personnel transactions or administrative decisions of the appointing authority for which the personnel law or rules provide a specific appeal to the Personnel Advisory Board or review by the personnel director.*

*AUTHORITY: section 36.070, RSMo 2000. Original rule filed Dec. 8, 1975, effective Dec. 19, 1975. Amended: Filed Dec. 1, 1992, effective July 8, 1993. Amended: Filed Sept. 16, 2002, effective March 30, 2003. Amended: Filed April 14, 2005.*

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

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

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Director of Personnel, Office of Administration, PO Box 388, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 1:00 p.m., July 12, 2005, in Room 400 in the Harry S Truman State Office Building, 301 W. High Street, Jefferson City, Missouri.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 5—Inspections**

**PROPOSED AMENDMENT**

**2 CSR 80-5.010 Inspection Fees.** The board is amending section (1) on inspection fees.

*PURPOSE: This rule is being amended by changing the time period for which the fees apply and publish the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.*

(1) The inspection fee for fiscal year *[2005 (July 1, 2004—June 30, 2005)] 2006 (July 1, 2005—June 30, 2006)* shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and *[four cents (4¢)] three cents (3¢)* per hundred weight on milk imported from areas beyond the points of routine inspection.

*AUTHORITY: section 196.939, RSMo, (2000). Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed April 11, 2005.*

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

*PRIVATE COST: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: six (6) producer marketing agencies, five (5) additional Grade A dairy plants, and (4) producer distributors located in the state of Missouri (to be assessed five cents (5¢) per hundred weight on milk produced and/or handled) and five (5) producer marketing agencies and thirty-eight (38) individual Grade A dairy plants (to be assessed at three cents (3¢) per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,380,574 for the period July 1, 2005 through June 30, 2006.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Milk Board office, Terry S. Long, Executive Secretary, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone 573-751-3830. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: Title 2 – DEPARTMENT OF AGRICULTURE  
 Division: Division 80 – State Milk Board  
 Chapter: Chapter 5 - Inspections  
 Type of Rulemaking: PROPOSED AMENDMENT  
 Rule Number and Name: 2 CSR 80-5.010 Inspection Fees

**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:
6	Producer Mktg. Agencies	5¢ c.w.t.*
5	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
5	Producer Mktg. Agencies	3¢ c.w.t.*
38	Grade A Dairy Plants Outside Missouri	3¢ c.w.t.*
4	Grade A Producer Distributors (Small Business)	5¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,380,574

**III. WORKSHEET**PRIVATE ENTITY COSTS:FY 2006

6	Producer Marketing Agencies and	
5	Grade A Dairy Plants of Missouri	5¢ c.w.t.*
4	Grade A Producer Distributors (small business)	5¢ c.w.t.*
5	Producer Marketing Agencies and	
38	Grade A Dairy Plants Outside Missouri	3¢ c.w.t.*
TOTAL PRODUCER DISTRIBUTORS (SMALL BUSINESS)		\$4,382.16
TOTAL COST ESTIMATE:		\$1,380,574

\* c.w.t. = per hundred weight (cost per pound)



#### **IV. ASSUMPTIONS**

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '04. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

There are four (4) individual dairy producer's currently processing and marketing milk and product from their owned dairies in Missouri from which the statutory inspection fees must be assessed. The current and proposed fee for the upcoming fiscal year will be 5¢ per hundred weight (cost per pound) for in state produced raw milk.

In the case of the current four (4) producer distributors, the raw milk fee is not passed along through a marketing agency. Consequently, the individual producer distributor must forward the monthly assessment to the state in the same manner a large processing plant or a producers marketing agency at the first point of sale as defined in 196.945 RSMO.

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

**PROPOSED RESCISSION**

**4 CSR 110-2.230 Endodontic Materials.** This rule defined and established rules for the use of endodontic filling materials.

*PURPOSE:* The board is rescinding this rule because the board does not approve or disapprove materials used by dentists in any dental procedure. Missouri is the only state that has a rule banning the use of paraformaldehyde materials for root canal treatment. The board's action to rescind the rule does not indicate an endorsement of the material.

*AUTHORITY:* section 332.031, RSMo 1986. Original rule filed March 15, 1993, effective Sept. 9, 1993. Rescinded: Filed April 12, 2005.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivision 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 Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102, by faxing (573) 751-8216 or via e-mail at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED RULE**

**4 CSR 110-2.260 Certification Requirements—Licensees Employed by or Contracting with Federally Qualified Health Centers**

*PURPOSE:* This rule establishes the certification requirements of dentists and dental hygienists employed by, or contracting with, federally qualified health centers pursuant to HS HCS SS SS SCS for Senate Bill No. 1122 of the 92nd General Assembly (2004).

(1) All licensed dentists and dental hygienists employed by, or contracting with, a federally qualified health center (health center) practicing dentistry or dental hygiene in this state shall certify in writing, on forms provided by the board, that the facility at which these services are provided meets the operating standards as prescribed by Chapter 332, RSMo. Such certification shall be provided to the board as a part of the initial registration of the health center and upon renewal of the registration.

(2) The standards for cleanliness and sanitation shall be those established for health care professionals and health care facilities by the Centers for Disease Control (CDC) pursuant to section 191.694, RSMo and the Occupational Safety and Health Administration (OSHA) pursuant to 29 CFR 1910. The standards of professional-

ism shall be those required by Chapter 332, RSMo and the rules pursuant thereto.

(3) An application for registration of a health center will not be considered complete until the certification as required in section (1) of this rule is received and accepted by the board.

*AUTHORITY:* sections 332.031, RSMo 2000 and 332.081 and 332.321, RSMo Supp. 2004. Original rule filed April 12, 2005.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions an estimated one hundred thirty-one dollars and sixty cents (\$131.60) 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.

*PRIVATE COST:* This proposed rule will cost private entities an estimated eighty dollars and thirty-six cents (\$80.36) 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.

*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@pr.mo.gov. 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 2 - General Rules**

**Proposed Amendment - 4 CSR 110-2.260 Certification Requirements - Licensees Employed by or Contracting with Federally Qualified Health Centers**

Prepared March 25, 2005 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Annual Cost of Compliance</b>
<b>Missouri Dental Board</b>	<b>\$131.60</b>
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	<b>\$131.60</b>

**III. WORKSHEET**

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

The board anticipates the Licensure Technician II will review the applications for completeness, update the division's licensing system, prepare and send follow up letters, follow up with applicant/s for any additional information needed, respond to telephone inquiries, process all documentation, prepare flow sheet for board review, and issue and mail the registration.

