

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

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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

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

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

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

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

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

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

PROPOSED RULE

4 CSR 110-2.071 License Renewal—Dentists and Dental Hygienists

PURPOSE: This rule clarifies the license renewal requirements for dentists and dental hygienists pursuant to the passage of House Bill No. 970.

(1) Any person licensed to practice dentistry or dental hygiene shall renew that license every two (2) years. Every licensee shall provide the board a completed renewal application on a form prescribed by the board that shall contain updated information since the preceding renewal period.

(2) The two (2)-year license renewal period shall commence on December 1 and end on November 30. Applications for renewal shall be postmarked on or before the license expiration date, which is November 30 of each even-numbered year. Should November 30 fall on a Saturday, Sunday or legal holiday, renewal forms post-marked by the post office on the next business day will not be considered delinquent.

(3) Failure of the licensee to receive a renewal application shall not relieve the licensee of the obligation to renew the license and pay the required fee prior to the expiration date of the license. Deposit of the renewal fee by the board or the Division of Professional Registration does not indicate acceptance of the renewal application or that any licensing requirements have been fulfilled.

(4) Renewal, by statute, is contingent upon the licensee having successfully completed the mandatory hours of continuing education during the two (2)-year time block as specified in 4 CSR 110-2.240.

(5) Any dentist or dental hygienist newly licensed during the two (2)-year renewal period will be issued his/her initial license that will be valid until the end of that current renewal period. Newly licensed dentists and dental hygienists will be required to renew their license and pay the license renewal fee on or before the initial license expiration date to maintain the license in an active status. Continuing education requirements of new licensees are specified in 4 CSR 110-2.240(2)(C) and (D).

(6) Licensees will receive one (1) renewal license and, if requested, up to two (2) duplicate renewal licenses upon approval of the application for renewal. Additional duplicate licenses will be provided upon payment of the appropriate fee as specified in 4 CSR 110-2.170.

(7) The license of any dentist or dental hygienist shall expire if not renewed on or before the license expiration date. An expired license can be renewed at any time within four (4) years of the license expiration date by submission of a properly completed renewal application form, payment of the renewal fee and renewal penalty fee as specified in 4 CSR 110-2.170(1)(C), and by providing the board with proof of having successfully completed the mandatory continuing education hours.

(8) In the first two (2)-year renewal cycle following the license expiration date of a dentist or dental hygienist, the mandatory continuing education hours shall be fifty (50) for dentists and thirty (30) for dental hygienists. In the second two (2)-year renewal cycle following the license expiration date, the mandatory continuing education hours shall be one hundred (100) for dentists and sixty (60) for dental hygienists. Continuing education hours earned for renewal of an expired license may be earned at any time during a four (4)-year period prior to the renewal application date. The board will not accept continuing education hours that were earned by the dentist or dental hygienist during that four (4)-year period if those same hours were used to renew a prior license.

(9) Any licensee who fails to renew his/her license on or before the license expiration date shall not perform any act for which a license is required unless and until the license is properly renewed.

AUTHORITY: sections 332.031, RSMo 2000 and 332.181, RSMo Supp. 2004. Original rule filed March 1, 2005.

PUBLIC COST: This proposed rule will cost the Missouri Dental Board an estimated seventeen thousand seven dollars and thirty-six cents (\$17,007.36) biennially 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.

PRIVATE COST: This proposed rule will cost private entities an estimated \$1,269,790 biennially 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.

*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 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.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Rule 4 CSR 110-2.071 License Renewal - Dentists and Dental Hygienists

Prepared January 20, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Missouri Dental Board	\$17,007.36
Total Biennial Cost of Compliance for the Life of the Rule	
	\$17,007.36

III. WORKSHEET

The figures below represent the expense and equipment costs:

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Renewal Application	\$0.05	5,958	\$297.90
Envelope for Mailing Renewal Application	\$0.07	5,958	\$417.06
Postage for Mailing Renewal Application	\$0.35	5,958	\$2,085.30
License Printing Cost	\$0.15	5,958	\$893.70
Envelope for Mailing License(s)	\$0.03	5,958	\$178.74
Postage for Mailing License(s)	\$0.35	5,958	\$2,085.30
Total expense and equipment cost associated with printing and mailing applications			\$5,958.00

Licenses are issued for a two (2) year period. Renewal applications are processed by the division central processing unit. Based on FY03 transfer cost to the division for this service, the board estimates that approximately \$9,690 will be transferred to the division biennially for the processing of renewals.

The board estimates that approximately one hundred sixty seven (167) applications for reinstatement will be received annually. Applications for reinstatement are processed by the Licensure Technician II who reviews the application and updates the information contained on the renewal to the licensing computer system. It is estimated that the Licensure Technician II will spend approximately thirty (30) minutes per application for reinstatement. The Executive Director reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review. The board estimates the amount of time spent by the Executive Director will be very minimal, therefore, no personal services cost is reported in this fiscal note related to the Executive Director processing reinstatement applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$23,736	\$33,861.78	\$16.28	\$0.27	30 minutes	\$8.14	\$1,359.36
Total personal service costs associated with renewal a license							\$11,049.36

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY03 and FY04.
2. Employee's salaries were calculated using their annual salary multiplied by 42.66% 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 or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
3. Costs associated with review of continuing education is reported in the fiscal note filed with 4 CSR 110-2.240
4. 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 ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 110 - Missouri Dental Board

Chapter 2 - General Rules

Proposed Rule 4 CSR 110-2.071 License Renewal - Dentist and Dental Hygienists

Prepared January 20, 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 biennial cost of compliance with the amendment by affected entities:
3,007	Dentists (Renewal Fee - \$250)	\$751,750
590	Dental Specialists (Renewal Fee - \$270)	\$159,300
2,361	Dental Hygienists (Renewal Fee - \$130)	\$306,930
10	Licensees (Duplicate License Fee - \$5)	\$50
90	Dentists (Reactivation Fee - \$350)	\$31,500
2	Dental Specialists (Reactivation Fee - \$370)	\$740
75	Dental Hygienists (Reactivation Fee - \$230)	\$17,250
6,135	Licensees (postage - renewals @ \$.37)	\$2,270
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$1,269,790

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY03 and FY04 actual and FY05 projections.
2. 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 annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED RESCISSION

4 CSR 110-2.090 Certification of Dental Specialists. This rule identified specialties recognized by the Missouri Dental Board and the requirements and procedures an applicant must fulfill prior to being certified as a dental specialist.

PURPOSE: The rule is being rescinded and readopted to allow the board to add a new dental specialty recognized by the American Dental Association and to delete all requirements for passage of a specialty examination pursuant to the elimination of the specialty examination in House Bill No. 970. The board is also proposing to delete the annotation that immediately follows this rule in the *Code of State Regulations*.

AUTHORITY: sections 332.031, RSMo Supp. 1999 and 332.171.2, RSMo 1994. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed March 1, 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 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 110-2.090 Certification of Dental Specialists

PURPOSE: This rule identifies specialties recognized by the Missouri Dental Board and the requirements and procedures applicants must fulfill prior to being certified as a dental specialist.

(1) In order to qualify for certification as a specialist in endodontics, oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics and dentofacial orthopedics, pediatric dentistry, periodontics, prosthodontics, public health, or any other area of specialty recognized by the American Dental Association, the applicant shall submit to the board the appropriate application fee, submit a completed application form as defined in section (2) of this rule, and fulfill the following requirements:

- (A) Is a currently licensed dentist in Missouri; and
- (B) Is a current diplomate of an American specialty board recognized by the American Dental Association; or
- (C) Is a graduate of an accredited specialty training program accredited by the Council on Dental Accreditation.

(2) To apply for a specialty certificate, each applicant shall submit the following:

- (A) A completed application form provided by the board;
- (B) A nonrefundable application fee as specified in 4 CSR 110-2.170 payable to the Missouri Dental Board;
- (C) A two-inch by three-inch (2" × 3") photograph or passport photograph taken no more than six (6) months prior to the application date;
- (D) An official copy of his/her educational transcript from the accredited specialty training program. Transcripts must be sent directly to the board from the accredited specialty training program, if applicable;
- (E) Written verification of diplomate status sent directly from his/her American specialty board, if applicable; and
- (F) Each application must be completed within one (1) year from the date of submission to the board. If not completed, the application becomes invalid and a new application process must begin.

AUTHORITY: sections 332.031, RSMo 2000 and 332.171.2, RSMo Supp. 2004. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed March 1, 2005.

PUBLIC COST: This proposed rule will cost the Missouri Dental Board an estimated five hundred forty-six dollars (\$546) 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.

PRIVATE COST: This proposed rule will cost private entities an estimated seven thousand seven hundred fifty dollars (\$7,750) 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.

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 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Rule 4 CSR 110-2.090 Certification of Dental Specialists

Prepared January 20, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Dental Board	\$546.00
Total Annual Cost of Compliance for the Life of the Rule	
	\$546.00

III. WORKSHEET

The figures below represent the expense and equipment costs:

CLASSIFICATION	Fee Amount	Number in Class	AGGREGATE COST
Application Printing	\$0.20	20	\$4.00
Practice Act Printing	\$1.93	20	\$38.60
Envelope for Mailing Application	\$0.16	20	\$3.20
Postage for Mailing Application	\$2.21	20	\$44.20
Application Copying Costs (Committee Review)	\$0.60	20	\$12.00
Postage to Mail to Committee Members	\$0.70	20	\$14.00
License Printing Cost	\$0.35	20	\$7.00
Envelope for Mailing License	\$0.16	20	\$3.20
Postage for Mailing License	\$0.35	20	\$7.00
Total expense and equipment cost associated with printing and mailing applications			\$133.20

The board estimates that approximately twenty (20) applications for speciality certification will be received annually. Applications are processed by the Licensure Technician II who reviews the application for completeness, updates the information contained on the application to the licensing computer system, and issues and mails the license. The application is then reviewed by two (2) members of the specialty committee. It is estimated that the Licensure Technician II will spend approximately thirty (30) minutes per application. The Executive Director reviews any questions or problems on renewals and addresses those problems with necessary action such as correspondence, telephone calls or placing on the agenda for Board review. The board estimates the amount of time spent by the Executive Director will be very minimal, therefore, no personal services cost is reported in this fiscal note related to the Executive Director processing these applications. The figures below represent the personal services costs:

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$23,736.00	\$33,861.78	\$16.28	\$0.27	30	\$8.14	\$162.80
Speciality Committee Members (2)			\$6.25		1 hour	\$6.25	\$250.00
Total personal service costs associated with printing and mailing the applications for licensure to applicant							\$412.80

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY03 and FY04.
2. Employee's salaries were calculated using their annual salary multiplied by 42.66% 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 or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Rule - 4 CSR 110-2.090 Certification of Dental Specialists
 Prepared January 20, 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 savings for compliance with the amendment by affected entities:
20	Dental Specialist Applicants (Application Fee - \$350)	\$7,000
20	Dental Specialist Applicants (Notary Fee - \$2.50)	\$50
20	Dental Specialist Applicants (Transcript Fee - \$15)	\$300
20	Dental Specialist Applicants (Endorsement of Specialty Scores - \$20)	\$400
	Estimated Annual Cost of Compliance for the Life of the Rule	\$7,750

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY03 and FY04.
2. No costs were shown for expense to the applicant to submit a photo, as the board will accept a recent snapshot of the licensee.
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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

PROPOSED AMENDMENT

4 CSR 110-2.170 Fees. The board is proposing to amend paragraphs (1)(A)3. and (1)(B)3., subsection (1)(D) and delete section (3).

PURPOSE: The purpose of this amendment is to delete any reference to a specialty examination pursuant to House Bill No. 970. The board is amending (1)(A)2. and deleting (1)(B)3. This amendment will also eliminate any reference to renewal requirements and is proposing a separate rule for renewal pursuant to the changes in House Bill No. 970. The board is deleting the renewal language following (1)(D), deleting all of section (3), and renumbering section (4).

