

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 60—State Board of Barber Examiners
Chapter 1—General Rules**

PROPOSED AMENDMENT

4 CSR 60-1.025 Fees. The board is proposing to add new language in subsections (1)(D) and (1)(E) and renumber the remaining subsections accordingly.

PURPOSE: This rule is being amended to establish the fees related to apprenticeship pursuant to Senate Bill 1122 passed by the 92nd General Assembly and became effective August 28, 2004.

(1) The following fees are established by the State Board of Barber Examiners and are payable in the form of a cashier's check, money order, or personal check:

(D) Apprentice Barber	
1. Registration	\$ 10.00
(E) Apprentice Supervisor	
1. Application Fee	\$ 75.00
[(D)](F) School	
1. Application Fee to Open a New School/College	\$500.00
2. Change of Location	\$500.00
3. Change of Ownership	\$300.00
4. Adding a Co-Owner	\$ 50.00
5. License Renewal	\$600.00
[(E)](G) Barbershop	
1. Certificate of Registration/License	\$ 50.00
2. Change of Location	\$ 50.00
3. Change of Ownership	\$ 50.00
4. Adding a Co-Owner	\$ 50.00
5. License Renewal	\$100.00
A. Penalty Fee after March 30	\$100.00
6. Delinquent Fee for Opening Shop Before Registering	\$100.00
7. Duplicate License	\$ 5.00
[(F)](H) Insufficient Funds Check	\$ [50.00] \$25.00
[(G)](I) Name Search Fee	
(as determined by the Missouri State Highway Patrol)	

AUTHORITY: section 328.060.1, RSMo 2000 and 328.075.3 and 610.026, RSMo Supp. 2004. The material covered in this rule was previously filed as 4 CSR 60-4.010. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2004, effective April 30, 2005. Amended: Filed April 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 State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8167 or via e-mail at: barber@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 60—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 60-2.015 Licensure by Examination for a Barber. The board is proposing to amend subsection (2)(A).

PURPOSE: This rule is being amended to include apprentice shops in the explanation of examination procedures pursuant to Senate Bill 1122 passed by the 92nd General Assembly and became effective August 28, 2004.

(2) Application for examination shall be made on the forms provided by the board. Applications may be obtained by writing or calling the board. The mailing address is: P[.JOI.] Box 1335, Jefferson City,

MO 65102 and the telephone number is (573) 751-0805. The TDD number is (800) 735-2966.

(A) Upon graduation from a Missouri school/college/apprentice shop an application for examination may be obtained [at] from the school/college/apprentice supervisor/or board office upon a satisfactory showing that training requirements are completed. Applicants that have currently graduated from an out-of-state accredited barber school/college/apprentice shop, and upon satisfactory showing that training requirements are completed, may obtain an application for examination from the board.

AUTHORITY: sections 328.080 and 328.110, RSMo [1994] Supp. 2004. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 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 State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8167 or via e-mail at: barber@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 60—State Board of Barber Examiners
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 60-2.040 Barbershops. The board is adding sections (8) and (9).

PURPOSE: This rule is being amended to establish and explain the licensing procedures for apprentice barbershops pursuant to Senate Bill 1122 passed by the 92nd General Assembly and became effective August 28, 2004.

(8) Apprenticeship Program.

(A) Any licensed barber desiring to initiate a program of apprenticeship training in a licensed barber shop shall provide to the board the following information at the same time as the necessary application for the apprentice supervisor listed in subsection (9)(A):

1. The name and address of the licensed shop;
2. The floor plan of the shop.

(B) It shall be required for the licensed shop to be duly inspected and approved by the board or its authorized representative prior to commencement of apprentice training.

(C) Any shop advertising the services of an apprentice, in addition, shall provide notice, in print one-half (1/2) the size of the shop name, that the apprentice is a student of barbering.

(D) The licensed shop shall not hold itself out as a school and shall not train/supervise more than one (1) apprentice at a time. The licensed shop shall not accept any fee from the apprentice or any representative of the apprentice.

(E) Subjects of apprenticeship study shall conform to Column B in 4 CSR 60-3.015(1).

(F) The apprentice license shall be conspicuously posted at the appropriate station at all times and shall have a photograph attached which has been taken within the last two (2) years. The apprentice license is not transferable.

(9) Apprentice Supervisors.

(A) Any person desiring to practice as an apprentice supervisor shall have been licensed as a barber in Missouri for not less than two (2) years immediately prior to application as an apprentice supervisor. Said person shall provide to the board—

1. The name and address of the apprentice to be supervised;
2. The contract, if any, between the apprentice supervisor and the apprentice;
3. Apprentice supervisor application properly completed on a form supplied by the board;
4. Two (2) letters of character reference for the apprentice supervisor;
5. Proof of apprentice being at least seventeen (17) years of age;
6. Two (2) bust photographs measuring two inches square (2" × 2") taken within the last two (2) years;
7. An affidavit attesting that the apprentice supervisor shall be physically present at all times that his/her apprentice is receiving credited hours toward the required minimum for testing. For emergency purposes one (1) secondary licensed barber from the apprentice shop shall be named as acting apprentice supervisor. The acting supervisor shall not be responsible for more than a total of five percent (5%) or one hundred fifty (150) hours of supervision for a barber apprentice. The designation of an acting supervisor is limited to cases of sickness, vacation, or emergencies of the apprentice supervisor and any misuse of this privilege shall result in said supervisor's certificate revocation, and may be grounds for the board to seek discipline against the barber license and/or shop license; and

8. Application for a board-approved training session emphasizing teaching methodology. The session shall be eight (8) hours in length. Those apprentice supervisor applicants who currently are licensed instructors in the state of Missouri may forego the training session for becoming a supervisor.

(B) Upon the receipt by the board of all items required by subsection (9)(A), the board shall schedule the applicant for seminar training as an apprentice supervisor.

(C) Upon the successful completion of the seminar, the board shall issue the applicant a certificate as an apprentice supervisor. The apprentice supervisor certificate shall expire upon the apprentice's completion of training hours. The apprentice supervisor certificate is nontransferable and nonrenewable. The apprentice supervisor certificate shall be conspicuously displayed within the apprentice shop with a photograph taken within the last two (2) years.

(D) The apprentice supervisor shall not hold him/herself out as a school and shall not train/supervise more than one (1) apprentice at a time. The apprentice supervisor shall not accept any fee from the apprentice or any representative of the apprentice for instruction, rent, supplies, equipment or any other necessary tools for instruction.

(E) The apprentice supervisor must provide the following equipment: barber station, mannequin, current textbook on theory, barbering supplies and other equipment as deemed necessary and reasonable by the board.

(F) The apprentice supervisor shall submit quarterly reports by the tenth day of the following month for the apprentice in training on forms supplied by the board. Upon termination of training by the apprentice, the apprentice supervisor shall submit to the board within two (2) weeks a properly completed termination form supplied by the board. The form shall list the total number of training hours completed by the apprentice, allocated by subject area, the date the apprentice terminated training, and

shall be accompanied by the apprentice's license and any unused materials supplied by the board.

(G) The apprentice supervisor has thirty (30) days to begin training of apprentice subsequent to attending the board-approved training session.

(H) The board shall grant a waiver of the training session fee and completion of a board-approved training session provided—

1. Within the first six (6) months of the date of issuance of the apprentice supervisor certificate either party terminates the training; and

2. The apprentice supervisor reapplies to supervise a new apprentice within the same six (6) months.

AUTHORITY: sections 328.115.3 and 338.120, RSMo [1994] 2000 and 328.075.3, RSMo Supp. 2004. Original rule filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 1, 2005.

PUBLIC COST: This proposed amendment will cost public entities an estimated nine hundred seventy-seven dollars and sixty-three cents (\$977.63) during the first year of implementation of the rule and seven hundred thirty-three dollars and twenty-two cents (\$733.22) annually thereafter 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 amendment will cost private entities an estimated eight thousand five hundred seventy-four dollars (\$8,574) during the first year of implementation of the rule and six thousand four hundred thirty dollars and fifty cents (\$6,430.50) annually thereafter 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 amendment with the Missouri State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8167 or via e-mail at: barber@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 60 - State Board of Barber Examiners

Chapter 2 - Licensure Requirements

Proposed Amendment - 4 CSR 60-2.040 Barbershops

Prepared March 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Barber Examiners	\$977.63
Total Annual Cost of Compliance for the Life of the Rule	\$977.63 during the first year of implementation of the rule and \$733.22 annually thereafter

III. WORKSHEET

I. CALCULATION OF EXPENSE AND EQUIPMENT AND PERSONAL SERVICE COSTS:

The board anticipates the staff will perform the following duties:

Licensure Technician II - Reviews application for completeness, updates division's licensing system, prepares and sends follow up letters, follows up with applicant for any additional information needed, responds to telephone inquiries, processes all documentation, prepares flow sheet for board review, and issues and mails the license.

Inspector - Conducts inspection of shop and approves the shop as meeting all the requirements for offering the apprenticeship and/or makes recommendations for meeting the requirements.

Salaries for the staff are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensing Technician I	\$22,620	\$31,842.17	\$15.31	\$0.26	15 minutes	\$3.83	\$57.41
Inspector I	\$26,808	\$37,737.62	\$18.14	\$0.30	90 minutes	\$27.21	\$408.22

Expense and Equipment and Personal Service Dollars

Application Printing	\$0.80
Letterhead Printing	\$0.15
Envelope for Mailing Application	\$0.16
Postage for Mailing Application	\$1.03
Printing of License	\$0.05
Postage for Mailing License	\$0.37
Total Per Applicant:	\$2.56

Total Expense and Equipment Costs: \$512.00

IV. ASSUMPTIONS

- In the event inadequate information is submitted, it may be necessary for the board to review an application but it is not anticipated. Although 4 members of the board assist with the administration of the examination, no additional costs were calculated in this fiscal note as the number of examination administered annually will not increase.
- The board anticipates 100 mentor applications and 100 apprentice applications will be received during the first year of implementation of the rule and thereafter 75 applicants will be received annually.
- The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The 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 60 - State Board of Barber Examiners

Chapter 2 - Licensure Requirements

Proposed Amendment - 4 CSR 60-2.040 Barbershops

Prepared March 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
100	Licensee (Mentor Application Fee @ \$75)	\$7,500.00
100	Apprentice (enrollment fee @ \$10)	\$1,000.00
200	Applicants (postage @ \$.37)	\$74.00
Estimated Annual Cost of Compliance Life of the Rule		\$8,574.00 during the first year of implementation of the rule and \$6,430.50 annually thereafter

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on the legislative fiscal note filed with SB1122 (2004).
2. The board anticipates 100 mentor applications and 100 apprentice applications will be received during the first year of implementation of the rule and thereafter 75 applicants will be received annually.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 60—State Board of Barber Examiners
**Chapter 3—Curriculum Requirements for Barber
Schools/Colleges**

PROPOSED AMENDMENT

4 CSR 60-3.015 Rules and Curriculum Prescribed for Barber Schools/Colleges. The board is proposing to amend sections (1)–(9), (12), (17), (19) and (22)–(25).