Employee's salaries were calculated using the annual salary multiplied by 40.77% 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. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensing Technician II	\$23,736	\$33,413.17	\$16.06	\$0.27	10 minutes	\$2.68	\$74.97

**Expense and Equipment and Personal Service Dollars**

Application Printing	\$0.80
Letterhead Printing	\$0.15
Envelope for Mailing Application	\$0.16
Postage for Mailing Application	\$1.03
Printing of registration	\$0.05
Postage for Mailing registration	\$0.37
<b>Total Per Applicant:</b>	<b>\$2.56</b>

**Total Expense and Equipment Costs: \$71.68**

**IV. ASSUMPTIONS**

1. The board anticipates 28 applications will be received annually.
2. In the event inadequate information is submitted, it may be necessary for the board to review an application but it is not anticipated.
3. 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.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 110 - Missouri Dental Board****Chapter 2 - General Rules****Proposed Amendment - 4 CSR 110-2.260 Certification Requirements - Licensees Employed by or Contracting with Federally Qualified Health Centers**

Prepared March 25, 2005 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 amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
28	Applicants (notary fee @ \$2.50)	\$70.00
28	Applicants (postage @ \$.37)	\$10.36
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$80.36</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures are based on the legislative fiscal note filed with SB1122 (2004).
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.050 Deletion of Traffic Convictions and Suspension or Revocation Data From Missouri Driver Records.** The director proposes to amend section (1).

*PURPOSE:* This proposed amendment clarifies procedures for expungement of previously recorded traffic violations, suspensions or revocations of a driving privilege from a Missouri driver record.

(1) The Department of Revenue, when otherwise not prohibited by law, may delete from a Missouri driver record a previously recorded traffic conviction, suspension or revocation of a driving privilege if all of the following conditions are met:

(A) The conviction in question occurred more than three (3) years previously, [and] did not [cause] involve a commercial driver license (CDL) holder or a commercial motor vehicle, and did not cause a suspension or revocation of the individual's driving privilege;

(B) The conviction is not for a state violation of "no driver license," a state violation of "no motorcycle qualified," a state, county or municipal violation of "driving while suspended/revoked," a state violation of "leaving the scene of an accident," [a state, county or municipal violation of "leaving the scene of an accident when the person was operating a commercial motor vehicle," a state, county or municipal violation of "driving while out of service," a state or county violation "where a fatality occurred while operating a commercial motor vehicle"] or a state "felony";

(C) The conviction in question involved a CDL holder or a commercial motor vehicle and the following conditions exist:

1. Serious traffic violations, as described in 49 CFR 383.5 and 49 CFR 383.51 occurred more than four (4) years ago and did not cause a suspension, revocation, or disqualification of a driving privilege;

2. Railroad-highway grade crossing violations, as described in 49 CFR 384.223 and 49 CFR 383.51 occurred more than four (4) years ago and did not cause a suspension, revocation, or disqualification of a driving privilege;

3. Driving while out-of-service traffic violations, as described in 49 CFR 384.222 and 49 CFR 383.51 occurred more than fifteen (15) years ago;

4. Major traffic violations, as described in 49 CFR 383.51 occurred more than fifty-five (55) years ago;

5. All other traffic violations occurred more than three (3) years ago and did not cause a suspension, revocation, or disqualification of a driving privilege;

[(C)](D) The conviction did not involve an alcohol- or drug-related driving offense or enforcement contact;

[(D)](E) The suspension or revocation on the driver record was reinstated more than five (5) years previously, [and] did not involve the failure to maintain financial responsibility as provided in section 303.041, RSMo, and did not involve a CDL holder or a commercial motor vehicle violation;

[(E)](F) The suspension or revocation on the driver record did not involve an alcohol-related offense or enforcement contact; except when the offense was committed by a person under the age of twenty-one (21), who had a blood alcohol content of .02 or more and an expungement of the records is provided for in section 302.545, RSMo;

[(F)](G) The suspension on the driver record did not involve the theft of motor fuel as provided in section 302.286, RSMo;

(H) The suspension on the driver record was not imposed as a result of a person's failure to stop before reaching a school bus

that was receiving or discharging school children;

(I) The failure to appear suspension involving a CDL holder or commercial motor vehicle was reinstated and no longer supported by any of the violations described in (1)(C)1. through (1)(C)5;

(J) The disqualification on the driver record was reinstated and/or restored and no longer supported by any of the violations described in (1)(C)1. through (1)(C)5;

[(G)](K) The driver record does not contain information regarding the mental or physical competence of the individual to retain a driver/s/ license; and

[(H)](L) The driver record is not currently under investigation.

*AUTHORITY:* sections 302.286, 302.304, 302.309 and 303.041, RSMo Supp. [2001] 2004, and 49 CFR 384.231(d). Original rule filed May 27, 1986, effective Aug. 25, 1986. Amended: Filed Sept. 8, 1989, effective Jan. 26, 1990. Amended: Filed Jan. 31, 1992, effective June 25, 1992. Amended: Filed Nov. 4, 1999, effective May 30, 2000. Amended: Filed May 1, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 27, 2001, effective March 30, 2002. Amended: Filed July 22, 2002, effective Jan. 30, 2003. Amended: Filed April 11, 2005.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.428 Excessive Speed Defined.** The director proposes to amend section (1).

*PURPOSE:* This proposed amendment defines excessive speed used for commercial motor vehicle disqualification actions when the driver is licensed as a commercial (Class A, B or C) driver and is driving a noncommercial vehicle.

(1) For the purpose of disqualification under 302.755, RSMo, a conviction for excessive speed is a serious traffic violation as prescribed by 49 CFR section 383.5 of the Federal Motor Carrier Safety Regulations, published by the Department of Transportation, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW, Washington, DC 20590, July 31, 2002, if the actual speed is fifteen (15) miles per hour or more above the posted speed limit while the driver is operating a commercial motor vehicle or if the driver is licensed as a commercial (Class A, B or C) driver and is driving a noncommercial vehicle. This rule does not incorporate any subsequent amendments or additions.