(1) The following fees are established by the Missouri Dental Board:

(A) Application Fees*

- | | |
|--|-------|
| 1. Dentist (includes initial Missouri jurisprudence exam fee) | \$230 |
| 2. Dental Specialist [(includes initial specialist exam fee, if applicable)] | \$330 |
| 3. Dental Hygienist (includes initial Missouri jurisprudence exam fee) | \$155 |

(B) Reexamination Fees

- | | |
|---|--------|
| 1. Dentist Jurisprudence Examination | \$100 |
| 2. Dental Hygienist Jurisprudence Examination | \$ 50 |
| [3. Specialist Examination | \$300] |

(D) Renewal Penalty Fee—Dentist/Dental Specialist/Dental Hygienist \$100

[(Renewal forms postmarked by the post office December 1 or after will be considered delinquent. Should November 30 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.)]

[(3) All licenses will be renewed biennially and will expire on November 30 of each even-numbered year.]

[(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 or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 332.031.3, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed March 1, 2005.

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 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 AMENDMENT

4 CSR 110-2.240 Continuing Dental Education. The board is proposing to amend section (4).

PURPOSE: The purpose of this amendment is to amend section (4). The board is proposing a new rule (4 CSR 110-2.071) specifying the requirements for renewal pursuant to the passage of House Bill No. 970 and renewal of an expired license is addressed in the new proposed rule.

(4) [To reinstate the license of a dentist or dental hygienist whose license has been noncurrent for any reason, including retirement, for a period of four (4) years or less, that person shall obtain, in addition to any other requirements of law, all the continuing education that would have been required if the license had been current and active during that period. To reinstate the license of any dentist or dental hygienist whose license has been in a noncurrent state for any reason, including retirement for more than four (4) years, that person shall comply with the Missouri Dental Board rules as well as any other requirements for relicensure under Chapter 332, RSMo.] Licensees whose license has expired shall comply with the continuing education requirements as established in 4 CSR 110-2.071(8).

AUTHORITY: sections 332.031, RSMo 2000 and 332.181 and 332.261, RSMo Supp. [2001] 2004. Original rule filed Aug. 30, 1993, effective April 9, 1994. Amended: Filed June 27, 1995, effective Dec. 30, 1995. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Amended: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Amended: Filed March 1, 2005.

PUBLIC COST: This proposed amendment will cost the Missouri Dental Board an estimated seven thousand four hundred eighty-one dollars and sixty-seven cents (\$7,481.67) 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.

PRIVATE COST: This proposed amendment will cost private entities an estimated \$7,148,100 biennially 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102, by 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.

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development
Division 110 - Missouri Dental Board
Chapter 2 - General Rules
Proposed Rule 4 CSR 110-2.240 Continuing Dental Education

Prepared January 20, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Missouri Dental Board	\$7,481.67
Total Biennial Cost of Compliance for the Life of the Rule	
	\$7,481.67

III. WORKSHEET

The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquires. Of the estimated 5,817 licensees, the board audits 5% of all licensees (5% of 5,817 = 291 audits). In 90% (262) of those cases, the investigator II spends about a 30 minute review on each case. In another 5% of those cases (16), there are problems that require another 45 minutes from the investigator II for a total 1 hours and 15 minutes. In the remaining cases (13), the board estimates a total of 4 hours Investigator II time.

The Executive Director will request the information from the licensee and the Investigator II will monitor the cases, review the information received for compliance, update the computer licensing program and report any derogatory information to the Executive Director. The Executive Director will then place the information on the board's meeting agenda for review by the full board. The members of the board will review the audit case during the regularly scheduled board meeting. The board estimates approximately 2 audit cases will be reviewed at each regularly scheduled quarterly meeting of the board. Because the information will be reviewed during regular meetings of the board, no additional cost were calculated for review of the audit cases.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER LICENSEE AUDITED	COST PER LICENSEE AUDITED	TOTAL COST
Executive Director	\$58,992.00	\$84,157.99	\$40.46	\$0.67	10 minutes	\$6.74	\$1,962.34
Investigator II	\$32,580.00	\$46,478.63	\$22.35	\$0.37	30 minutes	\$11.17	\$2,927.26
Investigator II	\$32,580.00	\$46,478.63	\$22.35	\$0.37	1 hour 15 min.	\$16.76	\$268.15
Investigator II	\$32,580.00	\$46,478.63	\$22.35	\$0.37	4 hours	\$178.76	\$2,323.93
Total personal service costs							\$7,481.67

IV. ASSUMPTION

1. The number of applications are based on actual figures from FY03 and FY04 and FY05 projections.
2. Employee's salaries were calculated using their annual salary multiplied by 42.66% 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 continuing education audits. The total cost was based on the cost per licensee audited multiplied by the estimated number of applications.
3. Although, each member of the staff answers telephone inquires related to continuing education on a weekly basis, those costs were not calculated into this fiscal note.
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 biennially 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 Rule - 4 CSR 110-2.240 Continuing Medical Education

Prepared January 20, 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 savings for compliance with the amendment by affected entities:
3,188	Dentists (Continuing Education - \$30/per hour)	\$4,782,000
2,629	Dental Hygienists (Continuing Education - \$30/per hour)	\$2,366,100
	Estimated Biennial Cost of Compliance for the Life of the Rule	\$7,148,100

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The number above are based on actual figures from FY03 and FY04 and FY05 projections.
2. Based on 4 CSR 110-2.240(2)(C), dentists are required to obtain 50 hours of continuing education each renewal period. Dental hygienists are required to obtain 25 hours of continuing education each renewal period.
3. Due to the various geographic locations of licensees, it is not possible to estimate all costs (i.e., milcage, meals, and lodging) that a licensee could incur in obtaining the required continuing education.
4. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the Healing
Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

4 CSR 150-2.153 Reinstatement of an Inactive License

PURPOSE: This rule provides the requirements physicians must follow to request reinstatement of a license that has been inactive pursuant to SB 1182 of the 91st General Assembly (2002).

- (1) All applicants shall make application for reinstatement of an inactive license upon a form prepared by the board.
- (2) No application will be considered unless fully and completely made out on the specified form and properly attested.
- (3) All applicants must provide, on the application form, a recent unmounted photograph, in size no larger than three and one-half inches by five inches (3 1/2" × 5").
- (4) All applications shall be sent to the Missouri State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102.
- (5) All applicants for reinstatement of an inactive license must submit a fee as specified in 4 CSR 150-2.080. The fee shall be submitted in the form of a cashier's check or money order drawn on a United States bank made payable to the Missouri Board of Healing Arts.
- (6) No application will be processed prior to the submission of the required fee in the appropriate form.
- (7) All applicants must submit an activity statement documenting all employment, professional and nonprofessional activities since the date the license was placed on inactive status.
- (8) All applicants shall have licensure, registration or certification verification submitted from every state and country in which s/he has ever held privileges to practice as a physician. This verification must be submitted directly from the licensing agency and include the type of license, registration or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions.
- (9) An applicant for reinstatement of an inactive license who has not actively practiced as a physician in another state or country throughout the period their Missouri license was inactive, shall submit upon request any documentation requested by the board necessary to verify that the applicant is competent to practice in Missouri. Such documentation may include continuing education, additional training, or applicable documentation acceptable to the board. If an applicant under this subsection has been in inactive status for more than five (5) years, the board may require the applicant to successfully complete reexamination prior to reinstatement. Reexaminations may include only those nationally recognized specialty or certification examinations recognized by the Federation of State Medical Boards, the American Osteopathic Association, the American Medical Association, the American Board of Medical Specialties, the National Board of Medical Examiners or the National Board of Osteopathic Examiners. Applicants with a recognized specialty will be directed to an appropriate specialty examination.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated seventy-eight dollars and one cent (\$78.01) 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 one thousand fourteen dollars and thirty-five cents (\$1,014.35) 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.

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

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 - Department of Economic Development
 Division 150-2.153 Reinstatement of an Inactive License
 Chapter 2 - Licensing of Physicians and Surgeons
 Proposed Rule - 4 CSR 150-2.153 Reinstatement of an Inactive License
 Prepared November 5, 2004 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Registration for the Healing Arts	\$78.01
Total Annual Cost of Compliance for the Life of the Rule	
	\$78.01

III. WORKSHEET

Applications for reinstatement of an inactive license are mailed by the Licensure Technician I and processed by the Licensure Technician II who reviews the application, updates the information contained in the licensing computer system and mails the licenses. The Licensing Supervisor reviews any questions or problems on the application and provides guidance for resolution.

The board estimates of 5 applications will be received annually. The figures below represent costs paid by the State Board of Registration for the Healing Arts for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 43.78% 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
Licensing Supervisor	\$29,784.00	\$42,823.44	\$20.59	\$0.34	15 minutes	\$5.15	\$25.74
Licensure Technician II	\$24,984.00	\$35,922.00	\$17.27	\$0.29	30 minutes	\$8.64	\$43.18
Licensure Technician I	\$19,932.00	\$28,658.23	\$13.78	\$0.23	1 minute	\$0.23	\$1.15

Total Personal Service Costs **\$70.06**

Expense and Equipment Dollars for Initial Applications

Application Printing	\$0.25	
Envelope for Mailing Application	\$0.16	
Postage for Mailing Application	\$0.32	
Printing License	\$0.35	
Envelope for Mailing License	\$0.16	
Postage for Mailing License	\$0.35	
Total Expense and Equipment Cost per Application:	\$1.59	
		Total Expense and Equipment Costs \$7.95

IV. ASSUMPTION

- The board anticipates 5 individuals will apply for reactivation of their license annually.
- 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 150-2.153 Reinstatement of an Inactive License
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 4 CSR 150-2.153 Reinstatement of an Inactive License
 Prepared November 5, 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	Applicants (Reinstating Inactive Fee @ \$200)	\$1,000.00
5	Applicants (notary @ \$2.50)	\$12.50
5	Applicants (postage @ \$.37)	\$1.85
Estimated Annual Cost of Compliance for the Life of the Rule		\$1,014.35

III. WORKSHEET

See table above.

IV. ASSUMPTION

- I. 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 334, RSMo. Pursuant to Section 334.090.2, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 334, 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 334, 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 334, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

4 CSR 150-3.060 Biennial Registration. The board is proposing to amend the original Purpose statement.

PURPOSE: The purpose of this amendment is change the word “annual” to “biennial” in the original Purpose statement.

PURPOSE: This rule provides information to professional physical therapists permanently licensed in Missouri regarding [annual] biennial registration.

AUTHORITY: sections 334.125, RSMo 2000 and 334.570 and 334.675, RSMo [1999] Supp. 2004. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed March 1, 2005.

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 Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the
Healing Arts**
Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED RESCISSION

4 CSR 150-6.010 Definitions. This rule defined and described terms used in 4 CSR 150 Chapter 6.

PURPOSE: This rule is being rescinded and readopted to clearly define terms used throughout this chapter.

AUTHORITY: sections 334.125 and 334.706.3(2), RSMo 2000. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed Sept. 15, 1988, effective Jan. 1, 1989. Amended: Filed July 30, 2001, effective Jan. 30, 2002. Rescinded: Filed March 1, 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 the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the
Healing Arts**
Chapter 6—Licensure of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.010 Definitions

PURPOSE: This rule defines terms used throughout this chapter.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) As used in this rule, unless the context clearly requires otherwise, the following terms mean:

(A) Academic year—a continuous nine (9)-month session in an athletic trainer program;

(B) Team physician or consulting physician—a person who is licensed as a physician and surgeon pursuant to Chapter 334, RSMo.