PURPOSE: This rule is being amended to establish the curriculum and minimum training requirements for barber apprentices pursuant to Senate Bill 1122 passed by the 92nd General Assembly and became effective August 28, 2004.

(1) Missouri barber schools/colleges shall provide a minimum of one thousand (1,000) hours of training over a period of not less than six (6) months. *[Subjects and minimum hours in each include, but not be limited to, the following:]* **Apprenticeship training in Missouri shall provide a minimum of two thousand (2,000) hours of training for a period not to exceed five (5) years. The subjects and the minimum hours in each are listed in Columns A and B in this section.**

Subject	Column A	Column B
	Minimum Hours Student	Minimum Hours Apprentice
(A) History	5	10
(B) Professional Image	5	10
(C) Bacteriology	5	10
(D) Sterilization, Sanitation, and SafeWork Practices	20	40
(E) Implements, Tools, and Equipment	15	30
(F) Properties and Disorders of the Skin, Scalp, and Hair	15	30
(G) Treatment of Hair and Scalp	20	40
(H) Facial Massage and Treatments	5	10
(I) Shaving	35	70
(J) Haircutting	425	850
(K) Hairstyling	325	650
(L) Mustache and Beard Design	5	10
(M) Permanent Waving	30	60
(N) Chemical Hair Relaxing and Soft Curl Permanents	30	60
(O) Hair Coloring	30	60
(P) Hairpieces	5	10
(Q) Chemistry	5	10
(R) Anatomy and Physiology	5	10
(S) Salesmanship and Shop Management	5	10
(T) State Law	10	20

(2) All barber students **or barber apprentices** shall receive not less than one (1) hour of combined lectures and demonstrations each business day, excluding Saturday.

(3) A school/college **or apprentice shop** shall not allow any student under the age of *[sixteen (16)]* **seventeen (17) years [and six (6) months]** to enroll.

(4) It shall be the responsibility of the school/college/**or apprentice supervisor** to submit to the board at least fourteen (14) days prior to the anticipated date of student barber training the following:

(A) A completed student/**or apprentice** application for admission to barber training;

(C) Two (2) small photographs of student/**or apprentice**; and

(5) Upon board approval of a student **or apprentice** application for admission to barber training, the board shall issue to the school/college **or apprentice supervisor** a student **or apprentice** registration to be posted at each student's work station.

(6) Upon a successfully completed course of barber training, provided the board is in receipt of a completed student/**apprentice** transcript and student/**apprentice** registration, the student/**apprentice** may apply for the barber examination by submitting to the board at least fourteen (14) days prior to examination date, a completed application and applicable fee.

(7) Upon graduation from barber training, the student/**apprentice** registration to work under the supervision of a licensed barber operating in a current licensed barbershop may be extended by the board to ten (10) days following the date of the first available examination for licensure. Extended student/**apprentice** registration shall be posted in front of the working chair. Extended student/**apprentice** registration shall be received by the board upon its expiration.

(8) A school/college shall use a time clock to maintain an actual record of the exact number of hours worked each day by each student/**apprentice**.

(9) A school/college/**apprentice shop** shall maintain current transcripts and records of each student/**apprentice** enrolled, including the hours and dates of attendance and grades of all examinations.

(12) All work performed by the student **or apprentice** on a customer shall be inspected and approved by an instructor **or apprentice supervisor** before the customer exits the school/college/**apprentice shop**.

(17) All barbering implements and school **or shop** equipment, including furniture and fixtures, shall be kept in good working order and repair.

(19) **Schools/colleges** */E/emphasis* shall be placed on student training exclusively.

(22) The building and quarters the school/college/**apprentice shop** occupies shall be clean, well painted, well ventilated, adequately lighted with sufficient room.

(23) Open to Inspection. Every school/college/**apprentice shop** licensed by the board shall be open to inspection by members, representatives, or inspectors of the board during normal working hours or at reasonable times as requested by the board.

(24) All barber schools/colleges/**apprentice shops** shall be in compliance with 4 CSR 60-4.015 Sanitation Rules and shall post sanitation rules in a conspicuous place within school/college/**apprentice shop**.

(25) Failure of any school/college/**apprentice shop**, barber instructor, **apprentice supervisor**, or student/**apprentice** licensed by the board to comply with these rules and curriculum shall be considered grounds for suspension or revocation of a license to operate a barber school/college/**or apprentice shop** in this state.

AUTHORITY: sections 328.115, [and] 328.150 and 338.120, RSMo [1994] 2000 [and 328.120, RSMo Supp. 1997] and 328.080, RSMo Supp. 2004. The material covered in this rule was previously filed as 4 CSR 60-2.010. Original ruled filed Nov. 12, 1997, effective May 30, 1998. Amended: Filed April 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 State Board of Barber Examiners, Darla L. Fox, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 751-8167 or via e-mail at: barber@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 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 70-2.032 Specialty Certification

PURPOSE: This rule outlines the requirements for applying to the board for recognition of a specialty to include documentation required and information reviewed by the board in determining whether a practice area is a specialty.

(1) Any person or entity may submit an application to the board seeking recognition of a specialty area as authorized by section 331.030.9, RSMo.

(A) For the purpose of this regulation a specialty shall consist of advanced education and/or training to be proficient in an area of practice and shall not include a technique of manipulation or treatment.

(2) An application for recognition of a specialty area shall be submitted on a form provided by the board and shall be accompanied by the required fee as defined in 4 CSR 70-2.090. Within the application the following information and documentation shall be submitted:

(A) Name and description of the specialty certification area;

(B) Conditions and/or disorders to which the specialty area is directed;

(C) Proof of acceptance of the specialty area by the chiropractic profession to include safety and efficacy of the specialty area.

1. For the purpose of this regulation the board will consider articles from scholarly journals, treatises, textbooks used by board-approved Council of Chiropractic Education (CCE) colleges of chiropractic, syllabi and/or curriculum materials used in education and training in the specialty area, and scholarly studies or research.

(D) Education and/or training requirements including how and where education may be obtained and whether education and/or training is provided from a postgraduate board-approved CCE chiropractic college.

(E) A statement describing why the specialty area does not exceed the scope of practice as defined in section 331.010, RSMo;

(F) Any examination or residency required; and

(G) Hours of continuing education to maintain the certification.

(3) The board shall review an application for recognition of a specialty area and require documentation to determine compliance with the following factors:

(A) Whether the certification is for a specialty area, or for a technique;

(B) Whether the specialty area is within the scope of practice of chiropractic as defined in section 331.010, RSMo;

(C) Whether the specialty area is safe for its intended purpose(s);
(D) Whether there are sufficient sources of accredited core and postgraduate education at board-approved CCE colleges of chiropractic; and

(E) Whether recognition of a specialty area will create potential public confusion in the event the specialty area is already being commonly utilized by licensees.

(4) The applicant shall be responsible for providing all documents requested by the board and the applicant shall have the burden of demonstrating that the specialty area should be recognized by the board. A final determination of whether an area will be recognized as a specialty is within the sole discretion of the board.

(5) Upon approval of a specialty area, the board shall promulgate a regulation establishing the minimum initial and continuing education requirements, application fee, and documentation required for verification of compliance with all educational requirements.

(6) Licensees receiving board-approved specialty certification shall be entitled to use the terms "specialty" or "specializing in" on advertisements, letterhead, and signage. Any such specialty designate shall be preceded by the licensee's name, and by one of the following:

(A) D.C.;

(B) Chiropractor;

(C) Doctor of Chiropractic; or

(D) Chiropractic Physician.

(7) Licensees shall be prohibited from using any term in any advertisement, letterhead, solicitation, or signage stating or suggesting that the licensee is certified in any specialty area, unless the board has approved the specialty area for certification and the licensee has met all requirements for certification thereunder.

AUTHORITY: section 331.030.9, RSMo Supp. 2004. Original rule filed April 1, 2005.

PUBLIC COST: This proposed rule will cost state agencies an estimated two hundred thirty-eight dollars and five cents (\$238.05) 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 seven hundred seventy-five dollars (\$775) 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@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 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Rule - 4 CSR 70-2.032 Specialty Certification

Prepared February 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Chiropractic Examiners	\$238.05
Total Annual Cost of Compliance for the Life of the Rule	
	\$238.05

III. WORKSHEET

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

The board anticipates the staff will perform the following duties. The board estimates the following personal service and expense and equipment costs will be associated with specialty certification:

Executive Director - Reviews the completed application to ascertain adequate information for board review.

Executive I - Reviews the application, updates the division's licensing system, assembles supporting documentation for executive director review, and schedules the applicant for board review as advised by executive director.

Board Members - review applications to determine compliance with applicable laws and regulations regarding specialty certification. Board members receive \$50 per day per diem. Based on an 8 hour day work day, the board estimates each member of the board will spend approximate 1 hour per application to complete their review. Therefore, the board estimates that that each of the 6 board member will receive \$6.25 per hour x 5 applications = \$187.50

Expense and Equipment and Personal Service Dollars for Initial Applications - The board estimates it will spend \$5 per application for letterhead, postage, faxing, and telephone calls to applicants for their specialty certification recognition (\$5 x 5 application = \$25).

Salaries for the Executive Director and Executive I are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$25,748	\$36,246.02	\$17.43	10 minutes	\$2.90	\$14.52
Executive I	\$13,032	\$18,345.15	\$8.82	15 minutes	\$2.20	\$11.02

Total Personal Service and Expense and Equipment Costs

Personal Service (including per diem)	\$213.05
Expense and Equipment	\$25.00
TOTAL	\$238.05

IV. ASSUMPTIONS

1. The board has consulted with the 2 chiropractic colleges in the state regarding specialty certification most commonly pursued by chiropractic physicians in order to estimate the figures above.
2. The board does not anticipate any growth in the number of applications received each year.
3. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Rule - 4 CSR 70-2.032 Specialty Certification

Prepared February 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
5	Applicants (application fee @ \$150)	\$750
5	Applicants (postage and copying fees @ \$5)	\$25
	Estimated Annual Cost of Compliance for the Life of the Rule	\$775

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board has consulted with the 2 chiropractic colleges in the state regarding specialty certification most commonly pursued by chiropractic physicians.
2. The board does not anticipate any growth in the number of applications received each year.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules

PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@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.

PROPOSED AMENDMENT

4 CSR 70-2.040 Application for Licensure. The board proposes to amend section (2) and add new language in sections (6) through (8).

PURPOSE: This rule states where to secure an application and how to complete the application and documentation required to accompany the application form provided by the executive director.