*AUTHORITY:* sections 302.700, RSMo Supp. 2004 and 302.755 and 302.765, RSMo [1994] 2000. Original rule filed July 21, 1994, effective Jan. 29, 1995. Amended: Filed Aug. 11, 1995, effective Feb. 25, 1996. Amended: Filed April 11, 2005.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**PROPOSED AMENDMENT**

**12 CSR 10-24.444 Ten-Year Disqualification.** The director proposes to amend section (2).

*PURPOSE: This amendment establishes the requirements for obtaining a commercial driver license after receiving a ten (10)-year disqualification involving a commercial motor vehicle or noncommercial motor vehicle under section 302.755.3, RSMo.*

(2) The applicant must prove to the director that during the ten (10) years immediately preceding the application the applicant:

(A) Has had no alcohol- or drug-related conviction(s) as defined in section 302.700, RSMo, in Missouri or any other jurisdiction involving operation of a commercial motor vehicle **or while operating a noncommercial motor vehicle when licensed as a commercial driver;**

(B) Has successfully completed an alcohol- or drug-related traffic offender or rehabilitation program which meets or exceeds the minimum standards approved by the Department of Mental Health or a comparable program approved by the [director of revenue] **Department of Mental Health** if the disqualifying offenses were drug or alcohol related;

(C) Has had no commercial motor vehicle conviction(s) **or non-commercial motor vehicle convictions while licensed as a commercial driver** in Missouri or any other state during the ten (10)-year period preceding the application;

*AUTHORITY: sections 302.755 and 302.765, RSMo [1994] Supp. 2004. Original rule filed Nov. 29, 1995, effective May 30, 1996. Amended: Filed April 11, 2005.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Drivers License Bureau Rules**

**PROPOSED RULE**

**12 CSR 10-24.474 Calculation of the Commercial Driver Disqualification**

*PURPOSE: This rule defines the usage of the motor vehicle violation (offense) date when determining if two (2) or more serious traffic convictions occurred within the three (3)-year period specified in 49 CFR 383.51.*

(1) For the purpose of disqualification under section 302.755.5, RSMo, the motor vehicle traffic violation offense date shall be used in determining if two (2) or more serious traffic convictions occurred within a three (3)-year period.

*AUTHORITY: section 302.755.5, RSMo Supp. 2004 and 302.765, RSMo 2000 and 49 CFR 383.51. Original rule filed April 11, 2005.*

*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 Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 500—Withholding Tax**

**PROPOSED RULE**

**12 CSR 10-500.210 Monthly Employer Withholding Tax Electronic Filing and Payment Requirement**

*PURPOSE: This rule sets forth the electronic filing and payment requirements for monthly withholding tax returns.*

(1) In general, section 143.221, RSMo, provides the director of the Missouri Department of Revenue (director) the authority to prescribe forms upon which withholding tax returns are made and to designate the depository into which withholding taxes are to be paid. Pursuant to this authority, the director prescribes that all monthly filers must file withholding tax returns and payments electronically.

(2) Definition of Terms.

(A) Electronic—Electronic Funds Transfer (EFT) through Automated Clearing House (ACH) Credit, Electronic Bank Draft, Credit Card, Telefile, Online, or other alternate electronic filing method approved by the director.

(B) Monthly filer—An employer as defined in sections 143.191–143.265, RSMo, or an entity required to deduct and withhold the aggregate amount of five hundred dollars (\$500) or more per month but less than nine thousand dollars (\$9,000) per month in each of at least two (2) months during the prior twelve (12) months or an employer voluntarily filing withholding tax returns on a monthly basis.

(3) Basic Application.

(A) Effective October 1, 2005, every monthly filer shall file all MO-941 withholding tax returns and payments electronically. This

rule does not alter the statutory due dates of the withholding tax returns and payments.

(B) As soon as possible after publication of this rule, but in no event later than October 1, 2005, every monthly filer must establish an electronic filing and payment method and submit test documents as appropriate to the director.

(C) The postmark date of every electronic withholding tax return and payment shall be the effective date that the electronic transmission is received and approved by the Federal Reserve System.

(D) Any new monthly filer that registers for withholding with the department after September 30, 2005, may file its initial two (2) MO-941 withholding tax returns by paper and may make payment of these returns by check, cashiers check or money order. All subsequent MO-941 withholding tax returns and payments shall be made electronically. This rule does not alter the statutory due dates of the withholding tax returns and payments.

(E) After September 22, 2005, voucher booklets will no longer be produced or mailed by the department to monthly filers.

(4) Examples.

(A) On January 3, 2006, a business files an application for withholding tax registration as a monthly filer indicating the business will have employees and begin withholding taxes on January 10, 2006. The withholding tax returns and payments for the January and February reporting periods may be made by paper. Withholding tax returns and payments beginning with the March reporting period must be made electronically.

(B) A business is a quarterly withholding tax filer. The department determines that the business should be changed to a monthly filer in the next calendar year. The withholding tax returns and payments for the January and February reporting periods may be made by paper; all subsequent returns and payments must be made electronically.

(C) A business is a quarter-monthly (weekly) withholding tax filer. The department determines that the business should be changed to a monthly filer in the next calendar year. As a quarter-monthly (weekly) filer, the business should already be paying electronically. Therefore, the return and payments must continue to be made electronically.

*AUTHORITY: sections 143.221 and 143.961, RSMo 2000. Original rule filed April 27, 2005.*

*PUBLIC COST: This proposed rule is estimated to save the state ninety-seven thousand four hundred dollars (\$97,400) in FY06.*

*PRIVATE COST: This proposed rule is estimated to save private entities six hundred thirty-two thousand (\$632,000) in FY06 with that savings recurring annually over the life of the rule. These savings reflect differences between the cost of filing paper returns with payment by paper checks and the cost of filing electronically with electronic payment.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-500.210 Monthly Employer Withholding Tax Electronic Filing and Payment Requirement
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Annual Cost of Compliance in the Aggregate</b>
Missouri Department of Revenue	\$97,400 (Savings)

**III. WORKSHEET**

The Department of Revenue has estimated that a total of 40,500 Employer Withholding Tax Accounts will be impacted totaling 486,000 paper returns. The reduction in manual processing effort will equate to three full time employees: (2) Office Support Assistant (Clerical) positions and (1) Account Clerk II position totaling \$60,900. The reduction in FTE will also result in a cost savings associated with general supplies totaling \$4,500.

The cost to the Department of Revenue to produce the necessary monthly filing frequency returns (voucher book) is approximately \$20,000. Postage costs to mail these monthly returns is \$12,000.

Personal Service Costs	\$60,900
General Supplies	\$ 4,500
Cost of Returns (Voucher Books)	\$20,000
Cost of Postage	<u>\$12,000</u>
 Total Savings	 \$97,400

**IV. Assumptions**

The costs assume an annual salary for an Office Support Assistant (Clerical) of \$19,314 and annual salary for an Account Clerk II of \$22,272. It is also assumed the volume of returns will be relatively consistent with current monthly filings.