(C) Basic athletic training course—curriculum involving the following didactic areas of education:

1. Risk Management and Injury Prevention
2. Pathology of Injuries and Illnesses
3. Assessment and Evaluation
4. Acute Care of Injury and Illness
5. Pharmacology
6. Therapeutic Modalities
7. Therapeutic Exercise
8. General Medical Conditions and Disabilities
9. Nutritional Aspects of Injury and Referral
10. Psychosocial Intervention and Referral
11. Health Care Administration
12. Professional Development and Responsibilities
13. Human Anatomy
14. Biomechanics and Kinesiology
15. Exercise Physiology

(D) Direct supervision—as defined by the National Athletic Trainers Association Board of Certification (NATA BOC) or its successor agency between the athletic trainer licensed pursuant to Chapter 334, RSMo and the perspective applicant;

(E) Certified athletic trainer—an athletic trainer certified by the NATA BOC or its successor agency;

(F) Educational quality equal—as defined in *Athletic Training Clinical Proficiencies*, 4th Edition, which is incorporated herein by reference as published by the NATA BOC or its successor agency, available upon request from this office or upon request from the NATA BOC, 1101 East Fourth Street, Greenville, NC 27858 or its successor agency. This rule does not incorporate any subsequent amendments or additions; and

(G) Athletic trainer—any person who, in any manner, represents him/herself as an athletic trainer, or who uses in connection with

his/her name the words or letters athletic trainer, trainer, registered athletic trainer, certified athletic trainer, licensed athletic trainer, A.T., A.T.C., C.A.T., A.T.L., L.A.T., ATC/L or any other letters, word abbreviations or insignia indicating or implying that s/he is an athletic trainer;

(H) The phrase "Direction of the Team Physician and/or Consulting Physician" as used in section 334.702, RSMo, may be evidenced by the following:

1. A functional protocol form, signed by a team physician and/or consulting physician. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence;

2. A written or verbal order from a team physician and/or consulting physician; and

3. Written procedures of the setting in which the athletic trainer practices that have been approved by the team physician and/or consulting physician.

AUTHORITY: sections 334.125, RSMo 2000 and 334.706.3(2), RSMo Supp. 2004. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed Sept. 15, 1988, effective Jan. 1, 1989. Amended: Filed July 30, 2001, effective Jan. 30, 2002. Rescinded and readopted: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts

Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.020 Applicants for [Registration] Licensure as Athletic Trainers. The board is amending the Chapter name, the original Purpose statement and sections (3) through (7).

PURPOSE: This amendment changes the word "registration" to "licensure" pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

PURPOSE: This rule provides requirements to applicants desiring [registration] licensure in Missouri to practice as athletic trainers.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(3) All applicants for [registration] licensure shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" × 5").

[(4) All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.]

[(5)](4) If the applicant is applying for [registration] licensure as an athletic trainer based upon meeting the National Athletic Trainers Association Board of Certification's (NATA BOC's) or its successor agency's certification qualifications, then the applicant shall provide proof that the NATA BOC or its successor agency's certification is current at the time the application is submitted to the board.

[(6)](5) If the applicant is applying for licensure as an athletic trainer pursuant to 334.708.1(3), RSMo, they must provide [P]proof which is acceptable to the board of experience and educational quality equal to that [mentioned in] as required by section 334.708.1(1), RSMo. Said proof is set forth [in materials which are incorporated by reference and retained at the office of the board. The materials can be summarized in that the results of] by a role delineation study completed [National Athletic Trainers' Association (NATA) Board of Certification] by the NATA BOC, 4th Edition, 1101 East Fourth Street, Greenville, NC 27858 or its successor agency which is incorporated by reference and retained at the office of the board. This rule does not incorporate any subsequent amendments or additions. [in conjunction with the Professional Examination Service, New York, New York, as a primary basis for development of a list of competencies and is incorporated by reference in this rule. The role delineation study is designed to identify actual job responsibilities and tasks performed by certified athletic trainers in high schools, colleges and professional athletic organizations throughout the United States and was conducted in an attempt to establish a valid base for construction of the national certification examination for athletic trainers. The list of competencies subsequently developed by the NATA Professional Education Committee serves as a guide to the development of educational programs leading to certification as an athletic trainer and is intended to assist both instructional personnel and students in identifying knowledge and skills to be mastered. Thus, educational backgrounds of registered athletic trainers in Missouri should follow these competencies. The competencies identified are categorized according to seven (7) major tasks comprising the role of the certified athletic trainer:

- (A) Prevention of athletic injuries/illnesses;*
- (B) Evaluation and recognition of athletic injuries/illnesses and medical referral;*
- (C) First aid and emergency care;*
- (D) Rehabilitation and reconditioning;*
- (E) Organization and administration;*
- (F) Counseling and guidance; and*
- (G) Education. Although the necessary competencies identified for each major task are not stated as such, they are listed wherever appropriate according to the following commonly accepted method of classifying behavioral objectives:*

1. Cognitive domain (knowledge and intellectual skills). Psychomotor domain (manipulative and motor skills) and, affective domain (attitudes and values). The materials will be made available to any interested person, upon written

request, at a cost not to exceed the actual cost of reproduction.]

[(7)](6) The board shall charge each person applying for [registration] licensure to practice as an athletic trainer an appropriate fee which will be established by the board. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)

AUTHORITY: sections 334.125, RSMo [Supp. 1999] 2000 and 334.702, 334.704, 334.706, 334.708, 334.710 and 334.712, RSMo [1994] Supp. 2004. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts

Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.025 Examination. The board is amending the Chapter name and sections (2), (4), and (5).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

(2) The board shall conduct examination of applicants for *[registration] licensure* to practice as an athletic trainer at least once each calendar year provided applicants support such administration.

(4) To receive a passing score on the examination, the applicant must achieve the passing score recommended by the National Athletic Trainers Association **Board of Certification (NATA BOC)** or its successor. Scores from a portion of an examination taken at one (1) test administration may not be averaged with scores from any other portion of the examination taken at another test administration to achieve a passing score.

(5) An applicant may retake the examination for *[registration] licensure* to practice as an athletic trainer upon payment of an appropriate fee established by the board.

AUTHORITY: section 334.706, RSMo Supp. [1999] 2004. Original rule filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts

Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.030 [Registration] Licensure by Reciprocity. The board is amending the Chapter name, the original Purpose and sections (1), (5), and (8).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

PURPOSE: This rule provides information to those applicants desiring [registration] licensure by reciprocity.

(1) The board shall grant, without examination, *[registration] licensure* to any qualified nonresident athletic trainer holding a license or registration in another state if that other state recognizes *[registrants] licensees* of Missouri in the same manner.

[(5)] All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician’s absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.]

[(6)](5) All applicants for reciprocity shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" × 5").

[(7)](6) All applications shall be sent to the executive director of the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P./O./ Box 4, Jefferson City, MO 65102.

[(8)](7) The board shall charge an appropriate fee which will be established by the board to each person applying for [registration] licensure by reciprocity as an athletic trainer. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)

AUTHORITY: sections 334.125, RSMo [Supp. 1999] 2000 and 334.702, 334.704, 334.706, 334.708, 334.710 and 334.712, RSMo [1994] Supp. 2004. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3,

1985, effective Aug. 15, 1985. Amended: Filed April 4, 1988, effective Aug. 18, 1988. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts
Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.040 Code of Ethics. The board is amending the Chapter name, the original Purpose statement and section (1).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

PURPOSE: This rule provides an ethical standard for persons [registered] licensed as athletic trainers to follow.

(1) The board and the Missouri Athletic Trainer Advisory Committee adopt and incorporate by reference the National Athletic Trainers’ Association, Inc. (NATA) *Code of Ethics, 4th Edition*. A copy of the NATA’s *Code of Ethics, 2952 Stemmons Freeway Dallas, TX 75247, phone: 214-637-6282* is retained at the office of the board and is available to any interested person, upon written request, at a cost not to exceed the actual cost of the reproduction. **This rule does not incorporate any subsequent amendments or additions.**

AUTHORITY: sections 334.125, *RSMo 2000* and 334.706.3(2), *RSMo [1986] Supp. 2004*. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed April 4, 1988, effective Aug. 18, 1988. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts
Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.050 Fees. The board is amending the Chapter name and subsections (1)(A) and (B).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

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

(A) [Registration] Licensure With Examination Fee	\$150
(B) [Registration] Licensure Fee	\$100

AUTHORITY: sections 334.125, *RSMo 2000* and 334.706.3(2), *RSMo [2000] Supp. 2004*. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed Sept. 15, 1988, effective Jan. 1, 1988. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts
Chapter 6—[Registration] Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.060 Renewal of [Registration] Licensure. The board is amending the Chapter name, the original Purpose statement and sections (1), (2), (3) and (5), and deleting section (6).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

PURPOSE: This rule provides information to athletic trainers regarding annual renewal of [registration] licensure.

(1) A [registration] license shall be renewed on or before the expiration of the [registration] license by [submitting the signed renewal notice, protocol form(s) and] attesting to the completed renewal application and submitting the fee to the board. The

[registration] license fee shall be the appropriate fee established by the board.

(2) The board shall mail an application for renewal to each person *[registered]* licensed in this state at the last known mailing address. The failure to mail the application or the failure to receive it does not, however, relieve any person of the duty to renew and to pay the fee required nor provide exemption from the penalties provided for failure to renew.

(3) All *[registrants]* licensees shall renew with the board on the application form furnished by the board before January 30 of the year in which such *[registration]* license is due for renewal.

(5) Any person practicing as an athletic trainer without a current *[registration]* license shall be subject to discipline under section 334.715, RSMo.

[(6) A registrant not actively engaged in the practice of athletic training, but who wishes to renew his/her registration must submit a statement advising the reason(s) why a protocol form is not completed.]

AUTHORITY: sections 334.125, RSMo 2000 and 334.706[, RSMo Supp. 1999] and 334.710, RSMo [1994] Supp. 2004. Original rule filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts

Chapter 6—*[Registration]* Licensure of Athletic Trainers

PROPOSED AMENDMENT

4 CSR 150-6.070 Name[,] and/or Address [and/or Physician Supervision] Changes. The board is amending the Chapter name, the original Purpose statement and sections (1), (2), and (3), and deleting section (4).

PURPOSE: This amendment changes the word “registration” to “licensure” pursuant to HB 1399 and SB 962 of the 92nd General Assembly (2004).

PURPOSE: This rule outlines the requirements and procedures athletic trainers must adhere to in notifying the board of name and/or address changes [or a change of team and/or consulting physician supervisor].

(1) All individuals practicing as a *[registered]* licensed athletic trainer under *[registration]* licensure issued by the board shall

ensure that his/her current *[registration]* licensure certificate bears the current legal name of that individual.

(2) A *[registrant]* licensee whose name has changed since *[registration]* licensure was issued must submit a copy of the legal document verifying the name change to the board within fifteen (15) days of such change.

(3) *[Registrants]* Licensees must submit written notification of any address change, home or business, to the board within fifteen (15) days of such change.

[(4) A registrant who has a change in their team physician and/or consulting physician shall submit to the board a new functional protocol form within fifteen (15) days of such change.]

AUTHORITY: section 334.706, RSMo Supp. [1999] 2004. Original rule filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 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 Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 150—State Board of Registration for the Healing Arts

Chapter 7—Licensing of Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.135 Physician Assistant Supervision Agreements. The board is amending sections (3) and (7).

PURPOSE: This amendment proposes cleanup language so the board can properly enforce the statute.

(3) A supervising physician as designated pursuant to 4 CSR 150-7.100(4) or otherwise in the physician assistant supervision agreement shall at all times be immediately available to the licensed physician assistant for consultation, assistance, and intervention within the same office facility unless making follow-up patient examinations in hospitals, nursing homes and correctional facilities pursuant to section *[334.735.9] 334.735.1(8)*, RSMo or unless practicing under federal law. No physician assistant shall practice without physician supervision or in any location where a supervising physician is not immediately available for consultation, assistance and intervention, except in an emergency situation, pursuant to federal law, or as provided in section 334.735.9, RSMo.

(7) A licensed physician assistant practicing pursuant to a physician assistant supervision agreement shall work in the same office facility as the supervising physician except as provided in section

[334.735(9)] 334.735.1(8), RSMo and 4 CSR 150-7.135(3) and (4).

AUTHORITY: section 334.735, RSMo Supp. [1998] 2004. Original rule filed Jan. 3, 1997, effective July 30, 1997. Rule Action Notice filed: July 7, 1998, effective July 21, 1999. Amended: Filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed March 1, 2005.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by e-mailing healingarts@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 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.130 Filing Requirements and Schedule of Fees for Applications for Approval of Electric Service Territorial Agreements and Petitions for Designation of Electric Service Areas. The commission is amending the title, Purpose and sections (1) and (2) and adding five (5) new sections.