(2) Application forms may be obtained by writing the board at 3605 Missouri Boulevard, PO Box 672, Jefferson City, MO 65102-0672, contacting the board office at (573) 751-2104, or sending an e-mail request for an application packet to [chiro@mail.state.mo.us] chiropractic@pr.mo.gov.

(6) An application for temporary licensure may be obtained by writing to the State Board of Chiropractic Examiners, PO Box 672, 3605 Missouri Boulevard, Jefferson City, MO, 65102-0672, contacting the board office at (573) 751-2104, or sending an e-mail request for an application for temporary licensure to chiropractic@pr.mo.gov.

(7) The applicant for temporary licensure shall submit the following along with the required form and fee as defined in 4 CSR 70-2.090(1)(T):

(A) An original, unretouched, black and white or color photograph of the applicant taken within the last six (6) months, showing the head and shoulders front view, not to exceed two inches by two inches (2" × 2");

(B) A composite score of seventy-five percent (75%) on the jurisprudence examination regarding Missouri statutes and regulations;

(C) Two (2) sets of fingerprints and fingerprint fee as defined in 4 CSR 70-2.090(1)(O); and

(D) Satisfactory evidence that the applicant is licensed in another state to practice chiropractic.

(8) An applicant may request a temporary license be renewed for an additional ninety (90) days upon application to the board and payment of the required fee as defined in 4 CSR 70-2.090(1)(U).

AUTHORITY: sections 43.543 and 331.030, RSMo Supp. 2004 and 331.100.2, RSMo 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 1, 2005.

PUBLIC COST: This proposed amendment will cost state agencies an estimated eighteen dollars and twenty-nine cents (\$18.29) 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 amendment will cost private entities an estimated one hundred seventy-four dollars and fifty cents (\$174.50) 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 amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director,

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 70-2.040 Application for Licensure

Prepared February 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Chiropractic Examiners	\$18.29
Total Annual Cost of Compliance for the Life of the Rule	
	\$18.29

III. WORKSHEET

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

The board anticipates the staff will perform the following duties:

Executive Director - Reviews the completed application to determine compliance with licensure requirements.

Executive I - Reviews the application, updates the division's licensing system, assembles supporting documentation for executive director review, advise applicant of information required, and issues and mails license.

Salaries for the Executive Director and Executive I are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$25,748	\$36,246.02	\$17.43	5 minutes	\$1.45	\$7.26
Executive I	\$13,032	\$18,345.15	\$8.82	15 minutes	\$2.20	\$11.02

IV. ASSUMPTIONS

1. In the event inadequate information is submitted, it may be necessary for the board to review an application but it is not anticipated.
2. The board does not anticipate any growth in the number of applications received each year.
3. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 70-2.040 Application for Licensure

Prepared February 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
1	Applicants (application fee @ \$100)	\$100.00
1	Licensee/Temporary License (renewal fee @ \$25)	\$25.00
1	Applicant (transcript @ \$7.50)	\$7.50
1	Applicant (fingerprinting fee @ \$37)	\$37.00
1	Applicants (postage and copying fees @ \$5)	\$5.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$174.50

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board does not anticipate any growth in the number of applications received each year.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 70-2.060 Professional Conduct Rules. The board is proposing to amend section (1) and subsection (6)(E).

PURPOSE: This rule explains the professional conduct of licensed chiropractic physicians.

(1) Each licensed chiropractic physician shall notify the board of his/her business and residential address and telephone number(s) and immediately shall inform the board of any change of address or telephone number within fifteen (15) days of such change. Notification shall be sent to the board at 3605 Missouri Boulevard, or PO Box 672, Jefferson City, MO 65102-0672, contacting the board office at (573) 751-2104, or sending an e-mail to [*chiro@mail.state.mo.us*] *chiropractic@pr.mo.gov*.

(6) Advertisement or Solicitation.

(E) An advertisement or solicitation, as defined in this rule, shall not be false, misleading or deceptive to the general public or persons to whom the advertisement or solicitation is primarily directed. False, misleading and/or deceptive shall include, but not be limited to, the following contents or omissions:

1. Any untrue statement;
2. Any matter, or presentation or arrangement of any matter, in a manner or format which is false, misleading or deceptive to the public;
3. Omission of any fact which under the circumstances makes the statement false, misleading or deceptive to the public;
4. Transmission in a manner which involves coercion, intimidation, threats or harassing conduct;
5. An attempt to attract patronage in a manner which castigates, impugns, disparages, discredits or attacks other healing arts and sciences or other chiropractic physicians;
6. Any self-laudatory statements; or
7. Transmission to a person who has made known to the licensee a desire not to receive communication from the licensee; or

[8. A statement or implication that a licensee is a specialist, unless the advertisement contains a notice that neither Missouri nor the Missouri State Board of Chiropractic Examiners reviews or approves certifying organizations or specialist designations for chiropractic physicians.]

AUTHORITY: sections 331.060 and 331.100.2, RSMo 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at *chiropractic@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 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 70-2.070 Reciprocity. The board is amending sections (3) and (6).

PURPOSE: This rule states the requirements and procedures for obtaining a license by reciprocity.

(3) Application forms may be obtained by writing the board at 3605 Missouri Boulevard, or PO Box 672, Jefferson City, MO 65102-0672, calling the board at (573) 751-2104 or sending an e-mail to [*chiro@mail.state.mo.us*] *chiropractic@pr.mo.gov*.

(6) When applicant is seeking Missouri licensure by reciprocity and [the state from which applicant is seeking to reciprocate does not allow equivalent reciprocal licensing of Missouri licensees, or if] that state's requirements for securing a chiropractic license are not equivalent to the requirements of this state for licensure, the board may, in its discretion, require the applicant to successfully complete the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners.

AUTHORITY: sections 331.030 and 331.100.2, RSMo 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at *chiropractic@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 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 70-2.080 Biennial License Renewal. The board is proposing to add new language in subsection (4)(A), renumber the remaining subsections accordingly, add new language in sections (5)–(9), amend the previous section (13), delete section (14), add new language in sections (22) and (23) and renumber the remaining sections accordingly.

PURPOSE: This rule clarifies license renewal requirements.

(4) At least twelve (12) of the twenty-four (24) C.E. credits required must be credit hours earned by attending formal continuing education programs which meet the requirements of 4 CSR 70-2.081(1). The

twelve (12) C.E. credits earned by attending formal continuing education programs shall be four (4) hours credit in diagnostic imaging; four (4) hours in differential or physical diagnosis, or both; and four (4) hours in boundary training, emergency procedures, Human Immunodeficiency Virus (HIV) or infectious diseases. No more than twelve (12) C.E. credits can be earned during each reporting period through other continuing education experiences, and nothing herein shall be construed to require that licensees obtain any portion of their C.E. credits through such other continuing education experiences. Other continuing education experiences shall be categorized as general studies unless approved by the board and meets the requirements of section 331.050.1, RSMo and board rule 4 CSR 70-2.081(2). The board defines other continuing education experiences as follows:

(A) For the purpose of this regulation one (1) hour of continuing education shall consist of at least fifty (50) minutes of instruction or study;

/(A)/(B) Meetings. Registered attendance at relevant professional meetings which include, but are not limited to, national, regional, state and local professional association meetings and open meetings of the State Board of Chiropractic Examiners. To earn C.E. credits in this category, roll call must be taken and recorded in the official minutes of the meeting. A maximum of six (6) C.E. credit hours are allowable in this category during each continuing education reporting period but no more than two (2) C.E. credits shall be earned per meeting. If the meeting is less than two (2) hours in duration, C.E. credits will be granted for actual attendance time but in increments of not less than one (1) hour. If the meeting has a duration of ninety (90) minutes, C.E. credits may be granted for one and one-half (1.5) hours;

/(B)/(C) Publications. Books and/or articles published by licensee in professional books, national or international journals, or periodicals. A maximum of six (6) C.E. credits are allowable in this category during each continuing education reporting period. Publications must be relevant to chiropractic to qualify for C.E. credits under this rule;

/(C)/(D) Presentations. Chiropractic physicians teaching an approved postgraduate course may receive C.E. credits for teaching the course providing the instructor's name was submitted with the course content when requesting approval of the course;

/(D)/(E) Home Study. Self-study of professional material including relevant books, journals, periodicals, videos, tapes, and other materials and preparation of relevant lectures and talks to public groups. C.E. credits will be granted at the rate of one (1) hour for reading a national or international journal or periodical and four (4) hours for reading a book. To qualify for C.E. credits under this category, the journal, periodical or book must be related to the clinical practice of chiropractic; and

/(E)/(F) Individual Study. Relevant chiropractic courses subscribed via the Internet or by other electronic means.

(5) Chiropractic physicians who are faculty members at a Council on Chiropractic Education (CCE)-accredited college may receive up to a maximum of twenty-four (24) hours per year of continuing education credit for teaching or attending course(s) at a CCE-accredited chiropractic college.

(A) The areas of study shall be in compliance with 4 CSR 70-2.080(2).

(B) For the purpose of this regulation, the faculty member must either teach or attend a course at a CCE-approved chiropractic college for a minimum of four (4) clock hours as defined in 4 CSR 2.080(4)(A).

(C) The twelve (12) hours of general continuing education study may be obtained by teaching or attending course(s) relevant to chiropractic provided by a CCE-approved chiropractic college.

(D) The chiropractic college shall be responsible for submitting course(s) to the board for approval and for verifying attendance by the teacher or faculty member.

(6) Chiropractic physicians who teach continuing education approved by the board may receive up to a maximum of four (4) hours per year of continuing education credit for teaching courses in diagnostic imaging, differential or physical diagnosis or both, emergency procedures, boundary training, Human Immunodeficiency Virus (HIV), or infectious diseases.

(7) Chiropractic physicians who teach continuing education approved by the board may receive up to a maximum of twelve (12) hours per year of continuing education credit for teaching courses in general subjects.

(8) Chiropractic physicians certified by the board in meridian therapy/acupressure/acupuncture (MTAA) or insurance consulting who teach continuing education approved by the board may receive up to twelve (12) hours per year of continuing education for teaching courses pursuant to 4 CSR 70-2.031(3) MTAA or 4 CSR 70-4.030(2) insurance consulting.

(9) For the purpose of this regulation the teacher or instructor must teach a minimum of four (4) clock hours as defined in 4 CSR 70-2.080(4)(A).

/(5)/(10) A renewal license will not be issued until all renewal requirements have been met. If the licensee pays the continuing education penalty fee for C.E. credits earned late, those hours shall not be applied to the next reporting cycle. A licensee who has failed to obtain and verify, in a timely fashion, the requisite number of C.E. credits shall not engage in the practice of chiropractic unless an extension is obtained pursuant to section **/(8)/(13)** of this rule.