**FISCAL NOTE  
PRIVATE COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-500.210 Monthly Employer Withholding Tax Electronic Filing and Payment Requirement
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule</b>	<b>Classification by types of the business entities which would likely be affected:</b>	<b>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</b>
40,500	Employers required to remit Missouri Withholding Tax on a Monthly filing frequency. \$.70 cost per return to make remittance via electronic format.	\$631,800 (Savings)

**III. WORKSHEET**

The Department of Revenue receives approximately 486,000 returns per year from approximately 40,500 Employers reporting on a monthly basis. The estimated cost for a business to prepare and submit a paper check, as remittance, is \$2 per filed return. The cost to all filers to comply is  $486,000 \times \$2 = \$972,000$ .

The estimated cost for a business to submit a payment via electronic format (ACH Debit/Credit) is \$.70 per filed return. The cost to all filers to comply is  $486,000 \times \$.70 = \$340,200$ .

The estimated cost savings for a business to submit payment via electronic format as opposed to a paper check is \$631,800.

Paper Check Cost	\$972,000
Electronic Payment Cost	- <u>\$340,000</u>
Estimated Cost Savings	\$631,800

**IV. ASSUMPTIONS**

The department cannot determine the actual costs of preparing and making a payment in either a paper check format or electronically. The department assumes for purposes of this fiscal note that it costs \$2 per paper check and \$ .70 per electronic payment.

The figures above are based on the assumption every business makes a single payment transaction for each reporting period.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 1—Food Protection**

**PROPOSED RESCISSION**

**19 CSR 20-1.060 Licensing of Beverage Manufacturers and Distributors and the Collection of Inspection Fees.** This rule defined requirements for licensing of manufacturers and collecting non-intoxicating beverage inspection fees.

*PURPOSE:* This rule is being rescinded as the statute for the department's authority, 196.440, RSMo 1986 has been repealed and as such enforcement is no longer necessary.

*AUTHORITY:* section 196.440, RSMo 1986. This rule was previously filed as 13 CSR 50-75.010. Original rule filed Nov. 1, 1961, effective Jan. 1, 1962. Amended: Filed June 2, 1982, effective Sept. 11, 1982. Rescinded: Filed April 15, 2005.

*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 Bryant McNally, Division Director, Missouri Department of Health and Senior Services; Division of Environmental Health and Communicable Disease Prevention; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 2—Protection of Drugs and Cosmetics**

**PROPOSED RESCISSION**

**19 CSR 20-2.010 Inspection of the Manufacture and Sale of Drugs and Devices.** This rule established manufacturing and labeling standards for drugs and devices.

*PURPOSE:* This rule is being rescinded as it is outdated and as such enforcement is no longer necessary.

*AUTHORITY:* section 196.045, RSMo 1986. This rule was previously filed as 13 CSR 50-71.010. Original rule filed Nov. 17, 1949, effective Nov. 27, 1949. Rescinded: Filed April 15, 2005.

*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 Bryant McNally, Division Director, Missouri Department of Health and

*Senior Services; Division of Environmental Health and Communicable Disease Prevention; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 2—Protection of Drugs and Cosmetics**

**PROPOSED RESCISSION**

**19 CSR 20-2.030 The Return and Resale of Drugs and Medicines.** This rule established conditions for the return of drugs and medicines to the location where purchased.

*PURPOSE:* This rule is being rescinded as it is outdated and no longer needs to be enforced due to the passage of HS HCS SCS SB 1160, section 196.979, 92nd Leg. 2nd Sess. (MO 2004).

*AUTHORITY:* sections 192.020 and 196.045, RSMo 1986. This rule was previously filed as 13 CSR 50-73.010. Original rule filed Nov. 21, 1958, effective Jan. 20, 1959. Rescinded: Filed April 15, 2005.

*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 Bryant McNally, Division Director, Missouri Department of Health and Senior Services; Division of Environmental Health and Communicable Disease Prevention; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Environmental Health and  
Communicable Disease Prevention  
Chapter 20—Communicable Diseases**

**PROPOSED AMENDMENT**

**19 CSR 20-20.080 Duties of Laboratories.** The Department of Health and Senior Services proposes to amend the Purpose statement and sections (1), (2) and (3).

*PURPOSE:* This amendment revises the name of the department to accurately reflect its current name (as set forth in section 192.002, RSMo), specifies the requirement to report numeric test results, adds the requirement to report patients' ethnicity, modifies the requirement to report results of tests for seven (7) diseases/conditions, and adds the requirement to report results of tests and to submit isolates/specimens for five (5) additional diseases/conditions.

*PURPOSE:* This rule establishes the responsibility of laboratories to report to the Missouri Department of Health and Senior Services specified results of tests and to submit isolates/specimens for certain diseases and conditions.

(1) The director, person in charge of any laboratory, or designee of the director or person in charge of any laboratory, shall report to the local health authority or the Missouri Department of Health and Senior Services the result of any test that is positive for, or suggestive of, any disease or condition listed in 19 CSR 20-20.020. These reports shall be made according to the time and manner specified for each disease or condition following completion of the test and shall designate the test performed, *[the]* all results of the test, **including numeric results, if applicable, units of measure of the results, and reference ranges for normal and abnormal results**, the name and address of the attending physician, the name of the disease or condition diagnosed or suspected, the date the test results were obtained, the name and home address (with zip code) of the patient and the patient's age, date of birth, sex, *[and]* race, **and ethnicity**.

(2) In reporting findings for diseases or conditions listed in 19 CSR 20-20.020, laboratories shall report—

Arsenic—*[(urinary) level greater than or equal to one hundred micrograms per liter ( $\geq 100 \mu\text{g/l}$ ) in a 24-hour urine sample]* **results of all biological specimens including time frame(s) of urine specimen collection, if applicable;**

Cadmium—*[(urinary) level greater than or equal to three micrograms per liter ( $\geq 3.0 \mu\text{g/l}$ ) in a 24-hour urine sample]* **results of all biological specimens including time frame(s) of urine specimen collection, if applicable;**

Carboxyhemoglobin **proportion**—*[level greater than fifteen percent (15%)]* **all results;**

Chemical/pesticide (blood or serum)—*[level greater than the Lowest Quantifiable Limit]* **all results, including if none detected;**

Lead *[(blood)]* level—*[report]* **results of all [results] biological specimens;**

Mercury—*[(blood) level greater than or equal to three-tenths micrograms per deciliter ( $\geq 0.3 \mu\text{g/dl}$ )]* **results of all biological specimens including time frame(s) of urine specimen collection, if applicable; and**

