

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 20—Hospitals**

*of this notice in the Missouri Register. No public hearing is scheduled.*

**PROPOSED RULE**

**19 CSR 30-20.140 Surgical Services in Hospitals**

*PURPOSE:* This rule specifies the requirements for surgical services in a hospital.

(1) Surgical services, if provided, shall be under the medical direction of a qualified physician member of the medical staff and appointed by the governing body. This physician shall be responsible for implementing rules of the medical staff governing the quality and scope of surgical services.

(2) Approved written policies and procedures shall define and describe the scope and conduct of surgical services. These shall be reviewed annually and revised as necessary.

(3) The surgical suite shall be supervised by a qualified registered professional nurse with relevant education, experience and demonstrated current competency. This supervisor shall have the authority to implement hospital policies and procedures for the surgical suite and shall have the responsibility for evaluating all nursing personnel assigned to the surgical suite.

(4) A qualified registered professional nurse shall be assigned circulating duties for surgical procedures performed.

(5) Accepted standards of patient care, sterility and aseptic techniques shall be maintained.

(6) Prior to surgery, the patient's medical record shall contain evidence that the patient has been advised as to the surgical procedure(s) contemplated, the type of anesthesia to be administered and the risks involved with each. Evidence that informed consent has been given shall become a part of the patient's medical record.

(7) An operating room record documenting the patient care provided shall become a part of the patient's medical record. The record shall contain at least the name of the patient, the patient's hospital number, the name of the surgeon, name of surgical procedure(s), the date, time surgery began and ended, names and titles of persons assisting with the procedure and the verification of countable materials.

(8) There shall be a mechanism for the review and evaluation on a regular basis of the quality and appropriateness of surgical services.

*AUTHORITY:* sections 192.006 and 197.080, RSMo 2000 and 197.154, RSMo Supp. 2006. This rule previously filed as 19 CSR 30-20.021(4)(L). Original rule filed June 27, 2007.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately nineteen thousand, six hundred sixty-one dollars (\$19,661) annually in the aggregate.

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David S. Durbin, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after the publication

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services  
Division Title: Division of Regulation and Licensure  
Chapter Title: Hospitals**

<b>Rule Number and Name:</b>	19 CSR 30-20.140 Surgical Services in Hospitals
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$19,661

**III. WORKSHEET**

**Department of Health and Senior Services**

Staff Involved with Hospital Licensure

Position Title	# of Staff	Annual Salary	Total Salary
Health Care Regulatory Supervisor (RN)	1	\$ 61,908.00	\$ 61,908.00
Health Care Regulatory Supervisor (non-RN)	1	\$ 56,868.00	\$ 56,868.00
Health Facility Consultant	7	\$ 45,774.00	\$ 320,418.00
Health Facility Nursing Consultant	17	\$ 54,000.00	\$ 918,000.00
Health Program Representative II-III	1	\$ 35,148.00	\$ 35,148.00
Administrative Office Support Assistant	1	\$ 26,532.00	\$ 26,532.00
Senior Office Support Assistant	1	\$ 23,160.00	\$ 23,160.00
Office Support Assistant	2	\$ 20,724.00	\$ 41,448.00
			\$ 1,483,482.00

Total salary for all staff involved with hospital licensure = \$1,483,482

28% = percentage of time staff actually devote to licensure activities (based on a time study analysis from August 2006 through January 2007).

42% of salary = value of fringe benefits for staff.

$\$1,483,482 \times .28 = \$415,375$  salary expenditure for all licensure activities.

$\$415,375 \times 1.42 = \$589,832$  salaries and fringe benefits for all licensure activities.

$\$589,832 \div 30 = \$19,661$  total staff salaries and fringe for this rule per year.

#### **IV. ASSUMPTIONS**

##### **Department of Health and Senior Services**

1. A significant number of hospitals will voluntarily choose to provide optional surgical services, requiring the department to incur regulatory/licensure costs.
2. Thirty-two (32) proposed rules (19 CSR 30-20.080 through 19 CSR 30-20.142) constituting regulations for hospital licensure are being published.
3. Two of these, 19 CSR 30-20.106 Inpatient Care Units in Hospitals and 19 CSR 30-20.142 Variance Requests by Hospital, will have no DHSS cost.
4. Cost incurred by DHSS for the remaining thirty (30) rules will be approximately the same for each rule.
5. Therefore DHSS staff costs will be estimated by dividing the total staff costs for hospital licensure by the number of rules constituting hospital licensure activities (30).

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 20—Hospitals**

**PROPOSED RULE**

**19 CSR 30-20.142 Variance Requests by Hospitals**

*PURPOSE:* This rule specifies the manner through which hospitals may request a variance from 19 CSR 30-20.001 through 19 CSR 30-20.140.

(1) Requests for variance from the requirements of 19 CSR 30-20.001 through 19 CSR 30-20.140 shall be in writing to the Department of Health. Approvals for variance shall be in writing and both requests and approvals shall be made a part of the permanent Department of Health records for the facility. Licensed hospitals participating in innovative demonstration projects may be granted a variance from certain requirements.

(A) This request shall contain—

1. The section number and text of the rule in question;
2. Specific reasons why compliance with the rule would impose an undo hardship on the operator, including an estimate of any additional cost which might be involved;
3. An explanation of the relevant extenuating factors which may be relevant; and
4. A complete description of the individual characteristics of the facility or patients or any other factors which would fulfill the intent of the rule in question to safeguard the health, safety and the welfare of the patient, staff or public if the variance from the requirement is granted.

*AUTHORITY:* sections 192.006 and 197.080, RSMo 2000 and section 197.154, RSMo Supp. 2006. This rule previously filed as 19 CSR 30-20.021(1) and (1)(A). Original rule filed on June 27, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with David S. Durbin, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after the publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2060—State Board of Barber Examiners  
Chapter 1—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2060-1.025 Fees.** This rule established and fixed the various fees and charges.

*PURPOSE:* This rule is being rescinded and a new rule promulgated that establishes and fixes the various fees and charges authorized by SB 280 (2005).

*AUTHORITY:* sections 328.060.1, RSMo 2000 and 328.075.3 and 610.026, RSMo Supp. 2004. This rule originally filed as 4 CSR 60-4.010. This rule previously filed as 4 CSR 60-1.025. 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, effective Sept. 30, 2005. Moved to 20 CSR 2060-1.025, effective Aug. 28, 2006. Rescinded: Filed June 27, 2007.

*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 would not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to [cosbar@pr.mo.gov](mailto:cosbar@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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.032 Specialty Certification.** The board is proposing to amend section (2).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70-2.090 in section (2) is being amended.

(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] **20 CSR 2070-2.090**. Within the application the following information and documentation shall be submitted:

*AUTHORITY:* section 331.030.9, RSMo Supp. [2004] 2006. This rule originally filed as 4 CSR 70-2.032. Original rule filed April 1, 2005, effective Oct. 30, 2005. Moved to 20 CSR 2070-2.032, effective Aug. 28, 2006. Amended: Filed June 27, 2007.

*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 email at [chiropractic@pr.mo.gov](mailto: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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.040 Application for Licensure.** The board is proposing to amend subsections (4)(A) and (B), subsections (5)(A), (C) and (G), and sections (7) and (8).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70 is being amended throughout the rule.*

(4) Items to accompany application for licensure by examination are—

(A) One (1) photograph as described in [4 CSR 70-2.050(3)(B)] **20 CSR 2070-2.050(3)(B)**;

(B) Application processing or examination fee in the form of a money order or cashier's check. Applicants shall pay the application processing fee if applying for licensure by examination (N.B.C.E. Part IV examination). The examination fee must accompany an examination application only in the event that the board administers its own practical examination. See [4 CSR 70-2.050(3)(A)] **20 CSR 2070-2.050(3)(A)**; and

(5) Items to accompany application for licensure by reciprocity are[—]:

(A) One (1) photograph as described in [4 CSR 70-2.070(4)] **20 CSR 2070-2.070(4)**;

(C) Proof of practice as described in [4 CSR 70-2.070(5)] **20 CSR 2070-2.070(5)**;

(G) An applicant requesting board authorization to take the Special Purposes Examination for Chiropractic (SPEC) administered by the National Board of Chiropractic Examiners shall have an application filed with the board and pay the applicable fee as defined in [4 CSR 70-2.090(1)(C)] **20 CSR 2070-2.090(1)(C)**.

(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)] **20 CSR 2070-2.090(1)(T)**:

(C) Two (2) sets of fingerprints and fingerprint fee as defined in [4 CSR 70-2.090(1)(O)] **20 CSR 2070-2.090(1)(O)**; and

(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)] **20 CSR 2070-2.090(1)(U)**.

*AUTHORITY: sections 43.543 and 331.030, RSMo Supp. [2004] 2006 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.040. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

*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 email at [chiropractic@pr.mo.gov](mailto: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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.050 Examination.** The board is proposing to amend section (1), subsections (3)(A), (6)(A), (8)(A), and (11)(B) and section (12).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70 is being amended in subsections (3)(A) and (11)(B) and section (12). Additionally, this amendment clarifies language in section (1) and makes a gender correction in subsections (6)(A) and (8)(A).*

(1) All applicants for a certificate of registration shall pass all parts of the written examination administered by the National Board of Chiropractic Examiners (N.B.C.E.), including Parts I, II, III (the Written Clinical Competency Examination) and the elective section on Physiotherapy. Additionally, all applicants shall pass the regional/national practical examination (Part IV) administered by the N.B.C.E., and an examination over the Missouri statutes, rules and regulations. If the board determines that Part IV of the N.B.C.E. examination no longer meets the practical examination requirements under section 331.030.6, RSMo, or if the board determines for any reason that it should administer a practical examination, applicants shall pass the practical examination administered by the board. The time and location of each examination may be obtained by [writing] **contacting** the board[']s executive director].

(3) For a senior student to be eligible to take the N.B.C.E. Part IV examination, or the board's practical examination, the following documentation is required:

(A) Completed application which has been completed in accordance with the requirements of [4 CSR 70-2.040] **20 CSR 2070-2.040** and examination or application processing fee;

(6) If the candidate is applying for a practical examination to be administered by the board, the following procedures will apply:

(A) Before the examination, each applicant shall be given an identification number which shall be used during the examination. The candidate shall not be admitted to examination unless [s/he] **he/she** is wearing the identification badge assigned to him/her;

(8) Notification of Examination Results if Taking a Practical Examination Administered by the Board.

(A) An applicant who receives a passing score will be notified that [s/he] **he/she** has passed but will not be advised of the score received.

(11) Those candidates for licensure who have successfully completed the N.B.C.E. Part IV examination, or a practical examination administered by the board, and have not obtained their licenses to practice may do so within three (3) years from the date of the examination.

(B) If the license is not obtained within the three (3)-year period and the applicant has been practicing chiropractic in another state, territory or District of Columbia, or in any foreign country, the applicant may file application for license by reciprocity under the provisions of [4 CSR 70-2.070] **20 CSR 2070-2.070**.

(12) If the applicant fails to provide all materials required in [4 CSR 70-2.050] **20 CSR 2070-2.050** within one (1) year of filing the application for licensure, the board may return the application and materials to the applicant. The application may request an extension of the one (1) year time period upon submitting a written request to the board outlining the reasons the applicant is not able to provide the documentation required for licensure.

*AUTHORITY: sections 331.030, RSMo Supp. 2006 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.050. Original rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

*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 email 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.060 Professional Conduct Rules.** The board is proposing to amend subsection (5)(D) and section (12).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70-4 in section (12) is being amended. Additionally, this amendment makes a gender correction in subsection (5)(D).*

(5) A licensed chiropractic physician shall not—

(D) Report incorrectly services rendered for the purpose of obtaining greater payment than [s/he] he/she is entitled to.

(12) Any licensee who performs a chiropractic review under section 376.423, RSMo without having obtained a certification from the board or is not in compliance with [4 CSR 70-4] **20 CSR 2070-4** of the board's rules shall be deemed to have engaged in unprofessional conduct in the practice of chiropractic.

*AUTHORITY: sections 331.060 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.060. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

*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 email 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 20—DEPARTMENT OF INSURANCE,  
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Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.070 Reciprocity.** The board is proposing to amend section (2).

*PURPOSE: Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70-2.040 in section (2) is being amended.*

(2) Application for licensure by reciprocity shall be made on a form provided by the board and completed in accordance with the requirements of [4 CSR 70-2.040] **20 CSR 2070-2.040**.

*AUTHORITY: sections 331.030, RSMo Supp. [2004] 2006 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.070. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

*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 email 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2070-2.080 Biennial License Renewal.** This rule defined the licensure renewal requirements.