/(6)/(11) For the license renewal the licensee shall verify the number of C.E. credits earned during the last two (2) immediately preceding continuing education reporting periods on the renewal form provided by the board. The renewal form shall be mailed directly to the board office on or before the expiration date of the license. The licensee shall not submit the actual record of C.E. attendance to the board except in the case of a board audit.

/(7)/(12) Each licensee shall maintain full and complete records of all C.E. credits earned for the two (2) previous reporting periods in addition to the current reporting period. Formal C.E. credit hours shall be documented by the sponsor of the approved continuing education program and provided to the licensee within thirty (30) days from the date of the program. The licensee is responsible for maintaining that record of attendance as set forth in 4 CSR 70-2.081(6). C.E. credits earned through other continuing education experiences shall be documented by the licensee and such documentation shall contain, at a minimum, the number of hours earned and these hours shall be separated in the various categories defined in section (4) of this rule. The board may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the board in its audit by providing timely and complete responses to the board's inquiries. A response is considered timely if received in the board office within thirty (30) days of a written request by the board for such information.

/(8)/(13) A licensee who cannot complete the requisite number of C.E. credits because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing education requirements. Any extension of time to complete the continuing education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing education requirement. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for

which an extension is sought. A licensee who requests an extension of time to complete the requisite hours of continuing education shall not engage in the active practice of chiropractic until the board grants the licensee's request for extension and the licensee receives express written authorization to do so.

[[9]](14) The board shall not grant C.E. credit to any licensee for attending a continuing education course if the licensee attended a subsequent course on the same subject matter during the same continuing education reporting period.

[[10]](15) Chiropractic physicians holding a Missouri license, but not practicing in Missouri, may use the approved continuing education hours required of the state in which they practice for license renewal, without prior approval, provided that the continuing education requirement is met and provided that the continuing education falls within the definition set forth in 4 CSR 70-2.081. If the state in which the chiropractic physician is practicing does not have continuing education requirements for renewal or relicensure, the out-of-state chiropractic physician must earn the requisite number of continuing education hours required in Missouri and the hours shall be approved by the Missouri board or offered by a college of chiropractic accredited by the Council on Chiropractic Education (CCE).

[[11]](16) Retired and Totally Disabled Licensees.

(A) Doctors of chiropractic who are age sixty-two (62) or older or who are totally disabled, as certified by their attending physician, on the renewal date and who have retired from the active practice of chiropractic and are not practicing chiropractic or engaging in activity which constitutes the practice of chiropractic, may apply to the board for waiver of the continuing education requirements and renewal of their licenses at a reduced fee. The application must be made on the form provided by the board and must be accompanied by the affidavit(s), also provided by the board.

(B) Any renewal certificate or license issued by the board in accordance with this rule will be stamped with the words "RETIRED. NOT VALID FOR ACTIVE PRACTICE."

(C) Any licensee who receives a renewal certificate or license in accordance with this rule who then desires to practice chiropractic or engage in activity which constitutes the practice of chiropractic must submit evidence of having earned the requisite number of C.E. credits approved by the board during the twelve (12) months immediately preceding the request for an active license. Provided, however, that any licensee whose license has not been active for three (3) or more years must return to an accredited chiropractic college for a semester of additional study and pass a practical examination approved by the board.

(D) When a licensee whose license has been placed on retired or total disability status desires to obtain an active license and has already paid the reduced fee for the license renewal, the licensee will be required to pay the difference between the reduced fee and the renewal fee to have an active license until the next renewal period.

[[12]](17) In order for the board to consider waiving the continuing education requirement for license renewal, all requests for waivers due to illness must be accompanied by a written statement from a practitioner of the healing arts stating the diagnosis, prognosis and length of time the chiropractic physician will be unable to practice or attend an educational program. Waivers due to illness may be granted only to a licensee who has suffered a personal illness or personal disability of a nature as to prevent him/her from engaging in the active practice of chiropractic for at least the majority of the continuing education reporting period.

[[13]](18) *Reactivations of License/s of Missouri Residents.*

(A) An application for license renewal, received *[from a Missouri resident]* in the board office less than *[three (3)] five (5)* years after the renewal deadline, will be reactivated upon payment of

the reactivation and renewal fees, a statement of why s/he failed to renew his/her license and proof of having met the continuing education requirements during the preceding twelve (12)-month period.

(B) An application for license renewal *[from a Missouri resident]* received in the board office more than *[three (3)] five (5)* years after the renewal deadline *[will]* **may** be reactivated after the applicant has **verified that s/he** returned to an accredited chiropractic college for a semester of additional study in the clinical subjects, passed a practical examination *[approved by the board,]* **administered by the chiropractic college, provide proof s/he has been actively and lawfully practicing chiropractic in another state for the five (5) years immediately preceding the application for reactivation** and upon the payment of the reactivation and renewal fees.

(C) **When a chiropractic physician applies to reinstate a license that has been expired for at least five (5) years, and s/he has not actively practiced in another state for the five (5) years preceding the application for reactivation the chiropractic physician must return to a Council on Chiropractic Education (CCE)-accredited chiropractic college for a course of study. A course of study for reactivation of a license shall consist of passing a minimum of twelve (12) semester hours as follows:**

1. Four (4) semester hours in chiropractic clinical reasoning;
2. Three (3) semester hours clinical diagnosis; and
3. Five (5) semester hours diagnostic imaging.

(D) The applicant for reinstatement shall document completion of the required course of study with an official transcript from the chiropractic college.

[[14] *Reactivations of Licenses of Nonresidents.*

(A) *An application for license renewal received from a non-resident in the board office less than three (3) years after the renewal deadline will be reactivated upon the payment of the reactivation and renewal fees, a statement of why s/he failed to renew his/her license and proof of having met the continuing education requirements during the preceding twelve (12)-month period.*

(B) *An application for license renewal received from a non-resident in the board office more than three (3) years after the renewal deadline will be reactivated only after the applicant proves that s/he has been actively and lawfully practicing chiropractic and holding him/herself out to the public as a chiropractor in another state for the three (3) years immediately preceding his/her application for reactivation and upon payment of the reactivation and renewal fees.*

(C) *An application for license renewal from a nonresident chiropractic physician received in the board office more than three (3) years after the renewal deadline and the chiropractic physician has not been in practice in another state will be reactivated after the applicant has returned to an accredited chiropractic college for a semester of additional study in the clinical subjects, passed a practical examination approved by the board and paid the reactivation and renewal fees.]*

[[15]](19) *Deadline for Renewal.*

(A) Applications for renewal shall be postmarked by the expiration date of the license.

[[16]] (20) All licensees who have received their licenses by reciprocity must complete the required hours of continuing education prior to the first renewal date following the granting of their license by reciprocity.

[[17]] (21) Chiropractic physicians acting as associate examiners for either the state board practical examination or the regional/national practical examination (Part IV) administered by the National Board of Chiropractic Examiners (N.B.C.E.) may receive up to a maximum of twenty-four (24) hours per year of continuing education credit for the administration of the examination.

(A) For the first full day of service provided to the N.B.C.E. in administering the Part IV examination, associate examiners will be credited with four (4) hours of continuing education in differential or physical diagnosis and four (4) hours of credit in general chiropractic continuing education.

(B) For the second full day of service provided to the N.B.C.E. in administering the Part IV examination, associate examiners will be credited with eight (8) hours of general chiropractic continuing education.

(C) If a chiropractic physician should provide less than four (4) hours of service to the N.B.C.E. in any one administration of the Part IV examination, continuing education credit will not be available to that licensee. C.E. credits earned from administering the Part IV examination shall be in the formal continuing education category.

(D) If the associate examiner attends the examiner orientation as part of the N.B.C.E. examination administration the associate examiner is eligible for two (2) hours of continuing education in boundary training for each full day the associate examiner participates in the N.B.C.E. administration.

(E) If the associate examiner proctors the X-ray portion of the N.B.C.E. the associate examiner is eligible for one (1) hour of continuing education in X-ray for each examination session. The associate examiner shall be eligible for up to four (4) hours of continuing education credit in X-ray for proctoring the X-ray portion of the examination the entire day.

(22) A licensee may submit an application to the board to be classified as inactive. An inactive licensee shall be defined as a chiropractic physician formally licensed by the board that has been approved for inactive status and is not engaged in the practice of chiropractic as defined in 331.010, RSMo.

(23) In order for a chiropractic physician to reactivate an inactive license, the former licensee shall submit the following to the board office:

(A) An application for reactivation of the license;

(B) Documentation verifying completion of the required continuing education for the year preceding the application for reinstatement pursuant to 4 CSR 70-2.020(2); and

(C) Reactivation fee.

[(18)](24) If a bad check is received by the board to renew a license and if the replacement fee is not received prior to the expiration date of the license, the license will be not current and the licensee shall not practice until the reactivation form and fee have been submitted to the board.

[(19)](25) Violation of any provision of this rule shall be deemed by the board to constitute misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of a chiropractic physician depending on the licensee's conduct. In addition, a licensee who has failed to complete and report in a timely fashion the requisite hours of continuing education and engages in the active practice of chiropractic without the express written authority of the board shall be deemed to have engaged in the unauthorized practice of chiropractic.

AUTHORITY: sections 331.050, RSMo Supp. [2003] 2004 and 331.100.2, RSMo 2000. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed April 1, 2005.

PUBLIC COST: This proposed amendment will cost state agencies an estimated three hundred forty-seven dollars and eighteen cents (\$347.18) 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 amendment will cost private entities an estimated three thousand four hundred seventy-seven dollars and fifty cents (\$3,477.50) 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 amendment with the State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@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 70 - State Board of Chiropractic Examiners
Chapter 2 - General Rules
Proposed Amendment - 4 CSR 70-2.080 Biennial License Renewal
Prepared February 9, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Chiropractic Examiners	\$347.18
Total Annual Cost of Compliance for the Life of the Rule	
	\$347.18

III. WORKSHEET

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

Salaries for the Executive Director, Executive I and Licensing Technician I are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

The board anticipates the staff will perform the following duties:

Approval of Continuing Education

Chiropractic colleges that provide continuing education seminars currently submit an application for courses or seminars offered to licensees to meet licensure renewal requirements. Therefore, the board anticipates any cost for correspondence, follow up and communication would already be a part of this initial application. The allocation of staff time is based upon the additional courses and instructors that would be submitted for approval by the colleges. Continuing education seminars and instructors that are not offered by chiropractic colleges are already approved by the board resulting in no additional review by the staff or board.