*[Mercury (urinary) level greater than or equal to twenty micrograms per liter ( $\geq 20 \mu\text{g/l}$ ) in a 24-hour urine sample; and]*

Methemoglobin proportion—*[greater than or equal to seventy-five percent ( $\geq 75\%$ )]* **all results.**

(3) Isolates or specimens positive for the following reportable diseases or conditions must be submitted to the State Public Health Laboratory for epidemiological or confirmation purposes:

Anthrax (*Bacillus anthracis*)

**Campylobacteriosis**

Cholera (*Vibrio cholerae*)

Diphtheria (*Corynebacterium diphtheriae*)

Enteric *Escherichia coli* infection (*E. coli* O157:H7)

*Haemophilus influenzae*, invasive disease

**Influenza-associated pediatric mortality**

Malaria (*Plasmodium* species)

Measles (rubeola)

*Mycobacterium tuberculosis*

*Neisseria meningitidis*, invasive disease

**Orthopoxvirus (smallpox/cowpox-vaccinia/monkeypox)**

Pertussis (*Bordetella pertussis*)

Plague (*Yersinia pestis*)

Salmonellosis (all *Salmonella* species)

**Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) disease**

Shigellosis (all *Shigella* species)

**Vancomycin-intermediate *Staphylococcus aureus* (VISA)**

Vancomycin Resistant *Staphylococcus aureus*

*Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Amended: Filed April 15, 2005.*

**PUBLIC COST:** *This proposed amendment will cost state agencies or political subdivisions twenty-six thousand four hundred thirty-eight dollars and forty cents (\$26,438.40) annually in the aggregate.*

**PRIVATE COST:** *This proposed amendment will cost private entities nine thousand two hundred twelve dollars and forty-eight cents (\$9,212.48) annually in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with Bryant McNally, Director, Division of Environmental Health and Communicable Disease Prevention, PO Box 570, Jefferson City, MO 65102-0570, Phone (573) 751-6080. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC ENTITY COST**

**I. RULE NUMBER**Title: 19 – Department of Health and Senior ServicesDivision: 20 – Environmental Health and Communicable Disease PreventionChapter: 20 – Communicable DiseasesType of Rule Making: ProposedRule Number and Name: 19 CSR 20-20.080 Duties of Laboratories**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health and Senior Services	\$
Missouri State Public Health Laboratory	\$26,438.40 annually
County/district health agencies	\$
	<b>Total = \$26,438.40 annually</b>

**III. WORKSHEET**

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), January 2005

**IV. ASSUMPTIONS**

See attached Fiscal Note Worksheet: Public Entity Cost Estimate(s), January 2005

FISCAL NOTE WORKSHEET:

Public Entity Cost Estimate(s),

January 2005

**1. CORRECTION OF TITLE TO “MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES”.**

No additional public reporting costs anticipated.

**2. MODIFICATION OF REQUIREMENT TO REPORT “NUMERIC TEST RESULTS, UNITS OF MEASURE, AND REFERENCE RANGES”.**

No additional public reporting costs anticipated.

**3. ADDITION OF REQUIREMENT TO REPORT “ETHNICITY”.**

No additional public reporting costs anticipated.

**4. MODIFICATION TO “ARSENIC (urinary)level greater than or equal to one hundred micrograms per liter ( $\geq 100 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional public reporting costs anticipated.

**5. MODIFICATION TO “CADMIUM (urinary)level greater than or equal to three micrograms per liter ( $\geq 3.0 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional public reporting costs anticipated.

**6. MODIFICATION TO “CARBOXYHEMOGLOBIN level greater than fifteen percent (15%)”.**

No additional public reporting costs anticipated.

**7. MODIFICATION TO “CHEMICAL/PESTICIDE (blood or serum)level greater than the Lowest Quantifiable Limit”.**

No additional public reporting costs anticipated.

**8. MODIFICATION TO “LEAD (blood)level –report all results”.**

No additional public reporting costs anticipated.

**9. MODIFICATION TO “MERCURY (blood)level greater than or equal to three-tenths micrograms per deciliter ( $\geq 0.3 \mu\text{dl}$ )” and to “MERCURY (urinary)level greater than or equal to twenty micrograms per liter ( $\geq 20 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional public reporting costs anticipated.

**10. MODIFICATION TO “METHEMOGLOBIN proportion greater than or equal to seventy-five percent ( $\geq 75\%$ )”.**

No additional public reporting costs anticipated.

**11. ADDITION OF “CAMPYLOBACTERIOSIS”.**

Assumption: Campylobacteriosis is a CDC nationally notifiable and Missouri reportable disease/condition.

In the past five years (1999-2003), there have been an average of 588 confirmed (by laboratory culture of campylobacter from feces or blood) cases of campylobacteriosis reported in Missouri (Missouri Health Surveillance Information System - MOHSIS). Taking this historical incidence into consideration, the expected number of confirmed campylobacteriosis cases projected to occur annually in Missouri may be approximately 600.

PUBLIC ENTITY COST TO REPORT CAMPYLOBACTERIOSIS = **\$18,038.40**. The public entity cost to submit 600 isolates/specimens to the State Public Health Laboratory (SPHL) is calculated as:

Reagents/supplies (enterics/PFGE)	=	\$2,000
Personnel (2/5 Public Health Lab Sci)	=	\$13,032
<b>Total estimate for 600 Campy tests</b>	=	<b>\$18,038.40</b>

**12. ADDITION OF “INFLUENZA-ASSOCIATED PEDIATRIC DEATHS”.**

Assumption: The Centers for Disease Control and Prevention (CDC) made influenza-associated pediatric deaths a reportable condition as of October 9, 2004. The CDC website states, “An influenza-associated death is defined ... as a death resulting from a clinically compatible illness that was confirmed to be influenza by an appropriate laboratory or rapid diagnostic test. ... Influenza-associated deaths in all persons aged <18 years should be reported.” The communicable disease reporting guidelines (RSMo 192.139) requires that MDHSS’ reporting guidelines “...shall be in accordance with guidelines, funding requirements, or recommendations established by the federal Centers for Disease Control.”

In the past five years (1999-2003), there have been five deaths among Missouri residents aged less than 18 years with ‘Influenza due to identified influenza virus’ (International Statistical Classification of Diseases and Related Health Problems, 10<sup>th</sup> Revision, Volume 1 code J10) listed as the underlying cause of death. However, four of these deaths occurred in 2003. Taking this historical incidence into consideration, the expected number of influenza-associated pediatric mortality cases projected to occur annually in Missouri may be five or less.