PURPOSE: The changes proposed in this rule update and clarify the reporting requirements for electric utilities that file territorial agreements. It combines the filing fee requirements currently found in 4 CSR 240-3.135. It also adds petitions for designation of electric service areas to the title to clarify that this rule also applies to these petitions.

PURPOSE: This rule establishes requirements and schedule of fees that applications to the commission for approval of territorial agreements between electric service providers and petitions for designation of electric service areas must meet. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1) [and 4 CSR 240-3.135].

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission approval of territorial agreements [between electric service providers] and petitions for designation of electric service areas shall include:

(A) [A copy of the territorial agreement and a s/S]pecific designation of the boundary, [including] a map showing the boundary, and the legal description of the area that is the subject of the territorial agreement or petition for designation of electric service areas;

(B) A list of other electric utilities that serve in the affected area(s), if any;

[(B)](C) An illustrative tariff which reflects any changes in a regulated utility's operations or certification;

[(C)](D) An explanation as to why the territorial agreement or proposed electric service area designation(s) is in the public interest;

(E) A comparison of electric rates if the territorial agreement or the proposed electric service area designation(s) includes an exchange of customers;

[(D)](F) A list of all persons whose utility service would be changed by the [agreement] application or petition; and

[(E)] A check for the initial filing fee set forth in 4 CSR 240-3.135.]

(G) A statement of the impact, if any, that the territorial agreement or proposed electric service area designation(s) will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located.

(2) Applications for commission approval of territorial agreements shall also include a copy of the territorial agreement.

[(2)](3) If any of the [items] information required by subsections (1)(A)–[(D)](G) of this rule [are] is unavailable at the time the application is filed, [they] the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.

(4) The application or petition shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

(A) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500). However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (5) of this rule.

(5) In addition to the filing fee, the fee for commission review is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

(6) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the electric territorial agreement or petition for designation of service areas. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

(7) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 386.250[, 386.800] and 394.312, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Feb. 24, 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 comments in support of or in opposition to this proposed amendment with the Missouri Public Service

Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before May 9, 2005, and should include a reference to Commission Case No. EX-2003-0371. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for May 18, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 3—Filing and Reporting Requirements

PROPOSED AMENDMENT

4 CSR 240-3.135 Filing Requirements and Schedule of Fees **Applicable to [Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and] Applications for Resolution of Annexation-Related Disputes.** The commission is amending the title, Purpose, and adding two (2) new sections, deleting one (1) section and amending the remaining sections.

PURPOSE: The changes in this amendment establish filing requirements for applications for resolution of annexation-related disputes. It removes references to filing fee requirements for territorial agreement filings because the requirement of these fees is being added to 4 CSR 240-3.130. It adds a filing fee for hearing time for applications for resolution of annexation-related disputes.

PURPOSE: This rule establishes the requirements that must be met and a schedule of fees for applications to the commission [review of proposed territorial agreements, petitions for commission designation of electric service areas, and annexation-related applications] for the resolution of annexation-related disputes regarding a municipality providing electric service outside of the municipality's corporate boundaries. As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission resolution of annexation-related disagreements shall include from each party:

(A) An explanation as to why the annexation is in the public interest;

(B) A specific designation of the boundary, a map showing the boundary and the legal description of the area that is in dispute;

(C) A comparison of the electric rates that currently apply to the annexed area and the rates if the proposed change of supplier is allowed;

(D) The fair and reasonable compensation to be paid by the municipally owned electric utility to the affected electric supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers, including the valuation

formulas and factors used to calculate fair and reasonable compensation;

(E) Any effect on system operation, including, but not limited to, loss of load and loss of revenue;

(F) Any power contracts that the municipality has agreed to with the affected electric supplier to serve the annexed area;

(G) Any issues on which the municipally owned electric utility and the affected electric supplier agree;

(H) A copy of the newspaper notification, as well as notifications sent to any affected supplier;

(I) The impact, if any, that the annexation-related change of electrical supplier will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located; and

(J) A record of compliance with the deadlines for negotiation as outlined in section 386.800, RSMo.

(2) If any of the information required by subsections (1)(A)–(J) of this rule is unavailable at the time the application is filed, the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.

[(1)](3) [Commission review of a]An application [for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application] for resolution of an annexation-related dispute[,] shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).

[(2)](4) In addition to the filing fee, the fee for commission review of an [opposed] application for [approval of a proposed territorial agreement] resolution of an annexation-related dispute between electric service providers is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.

[(3)](5) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the [electric territorial agreement, designation of service areas or] annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.

[(4)] An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.]

[(5)](6) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.

AUTHORITY: sections 386.250[,] and 386.800 [and 394.312], RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed Feb. 24, 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 comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before May 9, 2005, and should include a reference to Commission Case No. EX-2003-0372. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for May 18, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

PROPOSED RULE

9 CSR 10-5.206 Report of Events

PURPOSE: This rule prescribes procedures for documenting, reporting, analyzing and addressing certain events that affect individuals in residential facilities, day programs or specialized services that are licensed, certified or funded by the Department of Mental Health as required by sections 630.005, 630.020, 630.165 and 630.655, RSMo.

(1) The following words and terms, as used in this rule, mean:

(A) Consumer, individual receiving department funded or contracted services directly from any program or facility;

(B) Corrective Action Plan, the document a provider submits to the department in response to the results of an event or events which outlines those measures that are intended to reduce the likelihood that the event(s) will recur or to remediate a deficiency. Such actions include but are not limited to: removal of an individual receiving services or staff from a provider; staff training; improvements in the physical plant; revision of operating procedures;

(C) Department, the Department of Mental Health's local regional center, district administrator, or supported community living office, depending on the division providing service;

(D) Guardian, individual who is legally responsible for the care and custody of the consumer;

(E) "On call" system, procedure of the specific regional department personnel being available to receive notification of events during nonbusiness hours. A telephone number is provided to verbally relay this information to the individual representing the specific region and division providing service;

(F) Provider, a residential facility, day program or specialized service that is licensed, certified or funded by the Department of Mental

Health. Duties of the provider under this rule are the responsibility of the chief administrative officer of the residential facility, day program or specialized service, or his/her designee;

(G) Reportable events, those specific incidents and medication errors involving consumers identified on the applicable department report form dependent on the division of service; and

(H) Report form, Department of Mental Health form identifying reportable events and the timelines for reporting such events to the department. The form is used for data entry into the department Incident and Investigation Tracking System for statewide data collection. This form is identified as DMH-9719 A (Divisions of Alcohol and Drug Abuse and Comprehensive Psychiatric Services) or DMH-9719 B (Division of Mental Retardation/Developmental Disabilities), dependent on department division of service, which is included herein.

(2) This section applies to event notification and reporting requirements for employees of providers, as defined under section 630.005, RSMo.

(A) Providers must maintain written policies requiring their employees to report events under this regulation and those events identified in 9 CSR 10-5.200. The policies must make clear that administrative or disciplinary sanctions may result from failure to report. Providers must ensure that their employees and those who support the agency are educated about the department's notification and reporting requirements.

(B) It is the responsibility of the provider to—

1. Notify the department with a written or verbal report of all events reportable under this regulation involving consumers as identified on the report form. For those events requiring immediate notification, if a verbal report, it will be followed up in writing on the report form and faxed or otherwise transmitted to arrive within one (1) business day to the appropriate department office. All other events not requiring immediate notification shall be provided in writing on the report form in the time frame specified on the report form. If the provider feels strongly the department should be aware of an event, they may choose to report any event not specifically identified on the report form by selecting the section "Other";

2. Notify the department using the department's "on call" system after 5:00 p.m. or on weekends/holidays for those events on the report form requiring immediate department notification, and any event resulting in extensive property damage or major disruption of the program or service the consumer receives; and

3. Within twenty-four (24) hours of knowledge of an event that requires immediate department notification, verbally notify the legal guardian or parent (if consumer is a minor) of the specifics regarding the event. The provider shall also communicate that the event has been reported to the department. The only exception to this verbal notification is if the parent(s) or legal guardian is the suspected primary person involved that forms the basis for the reported event. If the provider is unable to verbally contact the guardian/parent, the provider shall document on the report form all efforts made to comply.

(3) The provider shall ensure that patterns and trends of reportable events, specific to a consumer, are included and addressed in the consumer's personal/treatment plan upon approval by the planning team. To the extent that specific consumer issues are identified, the department staff may meet with the provider to discuss action steps to address and resolve issues, including submission of corrective action plans.

(4) The department may request a corrective action plan be provided by the provider based on the facts surrounding the event. This plan is subject to approval by the department within a time frame specified by the department. This plan must be carried out as specified.

(5) Programs licensed or certified by the department must maintain internal records of similar events or information for individuals who do not receive department funded or contracted services, for purposes of quality review to assure that problems are identified and resolved. Nonidentifying event records or non-identifying analysis of these events must be available for review by the department as needed for monitoring or licensure/certification activities.

(6) Failure to follow the above referenced regulations may result in administrative sanctions up to and including contract cancellation or licensure/certification revocation.



**Department of Mental Health
Incident and Investigation Tracking System- Event Report Form
(Community Report Form —ADA/CPS)**

DIVISION: <input type="checkbox"/> Alcohol and Drug Abuse <input type="checkbox"/> Comprehensive Psychiatric Services		Program/Service type regarding consumer/Event (CPR, CSTAR, etc.)			
Consumer Name (Last) (First) (MI)		AGE	<input type="checkbox"/> Male <input type="checkbox"/> Female	<input type="checkbox"/> DMH ID#, <input type="checkbox"/> Medical Record #, <input type="checkbox"/> SSN# <small>(check one)</small>	
Address/Home					
Person(s) who witnessed or have direct knowledge of the event: (attach additional page if necessary)					
Last Name	First Name	Relationship to Consumer			
Event Date and Time			Discovery Date and Time		
Month	Day	Year	Time	Month	Day
			:		
Event location or where discovered (be specific)			Name of Provider Agency/Organization involved in event:		
			VENDOR NUMBER (REQUIRED):		
Reporter's Name (Last, First, MI)		Reporter's Phone Number	Reporter's Employer (Agency/Facility/Admin. Agent)		
Persons /Agencies Notified: (Check all that apply)					
<input type="checkbox"/> Family / Guardian	Name of Person Contacted	DATE	TIME	AM	PM
<input type="checkbox"/> Physician					
<input type="checkbox"/> Law Enforcement					
<input type="checkbox"/> DSS—Children's Division					
<input type="checkbox"/> Division of Senior Services					
<input type="checkbox"/> Dept. of Mental Health Notified					
<input type="checkbox"/> 911					
<input type="checkbox"/> Other					
<input type="checkbox"/> Other					
<input type="checkbox"/> Other					
<input type="checkbox"/> Other					

EVENT DESCRIPTION—(Describe what happened & attach additional page(s) if necessary)

Consumer Name _____ Event Date _____

REPORTABLE EVENTS All events identified below shall be recorded on this form and faxed within one business day to the appropriate Division of Alcohol and Drug Abuse District Administrator or Division of Comprehensive Psychiatric Services Supported Community Living Office. Abuse and neglect requires an immediate verbal or written report according to § CSR 10-5.200.