Licensing Technician I - Receives continuing education application, enters the request into a database and prepares mailing for continuing education review by the board members. The board estimates that Licensing Technician I will spend approximately .05% of time processing continuing education applications. (.05% X 2080 hours = 1.04 hours)

Executive I - Reviews all documentation submitted to determine if any additional information is needed, records board members recommendations and send letters to continuing education sponsor/provider regarding results of board review. The board estimates that Executive I will spend approximately .1% of time processing continuing education applications. (.1% X 2080 hours = 2.08 hours)

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	TOTAL COST
Executive I	\$13,032	\$18,345.15	\$8.82	3 hours 20 minutes	\$18.35
Licensing Technician I	\$3,986	\$5,611.66	\$2.70	1 hour 40 minutes	\$2.81

The board will review the additional courses and faculty submitted by the chiropractic college. It is estimated that 10 new courses and instructors will require a total of 8 hours review time for a total cost of \$50 x 6 members = \$300 if all continuing applications submitted for approval of course content and instructor were reviewed by all board members.

Total: \$321.15

Inactive Status

Any current licensee would be eligible for inactive status and would advise the board either prior to a biennial renewal application being sent or during the biennial renewal. Instead of processing a licensee's renewal, the board staff would be processing a request of inactive status so there is additional work for the division's central mail processing unit or for mailing because no license is issued.

Executive I - Answers telephone inquires, reviews all documentation submitted to determine if any additional information is needed for executive director review and process request for inactive status upon executive director approval. The board estimates that Executive I will spend approximately .1% of time processing continuing education applications. (.05% X 2080 hours = 1.04 hours)

Executive Director - Reviews application for inactive status. The board estimates that Executive I will spend approximately .05% of time processing continuing education applications. (.05% X 2080 hours = 1.04 hours)

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	TOTAL COST
Executive Director	\$23,952	\$33,717.23	\$16.21	1.04 hours	\$16.86
Executive I	\$13,032	\$18,345.15	\$8.82	1.04 hours	\$9.17

Total: \$26.03

1. In the event inadequate information is submitted, it may be necessary for the board to review an application but it is not anticipated.
2. The board does not anticipate any growth in the number of applications received each year.
3. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 70 - State Board of Chiropractic Examiners

Chapter 2 - General Rules

Proposed Amendment - 4 CSR 70-2.080 Biennial License Renewal

Prepared February 9, 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:
5	Chiropractic Colleges (\$5 per course)	\$25.00
1	Licensee/Reinstatement (continuing education course @ \$3200)	\$3,200.00
1	License/Reinstatement (transcript @ \$7.50)	\$7.50
1	Licensee/Reinstatement (reinstatement application fee @ \$240)	\$240.00
1	Licensee/Reinstatement (postage and copying fees @ \$5)	\$5.00
Estimated biennial Cost of Compliance for the Life of the Rule		\$3,477.50

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The board has consulted with the 2 chiropractic colleges in the state regarding specialty certification most commonly pursued by chiropractic physicians in order to estimate the figures above.
2. There are 5 categories of didactic hours of continuing education required; X-ray, differential/physical diagnosis, boundary training, HIV, and emergency procedures. Two chiropractic colleges are located in this state and it anticipated the colleges will submit at least 5 courses and 5 professors that teach these areas for review by the board for continuing education compliance.
3. Based on previous inquiries of the board, it is estimated that 100 licensees will request inactive status. It is anticipated that the request for inactive status will reduce the number of licenses renewed. Therefore, the cost of notifying the board would be equivalent to the cost of returning the renewal notice. Therefore, no additional cost incurred by the licensee to request an inactive status.
4. The board does not anticipate any growth in the numbers of entities effected.
5. 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 70—State Board of Chiropractic Examiners
Chapter 2—General Rules**

PROPOSED AMENDMENT

4 CSR 70-2.090 Fees. The board is proposing to add new language in subsections (1)(T) through (1)(W).

PURPOSE: This amendment establishes and fixes the various fees and charges authorized by Chapter 331, RSMo.

(1) The following fees hereby are established by the State Board of Chiropractic Examiners:

(T) Temporary License Fee	\$100.00
(U) Renewal Temporary License	\$ 25.00
(V) Specialty Certification Review Fee	\$150.00
(W) Specialist Certification Application Fee	\$100.00

AUTHORITY: sections 43.543, 331.070 and 331.100.2, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@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 70—State Board of Chiropractic Examiners
Chapter 3—Preceptorship**

PROPOSED AMENDMENT

4 CSR 70-3.010 Preceptorship. The board is amending sections (1) through (6).

PURPOSE: This amendment allows preceptorship programs by approved chiropractic colleges and explains the allowable activities by interns.

(1) [Definitions.] For the purpose of this chapter, the following definitions shall apply:

(A) [Authorized chiropractic college is a board-approved chiropractic college authorized to engage in preceptorship programs under these rules.] “Chiropractic college” means a school having accredited status with the Council on Chiropractic Education (CCE) and approved by the board.

(B) [Approved program is a preceptorship program approved by the board at an accredited chiropractic college.] “Intern” means a student that has completed a requisite curriculum for a doctor of chiropractic degree from a chiropractic

college except for the final clinical phase and is approved by a chiropractic college to participate in a preceptorship program.

(C) [Preceptorship program is a clinical program in which chiropractic interns participate under the direct supervision of a licensed chiropractic physician who has been approved by the college and the board to serve as a preceptor. The preceptorship program will operate in a facility where chiropractic services have been approved by the State Board of Chiropractic Examiners.] “Preceptor” means a chiropractic physician currently licensed and practicing in this state that has been approved by the chiropractic college and board to participate in a preceptorship program.

(D) [Preceptor or extension faculty member is a licensed chiropractic physician actively practicing in this state who has been appointed to the extension faculty of an accredited chiropractic college and has been approved by the board.] “Preceptorship program” means a clinical course of study for an intern that includes the following:

1. Examination and diagnosis;
2. Treatment protocols;
3. Outcome measures;
4. Doctor and patient communication skills;
5. Record keeping;
6. Case management; and
7. Interdisciplinary communication.

(E) [Intern is an individual enrolled in an accredited chiropractic college who has completed all requirements for the doctor of chiropractic degree except for the final clinical phase of the program.] “Supervision” means the preceptor shall be present and physically observe the intern at any time the intern is providing chiropractic services to a patient within the definition of section 331.010, RSMo. The preceptor shall provide direct supervision regarding services provided by the intern and shall have no more than one (1) intern providing services during the duration of preceptorship.

[(F) Licensed chiropractic physician means a chiropractic physician who is authorized to practice chiropractic in this state and is in good standing with the board.

(G) Direct supervision means a licensed chiropractic physician shall remain on the premises at all times and shall directly supervise and continuously monitor the intern’s performance.

(H) Board shall mean the Missouri State Board of Chiropractic Examiners.]

[(2) Preceptorship programs, as defined in this rule and when approved by the State Board of Chiropractic Examiners using the procedures provided in these rules, are determined by the board not to be the practice of chiropractic. Any program organized or operated not in accordance with these rules or which has not been approved by the board shall be considered to be the practice of chiropractic without a license.]

(2) A chiropractic college seeking to provide a preceptorship program shall submit an application to the board for approval of the preceptorship program and shall describe and document the following:

(A) The college shall clearly identify a preceptorship program supervisor or director. When a preceptorship program supervisor or director changes, the chiropractic college shall notify the board in writing within fifteen (15) days of such change;

(B) Proposed organization, content, duration, and schedule of the preceptorship program;

(C) Functions or duties of the intern;

(D) Legal responsibilities assumed by the chiropractic college;

(E) Functions, responsibilities, and duties of the preceptor(s);

(F) Forms to be used for evaluating intern performance; and

(G) Evidence of comprehensive general liability insurance that covers college employees and interns engaged in the preceptorship program.

[(3) Chiropractic preceptorship programs may be approved by the board if the following conditions have been met:

(A) The chiropractic college sponsoring the program shall have executed an agreement with the State Board of Chiropractic Examiners. The agreement shall conform with all laws of Missouri and with the rules of the State Board of Chiropractic Examiners;

(B) The program, at a minimum, must meet the following requirements:

1. Intern qualifications. To be eligible, an intern must be in good standing at the approved chiropractic college and file the necessary application forms, as required by the board, and pay a nonrefundable application fee. In addition, the applicant must submit three (3) letters of recommendation from clinical science professors at the intern's accredited chiropractic college, attesting to the intern's good moral character and clinical ability. The letters shall be submitted directly to the board by the professors making the recommendations; and

2. Preceptor qualifications. Preceptors in the program must meet the following qualifications:

A. The licensee's practice should have a minimum of fifty (50) patient visits, per doctor, per week;

B. Practice experience should have occurred for a minimum of three (3) years;

C. A current valid license shall be in good standing with no complaints or board actions pending;

D. The appearance of the office must be professional;

E. Procedures should be utilized, including taking a history, utilization of physical examinations and diagnostic procedures where indicated;

F. Current valid malpractice insurance shall be in place;

G. The preceptor must be approved by the intern's college and subject to the board's approval. The board shall have the right to refuse to allow, or withdraw its approval for, any licensee to act as a preceptor at any time; and

H. The preceptor must be a faculty member or extension faculty member of an authorized chiropractic college; and]

[(C) There shall be no more than one (1) intern per preceptor at any given time.]

(3) A licensed chiropractic physician must have the following qualifications to be considered for participation in a preceptorship program. Such documentation must be submitted to the chiropractic college and board for consideration as a preceptor.

(A) Malpractice insurance;

(B) Documentation of fifty (50) patient visits per week;

(C) Three (3) years of licensed, active practice of chiropractic in this state pursuant to section 331.010, RSMo or in another state;

(D) No discipline or complaints filed with the board or with the licensure board of another state; and

(E) Letter of approval and affiliation to the chiropractic college approved by the board for a preceptorship program.

[(4) A preceptor who is an extension faculty member may delegate duties within the scope of his/her license to an intern in accordance with these regulations. A preceptor may permit an intern to perform duties as a part of a clinical program, subject to the following conditions:

(A) The preceptor shall maintain direct supervision of the intern at all times; and

(B) The clinical training program shall be governed by a written agreement between the intern's college and the preceptor which—

1. Has been approved by the board;

2. Describes the specific program;

3. Enumerates the functions the intern may perform;

4. Indicates the legal responsibilities assumed by the intern's college; and

5. Enumerates the functions, responsibilities and duties of the preceptor.]

(4) A preceptor shall submit to the chiropractic college a detailed list of duties the intern shall be assigned. The intern shall be allowed to provide only those chiropractic services as authorized in section 331.010, RSMo and 4 CSR 70-2.020 and 4 CSR 70-2.030 under the supervision of the preceptor.

[(5) All approved colleges will be responsible for keeping and supplying the board with all records necessary for the implementation of this program.]

[(6)](5) No preceptorship program shall be considered as having been approved by the board until [a written statement of the board approval has been signed by the executive director of the board and has been received by the college] the chiropractic college has received a written letter of approval from the board.