PUBLIC ENTITY COST TO REPORT INFLUENZA-ASSOCIATED PEDIATRIC DEATHS = **\$1,160**. The public entity cost to submit five isolates/specimens to the SPHL is calculated as:

Influenza culture	=	\$ 82
Transport box	=	\$ 100
<u>Hazmat shipping to CDC</u>	=	<u>\$ 50</u>
Total estimate for one case	=	\$ 232
<b>Total estimate for five cases</b>	=	<b>\$1,160</b>

**13. ADDITION OF “ORTHOPOXVIRUS”.**

Assumption: Orthopoxvirus includes smallpox, monkey pox, and cowpox. Cowpox includes vaccinia, "A contagious disease of cattle, produced in humans by inoculation with cowpox virus to confer immunity against smallpox." (Taber's Cyclopedic Medical Dictionary, 19<sup>th</sup> Edition) Under 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases, these diseases/conditions are currently reportable in Missouri. [NOTE: Monkeypox is reportable as the occurrence of even a single case is considered an outbreak (i.e., Outbreaks or epidemics of any illness, disease or condition that may be of public health concern).]

In 2003, MDHSS participated in the vaccination of 1,253 people, of which nine (or 0.7%) developed an adverse reaction (i.e., vaccinia) (MOHSIS). In 2004, MDHSS participated in the vaccination of 137 people, of which none developed an adverse reaction. Currently MDHSS does not plan on vaccinating more than approximately 50 people at any time in the future. Taking Missouri's combined 2003 and 2004 incidence into consideration, the expected number of orthopoxvirus (i.e., vaccinia) cases projected to occur annually in Missouri may be five or less.

**PUBLIC ENTITY COST TO REPORT ORTHOPOXVIRUS = \$1,710.** The public entity cost to submit five isolates/specimens to the SPHL is calculated as:

Specimens for one patient-PCR	\$96 X2	= \$ 192
Collection and transport box		= \$ 100
<u>Hazmat shipping to CDC</u>		<u>= \$ 50</u>
Total estimate for one case		= \$ 342
<b>Total estimate for five cases:</b>		<b>= \$1,710</b>

#### **14. ADDITION OF "SEVERE ACUTE RESPIRATORY SYNDROME-ASSOCIATED CORONAVIRUS (SARS-CoV) DISEASE".**

Assumption: Severe Acute Respiratory Syndrome-Associated Coronavirus (SARS-CoV) disease is a CDC nationally notifiable disease/condition. Additionally, MDHSS has proposed that SARS-CoV become a reportable disease/condition in Missouri under 19 CSR 20-20.020.

To date, there has been one case of 'suspect' SARS-CoV in Missouri. Taking the historical incidence into consideration, the expected number of SARS-CoV cases projected to occur annually in Missouri may be five or less.

**PUBLIC ENTITY COST TO REPORT SARS-CoV DISEASE = \$5,280.** The public entity cost to submit five isolates/specimens to the SPHL is calculated as:

Specimens for one patient-RT-PCR	\$228 X 2	= \$ 456
Serology for one patient (acute/convalescent)		= \$ 150
Collection and transport box		= \$ 100
<u>Hazmat shipping to CDC</u>		<u>= \$ 50</u>
Total estimate for one case:		= \$1,056
<b>Total estimate for five cases:</b>		<b>= \$5,280</b>

**15. ADDITION OF “VANCOMYCIN-INTERMEDIATE *STAPHYLOCOCCUS AUREUS*” (VISA).**

Assumption: Vancomycin-resistant *Staphylococcus aureus* (VISA) is a CDC nationally notifiable disease/condition. Additionally, MDHSS has proposed that VISA become a reportable disease/condition in Missouri under 19 CSR 20-20.020. VISA infections are rare. Only eight cases have been reported in the United States.

No state has reported more than one (1) case of VISA. Taking the historical incidence into consideration, the expected number of VISA cases that would occur annually in Missouri would be five or less.

PUBLIC ENTITY COST TO REPORT VISA = **\$250**. The public entity cost to submit five isolates/specimens to the SPHL is calculated as:

HazMat shipping to CDC for one case	= \$ 50
<b>Total estimate for five cases</b>	<b>= \$250</b>

**TOTAL PUBLIC ENTITY COSTS:**

**\$18,038.40 + \$1,160 + \$1,710 + \$5,280 + \$250 = \$26,438.40**

Table. Distribution of Total Public Entity Cost(s), by Affected Agency or Political Subdivision

Affected Agency or Political Subdivision	Portion, or Fraction, of Total Costs	Estimated Cost of Compliance in the Aggregate
MDHSS	0%	\$
State Public Health Laboratory	100%	\$26,438.40 annually
County/district health agencies	0%	\$



FISCAL NOTE  
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 19 – Department of Health and Senior Services

Division: 20 – Environmental Health and Communicable Disease Prevention

Chapter: 20 – Communicable Diseases

Type of Rule Making: Proposed

Rule Number and Name: 19 CSR 20-20.080 Duties of Laboratories

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 type 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.
approximately 850	Hospital and private laboratories	\$9,212.48 annually
		<b>Total = \$9,212.48 annually</b>

III. WORKSHEET

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), January 2005

IV. ASSUMPTIONS

See attached Fiscal Note Worksheet: Private Entity Cost Estimate(s), January 2005

**FISCAL NOTE WORKSHEET:****Private Entity Cost Estimate(s),****January 2005****1. CORRECTION OF TITLE TO “MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES”.**

No additional public reporting costs anticipated.

**2. MODIFICATION OF REQUIREMENT TO REPORT “NUMERIC TEST RESULTS, UNITS OF MEASURE, AND REFERENCE RANGES”.**

No additional private reporting costs anticipated.

**3. ADDITION OF REQUIREMENT TO REPORT “ETHNICITY”.**

No additional private reporting costs anticipated.

**4. MODIFICATION TO “ARSENIC (urinary)level greater than or equal to one hundred micrograms per liter ( $\geq 100 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional private reporting costs anticipated.

**5. MODIFICATION TO “CADMIUM (urinary)level greater than or equal to three micrograms per liter ( $\geq 3.0 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional private reporting costs anticipated.

**6. MODIFICATION TO “CARBOXYHEMOGLOBIN level greater than fifteen percent (15%)”.**

No additional private reporting costs anticipated.