- Consumer Death (Regardless of cause, including all known deaths of discharged consumers up to and including 30 days post-discharge from a residential program)
- Elopement/Unauthorized Absence (The timeframe for reporting shall be when this absence raises reasonable concern for the safety of the consumer or others, or concern that the consumer will not return. For the Division of Alcohol and Drug Abuse, this applies to adolescents and involuntary commitments only)
- Alleged or Suspected Abuse/Neglect:**
 - Alleged or Suspected Verbal Abuse
 - Alleged or Suspected Physical Abuse
 - Alleged or Suspected Sexual Abuse
 - Alleged or Suspected Neglect
- Alleged or Suspected Misuse of Consumer Funds/Property
- Medication Error** (Occurring in residential programs or programs in which medication is administered or self administration is observed by agency staff)
 - Moderate Medication Error: Treatment and/or intervention is needed in addition to monitoring or observation
 - Serious Medication Error: Life threatening and/or permanent adverse consequences
- Serious Injury (Injury to a consumer requiring medical inpatient hospitalization)
- Other _____

IF DEATH, SUSPECTED MANNER: Accident Homicide Natural Suicide Unknown

INJURY TYPE: Accident Consumer Inflicted Other Inflicted Self-inflicted Staff Inflicted Unknown

Signature of Reporter _____

MM / DD / YR
REPORT DATE

____ : ____ AM ____ PM
REPORT TIME

TO BE COMPLETED BY DEPARTMENT OF MENTAL HEALTH STAFF

Action Taken:

- Inquiry
- Local Investigation
- Central Office Investigation
- No Investigation

Signature of ADA or CPS Staff: _____ Date: _____

INCIDENT TYPE (TO BE COMPLETED BY DMH STAFF)

- Consumer Rights
- Consumer Struck Object
- Consumer Self Harm
- Fall
- Fire
- Inappropriate language by staff toward consumer
- Medical Emergency
- Notification of death in the community
- Physical altercation-consumer & consumer
- Physical altercation-consumer & staff
- Property loss/destruction
- Possession of drugs not prescribed
- Possession of weapon
- Sexual conduct-consumer & staff
- Sexual conduct -- consumer non-consensual
- Suicide Attempt
- Theft
- Vehicular accident
- Other _____

NOTES:

AUTHORITY: sections 630.005, 630.020 and 630.655, RSMo 2000 and 630.165, RSMo Supp. 2004. Original rule filed March 1, 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 by writing to Scott Giovanetti, Investigations Program Director, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.070 New Source Performance Regulations. The commission proposes to amend subsections (1)(A) and (1)(C) and section (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, <http://www.dnr.mo.gov/regs/regagenda.htm>.

PURPOSE: This rule establishes acceptable design and performance criteria for specified new or modified emission sources. The purpose of this rulemaking is to amend 10 CSR 10-6.070 to incorporate 40 CFR part 60 subparts promulgated or amended between January 1, 2002 and June 30, 2003 and clarify the applicability section intent. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) The provisions of 40 CFR part 60[, as of] promulgated June 30, [2002] 2003[, shall apply and are adopted by reference as part of] and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(C) Where emission limitations, test procedure or other requirements found in both subsection (1)(A) of this rule and in another rule

under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive [of each emission limitation, the more accurate test procedure or the more restrictive] rule requirement shall be applied.

(3) General Provisions. The following are the New Source Performance Standards (NSPS) 40 CFR part 60 subparts that are adopted by reference in **subsection (1)(A) of this rule**. Individual source operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart Title

- (D) Fossil-Fuel Fired Steam Generators
- (Da) Electric Utility Steam Generating Units
- (Db) Industrial-Commercial-Institutional Steam Generating Units
- (Dc) Small Industrial-Commercial-Institutional Steam Generating Units
- (E) Incinerators
- (Ea) Municipal Waste Combustors constructed after December 20, 1989, and on or before September 20, 1994
- (Eb) Municipal Waste Combustors constructed after September 20, 1994
- (Ec) Hospital/Medical/Infectious Waste Incinerators constructed after June 20, 1996
- (F) Portland Cement Plants
- (G) Nitric Acid Plants
- (H) Sulfuric Acid Plants
- (I) Asphalt Concrete Plants
- (J) Petroleum Refineries
- (K) Storage Vessels for Petroleum Liquids after June 11, 1973
- (Ka) Storage Vessels for Petroleum Liquids
- (Kb) Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) after July 23, 1984
- (L) Secondary Lead Smelters
- (M) Secondary Brass and Bronze Production Plants
- (N) Primary Emissions from Basic Oxygen Process Furnaces
- (Na) Secondary Emissions from Basic Oxygen Process Steelmaking Facilities
- (O) Sewage Treatment Plants
- (P) Primary Copper Smelters
- (Q) Primary Zinc Smelters
- (R) Primary Lead Smelters
- (S) Primary Aluminum Reduction Plants
- (T) Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants
- (U) Phosphate Fertilizer Industry: Super-phosphoric Acid Plants
- (V) Phosphate Fertilizer Industry: Diammonium Phosphate Plants
- (W) Phosphate Fertilizer Industry: Triple Superphosphate Plants
- (X) Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
- (Y) Coal Preparation Plants
- (Z) Ferroalloy Production Facilities
- (AA) Steel Plants: Electric Arc Furnaces
- (AAa) Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels
- (BB) Kraft Pulp Mills
- (CC) Glass Manufacturing Plants
- (DD) Grain Elevators
- (EE) Surface Coating of Metal Furniture
- (GG) Stationary Gas Turbines
- (HH) Lime Manufacturing Plants
- (KK) Lead-Acid Battery Manufacturing Plants
- (LL) Metallic Mineral Processing Plants
- (MM) Automobile and Light-Duty Truck Surface Coating Operations
- (NN) Phosphate Rock Plants
- (PP) Ammonium Sulfate Manufacture

(QQ) Graphic Arts Industry: Publication Rotogravure Printing
 (RR) Pressure Sensitive Tape and Label Surface Coating Operations
 (SS) Industrial Surface Coating: Large Appliances
 (TT) Metal Coil Surface Coating
 (UU) Asphalt Processing and Asphalt Roofing Manufacture
 (VV) Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry
 (WW) Beverage Can Surface Coating Industry
 (XX) Bulk Gasoline Terminals
 (AAA) New Residential Wood Heaters
 (BBB) Rubber Tire Manufacturing Industry
 (DDD) Polymer Manufacturing Industry
 (FFF) Flexible Vinyl and Urethane Coating and Printing
 (GGG) Equipment Leaks of VOC in Petroleum Refineries
 (HHH) Synthetic Fiber Production Facilities
 (III) VOC Emissions from SOCM I Air Oxidation Unit Processes
 (JJJ) Petroleum Dry Cleaners
 (KKK) Equipment Leaks of VOC From Onshore Natural Gas Processing Plants
 (LLL) Onshore Natural Gas Processing/—/: SO₂ Emissions
 (NNN) VOC Emissions from SOCM I Distillation Operations
 (OOO) Nonmetallic Mineral Processing Plants
 (PPP) Wool Fiberglass Insulation Manufacturing Plants
 (QQQ) VOC Emissions From Petroleum Refinery Wastewater Systems
 (RRR) Synthetic Organic Chemical Manufacturing Reactor Processes
 (SSS) Magnetic Tape Coating Facilities
 (TTT) Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
 (UUU) Calciners and Dryers in Mineral Industries
 (VVV) Polymeric Coating of Supporting Substrates Facilities
 (WWW) Municipal Solid Waste Landfills
 (AAAA) Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999 or for Which Modification or Reconstruction is Commenced After June 6, 2001
 (CCCC) Commercial and Industrial Solid Waste Incineration Units for Which Construction Is Commenced After November 30, 1999 or for Which Modification or Reconstruction Is Commenced on or After June 1, 2001

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Feb. 17, 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 on this proposed amendment will begin at 9:00 a.m., May 26, 2005. The public hearing will be held at the Holiday Inn Westport, Plaza 2 Room, 1973 Craigshire Road, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 2, 2005. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution

Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
 Division 10—Air Conservation Commission
 Chapter 6—Air Quality Standards, Definitions, Sampling
 and Reference Methods and Air Pollution Control
 Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations. The commission proposes to amend subsections (1)(A) and section (3); add new subsection (1)(B); and renumber and amend subsections (1)(B) and (1)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, <http://www.dnr.mo.gov/regs/regagenda.htm>.

PURPOSE: This rule establishes emission control technology, performance criteria and work practices to achieve emission standards for sources that emit or have the potential to emit hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.075 to incorporate 40 CFR part 63 subparts promulgated or amended between January 1, 2002 and June 30, 2003 and clarify the applicability section intent. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) The provisions of 40 CFR part 63 [as of] **promulgated** June 30, [2002] **2003**, with the exception of those provisions which are not delegable by the United States Environmental Protection Agency (EPA) shall apply and are adopted by reference as part of] and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

(B) Exceptions to the adoption are as follows:

1. Sections 63.13 and 60.15(a)(2) of subpart A; and
 2. Those provisions which are not delegable by United States Environmental Protection Agency (EPA). Examples of these include alternative or equivalent methods (for example, sections 63.102(b), 63.150(I)(1) through (I)(4), and 63.177).

[(B)](C) In addition to complying with the provisions of this rule, affected sources may be required to obtain an operating permit pursuant to Title V of the Clean Air Act Amendments or 10 CSR 10-6.065.

[(C)](D) Where emission limitations, test procedures or other requirements found in both subsection (1)(A) of this rule and in

another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive [emission limitation, the more accurate test procedure or the more restrictive] rule requirement shall be applied.

(3) General Provisions. The following are the Maximum Achievable Control Technology (MACT) 40 CFR part 63 subparts that are adopted by reference in **subsection (1)(A)** of this rule. Individual source operations or installations in these categories are subject to this rule based on category specific parameters, as specified in the applicable subpart:

Subpart Title

(F) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry

(G) National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater

(H) National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

(I) National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks

(L) National Emission Standards for Coke Oven Batteries

(M) National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities

(N) National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks

(O) Ethylene Oxide Emissions Standards for Sterilization Facilities

(Q) National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers

(R) National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)

(S) National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

(T) National Emission Standards for Halogenated Solvent Cleaning

(U) National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

(W) National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production

(X) National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

(Y) National Emission Standards for Marine Tank Vessel Loading Operations

(AA) National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants

(BB) National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizers Production Plants

(CC) National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries

(DD) National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

(EE) National Emission Standards for Magnetic Tape Manufacturing Operations

(GG) National Emission Standards for Aerospace Manufacturing and Rework Facilities

(HH) National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities

(II) National Emission Standards for Shipbuilding & Ship Repair (Surface Coating)

(JJ) National Emission Standards for Wood Furniture Manufacturing Operations

(KK) National Emission Standards for the Printing and Publishing Industry

(LL) National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants

(MM) National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills

(OO) National Emission Standards for Tanks—Level 1

(PP) National Emission Standards for Containers

(QQ) National Emission Standards for Surface Impoundments

(RR) National Emission Standards for Individual Drain Systems

(SS) National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

(TT) National Emission Standards for Equipment Leaks—Control Level 1

(UU) National Emission Standards for Equipment Leaks—Control Level 2 Standards

(VV) National Emission Standards for Oil-Water Separators and Organic-Water Separators

(WW) National Emission Standards for Storage Vessels (Tanks)—Control Level 2

(YY) National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards

(CCC) National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCl Process Facilities and Hydrochloric Acid Regeneration Plants

(DDD) National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production

(EEE) National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors

(GGG) National Emission Standards for Pharmaceuticals Production

(HHH) National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities

(III) National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production

(JJJ) National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

(LLL) National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry

(MMM) National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

(NNN) National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

(OOO) National Emission Standards for Hazardous Air Pollutant Emissions: Manufacture of Amino/Phenolic Resins

(PPP) National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production

(QQQ) National Emission Standards for Hazardous Air Pollutant Emissions for Primary Copper Smelting

(RRR) National Emission Standards for Hazardous Air Pollutants: Secondary Aluminum Production

(TTT) National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting

(UUU) National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units

(VVV) National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works

(XXX) National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

(AAAA) National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills

(CCCC) National Emission Standards for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast

(GGGG) National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production

(HHHH) National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production

(JJJJ) National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating

(NNNN) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances

(OOOO) National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

(QQQQ) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products

(RRRR) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture

(SSSS) National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil

(TTTT) National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations

(UUUU) National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing

(VVVV) National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

(WWWW) National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production

(XXXX) National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing

(BBBBB) National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing

(CCCCC) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks

(DDDDD) National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing

(FFFFF) National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities

(JJJJJ) National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing

(KKKKK) National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing

(MMMMM) National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations

(NNNNN) National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production

(PPPPP) National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Standards

(QQQQQ) National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities

AUTHORITY: section 643.050, RSMo 2000. Original rule filed May 1, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 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 on this proposed amendment will begin at 9:00 a.m., May 26, 2005. The public hearing will be held at the Holiday Inn Westport, Plaza 2 Room, 1973 Craigshire Road, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control

Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., June 2, 2005. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri**

PROPOSED AMENDMENT

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants. The commission proposes to amend sections (1) and (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for delegation of enforcement authority. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, http://www.dnr.mo.gov/regs/reg_agenda.htm.