*PURPOSE: This rule is being rescinded and readopted in order to clarify licensure renewal requirements.*

*AUTHORITY: sections 331.050, RSMo Supp. 2004 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.080. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 27, 2007.*

*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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at [chiropractic@pr.mo.gov](mailto: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 20—DEPARTMENT OF INSURANCE,  
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Chapter 2—General Rules**

**PROPOSED RULE**

**20 CSR 2070-2.080 Biennial License Renewal**

*PURPOSE: This rule establishes the licensure renewal requirements.*

(1) A license shall be renewed biennially contingent upon the licensee completing the required annual hours of continuing education as defined in 20 CSR 2070-2.080(2):

(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; and

(B) A chiropractic physician issued a license within one (1) year of graduation from an approved chiropractic college shall be exempt from the continuing education requirements for the calendar year that the license was issued.

(2) Each calendar year (January 1–December 31) a licensee shall complete twenty-four (24) hours of continuing education as defined in 20 CSR 2070-2.080(3) and (5). If a licensee is unable to complete the required annual continuing education, the licensee may submit a written request to the board for an extension in order to comply with the continuing education requirement and shall pay the required late continuing education fee.

(3) At least twelve (12) hours of the required twenty-four (24) hours of continuing education shall be earned by attending formal continuing education programs, seminars, and/or workshops that have been approved by the board in the following categories:

- (A) Four (4) hours diagnostic imaging (X-ray);
- (B) Four (4) hours differential or physical diagnosis or both; and
- (C) Four (4) hours of risk management. Continuing education in this category shall consist of formal programs, seminars, and/or workshops that have been approved by the board in any one or a combination of any of the following categories:
  - 1. Boundary training;
  - 2. Emergency procedures. Cardiopulmonary resuscitation (CPR) and/or first aid offered by the American Red Cross or other board approved sponsoring organization shall be acceptable as meeting the continuing education requirements for this category;
  - 3. Human immunodeficiency (HIV), infectious diseases, and/or universal precautions;
  - 4. Cerebrovascular accident (CVA) and/or transient ischemic attack (TIA);
  - 5. Disc injury;
  - 6. Aggravated spinal conditions and/or injury;
  - 7. Record keeping and/or Subjective Objective Assessment Plan (SOAP) notes;
  - 8. Soft tissue injury; or
  - 9. Case studies in chiropractic that consist of presentations relating to articles published in scholarly journals, treatises, or textbooks used by board approved Council of Chiropractic Education (CCE) colleges and/or universities.

(4) Continuing education hours in compliance with 20 CSR 2070-2.080(3) may be obtained via the Internet pursuant to 20 CSR 2070-2.081(2)(A) and board approval.

(5) The remaining continuing education hours shall consist of general studies as follows:

(A) 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 continuing education credits in this category, roll call must be taken and recorded in the official minutes of the meeting. A maximum of six (6) continuing education credit hours are allowable in this category during each continuing education reporting period but no more than two (2) continuing education credits shall be earned per meeting. If the meeting is less than two (2) hours in duration, continuing education 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, continuing education credits may be granted for one and one-half (1.5) hours;

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

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

(D) 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. Continuing education 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 continuing education credits under this category, the journal, periodical or book must be related to the clinical practice of chiropractic; and

(E) Individual Study. Relevant chiropractic courses subscribed via

the Internet or by other electronic means.

(6) Chiropractic physicians who are faculty members at a 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 20 CSR 2070-2.080(3);

(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 20 CSR 2070-2.080(3);

(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; and

(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.

(7) 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, and risk management as defined in 20 CSR 2070-2.080(3)(C).

(8) 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.

(9) 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 20 CSR 2070-2.031(3) MTAA or 20 CSR 2070-4.030(2) insurance consulting.

(10) For the purpose of this regulation the teacher or instructor must teach a minimum of four (4) clock hours as defined in 20 CSR 2070-2.080(4)(A).

(11) A renewal license will not be issued until all renewal requirements have been met. If the licensee pays the continuing education penalty fee for continuing education 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 continuing education credits shall not engage in the practice of chiropractic unless an extension is obtained pursuant to section (13) of this rule.

(12) For the license renewal the licensee shall verify the number of continuing education 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 continuing education attendance to the board except in the case of a board audit.

(13) Each licensee shall maintain full and complete records of all continuing education credits earned for the two (2) previous reporting periods in addition to the current reporting period. Formal continuing education 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 20 CSR 2070-2.081(6). Continuing education 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.

(14) A licensee who cannot complete the requisite number of continuing education 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.

(15) The board shall not grant continuing education 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.

(16) 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 20 CSR 2070-2.081. If the state in which the chiropractic physician is practicing does not have continuing education requirements for renewal or licensure reinstatement, 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 CCE.

(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.

(18) Reactivation/Reinstatement of License:

(A) A chiropractor that has been licensed in Missouri may apply for reactivation/reinstatement of an expired or inactive license upon submission of the following:

1. Application for reactivation/reinstatement;
2. Reactivation/Reinstatement fee;
3. Proof that the applicant has been licensed and eligible to practice in another state for at least one (1) year preceding the application for reinstatement;
4. Two (2) sets of fingerprints for the purpose of conducting a criminal background check by the Missouri State Highway Patrol and Federal Bureau of Investigation (FBI). The applicant shall provide proof of submission of fingerprints to the Missouri State Highway



Patrol's approved vendor(s) for both a Missouri State Highway Patrol and FBI criminal background check. Proof shall consist of any documentation acceptable to the board. Any fees due for fingerprint background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s). For the purpose of application for licensure, the results of the criminal background shall be received in the board office prior to the issuance of a license and shall be valid for no more than one (1) year from the date the results of the criminal background check were received in the board office;

5. Completion of the required annual continuing education hours for Missouri licensure renewal as defined in 20 CSR 2070-2.080(3) and (5); or

6. Completion of the continuing education hours required by the state in which the applicant is licensed.

(B) When a chiropractic physician applies to reinstate or reactivate a license that has been expired for at least five (5) years, and he/she has not been licensed and eligible to practice in another state for the five (5) years preceding the application for reactivation the chiropractic physician must return to a 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.

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

(19) Deadline for Renewal.

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

(20) 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. Continuing education 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; and

(F) Chiropractic physicians participating in the development of Parts I-IV, physiotherapy, or acupuncture examinations administered

by the N.B.C.E. may submit proof of attendance to the board for continuing education approval.

(21) 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 section 331.010, RSMo.

(22) 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.

(23) 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. 2006 and 331.100.2, RSMo 2000. This rule was originally filed as 4 CSR 70-2.080. This version of rule filed Dec. 17, 1975, effective Dec. 27, 1975. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 27, 2007.*

*PUBLIC COST: This proposed rule will cost this state agency or political subdivision approximately six hundred sixty-seven dollars (\$667) 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 are expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately one thousand two hundred ninety-five dollars (\$1,295) 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 are 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at [chiropractic@pr.mo.gov](mailto: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 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - Missouri State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal**

Prepared May 30, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance
Missouri State Board of Chiropractic Examiners	\$666.84
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	<b>\$666.84</b>

**III. WORKSHEET****Continuing Education**

The Licensure Tech I prepares all continuing education review packets sent to board member(s) and assists with the data entry into the automated tracking system, as well as mailing approval letters to the provider. The Executive I is responsible for reviewing the application for continuing education, verifying the application is completed properly, correct fee has been submitted, course and instructors are identified and resume(s) or vitae(s) are included with the application, and prepares any applicable correspondence.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive I	\$33,888	\$50,455.84	\$24.26	\$0.40	15 minutes	\$6.06	\$54.58
License Tech I	\$22,830	\$33,991.59	\$16.34	\$0.27	5 minutes	\$1.36	\$12.26
2 Board Members						\$25/board member/month	\$600.00
<b>Total Personal Services</b>							<b>\$666.84</b>

#### IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The 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 office, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - Missouri State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Amendment - 20 CSR 2070-2.080 Biennial License Renewal**

Prepared May 30, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT****First Year of Implementation of Rule**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
7	Continuing Education Providers - Risk Management Documentation Copying Fees @ \$5.00	\$35
7	Continuing Education Providers - Continuing Education Sponsoring Fee @ \$5.00/category/quarter	\$1,260
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$1,295</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Cost savings associated with the reinstatement of a license is reported in the fiscal note accompanying proposed amendment 20 CSR 2070-2.090.
2. The above figures are based on the board approving 7 formal seminars in 2006.
3. The board anticipates each provider will submit continuing education in each of the nine (9) categories of risk management for multiple sessions throughout the year. For the purpose of this fiscal note, the board estimates providers will submit request quarterly.
4. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.081 Postgraduate Education.** The board is proposing to amend section (1), add subsections (2)(A) and (B), and delete sections (8) and (9).

*PURPOSE:* This amendment defines postgraduate education, sets out the requirements for sponsoring organizations and establishes procedures for inactive chiropractic physicians to obtain a semester of review prior to reactivation of a license.

(1) Postgraduate study as used in this rule and as used in section 331.050, RSMo is defined as a program which provides instruction in, but not limited to, the following: general anatomy, physiology, general diagnosis, microbiology, hygiene and sanitation, X-ray and radiation protection, biochemistry, neurology, orthopedics, spinal anatomy, pathology, principles of chiropractic, chiropractic adjusting, **risk management as defined in 20 CSR 2070-2.080(3)(C)**, and jurisprudence. The program must provide instruction on a level designed to instruct individuals who are already licensed as chiropractic physicians in Missouri. The term postgraduate study may be used interchangeably with the terms continuing education and postgraduate education.

(2) For board approval of postgraduate education programs, sponsoring organizations shall forward to the board two (2) copies of the completed application, syllabus or outline of material covered in the course and *vitae* on the speaker(s). This material must be received in the board office at least forty-five (45) days prior to the seminar to receive board approval. A request for approval of a seminar will not be considered by the board if the request is made after the seminar has occurred.

(A) Any sponsoring organization wishing to provide continuing education via the Internet shall submit a detailed explanation of the following:

1. Delivery format explaining how the continuing education material is presented to include applicable security safeguarding the licensee's identity;
2. Process used for gathering information for the continuing education course, to include if course material is updated, how often and who determines when such update is required;
3. Method used for monitoring attendance;
4. Time a licensee is allowed to complete the online continuing education course. The explanation must specify if a licensee has unlimited time and unlimited number of attempts to complete the continuing education course and if multiple attempts to complete the course are monitored;
5. Whether a posttest is required and, if so, how the results are reported to the licensee;
6. How a licensee communicates with the sponsoring organization in the event there are questions or problems;
7. Documentation provided to the licensee when a course is completed;
8. Amount of time a sponsoring organization maintains records of a licensee completing a course of study; and
9. Names and credentials of individuals responsible for the content of the continuing education course.

(B) A sponsoring organization wishing to provide continuing education via the Internet shall provide the board access to the online course for the purpose of reviewing areas such as content and delivery method.

*[(8) When a chiropractic physician applies to reinstate a license that has been expired for at least three (3) years and s/he must return to a Council on Chiropractic Education (CCE)-accredited chiropractic college for a semester of review in the clinical subjects, the following subjects shall be covered in the semester of review:*

- (A) X-ray (case presentation or interpretation);*
- (B) Physical examination;*
- (C) Neuromusculoskeletal (NMS) diagnosis;*
- (D) Neurological and orthopedic examination or diagnosis;*
- (E) Laboratory diagnosis/interpretation; and*
- (F) An adjusting technique course.*

*(9) When a chiropractic physician must return to a CCE-accredited chiropractic college for a semester of review, the review shall be completed successfully.]*

*AUTHORITY:* sections 331.050, RSMo Supp. [2003] 2006 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.081. Original rule filed April 16, 1990, effective June 30, 1990. For intervening history, please consult the **Code of State Regulations**. Amended: Filed June 27, 2007.

*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 approximately two hundred forty dollars (\$240) 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 are 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at [chiropractic@pr.mo.gov](mailto: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.

## PRIVATE ENTITY FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - Missouri State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Rule - 20 CSR 2070-2.081 Postgraduate Education**

Prepared May 30, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT****First Year of Implementation of Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
4	Applicants - 12 Categories Continuing Education Approval @ \$5 per session	\$240
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$240</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates that they may receive four (4) applications for online/internet based continuing education. This estimate is based on FY 06 actuals and FY 07 projections.
2. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2070-2.090 Fees.** The board is proposing to amend section (1).

*PURPOSE:* Pursuant to section 331.070.1, RSMo, the board shall set the amount of the fees which this chapter authorizes and requires by rules and regulations. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter.