AUTHORITY: section 331.100.2, RSMo 2000. Original rule filed April 16, 1990, effective June 30, 1990. Amended: Filed Aug. 13, 1990, effective Dec. 31, 1990. Amended: Filed Oct. 15, 1990, effective April 29, 1991. Amended: Filed July 31, 2003, effective Jan. 30, 2004. Amended: Filed April 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via e-mail at chiropractic@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 145—Missouri Board of Geologist Registration Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 145-1.040 Fees. The board is proposing to amend section (1).

PURPOSE: This amendment allows the board to collect the examination fee in a more timely manner as it is changed by the Association of State Boards of Geology, allows the board to implement a biennial license renewal and allows the board to collect an uncollectible fee as mandated by statute.

(1) The following fees are established by the Board of Geologist Registration and are payable in the form of a cashier's check, personal check or money order:

- (B) Examination and Reexamination Fees—
1. Fundamentals of Geology [*\$ 125.00*]
(amount determined by the Association of State Boards of Geology)
 2. Principles and Practices of Geology [*\$ 150.00*]
(amount determined by the Association of State Boards of Geology)
- (F) Until February 28, 2006—License Renewal Fee \$100.00
Beginning March 1, 2006 with the 2007 renewal
the License Renewal Fee \$200.00
and in addition to the renewal fee—
1. One (1) day to two (2) years late \$ 50.00
[*(J) Insufficient Funds Check Fee Charge \$ 50.00.*]
- (J) Uncollectible Fee (charged for any uncollectible check or other uncollectible financial instrument submitted to the Missouri State Board of Geologist Registration) \$ 25.00

AUTHORITY: section 256.465.2, RSMo 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed Nov. 1, 2001, effective April 30, 2002. Amended: Filed March 18, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or via e-mail at geology@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 145—Missouri Board of Geologist Registration Chapter 2—Licensure Requirements

PROPOSED RESCISSION

4 CSR 145-2.060 Licensure by Reciprocity. This rule established requirements for licensure by reciprocity.

PURPOSE: This rule is being rescinded and readopted to better define reciprocity requirements.

AUTHORITY: sections 256.462.3, RSMo 1994 and 256.468, RSMo Supp. 1999. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000, effective Jan. 30, 2001. Rescinded: Filed March 18, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or via e-mail at geology@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 145—Missouri Board of Geologist Registration Chapter 2—Licensure Requirements

PROPOSED RULE

4 CSR 145-2.060 Licensure by Reciprocity

PURPOSE: This rule outlines the procedures to apply for licensure by reciprocity.

(1) An applicant may make application for licensure by reciprocity upon submission of the following to the board:

(A) Application form as provided by the board with supporting supplementary documentation, as requested;

(B) Proof of certification or registration from another state showing that the applicant is in good standing with the other state;

(C) Documentation that the licensing or registration requirements of the applicant's state of licensure are substantially similar to the requirements of the board at the time the applicant seeks licensure by the board; and

(D) Applicable fees.

(2) The board will consider the registration or licensing requirements of the other state to be substantially similar to the requirements of the board if the applicant for licensure by reciprocity has met the following criteria, at the time of application to the board:

(A) Proof of graduation from an accredited college or university;

(B) College and university transcripts showing successful completion of at least thirty (30) semester or forty-five (45) quarter hours, or their equivalent, in geology courses which are on topics involving the investigation and interpretation of the earth, including bedrock, overburden, groundwater and other liquids, minerals, gases, and the history of the earth and its life;

(C) Detailed summary of actual geologic work showing that the applicant has completed at least three (3) years of post-baccalaureate work in the practice of geology in responsible charge; and

(D) Proof of having achieved a passing score on the National Geologist Examination as developed by the National Association for the State Boards of Geology (ASBOG), or, evidence that the state of licensure, at the time of application to the Missouri Board, requires its applicants to successfully pass the ASBOG exam, or, evidence of successful completion of a state administered exam, approved by the board, which tests the applicant's knowledge of the fundamentals of geology and the principles and practices of geology.

AUTHORITY: sections 256.462.3 and 256.468, RSMo 2000. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000, effective Jan. 30, 2001. Rescinded and readopted: Filed March 18, 2005.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions approximately five hundred seventy dollars and seventy-five cents (\$570.75) annually for the life of the rule. It is anticipated that the 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.

PRIVATE COST: This proposed rule will cost private entities approximately two thousand one hundred forty-three dollars and five cents (\$2,143.05) annually for the life of the rule. It is anticipated that the 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 Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at (573) 526-3489 or via e-mail at geology@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 145 - Missouri Board of Geologist Registration

Chapter 2 - Licensure Requirements

Proposed Rule - 4 CSR 145-2.060 Licensure by Reciprocity

Prepared February 18, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board of Geologist Registration	\$570.75
Total Annual Cost of Compliance for the Life of the Rule	
	\$570.75

III. WORKSHEET

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

The board anticipates the staff will perform the following duties:

Licensure Technician II - Reviews application for completeness, updates division's licensing system, prepares and sends follow up letters, follows up with applicant for any additional information needed, responds to telephone inquiries, processes all documentation, prepares flow sheet for board review, prepares file for board review, updates division's licensing system after board review, and issues the license.

Clerk IV - Prepares decision letter for executive review and approval, prints seal application, prints wall hanging license, copies letter and wall hanging license for file, and mails licensure documentation to licensee.

Executive Director - Reviews file prior to board review and prepares and reviews decision letter.

Salaries for the staff are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$51,300	\$72,215.01	\$34.72	15 minutes	\$8.68	\$130.20
Clerk IV	\$28,740	\$40,457.30	\$19.45	15 minutes	\$4.86	\$72.90
Licensure Technician II	\$24,144	\$33,987.51	\$16.34	90 minutes	\$24.51	\$367.65

IV. ASSUMPTIONS

- In the event inadequate information is submitted, it may be necessary for the board to review an application but it is not anticipated.
- The board does not anticipate any growth in the number of applications received each year.
- The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The 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 145 - Missouri Board of Geologist Registration

Chapter 2 - Licensure Requirements

Proposed Rule - 4 CSR 145-2.060 Licensure by Reciprocity

Prepared February 18, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
15	Applicants (application fee @ \$125)	\$1,875.00
15	Endorsement (transcript @ \$15)	\$225.00
15	Applicant (notary @ \$2.50)	\$37.50
15	Applicants (postage @ \$.37)	\$5.55
Estimated Annual Cost of Compliance for the Life of the Rule		\$2,143.05

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY04 actuals and FY05 projections.
2. The board does not anticipate any growth in the number of applications received each year.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

PROPOSED AMENDMENT

4 CSR 150-2.050 [Biennial] Annual Registration Penalty. The board is proposing to amend the original Purpose statement and the title of the rule.

PURPOSE: This amendment allows the board to return to an annual renewal.

PURPOSE: This rule provides information to physicians and surgeons permanently licensed in Missouri regarding penalty of not registering [biennially] **annually**.

AUTHORITY: sections 334.075, 334.080 and 334.125, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed July 3, 1989, effective Dec. 1, 1989. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed March 18, 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 State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Blvd., PO Box 4, Jefferson City, MO 65102 or 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 2—Licensing of Physicians and Surgeons**

PROPOSED AMENDMENT

4 CSR 150-2.080 Fees. The board is proposing to amend subsection (1)(J).

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. The board shall by rule and regulation set the amount of fees authorized by section 334.090, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002 to 334.265, RSMo. This proposed amendment is necessary because the board's fund balance and projected revenue will not support the expenditures necessary to enforce and administer the provisions of sections 334.002 to 334.265, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

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

(J) Renewal of Certificate of Registration
Fee [~~\$200.00~~] **\$135.00**

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 18, 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 cost private entities an increase of seven hundred twenty-three thousand four hundred fifteen dollars (\$723,415) for the life of the rule. It is anticipated that the 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 State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Blvd., PO Box 4, Jefferson City, MO 65102 or 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.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 150 - State Board of Registration for the Healing Arts

Chapter 2 - Licensing of Physicians and Surgeons

Proposed Amendment - 4 CSR 150-2.080 Fees

Prepared March 8, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual Increase Comply Beginning in FY06

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual increase of compliance with the amendment by affected entities:
20,669	Licensees (Renewal of Certificate of Registration Fee - \$35 increase)	\$723,415
Estimated Annual Increase for the Life of the Rule		\$723,415

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures above are based on FY04 actuals and FY06 projections. Based on the current licensee count, the board estimates that 20,669 licensees will be affected by the \$35 annual renewal fee increase beginning in FY06. The board anticipates the number of licensees to remain constant over the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 334, RSMo. Pursuant to Section 334.050, 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 2—Licensing of Physicians and Surgeons**

PROPOSED AMENDMENT

4 CSR 150-2.125 Continuing Medical Education. The board is proposing to amend sections (1) and (2), subsections (4)(A) and (4)(D), and sections (6)–(8).

PURPOSE: This amendment changes the requirement from obtaining CME biennially to annually.

(1) Effective February 1, [2002] **2006**, each licensee, **on a yearly basis**, shall complete and report at least [fifty (50)] **twenty-five (25)** hours of continuing medical education [each renewal period]. The board shall not issue a renewal of a licensee's certificate of registration unless the licensee demonstrates completion of [fifty (50)] **twenty-five (25)** hours of continuing medical education accredited by the American Osteopathic Association (AOA) as Category 1-A or 2-A, by the American Medical Association (AMA) as Category 1 or American Academy of Family Practice Prescribed Credit, in the immediately preceding reporting period. A licensee is not required to complete any continuing medical education hours in the renewal period in which the licensee is initially licensed to practice the healing arts in Missouri if the licensee has not previously held a permanent license to practice the healing arts in Missouri or any other state in the United States of America. The period for completion of the continuing medical education requirements shall be the [twenty-four (24)] **twelve (12)**-month period beginning January 1 [of each even-numbered year] and ending December 31 [of each odd-numbered] **each** year. A licensee who has failed to obtain and report, in a timely fashion, [fifty (50)] **twenty-five (25)** hours of continuing medical education shall not engage in the practice of medicine unless an extension is obtained pursuant to section (4) of this rule.

(A) A licensee shall be deemed to have complied with section (1) of this rule if the licensee completes [forty (40)] **twenty (20)** hours of continuing medical education and each course, seminar or activity includes a post-test of the material covered in the [forty (40)] **twenty (20)** continuing medical education hours. The [forty (40)] **twenty (20)** hours must all be accredited by the AOA as Category 1-A or by the AMA as Category 1.

(2) Each licensee shall certify by attestation, under penalty of perjury, that s/he has completed the required hours of continuing medical education [listed by him/her] on the renewal form (see 4 CSR 150-2.040).

(4) A licensee who cannot complete the required hours of continuing medical education because of personal illness, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose an insurmountable hardship may apply for an extension of time to complete the continuing medical education requirements. Any extension of time to complete the continuing medical education requirements will be granted solely in the discretion of the board. The licensee must make a written application for extension of time prior to the December 31 deadline for completion of the continuing medical education requirement. The application for extension shall be accompanied by a processing fee of fifty dollars (\$50), together with the application for extension. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension is sought. A licensee who requests an extension of time to complete the required hours of continuing medical education shall not engage in the active practice of the healing arts until the board grants the licensee's

request for extension and the licensee receives express written authorization to do so.