PURPOSE: This rule establishes emission standards and performance criteria for new or modified sources emitting hazardous air pollutants. The purpose of this rulemaking is to amend 10 CSR 10-6.080 to incorporate 40 CFR part 61 subparts promulgated or amended between January 1, 2002 and June 30, 2003 and clarify the applicability section intent. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is: elements of the State/EPA work plan and Title V Operating Permit Program requirements.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability.

(A) The provisions of 40 CFR part 61[, as of] promulgated June 30, [2002] 2003[, shall apply and are adopted by reference as part of] and hereby incorporated by reference in this rule, as published by the Office of the Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendment or additions.

(B) Exceptions to the adoption are as follows: [section 61.4, 61.16, 61.17, subparts B, II, I, K, W, Q, R, T and those provisions which are not delegable by United States Environmental Protection Agency (EPA). Authorities which may not be delegated include 40 CFR 61.04(b), 61.12(d)(1), 61.13(h)(1)(ii), 61.112(e)(2), 61.164(a)(3), 61.172(b)(2)(ii)(B), 61.172(b)(2)(ii)(C), 61.174(a)(2), 61.174(a)(3), 61.242-1(c)(2), 61.244, and all authorities listed or not delegable in each subpart under Delegates of Authority.]

1. Sections 60.4, 60.16 and 60.17 of subpart A;
2. Subparts B, H, I, K, Q, R, T, and W in their entirety; and
3. Those provisions which are not delegate by United States Environmental Protection Agency (EPA). Examples of these include alternative or equivalent methods (for example, sections 61.12(d)(1), 61.13(h)(1)(ii), 61.112(c), 61.164(a)(2), 61.164(a)(3), and 61.244).

(C) Where emission limitations, test procedures or other requirements found in subsection (1)(A) of this rule and in another rule under Title 10 Division 10 of the *Code of State Regulations* are applicable to an emission source, the more restrictive [emission limitation, the more accurate test procedure of the more restrictive] rule requirements shall be applied.

(3) The following are the National Emission Standards for Hazardous Air Pollutants (NESHAPs) 40 CFR part 61 subparts that are adopted by reference in subsection (1)(A) of this rule. Individual sources, operations or installations in these categories are subject to this rule based on date of commencement of construction and other category specific parameters, as specified in the applicable subpart:

Subpart Title

- (C) National Emission Standard for Beryllium
- (D) National Emission Standard for Beryllium Rocket Motor Firing
- (E) National Emission Standard for Mercury
- (F) National Emission Standard for Vinyl Chloride
- (J) National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene
- (L) National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
- (M) National Emission Standard for Asbestos
- (N) National Emission Standard for Inorganic Arsenic Emissions From Glass Manufacturing Plants
- (O) National Emission Standard for Inorganic Arsenic Emissions From Primary Copper Smelters
- (P) National Emission Standard for Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities
- (V) National Emission Standard for Equipment Leaks (Fugitive Emission Sources)
- (Y) National Emission Standards for Benzene Emissions From Benzene Storage Vessels
- (BB) National Emission Standards for Benzene Emissions From Benzene Transfer Operations
- (FF) National Emission Standard for Benzene Waste Operations

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 17, 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 on this proposed amendment will begin at 9:00 a.m., May 26, 2005. The public hearing will be held at the Holiday Inn Westport, Plaza 2 Room, 1973 Craigshire Road, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not

heard, may submit a written statement of their views until 5:00 p.m., June 2, 2005. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

PROPOSED RULE

12 CSR 10-405.100 Homestead Preservation Credit—Procedures

PURPOSE: This rule establishes the procedures for implementation of the Homestead Preservation Credit created by section 137.106, RSMo.

(1) Definition of Terms.

(A) Application year—the calendar year in which the application for property tax credit is filed.

(B) Assessor—the county assessor for the county in which the homestead is located.

(C) Credit year—the calendar year immediately following the application year.

(D) Department—the Missouri Department of Revenue.

(E) Homestead—the dwelling in Missouri owned and occupied by a taxpayer and up to five (5) acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. The dwelling may be a mobile home.

(F) Homestead Preservation Credit—the credit provided pursuant to section 137.106, RSMo.

(G) Levy codes—the nine (9)-digit number used by the Missouri state auditor in the annual property tax compliance report.

(H) Prior year—the calendar year immediately preceding the application year.

(I) Homestead exemption limit—a single, statewide percentage increase in property tax liability from the prior year to the credit year.

(J) Verified eligible owners—taxpayers who have met the qualifications for the Homestead Preservation Credit.

(2) Application of Rule.

(A) A taxpayer must complete an application on the form prescribed by the department. The taxpayer must obtain from the assessor the information the assessor is required to provide on the form. The taxpayer must submit the properly completed application to the department between April 1 and September 30 of the application year. An application postmarked on or before September 30 is timely.

(B) Upon presentation by the taxpayer, the assessor must complete the portion of the application designated for completion by the assessor using the levy codes applicable to the homestead. If an application is presented to the assessor for completion before the assessor has all the information necessary to complete the application, the assessor may hold the application until the information is available and forward the application to the department when it is completed. If the assessor elects to hold the application and forward it to the department, the assessor must submit the properly completed application to the department between April 1 and September 30 of the application year or the application will be denied.

(C) Upon receipt of the application, the department will determine if the taxpayer is a verified eligible owner. The department must provide a list of all verified eligible owners to the county collectors, or

in township counties, the county clerk, by December 15 of the application year. By January 15 of the credit year, the collectors or township clerks must provide the department with a list of verified eligible owners who failed to pay property taxes due for the application year, which owners shall be disqualified from receiving property tax credit in the current tax year. If a collector, or a clerk in a township county, is unable to provide this information to the department by January 15 of the credit year, the collector or clerk must provide the information as soon as possible and in no event later than April 1 of the credit year.

(D) The Department of Revenue will calculate the level of appropriations necessary to set the homestead exemption limit for all verifiable homestead owners as follows:

1. In odd application years, the appropriation amount will be the total of all levy amounts for the application year that exceed a five percent (5%) increase from the prior year's levy on each qualifying homestead property, plus one-quarter of one percent (1/4 of 1%) of the total; and

2. In even application years, the appropriation amount will be the total of all levy amounts for the application year that exceed a two and one-half percent (2.5%) increase from the prior year's levy on each qualifying property, plus one-quarter of one percent (1/4 of 1%) of the total.

(E) The department will provide the appropriation calculation to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Director of the Office of Budget and Planning by January 31 of the credit year. The department will provide an updated calculation, if necessary, no later than April 10 of the credit year.

(F) If funds are appropriated for the Homestead Preservation Credit, the department will set the homestead exemption limit by July 31 of the credit year. If no appropriation is made, then no Homestead Preservation Credit shall apply in that year.

(G) After setting the homestead exemption limit, the department will calculate the credit, if any, applicable to each verified eligible owner. By August 31 of the credit year, the department will send to county collectors and township county clerks:

1. A list of verified eligible owners;
2. The amount of each credit;
3. The certified parcel number of the homestead; and
4. The address of the homestead property.

(H) The department will instruct the state treasurer to distribute the appropriation to the collector's fund in each county to exactly offset the homestead exemption credit being issued, plus one-quarter of one percent (1/4 of 1%) to the county assessment fund. The funds shall be forwarded to the collectors and clerks of township counties by October 1 of the credit year.

(I) In the event an applicant dies or transfers ownership of the homestead property after application but prior to the mailing of the tax bill in the credit year, the credit is void and any money allotted for a credit on the property tax for that property lapses to the state to be credited to the general revenue fund.

AUTHORITY: section 137.106, RSMo. Supp. 2004. Emergency rule filed March 10, 2005, effective March 20, 2005, expires Sept. 16, 2005. Original rule filed March 10, 2005.

PUBLIC COST: The proposed rule is estimated to cost the state two hundred eighty-one thousand one hundred twenty-one dollars (\$281,121) in FY05, four hundred fifty-three thousand six hundred forty-eight dollars (\$453,648) in FY06, and four hundred fifty thousand four hundred fifteen dollars (\$450,415) in FY07. It is estimated that the cost for county officials is one (1) million dollars. The cost for the actual credits cannot be determined at this time. The increase in tax rates statewide and the number of applicants will determine the appropriation amount.

PRIVATE COST: The proposed rule is estimated to cost private entities \$3,324,000 in the aggregate with that cost recurring annually over the life of the rule. These return preparation costs directly related to the filing of the claims are expected to be more than offset by the credit they will receive.

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

Rule Number and Name:	12 CSR 10-405.100 Homestead Preservation Credit - Procedures
Type of Rule Making:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$1,185,184 (FY05/06/07)
County Officials	\$1,000,000 annually

III. WORKSHEET

The FY05 cost for Department of Revenue \$281,121 to design, develop and implement section 106 to Chapter 137, RSMo as per SB 730. This includes \$224,174 for equipment and expenses and \$56,947 in salaries and benefits. These costs include initial contract development of the program, printing and postage. Implementation will require one TPT IV, one TPT III, 4 TPT I/II's and 12 temporary employees to process the applications correct errors, respond correspondence and prepare reports. In FY 06 the cost will be \$453,648 and \$450,415 in FY07.

The total cost for the county assessors, clerks and collectors is estimated at \$1,000,000. Based on available data, we anticipate 200,000 applications the first year. The estimated cost for the county is \$5.00 per application.

IV. ASSUMPTIONS

The appropriations for the actual credit will be approved each year of the program. As real property tax rates continue to increase, as has been the trend, more individuals will be eligible for the credit.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-405.100 Homestead Preservation Credit - Procedures
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities that would likely to be affected by the adoption of the proposed rule.	Classification by types of entities that would likely be affected.	Estimate in the aggregate as to cost of compliance with the rule.
200,000 individuals	Over 65 years of age and 100% disabled	\$3,324,000

III. WORKSHEET

The Department of Revenue estimates that first year applications will be 200,000. The estimated cost for the individual to complete the front portion and take the form to their assessor's office for the tax levy portion is assumed to be \$16.62. The total aggregate cost for all affected individuals is \$3,324,000.

IV. ASSUMPTIONS

Since this is a new program, the cost of \$16.62 (one hour) to complete a MO-1040A income tax form is being used. We estimate it should take ten minutes to complete the front portion of the credit application. The remainder of the hour would be travel to the assessor's office and waiting for the assessor to complete the application.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 405—Homestead Preservation Credit**

PROPOSED RULE

12 CSR 10-405.200 Homestead Preservation Credit—Qualifications and Amount of Credit

PURPOSE: Section 137.106, RSMo provides a credit on property taxes under certain circumstances. This rule describes the requirements to qualify for this credit and the amount of the credit.

(1) In general, individuals who are at least sixty-five (65) years old on January 1 of the year of application and disabled individuals may receive a credit on their property taxes for their homesteads if those taxes increase more than two and one-half percent (2.5%) in an even numbered year or five percent (5%) in an odd numbered year and the individual's federal adjusted income does not exceed the statutory limit. The amount of the credit is determined by the amount the General Assembly appropriates to fund the credit.

(2) Definition of Terms.

(A) Disabled individual—an individual who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months.

(B) Homestead—the dwelling in Missouri owned and occupied by a taxpayer and up to five (5) acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. The dwelling may be a mobile home.

(C) Homestead Preservation Credit—the credit provided pursuant to section 137.106, RSMo.