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

(C) Application Fee	[\$240.00]	\$200
(D) Renewal Fee	[\$300.00]	\$200
(F) Reactivation Fee	[\$250.00]	\$100
[(I)] Renewal Fee (retired)		\$50.00]
[(J)] (I) Section Regrade Fee (Written Practical)		\$ 25
[(K)] (J) Reevaluation Fee (Oral Practical)		\$ 50
[(L)] (K) Meridian Therapy/Acupressure/Acupuncture Certification Application Fee		\$100
[(M)] (L) Preceptorship Program Application Fee		\$ 35
[(N)] (M) Insurance Consultant Certification Fee		\$100
[(O)] (N) Insurance Consultant Renewal Fee		\$100
[(P)] (O) Fingerprinting Fee		
(Amount determined by the Missouri State Highway Patrol)		
[(Q)] (P) Continuing Education Sponsor Fee (per session)		\$ 5
[(R)] (Q) Annual Continuing Education Sponsor Fee		\$500**
[(S)] (R) Continuing Education Late Fee		\$ 50
[(T)] (S) Bad Check Fee		\$ 25
[(U)] (T) Temporary License Fee		\$100
[(V)] (U) Renewal Temporary License		\$ 25
[(W)] (V) Specialty Certification Review Fee		\$150
[(X)] (W) Specialist Certification Application Fee		\$100

\*If the candidate has not taken the board examination within four (4) consecutive examinations for which the candidate would be eligible, the candidate must pay new examination fee. Candidates taking the N.B.C.E. regional/national practical examination (Part IV) will pay an examination fee directly to the N.B.C.E. This fee will be determined by the N.B.C.E. Applicants paying the **three hundred dollar (\$300) Examination Fee** will not be charged the **two hundred forty dollar (\$240) Application Processing Fee**.

\*\*This fee provides continuing education sponsors with the option of paying one (1) annual fee in lieu of paying the **five dollar (\$5) fee** required with each session on an application for continuing education course approval. The annual fee must be paid with the first application filed by the continuing education sponsor for programs offered in any one continuing education reporting period. No additional fee will be assessed on subsequent applications for continuing education course approval filed for programs offered throughout the continuing education reporting period, regardless of the number of applications filed by the continuing education sponsor.

*AUTHORITY:* sections 43.543, RSMo Supp. [2004] 2006 and 331.070 and 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-2.090. 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 June 27, 2007.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions an estimated one hundred eighty-eight thousand two hundred fifty dollars (\$188,250) biennially for the life of the rule. It is anticipated that the costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed amendment will cost private entities approximately one hundred eighty-eight thousand two hundred fifty dollars (\$188,250) biennially for the life of the rule. It is anticipated that the costs will recur biennially for the life of the rule, may vary with inflation and are 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 State Board of Chiropractic Examiners, Loree Kessler, Executive Director, PO Box 672, Jefferson City, MO 65102 or via email at [chiropractic@pr.mo.gov](mailto: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 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2070 - Missouri State Board of Chiropractic Examiners****Chapter 2 - General Rules****Proposed Rule - 20 CSR 2070-2.090 Fees**

Prepared May 30, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Loss of Revenue</b>
State Board of Chiropractic Examiners	\$188,250
<b>Total Loss of Revenue Biennially for the Life of the Rule</b>	<b>\$188,250</b>

**III. WORKSHEET**

The division is statutorily obligated to enforce and administer the provisions of sections 331.010-331.115, RSMo. Pursuant to Section 331.070, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 331.010-331.115, 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 331.010-331.115, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

**IV. ASSUMPTION**

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



**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2070 - Missouri State Board of Chiropractic Examiners**  
**Chapter 2 - General Rules**  
**Proposed Amendment - 20 CSR 2070-2.090 Fees**  
 Prepared May 30, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated savings for compliance with the amendment by affected entities:</b>
100	Applicants for Licensure (application fee - \$40 decrease)	\$4,000
10	Applicants for Reinstatement (reactivation fee - \$150 decrease)	\$1,500
1,800	Renewal Fee (renewal fee - \$100 decrease)	\$180,000
55	Retired/Renew Licenses (no fee - \$50 decrease)	\$2,750
<b>Estimated Biennial Cost Savings for the Life of the Rule</b>		<b>\$188,250</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based upon the average number of applications, reactivations, and renewals for the past several years along with budget projections.
2. It is anticipated that the total saving 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 division is statutorily obligated to enforce and administer the provisions of sections 331.010-331.115, RSMo. Pursuant to Section 331.070, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 331.010-331.115, 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 331.010-331.115, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 3—Preceptorship**

**PROPOSED AMENDMENT**

**20 CSR 2070-3.010 Preceptorship.** The board is proposing to amend section (4).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70-2.020 and 4 CSR 70-2.030 in section (4) is being amended.

(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] **20 CSR 2070-2.020** and [4 CSR 70-2.030] **20 CSR 2070-2.030** under the supervision of the preceptor.

*AUTHORITY:* section 331.100.2, RSMo 2000. This rule originally filed as 4 CSR 70-3.010. Original rule filed April 16, 1990, effective June 30, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 27, 2007.

*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 email at [chiropractic@pr.mo.gov](mailto: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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 4—Chiropractic Insurance Consultant**

**PROPOSED AMENDMENT**

**20 CSR 2070-4.030 Renewal and Postgraduate Education.** The board is requesting to amend section (2).

*PURPOSE:* Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Therefore, the reference to 4 CSR 70-2.080(4) in section (2) is being amended.

(2) To renew the certification the chiropractic insurance consultant annually shall obtain twelve (12) hours of postgraduate education in insurance consulting approved by the board. This postgraduate education shall be in compliance with [4 CSR 70-2.080(4)] **20 CSR 2070-2.080(4)** for the general studies category of continuing education required to renew the consultant's chiropractic license.

*AUTHORITY:* sections 331.060, 331.100.2 and 376.423, RSMo 2000 and 331.050, RSMo Supp. [2003] 2006. This rule originally filed as 4 CSR 70-4.030. Original rule filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed March 4, 1993, effective Sept. 9, 1993. Amended: Filed Dec. 15, 2003, effective June 30, 2004. Moved to 20 CSR 2070-4.030, effective Aug. 28, 2006. Amended: Filed June 27, 2007.

*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 email at [chiropractic@pr.mo.gov](mailto: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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2085—Board of Cosmetology and Barber  
Examiners  
Chapter 3—License Fees**

**PROPOSED RULE**

**20 CSR 2085-3.010 Fees**

*PURPOSE:* This rule establishes and fixes the various fees and charges authorized by Chapters 328 and 329, RSMo, and Truly Agreed To And Finally Passed SB 280, 2005.

(1) The following barber related fees are hereby established by the State Board of Cosmetology and Barber Examiners for those fees, activities or licenses governed by Chapter 328, RSMo:

(A) Apprentice Barber	
1. Registration	\$ 25
(B) Apprentice Supervisor	
1. Application Fee	\$ 75
(C) Barber	
1. Reciprocity	\$100
2. Exam Score Endorsement Fee	\$100
3. Certificate of Registration (first license)	\$ 20
4. License Renewal	\$ 50
A. Reinstatement (delinquent) Fee after April 30	
not renewable after two (2) years	\$ 50
B. Military renewal under 328.110.3, RSMo	\$ 1
(D) Barber Establishment	
1. Certificate of Registration/License	\$100
2. Change of Location	
A. Full Service Barber Establishment	\$100
B. Barber Chair/Individual Space Renter	\$ 50
3. Change of Ownership	\$ 50
4. Adding a Co-Owner	\$ 50
5. License Renewal	\$100
A. Penalty Fee after March 30	\$100
6. Delinquent Fee (Opening a barber establishment	
without registering before opening)	\$100
(E) Instructor	
1. Certificate of Registration (first license)	\$ 20
2. License Renewal	\$ 30
A. Reinstatement (delinquent) Fee after April 30	

not renewable after two (2) years	\$ 50
(F) Miscellaneous Fees (Applicable to all licensees/ registrants)	
1. Certification/Affidavit of Licensure	\$ 10
2. Certification of Training Hours, Examination	
Scores	\$ 10
3. Duplicate License/Registration Fee	\$ 10
4. Handling/Insufficient Funds Fee	
(Any uncollectible check or other financial instrument)	\$ 25
5. Inactive License Fee	\$ 30
6. Late Fee	\$ 30
7. Name Search Fee	
(As determined by the Missouri State Highway Patrol)	
(G) School	
1. Application Fee to Open a New School/College	\$500
2. Change of Location	\$500
3. Change of Ownership	\$300
4. Adding a Co-Owner	\$ 50
5. License Renewal	\$500
(H) Student Barber	
1. Enrollment Application Fee	\$ 25
(2) The following cosmetology related fees are hereby established by the board for those fees, activities or licenses governed by Chapter 329, RSMo:	
(A) Apprentice Cosmetology	
1. Enrollment Fee	\$ 25
(B) Apprentice Supervisor	
1. Application Fee	\$ 75
(C) Cosmetology Establishments (up to and including three (3) operators)	
1. Application/License Fee (Full Service & Rental Station)	\$100
2. Change of Location—	
A. Full Service Cosmetology Establishment	\$100
B. Rental Station/Independent Contractors	\$ 50
3. Delinquent Fee (Opening a cosmetology establishment without registering before opening)	\$100
4. Renewal Fee (Full Service & Rental Station)	\$100
(D) Instructors	
1. License Fee	\$ 30
2. Instructor Trainee Enrollment Fee	\$ 25
3. Reciprocity Fee	\$100
4. Reinstatement Fee (Includes Late Fee)	\$ 60
5. Renewal Fee	\$ 30
(E) Miscellaneous Fees (Applicable to all licensees/ registrants)	
1. Certification/Affidavit of Licensure/Registration	\$ 10
2. Certification of Training Hours, Examination	
Scores	\$ 10
3. Duplicate License Fee	\$ 10
4. Handling Fee	
(Any uncollectible check or other financial instrument)	\$ 25
5. Inactive License Fee	\$ 30
6. Late Fee	\$ 30
(F) Operator Fees	
1. Additional Operator Fee	\$ 10
2. Reciprocity Fee	\$100
3. Exam Score Endorsement Fee	\$100
4. Reinstatement Fee (Includes Late Fee)	\$ 80
5. Renewal Fee	\$ 50
(G) School	
1. Change of Location Fee	\$500
2. School Application/License Fee	\$500
3. Satellite Classroom License Fee	\$300
4. Satellite Classroom Renewal Fee	\$300

5. School Renewal Fee	\$500
(H) Student	
1. Enrollment Application Fee	\$ 25
(3) The following fees are hereby established by the board for crossover licensees under Chapter 328 or Chapter 329, RSMo.	
(A) Establishments:	
1. Application/License Fee	\$100
2. Change of Location Fee (Full Service)	\$100
3. Change of Location Fee (Rental)	\$ 50
4. Delinquent Fee	
(Opening an establishment without a license)	\$100
5. Reinstatement Fee (Includes Late Fee)	\$130
6. Renewal Fee (Full Service & Rental Station)	\$100
(B) Instructors	
1. Certificate of Registration	\$ 20
2. Instructor Trainee Enrollment Fee	
(Applicants required to complete additional cosmetology instructor education or training for crossover license)	\$ 25
3. Reciprocity Fee	\$100
4. Reinstatement Fee (Includes Late Fee)	\$ 60
5. Renewal Fee	\$ 30
(C) Miscellaneous Fees	
1. Certification/Affidavit of Licensure	\$ 10
2. Certification of Training Hours, Examination	
Scores	\$ 10
3. Duplicate License Fee	\$ 10
4. Handling Fee	
(Any uncollectible check or other financial instrument)	\$ 25
5. Inactive License Fee	\$ 30
6. Late Fee	\$ 30
7. Name Search Fee	
(As determined by the Missouri State Highway Patrol)	
(D) Operators	
1. Initial Application/License Fee	\$100
2. Reciprocity Fee	\$100
3. Exam Score Endorsement Fee	\$100
4. Reinstatement Fee (Includes Late Fee)	\$130
5. Renewal Fee	\$100
(E) Schools	
1. Change of Location Fee (schools)	\$850
2. Delinquent Fee	
(Opening a school without required license)	\$100
3. Initial Application/License Fee	\$850
4. Reinstatement Fee (schools) (Includes Late Fee)	\$880
5. Renewal Fee (schools)	\$850

(4) All fees are nonrefundable and are payable in the form of a cashier's check, money order, or personal check.

(5) Checks or other financial instruments returned to the board as uncollectible shall be turned over to the prosecuting attorney's office or the licensee shall be required to pay a handling fee in addition to submitting replacement funds to the board.

(6) Payment of any copy/printout fees and search fees may be required before any information will be provided, pursuant to section 610.026, RSMo.