**7. MODIFICATION TO “CHEMICAL/PESTICIDE (blood or serum)level greater than the Lowest Quantifiable Limit”.**

No additional private reporting costs anticipated.

**8. MODIFICATION TO “LEAD (blood)level –report all results”.**

No additional private reporting costs anticipated.

**9. MODIFICATION TO “MERCURY (blood)level greater than or equal to three-tenths micrograms per deciliter ( $\geq 0.3 \mu\text{g/dl}$ )” and to “MERCURY (urinary)level greater than or equal to twenty micrograms per liter ( $\geq 20 \mu\text{g/l}$ ) in a 24-hour urine sample”.**

No additional private reporting costs anticipated.

**10. MODIFICATION TO “METHEMOGLOBIN proportion greater than or equal to seventy-five percent ( $\geq 75\%$ )”.**

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### **11. ADDITION OF "CAMPYLOBACTERIOSIS".**

Assumption: Campylobacteriosis is a CDC nationally notifiable and Missouri reportable disease/condition.

In the past five years (1999-2003), there have been an average of 588 confirmed (by laboratory culture of campylobacter from feces or blood) cases of campylobacteriosis reported in Missouri (Missouri Health Surveillance Information System - MOHSIS). Taking this historical incidence into consideration, the expected number of confirmed campylobacteriosis cases projected to occur annually in Missouri may be approximately 600.

PRIVATE ENTITY COST TO REPORT CAMPYLOBACTERIOSIS = **\$8,915.32**. Laboratory materials for 600 isolates/specimens is estimated to cost \$6,000 (i.e., \$10 per isolate/specimen). Assuming 15 minutes of processing time per isolate/specimen by a laboratory technician with total compensation of \$40,425.71 (i.e., annual salary = \$22,272, fringe = &8,516.81 {or .3824 of annual salary}, and indirect = \$9,636.89 {or .313 of annual salary and fringe}), processing for 600 isolates/specimens is estimated to cost \$2,915.32 (i.e., \$4.86 per isolate/specimen).

Because the State Public Health Laboratory (SPHL) provides, at no cost to the submitting laboratory(ies), a mailer(s) and a state-wide courier for shipping isolates/specimens; the private cost associated with shipping the isolate(s)/specimen(s) is expected to be negligible.

### **12. ADDITION OF "INFLUENZA-ASSOCIATED PEDIATRIC DEATHS".**

Assumption: The Centers for Disease Control and Prevention (CDC) made influenza-associated pediatric deaths a reportable condition as of October 9, 2004. The CDC website states, "An influenza-associated death is defined ... as a death resulting from a clinically compatible illness that was confirmed to be influenza by an appropriate laboratory or rapid diagnostic test. ... Influenza-associated deaths in all persons aged <18 years should be reported." The communicable disease reporting guidelines (RSMo 192.139) for the Missouri Department of Health and Senior Services (MDHSS) requires that MDHSS' reporting guidelines "...shall be in accordance with guidelines, funding requirements, or recommendations established by the federal Centers for Disease Control."

In the past five years (1999-2003), there have been five deaths among Missouri residents aged less than 18 years with 'Influenza due to identified influenza virus' (International Statistical Classification of Diseases and Related Health Problems, 10<sup>th</sup> Revision, Volume 1 code J10) listed as the underlying cause of death. However, four of these deaths occurred in 2003. Taking this historical incidence into consideration, the expected number of influenza-associated pediatric mortality cases projected to occur annually in Missouri may be five or less.

PRIVATE ENTITY COST TO REPORT INFLUENZA-ASSOCIATED PEDIATRIC DEATHS = **\$74.29**. Laboratory materials for 5 isolates/specimens is estimated to cost \$50 (i.e., \$10 per isolate/specimen). Assuming 15 minutes of processing time per isolate/specimen by a laboratory technician with total compensation of \$40,425.71 (i.e., annual salary = \$22,272, fringe = &8,516.81 {or .3824 of annual salary}, and indirect = \$9,636.89 {or .313 of annual salary and fringe}), processing for 5 isolates/specimens is estimated to cost \$24.29 (i.e., \$4.86 per isolate/specimen).

Because the State Public Health Laboratory (SPHL) provides, at no cost to the submitting laboratory(ies), a mailer(s) and a state-wide courier for shipping isolates/specimens; the private cost associated with shipping the isolate(s)/specimen(s) – for this low incidence disease/condition – is expected to be negligible.

### **13. ADDITION OF “ORTHOPOXVIRUS”.**

Assumption: Orthopoxvirus includes smallpox, monkey pox, and cowpox. Cowpox includes vaccinia, “A contagious disease of cattle, produced in humans by inoculation with cowpox virus to confer immunity against smallpox.” (Taber’s Cyclopedic Medical Dictionary, 19<sup>th</sup> Edition) Under 19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases, these diseases/conditions are currently reportable in Missouri. [NOTE: Monkeypox is reportable as the occurrence of even a single case is considered an outbreak (i.e., Outbreaks or epidemics of any illness, disease or condition that may be of public health concern).]

In 2003, MDHSS participated in the vaccination of 1,253 people, of which nine (or 0.7%) developed an adverse reaction (i.e., vaccinia) (MOHSIS). In 2004, MDHSS participated in the vaccination of 137 people, of which none developed an adverse reaction. Currently MDHSS does not plan on vaccinating more than approximately 50 people at any time in the future. Taking Missouri’s combined 2003 and 2004 incidence into consideration, the expected number of orthopoxvirus (i.e., vaccinia) cases projected to occur annually in Missouri may be five or less.

PRIVATE ENTITY COST TO REPORT ORTHOPOXVIRUS = **\$74.29**. Laboratory materials for 5 isolates/specimens is estimated to cost \$50 (i.e., \$10 per isolate/specimen). Assuming 15 minutes of processing time per isolate/specimen by a laboratory technician with total compensation of \$40,425.71 (i.e., annual salary = \$22,272, fringe = \$8,516.81 {or .3824 of annual salary}, and indirect = \$9,636.89 {or .313 of annual salary and fringe}), processing for 5 isolates/specimens is estimated to cost \$24.29 (i.e., \$4.86 per isolate/specimen).

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To date, there has been one case of ‘suspect’ SARS-CoV in Missouri. Taking the historical incidence into consideration, the expected number of SARS-CoV cases projected to occur annually in Missouri may be five or less.