(A) Licensees in the Military [service extensions may be granted only to a licensee who was absent from the United States] are exempt from obtaining continuing medical education if they are called to active duty under competent orders for at least a majority of the reporting period due to his/her military service commitment [under combat circumstances or pursuant to a state of national emergency]. At a minimum, the licensee must submit written documentation from the appropriate military authorities verifying the licensee's military service commitment [and the periods during which the commitment was being fulfilled under a combat or national emergency status, the number of hours earned during the reporting period and a plan for the completion of the balance of the requirement].

(D) A licensee who is granted an extension of time shall complete the balance of his/her continuing medical education requirements no later than [April 30] **February 28** immediately following the end of the reporting period for which an extension was sought and shall provide the board with written documentation of his/her completion of the continuing medical education requirements no later than [May] **March 10** immediately following the end of the reporting period for which an extension was sought. Failure to complete the continuing medical education requirements by [April 30] **February 28** or to file the documentation with the board by [May] **March 10** shall constitute a violation of section 334.075, RSMo and this rule.

(6) A licensee who participated in an AMA- or AOA-approved internship or residency program during the reporting period shall be deemed to have obtained the required hours of continuing medical education if at least [sixty (60)] **thirty (30)** days of the reporting period were spent in the internship or residency.

(7) A licensee who participated in a fellowship program in an approved teaching institution shall be deemed to have obtained the required hours of continuing medical education if at least [sixty (60)] **thirty (30)** days of the reporting period were spent in the fellowship and the fellowship is determined to be advanced training. Upon request, the licensee shall provide documentation from the fellowship program director verifying the number of days in the program and that the program is advanced training.

(8) A licensee who holds a limited license to practice medicine in the state of Missouri shall obtain and report to the board ten (10) hours of AMA Category 1 or AOA Category 1-A or 2-A continuing medical education each reporting period. [The obtaining and reporting of these hours shall be done in accordance with this rule.] **The period for completion of the continuing medical education requirements for a licensee who holds a limited license shall be the twenty-four (24)-month period beginning January 1 of each even-numbered year and ending December 31 of each odd-numbered year.**

AUTHORITY: sections 334.075 and 334.125, RSMo 2000. Original rule filed Oct. 16, 1991, effective March 9, 1992. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 18, 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 State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Blvd., PO Box 4, Jefferson City, MO 65102

or 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 3—Licensing of Physical Therapists and Physical Therapy Assistants

PROPOSED AMENDMENT

4 CSR 150-3.010 Applicants for Licensure as Professional Physical Therapists. The board is proposing to amend section (2).

PURPOSE: This rule adds language that was inadvertently omitted during the previous rule amendment.

(2) The applicant must furnish satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. If the applicant graduated on or before December 31, 2002 he/she must present evidence that his/her physical therapy degree is the equivalent of a bachelor's degree in physical therapy from a United States college or university. If the applicant graduated after December 31, 2002 he/she must present evidence that his/her physical therapy degree is equivalent of a master's degree in physical therapy from a United States college or university. An applicant who presents satisfactory evidence of graduation from a physical therapy program approved as reputable by the Commission on Accreditation in Physical Therapy Education, or its successor, shall be deemed to have complied with the education requirements of this section.

AUTHORITY: sections 334.125, RSMo 2000 and 334.530 and 334.550, RSMo 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 18, 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 State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Blvd., PO Box 4, Jefferson City, MO 65102 or 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 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.055 Applicants for Provisional Licensure. The board is proposing to amend section (6).

PURPOSE: This amendment deletes a part of the rule that conflicts with section 345.022.2, RSMo.

(6) Applicants for provisional licensure must submit the following documentation:

[(B)] Proof of passage of the National Examination in Speech-Language Pathology and/or Audiology. Examination scores must be submitted to the board directly from the Educational Testing Service. The passing score shall remain consistent with the passing score set by the American Speech-Language-Hearing Association, on the date of licensure application;]

[(C)] (B) Applicants shall provide, on forms prescribed by the board, a plan for completion of the supervised postgraduate professional experience. This form must be signed by a supervisor holding current permanent Missouri licensure, in the area in which the applicant seeks licensure. The plan shall consist of at least thirty-six (36) weeks of full-time professional experience. A minimum of thirty (30) hours of work per week constitutes full-time employment. If the applicant works twenty-five to twenty-nine (25–29) hours per week, the length of the experience must be at least forty-eight (48) weeks. If the applicant works twenty to twenty-four (20–24) hours per week, the length of the experience must be at least sixty (60) weeks. If the applicant works fifteen to nineteen (15–19) hours per week, the length of the experience must be at least seventy-two (72) weeks;

[(D)] (C) At the conclusion of the supervised postgraduate experience period, the supervisor and the provisional licensee shall sign and submit a board prescribed report which documents completion of the experience; and

[(E)] (D) Verification of licensure or registration to practice in another state or territory shall be submitted to the board directly from the licensing/registration agency.

AUTHORITY: sections 345.022 and 345.030, RSMo [Supp. 1999] 2000. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 18, 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 State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Blvd., PO Box 4, Jefferson City, MO 65102 or 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 232—Missouri State Committee of Interpreters Chapter 1—General Rules

PROPOSED AMENDMENT

4 CSR 232-1.040 Fees. The committee is proposing to add subsection (1)(F).

PURPOSE: This rule establishes the fees for the licensure of interpreters.

(1) The following fees are established and are payable in the form of a cashier's check, personal check, or money order:

(F) Mentorship Application Fee **\$10.00**

AUTHORITY: section 209.328.2(2), RSMo 2000. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed March 18, 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 State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interpreters@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 232—Missouri State Committee of Interpreters Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 232-2.030 Name and Address Change and License Renewal. The committee is proposing to amend section (2).

PURPOSE: This rule outlines the requirements for changing a name or address and the process for renewing a license to practice as an interpreter.

(2) A licensed interpreter whose name is legally changed shall notify the committee within thirty (30) days of the name change [and provide a copy of the appropriate document verifying the name change].

AUTHORITY: section 209.328.2, RSMo [1994] 2000. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed March 18, 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 State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interpreters@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 232—Missouri State Committee of Interpreters Chapter 3—Ethical Rules of Conduct

PROPOSED AMENDMENT

4 CSR 232-3.010 General Principles. The committee is proposing to amend sections (2) and (3).

PURPOSE: This rule provides the ethical principles governing the practice of interpreting.

(2) An interpreter must maintain a current certification with the Missouri Commission for the Deaf and Hard of Hearing as defined by section 209.285(3), RSMo.

(3) An interpreter shall not interpret in a setting beyond his or her certification level, as provided for in 5 CSR 100-200.170.

(A) This rule does not apply to a licensed, certified interpreter acting in a mentee role as outlined in 4 CSR 232-3.030.

AUTHORITY: sections 209.328.1, RSMo 2000 and 209.334, RSMo Supp. [2003] 2004. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 6, 2002, effective May 30, 2003. Amended: Filed Sept. 8, 2003, effective March 30, 2004. Amended: Filed March 18, 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 State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interpreters@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 232—Missouri State Committee of Interpreters Chapter 3—Ethical Rules of Conduct

PROPOSED RULE

4 CSR 232-3.030 Mentorship

PURPOSE: This rule outlines how an interpreter may participate in an area above the skill level currently held by the mentee as prescribed in 5 CSR 100-200.170 Skill Level Standards on the basis of a mentor relationship.

(1) For the purpose of this rule, a mentorship is a supervised professional experience in which a mentor interpreter provides instruction, guidance, and oversight to a mentee interpreter while engaged in a series of instructional activities designed with the purpose of attaining clearly defined, specific professional development goals.

(A) Applications for mentorship shall be submitted to the committee/division on forms prescribed by the committee/division and furnished to the applicant, sixty (60) days prior to the start of the mentorship. The application shall contain statements demonstrating the education, professional experience, and certification by either the National Registry of Interpreters for the Deaf, National Association of the Deaf, or Missouri Interpreters Certification System and such other information as the committee may require. The application

shall also contain a description of the professional development goals for the mentorship, the instructional activities that will be used to accomplish those goals, and the methods of assessment that will be used to evaluate those goals.

(B) Each application shall be accompanied by the required application fee. The application fee must be submitted in a manner as required by the committee and shall not be refundable. A mentorship shall be valid for a period of time not to exceed six (6) consecutive months.

(2) A mentor interpreter shall be an interpreter who has a current license, and a current Missouri Interpreters Certification System (MICS) Intermediate, Advanced or Comprehensive certification or a current National Registry of Interpreters for the Deaf (NRID) or National Association of the Deaf (NAD) certification as prescribed in section 209.322, RSMo.

(A) The mentor shall be limited to a maximum of three (3) mentoring relationships during any six (6) consecutive month period.

(3) A mentee shall be an interpreter who has a current license, and a current Missouri Interpreters Certification System (MICS) Novice, Apprentice or Intermediate certification or a current National Association of the Deaf (NAD) level 3 certification as prescribed in section 209.322, RSMo.

(A) The mentee shall be limited to a maximum of three (3) mentoring relationships during any six (6) consecutive month period.

(4) While engaged in a mentorship approved by the committee and while under the direct supervision of a mentor interpreter, a mentee interpreter may interpret in an interpreting assignment that is one (1) skill level above the mentee's current certification level as prescribed in the Skill Level Standards, 5 CSR 100-200.170.

(A) The mentee shall revert the duties of the assignment to the mentor at the mentor's request.

(B) A mentor shall function as a guide and provide oversight to the mentee in the interpreting assignment. The mentor must have the appropriate training, skills, education, and certification for the assignment as required by the Skill Level Standards (5 CSR 100-200.170).

(C) The mentor must be present and is responsible for the accuracy of the interpretation within the interpreting assignment.

(D) Prior to the interpreting assignment, all participants in the assignment must be informed of the license and certification level held by the mentor interpreter and mentee interpreter as required in 4 CSR 232-3.020 and of the responsibilities of the mentor interpreter and mentee interpreter as defined in 4 CSR 232-3.030(4).

(E) Prior to the interpreting assignment, all participants in the assignment must give approval for the mentee interpreter to interpret, while under the direct supervision of the mentor interpreter.

(F) The mentor is not responsible for the actions and conduct of the mentee outside of the interpreting assignment.

(G) The interpreting assignment shall be no more than two (2) hours in length.

(H) Interpreting assignments utilized for mentorship will not include medical, mental health or legal assignments, which require Advanced or Comprehensive certification as prescribed by the Skill Level Standards, 5 CSR 100-200.170.