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

*AUTHORITY: sections 328.060.1, RSMo 2000 and 329.025(4), RSMo Supp. 2006. Original rule filed June 27, 2007.*

*PUBLIC COST: This proposed rule will generate revenue of approximately eight hundred sixty-seven thousand nine hundred and sixty-five dollars (\$867,965) annually and \$2,228,976 biennially for the life of the rule. It is anticipated that the amount of revenue 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 eight hundred sixty-seven thousand nine hundred and sixty-five dollars (\$867,965) annually and \$2,228,976 biennially 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 are 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 Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to [cos-bar@pr.mo.gov](mailto:cos-bar@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 FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration**

**Division 2085 - Board of Cosmetology and Barber Examiners**

**Chapter 3 License Fees**

**Proposed Rules - 20 CSR 2085-3.010 Fees**

Prepared May 4, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance</b>
<b>Board of Cosmetology and Barber Examiners</b>	<b>\$867,965.00 Annually</b>
	<b>\$2,228,976.00 Biennially</b>

**III. WORKSHEET**

The division is statutorily obligated to enforce and administer the provisions of sections 331.010-331.115, RSMo. Pursuant to Section 331.070, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 331.010-331.115, 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 331.010-331.115, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

**IV. ASSUMPTION**

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

## PRIVATE ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions, and Professional Registration

Division 2085 - Board of Cosmetology and Barber Examiners

Chapter 3 License Fees

Proposed Rules - 20 CSR 2085-3.010 Fees

Prepared May 4, 2007 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

## Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
<b>Apprentice Barbers</b>		
7	Registration \$25.00	\$175
<b>Barber Apprentice Supervisors</b>		
8	Supervisor Application \$75.00	\$600
<b>Barbers</b>		
38	Reciprocity \$100.00	\$3,800
2	Exam Score Endorsement Fee \$100.00	\$200
118	Certificate of Registration \$20.00	\$2,360
<b>Barber Establishments</b>		
286	Certificate of Registration/License \$100.00	\$28,600
5	Change of Location - Full Service Barber Establishment \$100.00	\$500
20	Change of Location - Barber Chair/Individual Space Renter \$50.00	\$1,000
1	Change of Ownership \$50.00	\$50
1	Adding a Co-Owner \$50.00	\$50
46	Delinquent Fee \$100.00	\$4,600

<b>Barber Instructors</b>		
8	Instructor Certificate of Registration \$20.00	\$160
<b>Barber Schools</b>		
1	Application Fee to Open a New School/College \$500.00	\$500
1	Change of Location \$500.00	\$500
1	Change of Ownership \$300.00	\$300
1	Adding a Co-Owner \$50.00	\$50
<b>Student Barbers</b>		
172	Student Barber Enrollment Application Fee \$25.00	\$4,300
<b>Apprentice Cosmetologists</b>		
112	Enrollment Fee \$25.00	\$2,800
<b>Apprentice Cosmetologists Supervisors</b>		
112	Supervisor Application Fee \$75.00	\$8,400
<b>Cosmetology Establishments</b>		
3,041	Application/License Fee - Full Service & Rental Station \$100.00	\$304,100
361	Additional Operator Fee \$10.00	\$3,610
45	Change of Location - Full Service Cosmetology Establishment \$100.00	\$4,500
950	Change of Location - Rental Station/Independent Contractors \$50.00	\$47,500
40	Delinquent Fee \$100.00	\$4,000
<b>Cosmetology Instructors</b>		
1	License Fee \$30.00	\$30
70	Instructor Trainee Enrollment Fee \$25.00	\$1,750
11	Reciprocity Fee \$100.00	\$1,100
<b>Cosmetology Operators</b>		
572	Reciprocity Fee \$100.00	\$57,200

2	Exam Score Endorsement Fee \$100.00	\$200
<b>Cosmetology Schools</b>		
2	Change of Location \$500.00	\$1,000
5	Application/License Fee \$500.00	\$2,500
2	Satellite Classroom License Fee \$300.00	\$600
<b>Cosmetology Students</b>		
3,933	Student Enrollment Application Fee \$25.00	\$98,325
<b>Crossover Establishments</b>		
100	Establishments Application/License Fee \$100.00	\$10,000
5	Establishments Change of Location Fee - Full Service \$100.00	\$500
10	Establishments Change of Location Fee - Rental \$50.00	\$500
5	Delinquent Fee \$100.00	\$500
<b>Crossover Instructors</b>		
25	Certificate of Registration \$20.00	\$500
25	Instructor Trainee Enrollment Fee \$25.00	\$625
2	Reciprocity Fee \$100.00	\$200
2	Reinstatement Fee \$60.00	\$120
<b>Crossover Operators</b>		
100	Initial Application/License Fee \$100.00	\$10,000
5	Reciprocity Fee \$100.00	\$500
2	Exam Score Endorsement Fee \$100.00	\$200
2	Reinstatement Fee \$130.00	\$260
<b>Crossover Schools</b>		
1	Change of Location Fee \$850.00	\$850
1	Delinquent Fee \$100.00	\$100
6	Initial Application/License Fee \$850.00	\$5,100



<b>Miscellaneous Fees</b>		
781	Certification/Affidavit of Licensure \$10.00	\$7,810
777	Certification of Training Hours, Examination Scores \$10.00	\$7,770
76	Duplicate License/Registration Fee \$10.00	\$760
23	Handling/Insufficient Funds Fee \$25.00	\$575
7,051	Inactive License Fee \$25.00	\$176,275
1,842	Late Fee \$30.00	\$55,260
140	Name Search Fee \$30.00 (As Determined by the Highway Patrol)	\$4,200
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$867,965</b>

**Biennial**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated biennial cost of compliance with the rule by affected entities:</b>
<b>Barber Licenses</b>		
208	Barber License Renewal \$30.00	\$6,240
1	Barber License Renewal Reinstatement \$60.00	\$60
1	License Renewal under 328.110.3, RSMo \$1.00	\$1
1,337	Barber Establishment License Renewal \$50.00	\$66,850
16	Barber Establishment Penalty Fee \$100.00	\$1,600
44	Barber Instructor License Renewal \$30.00	\$1,320
1	Barber Instructor License Renewal Reinstatement \$60.00	\$60
7	Barber Schools License Renewal \$500.00	\$3,500

<b>Cosmetology Licenses</b>		
9,945	Cosmetology Establishments Renewal Fee \$50.00	\$497,250
9	Cosmetology Instructors Reinstatement Fee \$60.00	\$540
446	Cosmetology Instructors Renewal Fee \$30.00	\$13,380
7,005	Cosmetology Instructors Inactive License Fee \$25.00	\$175,125
1,824	Cosmetology Instructors Late Fee \$30.00	\$54,720
41,520	Operator Fees Renewal Fee \$30.00	\$1,245,600
1,824	Operator Fees Reinstatement Fee \$60.00	\$109,440
2	School Satellite Classroom Renewal Fee \$300.00	\$600
91	School Renewal Fee \$500.00	\$45,500
<b>Crossover Licenses</b>		
25	Crossover Instructor Renewal Fee \$30.00	\$750
2	Crossover License Establishment Reinstatement Fee \$130.00	\$260
2	Crossover License Establishment Renewal Fee \$100.00	\$200
1	Crossover School Reinstatement Fee \$880.00	\$880
6	Crossover School Renewal Fee \$850.00	\$5,100
<b>Estimated Biennial Cost of Compliance for the Life of the Rule</b>		<b>\$2,228,976</b>

### III. WORKSHEET

The division is statutorily obligated to enforce and administer the provisions of sections 331.010-331.115, RSMo. Pursuant to Section 331.070, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 331.010-331.115, 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 331.010-331.115, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

### IV. ASSUMPTION

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2090—State Board of Cosmetology  
Chapter 13—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2090-13.010 Fees.** This rule established and fixed the various fees and charges.

*PURPOSE: This rule is being rescinded and a new rule promulgated that establishes and fixes the various fees and charges authorized by SB 280 (2005).*

*AUTHORITY: sections 329.110, RSMo 2000 and 329.210, RSMo Supp. 2003. This rule originally filed as 4 CSR 90-13.010. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 11, 1981. Original rule filed July 1, 1981, effective Dec. 11, 1981. For intervening history, please consult the Code of State Regulations. Rescinded: Filed June 27, 2007.*

*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 would not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by faxing comments to (573) 751-8176, or by emailing comments to cosbar@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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 3—Licensing of Physical Therapists and  
Physical Therapist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-3.010 Applicants for Licensure as Professional Physical Therapists.** The board is proposing to amend sections (1), (5), (7), and (8).

*PURPOSE: This amendment corrects a grammatical error in the requirements for applicants from a country in which the predominant language is not English.*

(1) The applicant shall furnish satisfactory evidence as to his/her innocence of unprofessional or dishonorable conduct and good moral character including acceptable evidence that [s/he] he/she is at least twenty-one (21) years of age.

(5) All applicants shall have licensure, registration or certification verification submitted from every state or country in which [s/he] he/she has ever held privileges to practice as a physical therapist or physical therapist assistant. This verification must be submitted directly from the licensing agency and include the type of license,

registration or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions. If a licensing agency refuses or fails to provide a verification, the board may consider other evidence of licensure.

(7) If the applicant is from a country in which the predominant language is not English, the applicant must provide the board with **documentation** of the following **directly from the Educational Testing Service (ETS)**:

(A) Test of English as a Foreign Language (TOEFL) Certificate in which the applicant has obtained on the TOEFL paper-based a minimum score of [fifty-five (55)] in each section and a total score of [five hundred sixty (560)] and **Test of Spoken English (TSE) Certificate in which the applicant has obtained a minimum score of 50; or**

(B) TOEFL computer-based testing certificate in which the applicant has obtained a total score of 220 and **Test of Spoken English (TSE) Certificate in which the applicant has obtained a minimum score of 50; or**

(C) TOEFL Internet based testing (TOEFL iBT) a minimum of the following in each section: Writing 24, Speaking 26, Reading Comprehension 21, Listening Comprehension 18 and a total score of 89 [; or].

*[(B) Test of Spoken English (TSE) Certificate in which the applicant has obtained a minimum score of fifty (50).]*

(8) An internationally trained physical therapist applying for licensure shall present proof that [s/he] he/she is licensed as a physical therapist in the country in which [s/he] he/she graduated.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.530 and 334.550, RSMo Supp. 2006. This rule originally filed as 4 CSR 150-3.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 4—Licensing of Speech-Language Pathologists  
and Audiologists**

**PROPOSED AMENDMENT**

**20 CSR 2150-4.052 Continuing Education Requirements.** The board is proposing to amend sections (2), (3), and (5).

*PURPOSE: This amendment more clearly defines the requirements for reinstatement of a license that has expired for a period of more than three (3) years. Pursuant to Executive Order 06-04 the Division of Professional Registration was transferred from the Department of Economic Development, Title 4, to the Department of Insurance, Financial Institutions and Professional Registration, Title 20. Effective September 30, 2006 the chapters of the rules were re-numbered in the Code of State Regulations to implement this transfer. This amendment corrects the reference to 4 CSR within the text of the rule.*

(2) The period for completion of the continuing education requirements shall be the twenty-four (24)-month period beginning January 1 and ending December 31 of each reporting period. Continuing education hours cannot be carried over into the next reporting period. A licensee who has failed to obtain and report, in a timely fashion, the required thirty (30) hours of continuing education shall not engage in the practice of speech-language pathology and/or audiology unless an extension is obtained and approved pursuant to rule [4 CSR 150-4.054] **20 CSR 2150-4.054**.

(3) Each licensee shall certify by [signature] **attestation**, on his/her licensure renewal form, under penalty of perjury, that [s/he] **he/she** has completed the required thirty (30) hours of continuing education, and that the continuing education obtained meets the qualifying criteria specified in rule [4 CSR 150-4.053] **20 CSR 2150-4.053**.

**(5) Reinstatement.**

(A) To reinstate the license of a speech-language pathologist and/or audiologist whose license has been in a noncurrent state for any reason, for a period of three (3) years or less, that licensee shall [obtain] **submit**, in addition to any other requirements of law, [all the continuing education that the licensee would otherwise have been required to obtain if the license had been current and active during that period.] **thirty (30) hours of continuing education completed in the two (2)-year period preceding the reinstatement of the license, as defined in rule 20 CSR 2150-4.053; or**

(B) To reinstate a license which has been noncurrent for any reason, for more than three (3) years, that licensee shall **submit sixty (60) hours of continuing education completed within the last four (4) years as defined in rule 20 CSR 2150-4.053 or comply with rule [4 CSR 150-4.030] 20 CSR 2150-4.030** and any other requirements of law. No license shall be reinstated unless and until all required continuing education is obtained and reported to the board and all other requirements of law have been satisfied.