(D) Maximum upper limit—for applications filed in calendar year 2005, seventy thousand dollars (\$70,000). For later calendar years, the maximum limit will be increased by a percentage equal to the percentage increase since 2005 in the general price level, as defined pursuant to Article X, Section 17 of the *Missouri Constitution*.

(E) Property tax credit—the credit provided pursuant to sections 135.010–135.035, RSMo.

(3) Application of Rule.

(A) To qualify for the Homestead Preservation Credit, a taxpayer must fit one (1) of the following descriptions:

1. The taxpayer is at least sixty-five (65) years old on January 1 of the year of application or one hundred percent (100%) disabled and owns the homestead in the taxpayer's name only;

2. The taxpayer is at least sixty-five (65) years old on January 1 of the year of application and owns the homestead jointly with a spouse and the spouse is at least sixty (60) years old on January 1 of the year of application; or

3. The taxpayer owns the homestead jointly with a spouse and either the taxpayer or the spouse is one hundred percent (100%) disabled.

(B) To qualify for the Homestead Preservation Credit, the taxpayer's federal adjusted gross income for the tax year preceding the year of application must be equal to or less than the maximum upper limit. If the homestead is owned jointly with a spouse, the joint federal adjusted gross income of the taxpayer and spouse must be equal to or less than the maximum upper limit.

(C) To qualify for the Homestead Preservation Credit, the taxpayer's property tax liability for the homestead, not including any increase due to improvements to the homestead, must increase from the year preceding the application year to the application year by more than two and one-half percent (2.5%) for applications filed in even numbered years or by more than five percent (5%) in odd numbered years.

(D) To qualify for the Homestead Preservation Credit, the taxpayer must have owned and paid property tax in full, including any interest and penalty, on the homestead for the two (2) calendar years prior to application, and must continue to own it during the year of application and the following year. The taxpayer must pay the property tax in full on the homestead for the year of application by December 31.

(E) The taxpayer does not qualify for the Homestead Preservation Credit if the taxpayer owns the homestead jointly with anyone other than a spouse or the homestead is owned by a trust for the benefit of the taxpayer. A title that provides that the homestead transfers to another on death does not disqualify a taxpayer.

(F) The taxpayer does not qualify for the Homestead Preservation Credit if the assessed value of the homestead increased by more than five percent (5%) due to improvements made in the calendar year prior to application.

(G) A taxpayer who properly claims a property tax credit for the tax year preceding the year in which the application for the Homestead Preservation Credit is filed is disqualified from receiving the Homestead Preservation Credit.

(H) The amount of the credit is the amount by which the increase in the taxpayer's liability from the year preceding the application to the application year, exclusive of any increase due to improvements to the homestead, exceeds a single, statewide percentage increase calculated to use all but one-quarter of one percent (1/4 of 1%) of the amount appropriated by the General Assembly to fund the credit.

(I) The credit is calculated annually based on the increase in liability between the application year and the prior year and does not carry forward to future years.

(4) Examples:

(A) Taxpayer is 65 years old and his wife is 60 years old. The taxpayers are eligible for the Homestead Preservation Credit if they meet the other eligibility criteria.

(B) Taxpayer is 65 years old, but his wife is 55 years old and totally disabled. The taxpayers are eligible for the Homestead Preservation Credit if they meet the other eligibility criteria.

(C) Taxpayer is single and 60 years old. He is totally disabled. Taxpayer is eligible for the Homestead Preservation Credit if he meets the other eligibility criteria.

(D) Taxpayer owns his home jointly with his wife. Their federal adjusted gross income is \$69,000. The taxpayers are eligible for the Homestead Preservation Credit if they meet the other eligibility criteria.

(E) Taxpayer owns his home as an individual. His federal adjusted gross income is \$40,000. His wife's federal adjusted gross income is \$35,000. Taxpayer is not eligible for the Homestead Preservation Credit because the joint federal adjusted gross income exceeds the maximum upper limit of \$70,000.

(F) Taxpayers purchased their home after January 1 two (2) years before the application year. They are not eligible for the Homestead Preservation Credit.

(G) Taxpayers have owned their home for ten years, but they no longer live there. They are not eligible for the Homestead Preservation Credit.

(H) Taxpayers live in a home that is titled in a trust for their benefit. They are not eligible for the Homestead Preservation Credit.

(I) Taxpayer owns his home jointly with his grown daughter. Taxpayer is not eligible for the Homestead Preservation Credit.

(J) Taxpayer owns a life estate in her home, and her son has a right of survivorship. Taxpayer is eligible for the Homestead Preservation Credit if she meets the other eligibility criteria.

(K) Taxpayers own two homes and spend equal time living in each. The taxpayers can claim the Homestead Preservation Credit for only one home which they have designated as their "homestead."

(L) Taxpayers rent their house. They are not eligible for the Homestead Preservation Credit.

(M) Taxpayer's home is located on a ten-acre lot. Taxpayer can only claim the Homestead Preservation Credit for his house and up to five acres around the house that are used for residential purposes.

(N) Taxpayer has owned and occupied a mobile home for ten years. Taxpayer is eligible for the Homestead Preservation Credit if taxpayer meets the other eligibility criteria.

(O) Taxpayers have paid taxes for the past ten years on their home, but last year they paid the taxes late. They paid all penalties and interest due on the late payment. They are eligible for the Homestead Preservation Credit if they meet the other eligibility criteria.

(P) Taxpayers' tax levy increased four percent in a reassessment year. They are not eligible for a Homestead Preservation Credit because the difference in the property tax levy in a reassessment year must exceed five percent.

(Q) Taxpayers' property taxes increased four percent in a non-reassessment year. Taxpayers are eligible for a Homestead Preservation Credit if they meet the other eligibility criteria because the difference in the property tax levy in a non-reassessment year must exceed two and one-half percent.

(R) Taxpayers' home is valued at \$60,000. In the past year they made improvements totaling \$8,000. Taxpayers are not eligible for the Homestead Preservation Credit because the value of the improvements exceeds five percent of the value of the home.

(S) Taxpayers have applied and qualify for the property tax credit pursuant to sections 135.010 to 135.035, RSMo. They are not eligible for the Homestead Preservation Credit based on the same property tax assessment.

(T) Taxpayer lives in the homestead and his wife lives in a nursing home. They cannot apply for both the Homestead Preservation Credit on the jointly owned home and the property tax credit under sections 135.010 to 135.035, RSMo, on the rental amount of the nursing home.

(U) Taxpayers are eligible for a \$100 Homestead Preservation Credit, but the General Assembly did not appropriate funding for the Homestead Preservation Credit. Taxpayers do not receive a Homestead Preservation Credit for the credit year.

(V) Taxpayer is eligible for a \$100 Homestead Preservation Credit, but the General Assembly only appropriates fifty percent of the money required to fund the credit. Taxpayer will receive a reduced Homestead Preservation Credit for the credit year based on the amount appropriated.

AUTHORITY: section 137.106, RSMo. Supp. 2004. Emergency rule filed March 10, 2005, effective March 20, 2005, expires Sept. 16, 2005. Original rule filed March 10, 2005.

PUBLIC COST: The proposed rule is estimated to cost the state two hundred eighty-one thousand one hundred twenty-one dollars (\$281,121) in FY05, four hundred fifty-three thousand six hundred forty-eight dollars (\$453,648) in FY06, and four hundred fifty thousand four hundred fifteen dollars (\$450,415) in FY07. It is estimated that the cost for county officials is one (1) million dollars. The cost for the actual credits cannot be determined at this time. The increase in tax rates statewide and the number of applicants will determine the appropriation amount.

PRIVATE COST: The proposed rule is estimated to cost private entities \$3,324,000 in the aggregate with that cost recurring annually over the life of the rule. These return preparation costs directly related to the filing of the claims are expected to be more than offset by the credit they will receive.

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

Rules Number and Name:	12 CSR 10-405.200 Homestead Preservation Credit – Qualifications and Amount of Credit
Type of Rule Making:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Revenue	\$1,185,184 (FY05/06/07)
County Officials	\$1,000,000 annually

III. WORKSHEET

The FY05 cost for Department of Revenue \$281,121 to design, develop and implement section 106 to Chapter 137 RSMo as per SB 730. This includes \$224,174 for equipment and expenses and \$56,947 in salaries and benefits. These costs include initial contract development of the program, printing and postage. Implementation will require one TPT IV, one TPT III, 4 TPT I/II's and 12 temporary employees to process the applications correct errors, respond correspondence and prepare reports. In FY 06 the cost will be \$453,648 and \$450,415 in FY07.

The total cost for the county assessors, clerks and collectors is estimated at \$1,000,000. Based on available data, we anticipate 200,000 applications the first year. The estimated cost for the county is \$5.00 per application.

IV. ASSUMPTIONS

The appropriations for the actual credit will be approved each year of the program. As real property tax rates continue to increase, as has been the trend, more individuals will be eligible for the credit.

**Fiscal Note
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-405.200 Homestead Preservation Credit – Qualifications and Amount of Credit
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities that would likely to be affected by the adoption of the proposed rule.	Classification by types of entities that would likely be affected.	Estimate in the aggregate as to cost of compliance with the rule.
200,000 individuals	Over 65 years of age and 100% disabled	\$3,324,000

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The Department of Revenue estimates that first year applications will be 200,000. The estimated cost for the individual to complete the front portion and take the form to their assessor's office for the tax levy portion is assumed to be \$16.62. The total aggregate cost for all affected individuals is \$3,324,000.

IV. ASSUMPTIONS

Since this is a new program, the cost of \$16.62 (one hour) to complete a MO-1040A income tax form is being used. We estimate it should take ten minutes to complete the front portion of the credit application. The remainder of the hour would be travel to the assessor's office and waiting for the assessor to complete the application.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 110—Fees**

PROPOSED RESCISSION

13 CSR 40-110.020 Federal Income Tax Refund Offset Fee. This rule defined how the Family Support Division would collect a fee from custodians for whom the division submitted past-due child and spousal support debts for collection through the federal income tax refund offset program in a IV-D, nonpublic assistance case.

PURPOSE: This rule is being rescinded so a fee for a tax intercept will not be collected from the custodian.

AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed Sept. 10, 2004, effective March 30, 2005. Emergency rescission filed March 17, 2005, effective March 30, 2005, expires Sept. 25, 2005. Rescinded: Filed March 17, 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 the Family Support Division, Denise Cross, Director, 615 Howerton Court, PO Box 2320, 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 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits**

PROPOSED AMENDMENT

16 CSR 50-2.110 Rehires. The board is amending section (1).

PURPOSE: This amendment clarifies the suspension of benefits rules.

(1) Suspension of Benefits. If a participant returns to employment after a separation from service, benefit payments to the individual will be suspended, pending the termination of employment and completion of a new retirement application. [All elections made in the original retirement application will be revoked upon completion of an enrollment form indicating a return to county employment. While employed, the individual will accrue creditable service, which, upon termination of employment and submission of a new retirement application, will be used to recalculate the benefit in accordance with the provisions of this chapter.] After any such suspension of benefits and subsequent termination of employment, the participant will resume benefits under the payment option originally selected with respect to those benefits. If the individual has started a buyback of prior service during the first benefit payment period, the total paid toward the buyback will be subtracted from the new buyback figure. Benefits with respect to the prior service period less any remaining buyback will recommence upon termination of employment. The buyback will extend for a maximum of forty-eight (48) months less the total number of months during which the individual had already made a buyback. While subsequently employed after a separation

from service, the individual will accrue creditable service, which, upon termination of employment and submission of a new retirement application in accordance with the plan rules, will be used to calculate a benefit with respect to that period of service in accordance with the provisions of this chapter. For such subsequent period of service, benefits will also be calculated using the average final compensation with respect to that period of service. The benefits payable with respect to any employment period after a rehire shall be added to the benefits payable in accordance with a previous service period, provided that, in no event shall the participant's total creditable service when added together for all service periods exceed twenty-five (25) years for purposes of 16 CSR 50-2.090, and benefits shall be determined on the basis that a participant forever ceases accruing creditable service for this purpose in the service period in which such participant first attains twenty-five (25) years of creditable service. The new retirement application with respect to employment after a rehire shall specify the form of benefit and beneficiary with respect to any benefits payable in connection with such period of service, and the form and beneficiary may, but are not required to, differ from those elected with respect to benefits relating to a prior service period. Notwithstanding anything in the plan to the contrary, if a participant was receiving benefits in the form of the level income option and has such benefit payments suspended upon returning to employment before attaining age sixty-two (62) in accordance with this section, the remaining payments under the form shall resume at termination of employment in the monthly amount determined in accordance with 16 CSR 50-2.035(1)(E) or (F) as though the participant were the age he or she had attained upon his/her return to employment.