AUTHORITY: section 209.328.1, RSMo 2000. Original rule filed March 18, 2005.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions approximately two hundred ninety-one dollars and forty-five cents (\$291.45) annually for the life of the rule. It is anticipated that the 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 approximately eighty-two dollars and ninety-six cents (\$82.96) annually for the life of the rule. It is anticipated that the 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.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interpreters@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 232 - Missouri State Committee of Interpreters

Chapter 3 - Ethical Rules of Conduct

Proposed Rule - 4 CSR 232-3.030 Mentorship

Prepared March 7, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Committee of Interpreters	\$291.45
Total Annual Cost of Compliance for the Life of the Rule	
	\$291.45

III. WORKSHEET

I. CALCULATION OF EXPENSE AND EQUIPMENT AND PERSONAL SERVICE COSTS:

The board anticipates the staff will perform the following duties:

Licensure Technician II - Reviews application for completeness, updates division's licensing system, prepares and sends follow up letters, follows up with applicant for any additional information needed, responds to telephone inquiries, processes all documentation, prepares flow sheet for board review, prepares file for board review, updates division's licensing system after board review, and issues the license.

Clerk IV - Prepares decision letter for executive review and approval, prints seal application, prints wall hanging license, copies letter and wall hanging license for file, and mails licensure documentation to license.

Executive Director - Reviews file prior to board review and prepares and reviews decision letter and board meeting minutes for accuracy.

Salaries for the staff are shared with other boards within the division. The figures below represent the personal service costs supported by the State Board of Chiropractic Examiners.

Employee's salaries were calculated using their annual salary multiplied by 40.77% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$51,300	\$72,215.01	\$34.72	\$0.58	15 minutes	\$8.68	\$69.44
Clerk IV	\$28,740	\$40,457.30	\$19.45	\$0.32	10 minutes	\$3.24	\$25.93
Licensure Technician II	\$24,144	\$33,987.51	\$16.34	\$0.27	90 minutes	\$24.51	\$196.08

IV. ASSUMPTIONS

1. Because members of the committee will review the application during their regularly scheduled meetings, no additional per diem was calculated for the purpose of this fiscal note.
2. The board does not anticipate any growth in the number of applications received each year.
3. The total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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 232 - Missouri State Committee of Interpreters

Chapter 3 - Ethical Rules of Conduct

Proposed Rule - 4 CSR 232-3.030 Mentorship

Prepared March 7, 2005 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the amendment by affected entities:
8	Applicants (application fee @ \$10)	\$80.00
8	Applicants (postage @ \$.37)	\$2.96
Estimated Annual Cost of Compliance for the Life of the Rule		\$82.96

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY04 actuals and FY05 projections.
2. The board does not anticipate any growth in the number of applications received each year.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.045 Provisional Licensed Clinical Social Worker. The board is proposing to add a new section (5) and renumber the remaining sections accordingly.

PURPOSE: This amendment specifies the term of a provisional license.

(5) The term of a provisional clinical social worker license shall be no more than forty-eight (48) consecutive calendar months except under extenuating circumstances as determined by the committee. The provisional clinical social work license shall be valid only while the licensee is under active supervision as defined by rule. The provisional clinical social work license will terminate with the issuance of a clinical social work license.

[(5)] (6) The applicant for provisional clinical social work licensure shall provide clinical social work as defined in section 337.600(1), RSMo, under the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.

[(6)] (7) A provisional licensed clinical social worker may be employed in the supervisor's private practice setting or in the private practice of another. In those instances, the supervisor may bill clients for services rendered by the provisional licensed clinical social worker but under no circumstances shall the provisional licensed clinical social worker bill the clients directly for services rendered. The only exception to this section shall be when reimbursement for services is provided under Title XIX (Medicaid) through the Missouri Department of Social Services Medicaid Services Division. A provisional licensed clinical social worker may accept a Medicaid reimbursement number and services may be billed through that number, provided such reimbursement is administered through the professional setting employing the provisional licensed clinical social worker, and not directly paid to the provisional licensed clinical social worker. The professional setting shall not include private practice in which the provisional licensed clinical social worker operates, manages or has an ownership interest in the private practice.

[(7)] (8) Provisional licensed clinical social workers shall report any change of supervisor, setting, or both in writing on a Change of Status form provided by the committee. There is no fee for updating a change of supervision and/or setting. The committee shall notify both the provisional licensed clinical social worker and registered supervisor, in writing, of the committee's approval or refusal of the registration of supervision.

AUTHORITY: sections 337.600, 337.612 and 337.615, RSMo Supp. [2003] 2004 and 337.627[,] and 337.630, RSMo 2000. Original rule filed Dec. 30, 1998, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed March 28, 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 State Committee for Social Workers, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via e-mail at lcsww@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 263—State Committee for Social Workers
Chapter 2—Licensure Requirements**

PROPOSED AMENDMENT

4 CSR 263-2.047 Provisional Licensed Baccalaureate Social Worker. The board is proposing to add a new section (5) and renumber the remaining sections accordingly.

PURPOSE: This amendment specifies the term of a provisional license.

(5) The term of a provisional baccalaureate social work license shall be no more than forty-eight (48) consecutive calendar months except under extenuating circumstances as determined by the committee. The provisional baccalaureate social work license shall be valid only while the licensee is under active supervision as defined by rule. The provisional baccalaureate social work license will terminate with the issuance of a baccalaureate social work license.

[(5)] (6) The applicant for provisional baccalaureate social work licensure shall provide baccalaureate social work as defined in section 337.653.1, RSMo, under the order, control, oversight, guidance, and full professional responsibility of the approved registered supervisor at the setting(s) approved by the committee.

[(6)] (7) A provisional licensed baccalaureate social worker may be employed in the supervisor's private practice setting or in the private practice of another. In those instances, the supervisor may bill clients for services rendered by the provisional licensed baccalaureate social worker but under no circumstances shall the provisional licensed baccalaureate social worker bill the clients directly for services rendered. The professional setting shall not include private practice in which the provisional licensed baccalaureate social worker operates, manages or has an ownership interest in the private practice.

[(7)] (8) Provisional licensed baccalaureate social workers shall report any change of supervisor, setting, or both in writing on a Change of Status form provided by the committee. There is no fee for updating a change of supervision and/or setting. The committee shall notify both the provisional licensed baccalaureate social worker and registered supervisor, in writing, of the committee's approval or refusal of the registration of supervision.

AUTHORITY: sections 337.650, 337.653, 337.665 and 337.677, RSMo Supp. [2003] 2004. Original rule filed Oct. 30, 2002, effective June 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed March 28, 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 State Committee for Social Workers, Attention: Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing (573) 526-3489 or via e-mail at lcsww@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 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation**

PROPOSED RESCISSION

5 CSR 50-340.110 Policies and Standards Relating to Academically Deficient Schools. This rule established the criteria and procedures to be used to identify academically deficient schools and set the standards to be used for an educational audit.

PURPOSE: This rule is being rescinded because the passage of Senate Bill 1080 repealed the legislation which served as the basis for this rule.

AUTHORITY: sections 160.538, RSMo 2000 and 161.092, RSMo Supp. 2002. Previously filed as 5 CSR 30-340.010. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22, 1999, effective Sept. 30, 1999. Amended and moved to 5 CSR 50-340.110: Filed Sept. 27, 2001, effective May 30, 2002. Amended: Filed April 23, 2003, effective Nov. 30, 2003. Rescinded: Filed April 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 Department of Elementary and Secondary Education, Attn: Ginny Vandelight, Assistant Director, MO School Improvement and Accreditation, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. 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 2—Air Quality Standards and Air Pollution
Control Rules Specific to the Kansas City
Metropolitan Area**

PROPOSED AMENDMENT

10 CSR 10-2.390 Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws. The commission proposes to amend original sections (1), (2) and (7), and original subsections (4)(B)–(4)(E), (5)(A), (5)(C), (5)(E), (6)(B), (6)(C), (9)(A)–(9)(C), (10)(A) and (15)(C); renumber and amend original sections (16)–(23) and (25); renumber original section (24); add new subsections (9)(D)–(9)(L) and new sections (16), (17) and (23). If the commission adopts this

rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. 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, www.dnr.mo.gov/reggs/regagenda.htm.

*PURPOSE: This rule implements section 176(c) of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 et seq.), and the related requirements of 23 U.S.C. 109(j), with respect to the conformity of transportation plans, programs, and projects which are developed, funded, or approved by the United States Department of Transportation (DOT), and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 U.S.C. or the Federal Transit Laws (49 U.S.C. Chapter 53). This rule sets forth policy, criteria, and procedures for demonstrating and assuring conformity of such activities to the applicable implementation plan, developed pursuant to section 110 and Part D of the CAA. This rule applies to the Kansas City ozone maintenance area. This amendment will make several changes to the current rule requiring transportation plans, programs, and projects to conform to state air quality implementation plans. This amendment will adopt specific revisions to the Federal Transportation Conformity Rule as amended July 1, 2004. A Transportation Conformity State Implementation Plan (SIP) revision consistent with this federal amendment must be submitted to the U.S. Environmental Protection Agency (EPA) within twelve (12) months. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the **Federal Register** Notice issued July 1, 2004, (Volume 69, Number 126, Pages 40003-40081), regarding Transportation Conformity Rule Amendments for the New 8-Hour Ozone and PM_{2.5} National Ambient Air Quality Standards.*

(1) Definitions.

(A) Terms used but not defined in this rule shall have the meaning given them by the **Clean Air Act (CAA)**, Titles 23 and 49 **United States Code (U.S.C.)**, other United States Environmental Protection Agency (EPA) regulations, other **United States Department of Transportation (DOT)** regulations, or other state or local air quality or transportation rules, in that order of priority. Definitions for some terms used in this rule may be found in 10 CSR 10-6.020.

(B) Additional definitions specific to this rule are as follows:

1. One (1)-hour ozone National Ambient Air Quality Standard (NAAQS)—the one (1)-hour ozone national ambient air quality standard codified at 40 CFR 50.9;

2. Eight (8)-hour ozone National Ambient Air Quality Standard (NAAQS)—the eight (8)-hour ozone national ambient air quality standard codified at 40 CFR 50.10;

[1.]3. Applicable implementation plan—defined in section 302(q) of the CAA, the portion (or portions) of the implementation plan for ozone, or most recent revision thereof, which has been approved under section 110, or promulgated under section 110(c), or promulgated or approved pursuant to regulations promulgated under section 301(d) and which implements the relevant requirements of the CAA;

[2.]4. CAA—the Clean Air Act, as amended (42 U.S.C., 7401 et seq.);

[3.]5. Cause or contribute to a new violation for a project—

A. To cause or contribute to a new violation of a standard in the area substantially affected by the project or over a region which would otherwise not be in violation of the standard during the future period in question, if the project were not implemented; or