*AUTHORITY: sections 345.030, 345.051 and 345.075, RSMo [Supp. 1998] 2000. This rule originally filed as 4 CSR 150-4.052. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Moved to 20 CSR 2150-4.052, effective Aug. 28, 2006. Amended: Filed June 27, 2007.*

*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 Boulevard, PO Box 4, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 6—Licensure of Athletic Trainers**

**PROPOSED AMENDMENT**

**20 CSR 2150-6.020 Applicants for Licensure as Athletic Trainers.**  
The board is requesting to delete section (5) and renumber and amend the remaining section.

*PURPOSE: This amendment eliminates a portion of the rule that is no longer required.*

*[(5) If the applicant is applying for licensure as an athletic trainer pursuant to 334.708.1(3), RSMo, they must provide proof which is acceptable to the board of experience and educational quality equal to that as required by section 334.708.1(1), RSMo. Said proof is set forth by a role delineation study completed by the NATA BOC, 5th Edition, 4223 South 143rd Circle, Omaha, NE 68137-4505 or its successor agency which is incorporated by reference and retained at the office of the board. This rule does not incorporate any subsequent amendments or additions.]*

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

*AUTHORITY: sections 334.125 RSMo 2000 and 334.702, 334.704, 334.706, 334.708, 334.710 and 334.712, RSMo Supp. 2006. This rule originally filed as 4 CSR 150-6.020. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 1, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2150-6.020, effective Aug. 28, 2006. Amended: Filed Oct. 16, 2006, effective May 30, 2007. Amended: Filed June 27, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Attn: Tina Steinman, Executive Director, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102, by faxing (573) 751-3166 or by emailing 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2150—State Board of Registration for the  
Healing Arts  
Chapter 9—Licensing of Anesthesiologist Assistants**

**PROPOSED AMENDMENT**

**20 CSR 2150-9.050 Applicants for Temporary Licensure.** The board is proposing to amend language in section (12) and amend section (14).

*PURPOSE: This amendment deletes the portion of the rule that refers to renewal of temporary licensure.*

(12) The temporary license shall be valid until the examination results are received by the board, not to exceed three (3) weeks following the mailing of the results by the National Commission for Certification of Anesthesiologist Assistants. *[The temporary license shall automatically terminate if the temporary licensee fails the examination. The temporary licensee may apply for temporary licensure renewal pursuant to 4 CSR 150-9.051.]*

(14) When an applicant has filed his/her application and the appropriate fee for temporary licensure, and the applicant is denied by the board pursuant to the provisions of section 334.414, RSMo or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of *[4 CSR 150-9.080]* **20 CSR 2150-9.080** and section 334.101.1, RSMo.

*AUTHORITY: sections 334.125, RSMo 2000 and 334.406 and 334.414, RSMo Supp. [2005] 2006. This rule originally filed as 4 CSR 150-9.050. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.050, effective Aug. 28, 2006. Amended: Filed June 27, 2007.*

*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 Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**

**Division 2255—Missouri Board for Respiratory Care  
Chapter 4—Continuing Education Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2255-4.010 Continuing Education Requirements.** The board is proposing to amend sections (1) and (2) and subsection (3)(E).

*PURPOSE: This amendment defines “traditional” and “non-traditional” course offerings for continuing education required for renewal. This amendment also makes gender corrections throughout the rule.*

(1) As a condition for renewal of a license, all respiratory care practitioners are required to complete twenty-four (24) hours of approved continuing education in the practice of respiratory care as defined by section 334.800(11), RSMo in the continuing education reporting period preceding renewal of the license. The continuing education reporting period is the twenty-four (24)-month period beginning on

August 1 of even numbered years and ending on July 31 of even numbered years. Continuing education hours earned after July 31 shall apply to the next continuing education reporting period. *[No more than twelve (12) hours credit will be awarded for home study during each continuing education reporting period.] At least twelve (12) hours credit shall be from approved, traditional programs during each continuing education reporting period. Traditional educational programs are those programs, attended either in person or attended remotely, by the use of telecommunication technology, where the presentation is “live,” and where the attendee can interact with and ask questions of the presenter during the presentation. Non-traditional programs are those approved programs that include a testing mechanism, not presented “live” where the attendee is not able to interact with and ask questions of the presenter during the presentation.* The licensee is exempt from continuing education requirements for the first renewal period after initial licensing.

(2) For the license renewal due on August 1, 2002, and each subsequent renewal thereafter, the licensee shall certify, on the renewal *[from] form* provided by the board, that *[s/he] he/she* has obtained at least twenty-four (24) hours of continuing education during the continuing education reporting period preceding the license renewal. The renewal form shall be submitted to the board office on or before the expiration date. The renewal form shall not be considered complete until all of the required information has been received by the board. The licensee shall not submit the record of continuing education attendance to the board except in the case of a board audit.

(3) A continuing education hour includes but is not limited to:

(E) *[Completion] Successful completion of college level academic course work in respiratory care with one (1) credit hour equaling twelve (12) continuing education hours.*

*AUTHORITY: sections 334.840.2 and 334.850, RSMo 2000 and 334.880, RSMo Supp. [2005] 2006. This rule originally filed as 4 CSR 255-4.010. Original rule filed June 25, 1998, effective Jan. 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed June 27, 2007.*

*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 for Respiratory Care, Attention: Vanessa Beauchamp, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489 or via email to [rcp@pr.mo.gov](mailto:rcp@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.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 30—Animal Health  
Chapter 10—Food Safety and Meat Inspection**

**ORDER OF RULEMAKING**

By the authority vested in the director of agriculture under section 265.020, RSMo 2000, the director amends a rule as follows:

2 CSR 30-10.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2007 (32 MoReg 578-579). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received from the public. However, a comment was received at a review meeting by USDA/FSLS.

**COMMENT:** As a result of the June 6, 2007 review of the Missouri Meat and Poultry Inspection Program by USDA/FSIS to determine Missouri's "equal to status" it was noted that in sections (4) and (5) the section of the *United States Code* should specifically reference the sections of the Federal Meat Inspection Act and Poultry Product Inspection Act that will allow Missouri to regulate and enforce said acts. Also, noted that in section (4) the correct chapter is 12 not 21. **RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and will make the changes.

**2 CSR 30-10.010 Inspection of Meat and Poultry**

(4) The standards used to inspect Missouri meat products, and enforce such standards, shall be those shown in Title 21, Chapter 12, the *United States Code* (U.S.C. 601 et seq.), herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

(5) The standards used to inspect Missouri poultry products, and enforce such standards, shall be those shown in Title 21, Chapter 10, the *United States Code* (U.S.C. 451 et seq.), herein incorporated by reference and made a part of this rule, as published by the United States Superintendent of Documents, 732 N Capital Street NW, Washington, DC 20402-0001, phone: toll free (866) 512-1800; DC area (202) 512-1800, email <http://bookstore.gpo.gov>. This rule does not incorporate any subsequent amendments or additions.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This rule establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory game birds and waterfowl during the 2007 season.

**3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits**

*PURPOSE:* This amendment establishes season dates and bag limits for hunting migratory game birds and waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2007 season.

(3) Seasons and limits are as follows:

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 8 through September 23. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

**SUMMARY OF PUBLIC COMMENTS:** Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed June 27, 2007, effective **August 1, 2007**.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 60—Division of Career Education  
Chapter 100—Adult Education**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2006, the board rescinds a rule as follows:

**5 CSR 60-100.050 Family Literacy Program is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 16, 2007 (32 MoReg 629). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 5—Air Quality Standards and Air Pollution  
Control Rules Specific to the St. Louis Metropolitan Area**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

10 CSR 10-5.220 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 215–224). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received comments on the proposed amendment from the Alliance of Automobile Manufacturers (Alliance), the American Petroleum Institute (API), The Boeing Company (Boeing) and the U.S. Environmental Protection Agency (EPA). Comments both supporting this amendment and recommending changes were offered.

Due to a similarity of the following two (2) comments, one (1) response that addresses both comments can be found at the end of these two (2) comments:

COMMENT: The Alliance commented that they are in favor of the removal of the requirement for the Missouri Performance Evaluation Test Procedures (MO/PETP) testing and the removal of Stage II at initial fueling operations in automobile assembly plants. They also suggested clarifying that the requirements for facilities using Stage II during initial fueling do not apply to facilities that rely on Onboard Refueling Vapor Recovery (ORVR) to control these emissions.

COMMENT: API commented that they support the proposal to allow initial fueling facilities to discontinue use of Stage II vapor recovery systems (Stage II).

RESPONSE: This amendment allows the automobile manufacturers relief from only the MO/PETP testing requirements. All other MO/PETP requirements apply. The department's Air Pollution Control Program believes the proposed language in subparagraphs (3)(F)2.A. and B. is clear that the requirements for facilities using Stage II during initial fueling do not apply to facilities that rely on Onboard Refueling Vapor Recovery (ORVR) to control these emissions. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

Due to a similarity of the following two (2) comments, one (1) response that addresses both comments can be found at the end of these two (2) comments:

COMMENT: The Alliance commented that requiring an initial fuel-

ing limit by incorporating by reference the ten (10) gallon per minute rate limit in 40 CFR 80.22(j) isn't necessary because the new ORVR canisters are capable of higher delivery rates; spit-back at tank partial filling is not a problem; doing so will impose a production economic handicap, and other states do not require a limit for initial fueling operations.

COMMENT: EPA commented that the amendment includes incorporating by reference the requirements of 40 CFR 80.22(j) that includes a maximum fuel dispensing flow rate of ten (10) gallons per minute which applies to, among others, retailers and wholesale purchaser-consumers handling over ten thousand (10,000) gallons of fuel per month. This federally-promulgated rule has been opposed by some industry in Missouri so it should be noted that the rule will continue to be enforced by EPA whether or not the reference is included in the *Code of State Regulations* and submitted with the State Implementation Plan (SIP).

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program has incorporated by reference the fuel dispensing requirements in 40 CFR 80.22(j) to recognize the federal requirement for fueling rates. The purpose of this amendment was only to provide relief for initial fueling installations from the MO/PETP testing. Therefore, as a result of this comment, the reference to the federal fuel dispensing requirement has been removed from the initial fueling part (3)(F)2.E.(III).

COMMENT: The Alliance commented in Fueling of Motor Vehicles at paragraph (3)(E)8. that dispensing gasoline should be changed to refueling of motor vehicles and the language referring to the ten (10) gallon rate be removed along with the incorporation by reference language after 40 CFR 80.22(j).

RESPONSE: This comment is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: API commented that the addition of Enhanced Vapor Recovery (EVR) language in the operating permits section could cause Stage II systems in existing facilities to have to install new EVR equipment when the equipment may soon be unnecessary.

RESPONSE AND EXPLANATION OF CHANGE: The department's Air Pollution Control Program added the EVR language to clarify that at least ninety-five percent (95%) vapor recovery or removal efficiency was still required. It was not intended to require EVR equipment on Stage II systems at existing facilities. Therefore, the EVR language has been removed in subsections (2)(C), (2)(G), and (3)(I) to avoid confusion.

COMMENT: API commented that they are concerned with the approach to limiting the automobile manufacturing plants initial fueling operations to either ORVR or Stage II because this change reflects a one-on-one equivalency between the two (2) systems that was not intended in the Clean Air Act.

RESPONSE: The department's Air Pollution Control Program did not intend a one-on-one equivalency between the two (2) systems. This amendment allows the automobile manufacturers relief from only the MO/PETP testing requirements. All other MO/PETP requirements apply. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: Boeing commented that the proposed exemption in paragraph (1)(C)3. for tanks less than one thousand (1,000) gallons is inconsistent with paragraph (3)(C)1. because it requires submerged fill on tanks of five hundred (500) gallons and larger. Boeing suggests changing (1)(C)3. to a greater than five hundred (500) gallon limit.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, paragraph (1)(C)3. has been changed to a five hundred

(500) gallon limit.

COMMENT: Boeing commented that the conditional exemption in paragraph (1)(C)4. and its companion provision in paragraph (3)(E)1. regarding one thousand (1,000) gallon and smaller tanks is impractical because the smaller tanks are usually remote from the main fleet fueling station, but still within the installation.

RESPONSE: The comment about the tanks is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment. However, this comment will be retained in a general rule comment file and considered the next time the rule is opened for changes.

COMMENT: Boeing also commented that facility should be changed to installation in paragraphs (1)(C)4. and (3)(E)1. because facility is not defined whereas installation is.

RESPONSE AND EXPLANATION OF CHANGE: As a result of the comment, the term facility has been changed to installation throughout the rule.

COMMENT: The Alliance commented that the throughput limit requirements should be independent in paragraph (1)(C)4.; and subsection (3)(F) should be included in this exemption and the exemption in paragraph (1)(C)7.