AUTHORITY: section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Feb. 24, 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 County Employees' Retirement Fund, PO Box 2271, 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 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 1—Food Protection**

PROPOSED AMENDMENT

19 CSR 20-1.025 Sanitation of Food Establishments. The department proposes to amend subsections (1)(A) and (1)(B).

PURPOSE: This amendment changes the definition of what is not a food establishment by setting parameters that allow an individual to offer non-potentially hazardous foods to a consumer and changes the hot holding temperature for potentially hazardous foods from 140°F to 135°F.

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. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) General.

(A) The provisions of the *U.S. Department of Health and Human Services Public Health Service Food and Drug Administration 1999 Food Code*, U.S. Department of Commerce Technology Administration National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, shall apply and are incorporated by reference subject to the following additions, modifications, substitutions or deletions.

(B) Exceptions to the incorporation by reference are as follows:

1. Chapter 1-103.10 Statement. Delete: "This Code establishes definitions; sets standards for management and personnel, food operations, and equipment and facilities, and provides for food establishment plan review, permit issuance, inspection, employee restriction, and permit suspension." Substitute: "This Code establishes definitions, sets standards for management and personnel, food operations, equipment and facilities";

2. Chapter 1-201.10(B)(31)(a)(i) Delete: "Such as a restaurant; satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and" Substitute: "Such as a restaurant; central preparation facility; catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending (location) operation, if the operation provides potentially hazardous foods; conveyance used to transport people; institution; or food bank; and";

3. Chapter 1-201.10(B)(31)(b)(i) Delete: "An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and" Substitute: "An element of the operation such as a transportation vehicle or a satellite catered feeding location, a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; and";

4. Chapter 1-201.10(B)(31)(c)(vi) Delete: "A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 6, breakfast is the only meal offered, the number of guests served does not exceed 18, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or" Substitute: "A kitchen in a private home, such as a small family day-care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed 4, breakfast is the only meal offered, the number of guests served does not exceed 12, and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or";

5. Chapter 1-201.10(B)(31)(c)(viii) Add: "Where local codes allow, individual stands in which only foods meeting the following conditions are sold, sampled or served: (AA) Non-potentially hazardous processed foods, except low acid canned and acidified foods as specified in 21 CFR 113 and 114 respectively, including, but not limited to breads, cookies, fruit pies,

jams, jellies, preserves, fruit butters, honey, sorghum, cracked nuts, packaged spices and spice mixes, dry cookie, cake, bread, and soup mixes; (BB) The seller is the individual actually producing the food or an immediate family member residing in the producer's household with extensive knowledge about the food; (CC) The seller only sells, samples or serves the food directly to the end consumer; (DD) All processed packaged foods bear a label stating the name and address of the manufacturer/processor preparing the food, common name of the food, name of all the ingredients in the food and a statement that the product is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services; and (EE) The consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to inspection by the Department of Health and Senior Services if the foods specified in Subparagraph 1-201.10(B)(31)(c)(viii)(AA) are sold, sampled or served in unpackaged individual portions. The Department of Health and Senior Services shall have the final authority in determining whether a food is non-potentially hazardous and may enjoin individuals who violate the provisions of this section from selling, sampling or serving these foods.";

[5.] 6. Delete Chapter 1-201.10(B)(51) in its entirety;

[6.] 7. Chapter 1-201.10(B)(52) Delete: "'Permit holder' means the entity that:

A. Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and

B. Possesses a valid permit to operate a food establishment." Substitute: "'Operator' means the entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person";

[7.] 8. Chapter 1-201.10(B)(63)(a) Delete the term "permit holder" and substitute "operator";

[8.] 9. Chapter 1-201.10(B)(63)(b) Delete the term "permit holder" and substitute "operator";

[9.] 10. Chapter 1-201.10(B)(93) Add: "'Vending operation' means a commercial operation that stores, prepares, packages, serves, vends or otherwise preserves food products for and in vending machines and may consist of one or more vending locations";

[10.] 11. Chapter 1-201.10(B)(93) Modify "Warewashing" to "(94)";

[11.] 12. Chapter 1-201.10(B)(94) Modify "Whole-muscle, intact beef" to "(95)";

[12.] 13. Chapter 2-101.11 Delete the term "permit holder." Substitute: "operator";

[13.] 14. Chapter 2-201.11 Delete the term "permit holder." Substitute "operator";

[14.] 15. Delete Chapter 2-301.13 in its entirety;

[15.] 16. Chapter 2-301.14 Add: "(I) Prior to use of gloves";

[16.] 17. Chapter 2-302.11(B) Delete: "Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails when working with exposed food." Substitute: "While preparing food, employees shall not wear artificial nails or fingernail polish";

[17.] 18. Chapter 3-201.17 Add: "(C) Any political subdivision, elementary or secondary school or any charitable, religious, fraternal or other not-for-profit organization may prepare or serve wild game provided there is no charge for the wild game served as according to RSMo 252.244.";

19. Chapter 3-202.11(C) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

20. Chapter 3-304.12(F) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

[18.] 21. Chapter 3-401.11(D)(3) Delete: "The regulatory authority grants a variance from ¶ (A) or (B) of this Chapter as specified in § 8-103.10 based on a HACCP plan that." Substitute: "The regulatory authority grants a variance from ¶ (A) or (B) of this Chapter as based on a HACCP plan that.";

[19.] 22. Chapter 3-401.11(D)(3)(a) Delete: "Is submitted by the permit holder and approved as specified under § 8-301.11." Substitute: "The regulatory authority grants a variance from ¶ (A) or (B) of this chapter as based on a HACCP plan that is submitted by the operator and approved by the regulatory authority."

23. Chapter 3-401.13 Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

24. Chapter 3-403.11(C) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

25. Chapter 3-501.14(A)(1) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

26. Chapter 3-501.16(A) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

[20.] 27. Chapter 3-501.16(C)(2) Delete: "Within 5 years of the regulatory authority's adoption of this code, the equipment is upgraded or replaced to maintain food at a temperature of 5°C (41°F) or less." Substitute: "Within 90 days of the adoption of this rule, all refrigeration equipment that is upgraded, replaced, or purchased must be able to maintain food temperatures of 41°F or below. If a refrigeration unit is found to be exceeding 45°F for 3 consecutive inspections, it shall be brought into compliance with 41°F or be replaced with a unit that is capable of maintaining product temperatures of 41°F or below";

[21.] 28. Chapter 3-502.11 Variance Requirement. Delete: "A food establishment shall obtain a variance from the regulatory authority as specified in § 8-103.10 and under § 8-103.11 before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under § 3-502.12 where a barrier to *Clostridium botulinum* in addition to refrigeration exists; custom processing animals that are for personal use as food and not for sale or service in a food establishment; or preparing food by another method that is determined by the regulatory authority to require a variance." Substitute: "A food establishment shall obtain a variance from the regulatory authority before smoking food as a method of food preservation rather than as a method of flavor enhancement; curing food; brewing alcoholic beverages; using food additives or adding components such as vinegar as a method of food preservation rather than as a method of flavor enhancement or to render a food so that it is not potentially hazardous; packaging food using a reduced oxygen packaging method except as specified under § 3-502.12 where a barrier to *Clostridium botulinum* in addition to refrigeration exists; custom processing animals that are for personal use as food and not for sale or service in a food establishment; or preparing food by another method that is determined by the regulatory authority to require a variance.";

[22.] 29. Delete inserted page titled: "Current Status of Consumer Advisory Language" in its entirety;

[23.] 30. Chapter 3-603.11 Delete: "Except as specified in ¶ 3-401.11(C) and Subparagraph 3-401.11(D)(3) and under ¶ 3-801.11(D), if animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked, or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the permit holder shall inform consumers by brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written means of the significantly increased risk associated with certain especially vulnerable consumers eating such foods in raw or undercooked form." Substitute: "If an animal food such as beef, eggs, fish, lamb, milk, pork, poultry, or shellfish that is raw, undercooked or not otherwise processed to eliminate pathogens is offered in a ready-to-eat form as a deli, menu, vended, or other item; or as a raw ingredient in another ready-to-eat food, the operator shall inform or disclose to consumers that

the product is raw, undercooked, or not otherwise processed to eliminate pathogens.";

31. Chapter 4-204.111(B)(2) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

[24.] 32. Delete Chapter 4-204.19 in its entirety;

[25.] 33. Chapter 4-204.110(B) Delete: "Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority as specified in §8-103.10 and a HACCP plan that:" Substitute: "Molluscan shellfish life-support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in accordance with a variance granted by the regulatory authority and a HACCP plan that:";

[26.] 34. Chapter 4-204.110(B)(1) Delete: "Is submitted by the permit holder and approved as specified under § 8-103.11; and" Substitute: "Is submitted by the operator and approved by the regulatory authority; and";

[27.] 35. Delete Chapter 4-301.12(C)(5) in its entirety;

[28.] 36. Delete "Chapter 4-301.12(C)(6)" Substitute: "Chapter 4-301.12(C)(5)";

[29.] 37. Delete Chapter 4-301.12(D) and (E) in their entirety;

38. Chapter 4-602.11 (D)(7) Delete: "60°C (140°F)"; Substitute: "57°C (135°F)";

[30.] 39. Delete Chapter 4-603.16(C) in its entirety;

[31.] 40. Chapter 4-603.16(D)(2) Delete: "Wasted" Substitute: "Drained";

[32.] 41. Chapter 5-103.12 Delete: "Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under ¶¶ 5-104.12(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure." Substitute: "Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under ¶¶ 5-104.12(A) and (B) to a temporary food establishment or in response to a temporary interruption of a water supply need not be under pressure if approved.";

[33.] 42. Chapter 5-203.11(C) Delete: "If approved, when food exposure is limited and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes for handwashing." Substitute: "If approved, when food exposure is limited to packaged food and handwashing lavatories are not conveniently available, such as in some mobile or temporary food establishments or at some vending machine locations, employees may use chemically treated towelettes and/or approved hand sanitizers for handwashing.";

[34.] 43. Delete Chapter 5-203.15 in its entirety;

[35.] 44. Delete Chapter 5-205.13 in its entirety;

[36.] 45. Chapter 6-202.13(B) Delete: "Insect control devices shall be installed so that:" Substitute: "All other insect control devices shall be installed so that:";

[37.] 46. Chapter 6-202.17 Delete: "If located outside, a machine used to vend food shall be provided with overhead protection except that machines vending canned beverages need not meet this requirement." Substitute: "If located outside, a machine used to vend food shall be provided with overhead protection except that machines designed for outdoor use need not meet this requirement.";

[38.] 47. Chapter 6-404.11 Delete the term "permit holder" and Substitute "operator";

[39.] 48. Delete Chapter 8 in its entirety;

[40.] 49. Delete Annexes 1-7 in their entirety; and

[41.] 50. Chapter 3-502.12(B) Delete: "A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in

the final packaged form shall have a HACCP plan that contains the information specified under ¶ 8-201.14(D) and that.” Substitute: “A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan submitted by the operator and approved by the regulatory authority and that.”.

AUTHORITY: sections 192.006, [RSMo Supp. 1998 and] 196.190, 196.195, 196.210, 196.220, 196.225, 196.230, 196.235, 196.240, 196.245, 196.250 and 196.265, RSMo [1994] 2000 and 192.020, RSMo Supp. 2004. Original rule filed April 26, 1999, effective Oct. 30, 1999. Amended: Filed March 1, 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 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.*