PRIVATE ENTITY COST TO REPORT SARS-CoV DISEASE = **\$74.29**. Laboratory materials for 5 isolates/specimens is estimated to cost \$50 (i.e., \$10 per isolate/specimen). Assuming 15 minutes of processing time per isolate/specimen by a laboratory technician with total compensation of \$40,425.71 (i.e., annual salary = \$22,272, fringe = \$8,516.81 {or .3824 of annual salary}, and indirect = \$9,636.89 {or .313 of annual salary and fringe}), processing for 5 isolates/specimens is estimated to cost \$24.29 (i.e., \$4.86 per isolate/specimen).

Because the State Public Health Laboratory (SPHL) provides, at no cost to the submitting laboratory(ies), a mailer(s) and a state-wide courier for shipping isolates/specimens; the private cost associated with shipping the isolate(s)/specimen(s) – for this low incidence disease/condition – is expected to be negligible.

**15. ADDITION OF “VANCOMYCIN-INTERMEDIATE *STAPHYLOCOCCUS AUREUS*” (VISA).**

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No state has reported more than one (1) case of VISA. Taking the historical incidence into consideration, the expected number of VISA cases that would occur annually in Missouri would be five or less.

PRIVATE ENTITY COST TO REPORT VISA = **\$74.29**. Laboratory materials for 5 isolates/specimens is estimated to cost \$50 (i.e., \$10 per isolate/specimen). Assuming 15 minutes of processing time per isolate/specimen by a laboratory technician with total compensation of \$40,425.71 (i.e., annual salary = \$22,272, fringe = \$8,516.81 {or .3824 of annual salary}, and indirect = \$9,636.89 {or .313 of annual salary and fringe}), processing for 5 isolates/specimens is estimated to cost \$24.29 (i.e., \$4.86 per isolate/specimen).

Because the State Public Health Laboratory (SPHL) provides, at no cost to the submitting laboratory(ies), a mailer(s) and a state-wide courier for shipping isolates/specimens; the private cost associated with shipping the isolate(s)/specimen(s) – for this low incidence disease/condition – is expected to be negligible.

**TOTAL PRIVATE ENTITY COSTS:**

**\$8,915.32 + \$74.29 + \$74.29 + \$74.29 + \$74.29 = \$9,212.48**

Table. Distribution of Total Private Entity Cost(s), by Affected Agency or Political Subdivision

Affected Agency or Political Subdivision	Portion, or Fraction, of Total Costs	Estimated Annual Cost of Compliance
Hospital & private laboratories	All	\$9,212.48

**Title 20—DEPARTMENT OF INSURANCE  
Division 400—Life, Annuities and Health  
Chapter 1—Life Insurance and Annuity Standards**

**PROPOSED AMENDMENT**

**20 CSR 400-1.020 Variable Contracts Other Than Life.** This department is adding sections (9) and (10).

*PURPOSE:* This amendment adds two sections to this rule that require every insurer to establish, maintain and file standards of suitability and reasonably supervise insurance producers in transactions regarding variable contracts.

(9) **Standards of Suitability.** Every insurer seeking approval to enter into the variable contract business shall establish, maintain and file with the department (not subject to any separate filing fees) a written statement specifying the Standards of Suitability to be used by the insurer.

(A) The Standards of Suitability shall specify that no recommendation to an applicant shall be made to purchase, sell or exchange a variable contract without reasonable grounds to believe that this recommendation or transaction is suitable for the applicant based upon reasonable inquiry concerning the applicant's insurance and investment objectives, financial situation and needs, and any other information known to the insurer or the insurance producer making the recommendation.

(B) For variable contracts subject to the jurisdiction of the United States Securities and Exchange Commission, the Standards of Suitability shall comply with the Conduct Rules of the National Association of Securities Dealers, or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission.

(10) **Standards of Reasonable Supervision.** Every insurer issuing variable contracts under the approval of the director, and any business entity producer employing an individual insurance producer, shall not fail to reasonably supervise a producer recommending the purchase of the insurer's variable contracts. This supervision shall include, but is not limited to the establishment and reasonable implementation of procedures and systems for supervising producers that are reasonably designed to achieve compliance with applicable state insurance laws and regulations, federal securities laws and regulations, and if applicable, the Conduct Rules of the National Association of Securities Dealers, or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission.

*AUTHORITY:* sections 374.045, 375.936, 376.309, 376.590, 376.670, 376.675, RSMo 2000. This rule was previously filed as 4 CSR 190-13.080. Original rule filed Dec. 5, 1969, effective Dec. 15, 1969. For intervening history, please consult the Code of State Regulations. Amended: Filed April 14, 2005.

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

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

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed amendment at 10 a.m. on June 21, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the

hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on June 21, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

*SPECIAL NEEDS:* If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE  
Division 700—Licensing  
Chapter 1—Insurance Producers**

**PROPOSED RULE**

**20 CSR 700-1.145 Demonstrating Incompetence, Untrustworthiness or Financial Irresponsibility in the Conduct of Variable Life and Variable Annuity Business by Insurance Producers**

*PURPOSE:* This rule implements the requirements of section 375.141.1(8), RSMo, with respect to the demonstration of incompetence, untrustworthiness or financial irresponsibility in the sale of variable life and variable annuity products.

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, the following acts or practices "demonstrating incompetence, untrustworthiness and financial irresponsibility":

(A) Recommending to a customer the purchase, sale or exchange of any variable life or variable annuity product without reasonable grounds to believe that this transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment and insurance objectives, financial situation and needs, and any other relevant information known by the producer;

(B) Inducing trading or switching of variable contracts of a customer that is excessive in frequency in view of the customer's financial resources for the purpose of accumulation or compounding commissions;

(C) In connection with the offer, sale or purchase of any variable life or variable annuity product, any business entity producer failing to reasonably supervise employees or agents of the producer;

(D) In connection with the offer, sale or purchase of any variable life or variable annuity product, failing to comply with any applicable provision of the Conduct Rules of the National Association of Securities Dealers, or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission;

(E) Materially aiding or participating in any of the acts or practices enumerated in this rule.

(2) The conduct set forth above is not inclusive. Engaging in any violation of state or federal law or regulation may constitute an act and practice demonstrating incompetence, untrustworthiness or financial irresponsibility. Engaging in other conduct such as nondisclosure or incomplete disclosure of material facts are fraudulent or dishonest business practices and may subject a producer to discipline or disqualification.

*AUTHORITY:* sections 374.040, 374.045 and 375.013, RSMo 2000. Emergency rule filed April 14, 2005, effective April 26, 2005, expires Jan. 1, 2006. Original rule filed April 14, 2005.

*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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10 a.m. on June 21, 2005. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on June 21, 2005. Written statements shall be sent to Kevin Hall, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

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