RESPONSE: These comments are outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: Boeing commented that the term delivery vessel used in this rule is defined in 10 CSR 10-6.020 and includes drums. This may lead to compliance problems because subsection (3)(D) would impose testing requirements on drums used for gasoline delivery; subparagraph (1)(C)2.B. would require specific delivery drums to be Stage II equipped; and subsection (3)(B) would prohibit the loading of gasoline into any delivery drums without vapor recovery. In each case the requirements are not appropriate for drums and the definition in rule 10 CSR 10-6.020 should be modified to delete the reference to drums.

RESPONSE: As a result of this comment, the delivery vessel definition in rule 10 CSR 10-6.020 will be amended to delete drums the next time it is open for amendment. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: Boeing commented that subsection (4)(C) contains language requiring that fuel delivery receipts bear the point of origin in addition to the name of the vendor. Boeing suggested deleting the term point of origin because it is unclear and not relevant to compliance by operators of stationary tanks.

RESPONSE AND EXPLANATION OF CHANGE: As a result of these comments, point of origin has been removed from subsection (4)(C).

COMMENT: The Alliance commented that the exemption in paragraph (1)(C)9. should only relate to ancillary refueling of motor vehicles.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, this paragraph has been revised to clarify that the exemption refers to ancillary refueling.

COMMENT: The Alliance commented that paragraphs (1)(C)8. and 9.; and subparagraph (3)(F)1.A. should have references corrected from (2)(I) and (2)(J) to (2)(F) and (2)(A), respectively.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, these references have been corrected.

COMMENT: The Alliance commented that the definition at (2)(A) for ancillary refueling system should include the language—at an automobile assembly plant—in the first sentence for clarity.

RESPONSE: This term, if added, would be redundant to the last sentence. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented that the word fueling should be refueling throughout most of the rule. The Alliance also commented that a definition for refueling should also be included into the rule for clarity.

RESPONSE: This comment is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented that the definition at (2)(G) for MO/PETP should have language added—and in effect on the date of publication of the final rule for clarity.

RESPONSE: This comment is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented that the system definition at (2)(I) should be changed to vapor recovery system.

RESPONSE AND EXPLANATION OF CHANGE: The definition itself refers to vapor recovery and no wording changes were made to subsection (2)(I). However, it was noticed in review of this comment that the definition in subsection (2)(J) should be clarified by adding Stage I or Stage II to define vapor recovery equipment. Therefore, a change was made to subsection (2)(J).

COMMENT: The Alliance commented that the requirements in parts (3)(C)1.C.(I),(II) and (III) should be independent and the sentence in part (3)(C)1.C.(IV) should be included in the (3)(C)1.C.(III) requirement.

RESPONSE AND EXPLANATION OF CHANGE: The requirements in parts (3)(C)1.C.(I), (II) and (III) are inclusive and have not been changed to independent requirements. However, the requirement in part (3)(C)1.C.(IV) has been merged with the (3)(C)1.C.(III) requirement.

COMMENT: The Alliance commented in Initial Fueling of Motor Vehicles at (3)(F)2.A.-C. that language allowing the use of director approved equivalent control measures should be included.

RESPONSE: This comment is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented in Initial Fueling of Motor Vehicles at part (3)(F)2.E.(III) that affected facility should be changed to ancillary refueling system, dispensing gasoline should be changed to refueling of motor vehicles, and the incorporation by reference language should be removed after 40 CFR 80.22(j).

RESPONSE: Since part (3)(F)2.E.(III) was removed in response to another comment, no additional wording changes are necessary.

COMMENT: The Alliance commented in Initial Fueling of Motor Vehicles at parts (3)(F)2.E.(IV) and (V) that language pertaining to refueling and sealing should be added.

RESPONSE: This comment is outside the scope of the rulemaking that was proposed in the public notice. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.



COMMENT: The Alliance commented in subsection (3)(G)2.A. in Permits Required that additional language should be added referring to Stage II control devices.

RESPONSE: Adding this additional language would be redundant to existing language. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented in subsection (4)(E) and (F) that the reference to days should be changed to business days.

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the term day has been changed to business day throughout section (4).

COMMENT: The Alliance commented in subsection (4)(E) that fueling of motor vehicles should be referred to as refueling systems.

RESPONSE: Subsection (4)(E) deals with fueling of motor vehicles rather than refueling systems. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

COMMENT: The Alliance commented in subsection (5)(F) that the term ancillary refueling systems should include reference to a vapor recovery system.

RESPONSE: This suggested language should not be included because inspections need to be made on all systems whether or not they are equipped with vapor recovery systems. Therefore, no wording changes have been made to the proposed rulemaking as a result of this comment.

## 10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer

### (1) Applicability.

(C) Exemptions to this rule include:

1. Petroleum storage tanks that meet the following requirements shall be exempt from subsection (3)(A) of this rule:

A. Are used to store processed and/or treated petroleum or condensate when it is stored, processed and/or treated at a drilling and production installation prior to custody transfer;

B. Contain a petroleum liquid with a true vapor pressure less than 27.6 kilopascals (kPa) (4.0 psia) at ninety degrees Fahrenheit (90°F);

C. Are of welded construction, and equipped with a metallic-type shoe primary seal and have a shoe-mounted secondary seal or closure devices of demonstrated equivalence approved by the staff director; and

D. Are used to store waxy, heavy pour crude oil.

2. Gasoline loading. Subsection (3)(B) of this rule shall not apply to a loading installation whose average monthly throughput of gasoline is less than or equal to one hundred twenty thousand (120,000) gallons when averaged over the most recent calendar year, provided that the installation loads gasoline by submerged loading and meets the following requirements:

A. To maintain the exemption, these installations shall submit a report on a form supplied by the department no later than February 1 of each year to the staff director stating gasoline throughput for each month of the previous calendar year. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;

B. Delivery vessels purchased after December 31, 1995, shall be Stage I equipped;

C. A loading installation that fails to meet the requirements of the exemption for one (1) calendar year shall not qualify for the exemption again;

D. To maintain the exemption, owners or operators shall maintain records of gasoline throughput and gasoline delivery; and

E. Delivery vessels operated by an exempt installation shall not deliver to Stage I controlled tanks unless the delivery vessel is equipped with and employs Stage I controls.

3. Stationary gasoline tanks with a capacity of less than or equal to five hundred (500) gallons.

4. Fueling of motor vehicles. Installations with one thousand (1,000) gallon or smaller tank(s) and monthly throughput of less than or equal to ten thousand (10,000) gallons of gasoline through the tanks are exempt from subsection (3)(E) of this rule.

5. Gasoline transfer provisions per paragraph (3)(C)2. of this rule shall not apply to transfers made to storage tanks equipped with floating roofs or their equivalent.

6. Gasoline transfer provisions per paragraphs (3)(C)1.-4. of this rule shall not apply to stationary storage tanks having a capacity less than or equal to two thousand (2,000) gallons used exclusively for the fueling of implements of agriculture.

7. Fueling of motor vehicles pursuant to subsection (3)(E) of this rule shall not apply to any stationary tank used primarily for the fueling of agricultural implements or implements of husbandry. For purposes of subsection (3)(E), agricultural implements and implements of husbandry shall refer to vehicles exempted from licensing requirements by the Missouri Department of Revenue.

8. Initial fueling of motor vehicles. Subsection (3)(E) of this rule shall not apply to any fueling system used for the initial fueling of motor vehicles as defined in subsection (2)(E) of this rule.

9. Ancillary refueling of motor vehicles. Subsection (3)(E) of this rule shall not apply to any ancillary refueling system used for the refueling of motor vehicles as defined in subsection (2)(A) of this rule.

### (2) Definitions.

(A) Ancillary refueling system—Any gasoline dispensing installation, including related equipment, that shares a common storage tank with an initial fueling system as defined in subsection (2)(E) of this rule. The purpose of an ancillary refueling system is to refuel in-use motor vehicles at automobile assembly plants.

(C) Department—Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102.

(D) Director—The director of the Missouri Department of Natural Resources, or a designated representative to carry out the duties as described in 643.060 of the Missouri Air Conservation Law.

(E) Initial fueling of motor vehicles—The operation, including related equipment, of dispensing gasoline fuel into a newly assembled motor vehicle at an automobile assembly plant while the vehicle is still being assembled on the assembly line. The newly assembled motor vehicles being fueled on the assembly line have fuel tanks that have never before contained gasoline fuel.

(F) MO/PETP—The *Missouri Performance Evaluation Test Procedures*, a set of test procedures for evaluating performance of Stage I/II vapor control equipment and systems to be installed or that have been installed in Missouri. Contact the department for a copy of the current MO/PETP.

(G) Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources, or a designated representative.

(H) System—Manufacturer's application of one of the specific designs for Stage II vapor recovery.

(I) Vapor recovery system modification—Any repair, replacement, alteration or upgrading of Stage I or Stage II vapor recovery equipment or gasoline dispensing equipment equipped with Stage II vapor recovery beyond normal maintenance of the system as permitted by the staff director. Replacement of equipment with like equipment shall not be considered a vapor recovery system modification.

(J) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.

### (3) General Provisions.

(C) Gasoline Transfer.

1. No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than five hundred (500) gallons unless—

A. The storage tank is equipped with a submerged fill pipe extending unrestricted to within six inches (6") of the bottom of the tank, and not touching the bottom of the tank, or the storage tank is equipped with a system that allows a bottom fill condition;

B. All storage tank caps and fittings are vapor-tight when gasoline transfer is not taking place; and

C. Each storage tank is vented via a conduit that is—

(I) At least two inches (2") inside diameter; and

(II) At least twelve feet (12') in height above grade; and

(III) Equipped with a pressure/vacuum valve that is CARB certified and MO/PETP approved at three inches water column pressure/eight inches water column vacuum (3" wcp/8" wcv) except when the owner or operator provides documentation that the system is CARB certified or MO/PETP approved for a different valve and will not function properly with a 3" wcp/8" wcv valve. Initial fueling of motor vehicle systems and ancillary refueling systems previous MO/PETP approval applies for pressure/vacuum valves.

2. Stationary storage tanks having a volume greater than one thousand (1,000) gallons and less than forty thousand (40,000) gallons shall also be equipped with a Stage I vapor recovery system that has a collection efficiency of ninety-eight percent (98%) that is based on MO/PETP, and the delivery vessels to these tanks shall be in compliance with subsection (3)(D) of this rule.

A. The vapor recovery system shall collect no less than ninety-eight percent (98%) by volume of the vapors displaced from the stationary storage tank during gasoline transfer and shall return the vapors via a vapor-tight return line to the delivery vessel. All fill ports and vapor ports shall have MO/PETP approved popped fittings.

B. A delivery vessel shall be reloaded only at installations complying with the provisions of subsection (3)(B) of this rule.

C. This subsection shall not be construed to prohibit safety valves or other devices required by governmental regulations.

3. No owner or operator of a gasoline delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a storage tank with a capacity greater than one thousand (1,000) gallons and less than forty thousand (40,000) gallons unless—

A. The owner or operator employs one (1) vapor line per product line during the transfer. The staff director may approve other delivery systems upon submittal to the department of test data demonstrating compliance with subparagraph (3)(C)2.A. of this rule;

B. The vapor hose(s) employed is no less than three inches (3") inside diameter; and

C. The product hose(s) employed is no more than four inches (4") inside diameter.

4. Reporting and record keeping shall be per subsection (4)(C) of this rule.

#### (D) Gasoline Delivery Vessels.

1. No owner or operator of a gasoline delivery vessel shall operate or use a gasoline delivery vessel which is loaded or unloaded at an installation subject to subsection (3)(B) or (3)(C) of this rule unless—

A. The delivery vessel is tested annually to demonstrate compliance with the test method specified in 40 CFR part 63, subpart R, section 63.425(e);

B. The owner or operator obtains the completed test results signed by a representative of the testing installation upon successful completion of the leak test. Blank test certification application forms for the test results will be provided to the testing installations by the department. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The owner or operator shall send a copy of the signed successful test results to the staff

director. The staff director, upon receipt of acceptable test results, shall issue an official sticker to the owner or operator;

C. The Missouri sticker is placed on the upper left portion of the back end of the vessel;

D. The delivery vessel is repaired by the owner or operator and retested within fifteen (15) business days of testing if it does not meet the leak test criteria of subparagraph (3)(D)1.A. of this rule; and

E. A copy of the vessel's current Tank Truck Tightness Test results are kept with the delivery vessel at all times and made immediately available to the staff director upon request.

2. An owner or operator of a gasoline delivery vessel who can demonstrate to the satisfaction of the staff director that the vessel has passed a current annual leak test in another state shall be deemed to have satisfied the requirements of subparagraph (3)(D)1.A. of this rule, if the other state's leak test program requires the same gauge pressure and test procedures as specified in subparagraph (3)(D)1.A. of this rule. The owner or operator shall apply for a Missouri sticker and display the Missouri sticker on the upper left portion of the back end of the delivery vessel.

3. Reporting and record keeping shall be per subsection (4)(D) of this rule.

4. This subsection shall not be construed to prohibit safety valves or other devices required by governmental safety regulations.

#### (E) Fueling of Motor Vehicles.

1. Except as provided in subsections (3)(A)–(C) of this rule, no owner or operator shall install, permit the use of or maintain any stationary gasoline tank with a capacity of more than one thousand (1,000) gallons or operate an installation with a monthly throughput of greater than ten thousand (10,000) gallons of gasoline through tanks in the one thousand (1,000) gallon or smaller class unless the storage tank(s) is equipped with a vapor recovery system. The system shall be approved by the staff director based on the MO/PETP and shall be capable of—

A. Collecting the hydrocarbon vapors and gases discharged during motor vehicle fueling;

B. Preventing their emission into the atmosphere; and

C. Maintaining ninety-five percent (95%) efficiency of total capture and emission reduction.

2. After January 1, 1999, no installation subject to this section shall employ remote vapor check valves.

3. After January 1, 1999, no construction permit for modification or replacement of any equipment or component, including a like for like replacement, shall be approved unless the equipment or component is MO/PETP approved. After January 1, 1999, if a construction permit is not required, no installation utilizing an approved system shall modify or replace any equipment or component, including a like for like replacement, unless the equipment or component is MO/PETP approved. In the event that the staff director finds a violation of this provision, the staff director may require replacement of components or equipment with MO/PETP approved components or equipment.

4. For the purpose of subsection (3)(E) of this rule, no vapor recovery systems or devices shall be installed, used or maintained until they are permitted by the director in accordance with subsections (3)(H) and (I) of this rule.

5. All tank gauging and sampling sites or ports, valves, break-aways, joints and disconnects on the vapor recovery systems shall be gas-tight to prevent VOC emissions except during gauging or sampling.

6. All vapor recovery systems shall be maintained in good working order in accordance with the manufacturer's specifications and with no indication of visible liquid leaks.

7. The operator of each affected installation shall post operation instructions conspicuously in the gasoline dispensing area for the system in use at each station. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at that station. The instructions shall also include a warning that repeated

attempts to continue dispensing gasoline after the system has indicated that the vehicle fuel tank is full may result in spillage of gasoline.

8. The operator of each affected installation shall ensure dispensing gasoline meets the requirements of 40 CFR 80.22(j) promulgated June 26, 1996 and hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.

9. The staff director shall identify and list specific defects that substantially impair the effectiveness of components or systems used for the control of gasoline vapors resulting from motor vehicle fueling operations. This ongoing list shall be used by the staff director as a basis for marking the components or systems out-of-order and shall be made available to any gasoline dispensing installations subject to paragraph (3)(E)1. of this rule. The list shall be made available to the installation's designated person for use in performing system maintenance.

10. Upon the staff director's identification of substantial defects in equipment or installation of a gasoline vapor control system, the system or components shall be marked "out-of-order" and no person shall use or permit the use of that system or component until those defects and all other defects have been repaired, replaced or adjusted to establish compliance. The components or system may be released into operation when the staff director has reinspected the installation; found the system and components to be in good working order; and removed the "out-of-order" notice. The staff director shall reinspect the previously marked "out-of-order" system or component and other noted defects as expeditiously as possible after notification from the operator that the repairs have been completed. In no case shall the reinspection be more than four (4) business days from the operator's notification that the repairs have been completed. In those cases in which the reinspection cannot be scheduled within the required time, the owner or operator may remove the "out-of-order" notice with permission of the staff director. If reinspection reveals that compliance has not been established, the system or components shall remain tagged "out-of-order." The staff director shall conduct a second reinspection within seven (7) business days from the operator's notification that repairs have been completed.

(F) Initial Fueling of Motor Vehicles.

1. Initial fueling systems and ancillary refueling systems.

A. Subsection (3)(F) of this rule shall only apply to the fueling systems used for the initial fueling of motor vehicles as defined in subsection (2)(E) of this rule and the ancillary refueling systems used to fuel in-use motor vehicles defined in subsection (2)(A) of this rule. These initial fueling systems and ancillary refueling systems are not subject to the MO/PETP testing requirements. All other MO/PETP provisions apply.

B. The initial fueling systems and ancillary refueling systems storage tank systems are subject to the gasoline storage tank transfer requirements in subsection (3)(C) of this rule except for the MO/PETP testing requirements. All other MO/PETP provisions in subsection (3)(C) of this rule apply.

2. Owner or operator requirements.

A. No owner or operator shall install, permit the use of, or maintain any stationary gasoline tank for the purpose of initial fueling of new motor vehicle gasoline tanks unless the new motor vehicle is equipped with a U.S. Environmental Protection Agency (EPA) certified Onboard Refueling Vapor Recovery (ORVR) system or the gasoline dispensing system is equipped with a vapor recovery system, (e.g., Stage II), capable of a minimum ninety-five percent (95%) control efficiency.

B. No owner or operator shall install, permit the use of, or maintain any stationary gasoline tank for the purpose of ancillary fueling of motor vehicles unless the motor vehicle is equipped with an EPA certified ORVR system or the gasoline dispensing system is equipped with a vapor recovery system, (e.g., Stage II), capable of a minimum ninety-five percent (95%) control efficiency.

C. Demonstration of emission capture efficiency of the gasoline dispensing vapor recovery system shall be required and made available to the staff director upon request. The dispensing system, (e.g., Stage II), shall be approved by the staff director if the system—

(I) Collects the hydrocarbon vapors and gases discharged during initial motor vehicle fueling;

(II) Prevents their emission into the atmosphere; and

(III) Demonstrates a minimum of ninety-five percent (95%) control efficiency for emission reduction of the fueling and dispensing operation emissions. Testing methods shall be in accordance with EPA reference test methods (or alternative test methods as approved by the staff director) for incineration destruction efficiency.

D. Initial fueling systems and ancillary refueling systems are subject to the gasoline transfer tank requirements in subsection (3)(C) of this rule except for the MO/PETP testing.

E. The owner or operator of an initial fueling system and ancillary refueling system shall—

(I) Maintain the vapor control system in good working order in accordance with the manufacturer's specifications and with no indication of visible liquid leaks or detectable vapor emissions;

(II) Conduct regular preventive maintenance self-inspections of the vapor control system and conduct any necessary repairs upon identification of those defects. The installation must conduct all maintenance specified by manufacturer guidelines. These manufacturers guidelines must be made available to department and local agency inspectors upon request;

(III) Ensure all fueling procedures are conducted in the most efficient manner to reduce emissions from drips; and

(IV) Ensure the sealing of the filled vehicle's tank after fueling.

F. Reporting and record keeping shall be per subsection (4)(E) of this rule.

(G) Permits Required.

1. All installations subject to paragraph (3)(E)1. of this rule, except installations subject to subsection (3)(F) of this rule, shall meet the following permitting requirements:

A. No installation shall construct or undergo vapor recovery system modification without permits obtained according to subsection (3)(H) of this rule; and

B. No installation shall operate without an operating permit obtained according to subsection (3)(I) of this rule.

2. All installations subject to subsection (3)(F) of this rule shall meet the following permitting requirements:

A. The installation must apply for a Stage II construction permit for all modifications or construction of initial fueling systems or ancillary refueling systems. All performance testing in subsections (3)(H) and (3)(I) of this rule shall be conducted to ensure system integrity; and

B. All operating permitting requirements of subsection (3)(I) of this rule, except paragraph (3)(I)2. of this rule, are applicable to any initial fueling systems or ancillary refueling systems. Except for the initial Stage II Operating Permit, Stage II Operating Permits shall be incorporated as part of the installation applicable requirements of Part 70 Operating Permits according to 10 CSR 10-6.065.

(H) Construction Permits for Vapor Recovery Systems for New Installations and Vapor Recovery System Modification for Existing Installations. No new gasoline dispensing installation that requires a Stage II vapor recovery system shall begin construction prior to obtaining a construction permit according to paragraph (3)(H)1. of this rule. Installations shall apply for permits to test experimental technology according to paragraph (3)(H)2. of this rule. Existing installations that undergo vapor recovery system modification shall obtain permits according to paragraph (3)(H)3. of this rule. Owners, operators and contractors beginning construction without first obtaining a construction permit are subject to enforcement action.

1. Owners or operators of new gasoline dispensing installations that require Stage II equipment shall—

A. Submit an application on a form supplied by the department for a permit to construct at least sixty (60) days prior to beginning construction. The application shall include:

(I) Complete diagrams and a thorough description of the planned installation;

(II) Plumbing diagrams including vapor lines, vent lines, slope of return vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing, and dispensers;

(III) Current CARB executive orders for the proposed system and/or the system components. After January 1, 1998, no installation shall be issued a construction permit unless the system that will be installed has been demonstrated to achieve ninety-five percent (95%) efficiency according to paragraph (3)(E)1. of this rule. After January 1, 1999, no installation shall be issued a construction permit unless the equipment and components of the approved system that will be installed have been MO/PETP tested and approved;

(IV) At the option of the owner/operator, full port ball valves may be installed just below the riser of the vapor chamber. The ball valves shall be sealed fully open at all times except during testing. The ball valve shall be tested in line during the dynamic back pressure blockage test;

(V) Detailed description of the storage tank(s). The storage tank(s) shall be—

(a) Type I tank(s). A Type I tank is an underground storage tank that shall be covered with not less than six inches (6") of soil and/or concrete; or

(b) Type II tank(s). A Type II tank is one that has any portion of the shell exposed to the atmosphere. A Type II tank shall be equipped with a vapor processor; and

(VI) Schedule of construction;

B. Obtain a construction permit prior to beginning construction. The director shall issue a construction permit or a permit rejection within thirty (30) days of receipt of the application. When an appeal is made following rejection of the application to construct, that appeal shall be filed within thirty (30) days of the notice of rejection;

C. Display the construction permit in a prominent location during construction;

D. Notify the department seven (7) calendar days prior to the anticipated completion date of underground piping and schedule a mutually acceptable inspection date. In the event that no mutually acceptable date is available, the staff director shall schedule the inspection date. The underground piping shall not be covered without visual inspection by the staff director. If defects are found, the staff director shall provide written notice of those defects;

E. Establish compliance with all rules and requirements of the department including those in Title 10 of the *Code of State Regulations*;

F. Document for the staff director that prior to the introduction of product, the tank and piping system were subjected to a construction pressurization test of not more than five pounds per square inch (5 psi) and not less than four and five-tenths pounds per square inch (4.5 psi) and maintained this pressure for not less than thirty (30) minutes;

G. Obtain staff director approval of final test methods and procedures that will be used to prove compliance;

H. Within thirty (30) days of completion of construction, conduct and pass final leak tests and dynamic back pressure/liquid blockage tests to show compliance with department requirements. The staff director may observe the test; and

I. Obtain and maintain on-site in a prominent location the current operating permit from the director for the site and the specific vapor recovery system that was installed. The operating permit is renewable every five (5) years and shall be maintained according to subsection (3)(I) of this rule.

2. The director may approve experimental technology for a specific gasoline dispensing installation. Experimental technology may

be approved for up to one (1) year for a limited number of stations under specific conditions determined by the staff director. Installations applying for approval of experimental technology shall—

A. Submit an application for director approval at least ninety (90) days prior to beginning construction. The application shall include, but not be limited to:

(I) Complete diagrams and a thorough description of the planned installation;

(II) Plumbing diagrams including vapor lines, vent lines, slope of return vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing, and dispensers; and

(III) Standards, test data, history, and related information for the proposed system;

B. Submit to the staff director a detailed plan for the construction and operation of the system. The plan shall include a description of the planned testing and record keeping for the installation. The director may issue the construction permit when all conditions of the testing installation are deemed satisfactory;

C. Display the construction permit in a prominent location during construction;

D. Install monitoring equipment to prove that the vapor recovery system is leak-tight if requested by the staff director; and

E. Upon completion of testing, obtain and maintain on-site in a prominent location a current operating permit from the director for the specific innovative technology that is in operation. The permit shall specify the technology, the location and the time period the technology will be tested.

3. Existing installations that are subject to subsection (3)(E) or (3)(F) of this rule and undergo vapor recovery system modification shall—

A. Submit an application on a form supplied by the department for a permit to construct prior to beginning modifications. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. Applications for construction permits shall be submitted for projects that include, but are not limited to:

(I) Modifications that require breaking concrete in an area that may affect the vapor lines; and

(II) Modifications that may affect the vapor lines themselves;

B. Supply any information required by the staff director for the specific installation. Such information may include, but not be limited to, plumbing diagrams, including vapor lines, vent lines, slope of vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing and dispensers, current CARB executive orders for the proposed system and equipment, and proof of compliance with all rules and requirements of the department including those in Title 10 of the *Code of State Regulations*;

C. Obtain a construction permit prior to beginning the modification. Continued operation during the construction requires department approval. The director shall issue a construction permit or a permit rejection within thirty (30) days of receipt of the application. When an appeal is made following rejection of the application, that appeal shall be filed within thirty (30) days of the notice of rejection;

D. Display the construction permit in a prominent location during construction;

E. Establish a schedule for inspection and testing as required by the staff director and notify the department seven (7) calendar days prior to the anticipated completion date of underground piping and schedule a mutually acceptable inspection date. In the event that no mutually acceptable date is available, the staff director shall schedule the inspection date. The underground piping shall not be covered without visual inspection by the staff director. If defects are found, the staff director shall provide written notice of those defects;

F. Supply test results to the staff director;

G. Receive staff director approval of final test methods and procedures that will be used to prove compliance;

H. Within thirty (30) days of completion of construction, conduct and pass final leak tests and dynamic back pressure/liquid blockage tests to show compliance with department requirements. The staff director may observe the tests; and

I. Upon completion of testing, obtain and display in a prominent location on-site the current operating permit from the director for the specific site and the specific vapor recovery system that was installed.

(I) The operating permit shall be maintained according to subsection (3)(I) of this rule, except paragraph (3)(I)2. of this rule shall not apply to initial fueling systems and ancillary refueling systems at automobile assembly installations.

(II) The operating permit is renewable every five (5) years, except for operating permits covering initial fueling systems and ancillary refueling systems at automobile assembly installations. Automobile assembly installations shall apply for an initial Stage II Operating Permit covering both their initial fueling systems and their ancillary refueling systems that will be current until their Part 70 Operating Permit is renewed.

(III) Except for the initial Stage II Operating Permit, the operating permit for automobile assembly installations that covers their initial fueling systems and their ancillary refueling systems shall be incorporated as part of the installation applicable requirements of 10 CSR 10-6.065 Operating Permits.

(I) Operating Permits for Existing Installations. All existing installations subject to subsection (3)(E) or (3)(F) of this rule must apply to the director for an operating permit.

1. Initial operating permits. The term of the initial permit shall be established by the staff director. In order to obtain an operating permit an existing installation shall—

A. Apply to the director for an operating permit within sixty (60) days of the date of the staff director's notice to apply and test within ninety (90) days of the notice. However, no installation subject to this requirement shall operate after January 1, 1999, without an operating permit;

B. Provide documentation that the Stage II system is certified by CARB as having a vapor recovery or removal efficiency of at least ninety-five percent (95%);

C. Conduct and pass a department-approved back pressure blockage test and a department-approved leak decay test. The owner/operator of the installation shall schedule the tests and notify the staff director of the test dates at least seven (7) days prior to the testing date. The staff director may observe the tests. The owner/operator of the installation shall provide satisfactory test results to the staff director;

D. Designate a person(s) who has attended a department-approved training course for the Stage II equipment that is installed at that installation. A designated person shall be available for consultation to installation personnel and to the department;

E. Demonstrate that the installation maintains a system of record keeping that meets the staff director's requirements; and

F. Establish compliance with all rules and requirements of the Missouri Department of Natural Resources including those in Title 10 of the *Code of State Regulations*.

2. Renewal of operating permits. The operating permit is renewable on the date specified in the initial operating permit and for periods of five (5) years after the initial permit term expires. In order to renew the operating permit an installation shall—

A. Apply to the director for renewal of the operating permit and test within ninety (90) days prior to the renewal date;

B. Demonstrate that the installation maintained all system components in good operating order during the preceding operating permit term including prompt efforts to establish compliance following "out-of-order" notices;

C. Schedule staff director-approved tests prior to the expiration date of the permit, notify the staff director of test dates at least fourteen (14) days prior to test dates and provide documentation that the system passed the tests;

D. Maintain records according to subsection (4)(F) of this rule;

E. An installation using a system that is decertified by CARB shall establish compliance with this rule within one (1) year or by the next renewal date of the operating permit whichever is longer. Failure to establish compliance will result in nonrenewal of the operating permit; and

F. After January 1, 2001, no operating permit shall be renewed without documentation that the Stage II system in use at the installation can be demonstrated to achieve ninety-five percent (95%) efficiency as specified in paragraph (3)(E)1. of this rule. Replacement of equipment and/or components in place as part of an approved system on January 1, 1999, shall not be required as long as the equipment and/or components pass operating permit tests.

#### (4) Reporting and Record Keeping.

(A) Owners and operators of petroleum storage tanks subject to subsection (3)(A) of this rule shall maintain written records of maintenance (both routine and unscheduled) performed on the tanks, all repairs made, the results of all tests performed and the type and quantity of petroleum liquid stored in them. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.

(B) Owners or operators of loading installations subject to gasoline loading subsection (3)(B) of this rule shall keep complete records documenting the number of delivery vessels loaded and their owners. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.

(C) The owner or operator of stationary storage tanks subject to gasoline transfer subsection (3)(C) of this rule shall keep records documenting the vessel owners and number of delivery vessels unloaded by each owner. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request. The owner or operator shall retain on-site copies of the loading ticket, manifest or delivery receipt for each grade of product received, subject to examination by the staff director upon request. If a delivery receipt is retained rather than a manifest or loading ticket, the delivery ticket shall bear the following information: vendor name, date of delivery, quantity of each grade, and the manifest or loading ticket number. The required retention on-site of the loading ticket, manifest or delivery receipt shall be limited to the four (4) most recent records for each grade of product.

(D) Owners or operators of gasoline delivery vessels subject to subsection (3)(D) of this rule shall keep records of all tests and maintenance performed on the vessels. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request. Also a copy of the vessel's current Tank Truck Tightness Test results shall be kept with the delivery vessel at all times and made immediately available to the staff director upon request.

(E) Initial fueling and ancillary fueling of motor vehicles subject to subsection (3)(F) of this rule shall keep records on-site of all self-tests, self-inspections, defects found, repairs, and maintenance activities. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.

(F) Owner/Operator Compliance. The owner or operator of a vapor recovery system subject to subsection (3)(J) of this rule shall maintain records of department permits, inspection reports, enforcement documents, training certifications, gasoline deliveries, routine and unscheduled maintenance and repairs and all results of tests conducted. Unless otherwise specified in this rule, records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.

## (5) Test Methods.

(C) Fueling of Motor Vehicles. The staff director, at any time, may monitor an installation subject to subsection (3)(E) of this rule. The staff director may require a leak test, a back pressure blockage test, an air-to-liquid test, a pressure/vacuum valve test or may require any test or monitoring procedure in order to determine compliance with this rule.

(F) Installations containing initial fueling systems and ancillary refueling systems shall allow the department to make vapor recovery inspections at any time to ensure systems are in working order and are being maintained and operated according to permits and regulations, and manufacturer recommendations—

1. The department and local agency Stage II inspectors shall be allowed access in a timely manner. Department and local agency Stage II inspectors shall make every attempt to avoid disrupting assembly line production. This may be done by allowing initial fueling site personnel to make repairs on the spot, or within a reasonable time frame. However, this consideration will not affect recording of defects or enforcement action; and

2. After repairs are made and notification by the plant is received, the department or local agency shall reinspect all defects found in official Stage II inspections. Failure by an installation to notify the department of repairs and request reinspection within fifteen (15) days of repair may result in enforcement action.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 8—Scrap Tires**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000 and 260.270, RSMo Supp. 2006, the department amends a rule as follows:

10 CSR 80-8.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 224–225). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

The following four (4) written comments were received during the public comment period:

**COMMENT #1:** A comment was received to add scrap after “(500)” and change “on any given day” to “at any time” in (1)(A).

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department changes subsection (1)(A) for clarity and consistency.

**COMMENT #2:** A comment was received to insert “at any time” at the end of the sentence in (3)(A)1. and delete “other” from (3)(A)6.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department changes paragraphs (3)(A)1. and (3)(A)6. for consistency and correct grammar.

**COMMENT #3:** A comment was received to delete “be in” and change “compliance” to “comply” in subsection (4)(A) and to add “to water” after impermeable in paragraph (4)(C)1. and remove the last sentence.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department changes subsection (4)(A) and (4)(C)1. to limit the scope to tires.

**COMMENT #4:** A comment was received to change in the last sentence “Collection center” to “Scrap tire collection centers” in section (5).

**RESPONSE AND EXPLANATION TO CHANGE:** As a result of this comment, the department changes section (5) for consistency.

**10 CSR 80-8.020 Scrap Tire Collection Centers**

(1) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo. Additional definitions specific to this rule are as follows:

(A) A scrap tire collection center is a site where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred (500) scrap tires are kept on-site at any time.

(3) Applicability.

(A) Exemptions. The following are not regulated as scrap tire collection centers provided that pollution, a public nuisance or a health hazard is not created and provided the tires are stored according to the requirements of section (4) of this rule:

1. A person collecting or storing less than twenty-five (25) scrap tires at any time;

2. Warranty tires or new defective tires stored by tire retailers and wholesalers prior to transit to the wholesaler or manufacturer for adjustment credit or return;

3. Tires that are to be reused without further processing as vehicle tires (reused for the original intended purpose) that are separated from scrap tires within thirty (30) days of receipt at a scrap tire collection center, provided these tires are stored in compliance with the requirements of section (4) of this rule and are not stored outside for more than one (1) year;

4. Any new-tire retailer or new-tire wholesaler may hold more than five hundred (500) scrap tires for a period not to exceed thirty (30) days if such tires are stored according to requirements in section (4) of this rule;

5. Any person licensed as an auto dismantler and salvage dealer under Chapter 301, RSMo may, without further license, permit or payment of fee, store but shall not burn or bury on his/her property, up to five hundred (500) scrap tires that have been cut, chipped or shredded, if such tires are only from vehicles acquired by him/her, and such tires are stored in accordance with section (4) of this rule. Auto dismantlers and salvage dealers must arrange for the proper disposal of the scrap tires to take place within thirty (30) days. Appropriate documentation of the disposal arrangements shall be made available to the department upon request. In no case shall more than five hundred (500) scrap tires be stored for more than thirty (30) days unless the auto dismantler and salvage dealer is permitted as a scrap tire processor;

6. Retreadable tire casings held in inventory by tire retreaders for retreading that are stored separately from scrap tires, provided these tires are stored in compliance with section (4) of this rule and provided they are not stored outside for more than one (1) year; or

7. Tires stored in conjunction with a department-approved or nonprofit cleanup if the scrap tires are stored for a period not to exceed thirty (30) days are exempt from this rule.

(4) Storage Requirements.

(A) Fire Protection. A scrap tire collection center shall comply with the fire protection requirements of this subsection.

1. The owner or operator of a scrap tire collection center shall provide written evidence from the local fire protection agency that indoor or outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards, or the scrap tire collection center must comply with the 2006

*International Fire Code*, published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, IL, 60478-5795, copyright 2006, which by this reference is incorporated into this rule. This rule does not incorporate any subsequent amendments or additions.

(C) Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire collection center shall use an alternate method to correct the vector problem. The owner/operator of a scrap tire collection center storing tires shall use one (1) or more of the following methods of vector control:

1. Drain tires of water and keep them dry within a building, enclosed trailer or under a cover that is impermeable to water;

2. Alter tires so they do not retain water;

3. Treat the tires with a larvicide and/or adulticide appropriate to prevent the development of mosquito larvae and pupae and repeat treatment as often as necessary to prevent this development, taking into account the effectiveness and life of the larvicide and/or adulticide utilized;

A. Larvicides and/or adulticides shall be applied in accordance with their labels, Chapter 281, RSMo and its implementing regulations.

B. The dimensions of the tire pile and the method of stacking the tires must allow for application of the larvicide and/or adulticide to all tires; and

4. Alternate methods of vector control must be approved by the department.

(5) Record Keeping Requirements. The owner/operator of a scrap tire collection center shall maintain records, on forms provided by the department, as required by this rule. All records required by this rule shall be kept for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. Scrap tire collection centers shall also maintain records of vector control activities.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 80—Solid Waste Management

#### Chapter 8—Scrap Tires

#### ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000, 260.270 and 260.278, RSMo Supp. 2006, the department amends a rule as follows:

10 CSR 80-8.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 226–227). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

The following written comment was received during the public comment period:

COMMENT: A comment was received to delete “They” add “The reports” in paragraph (3)(A)2. and insert “scrap tire” between “permitted” and “hauler” in subsection (3)(D).

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department changes paragraph (3)(A)2. and subsection (3)(D) for consistency and to correct grammar.

#### 10 CSR 80-8.030 Scrap Tire Hauler Permits

(3) Operating Requirements.

(A) Record Keeping.

1. During periods when a vehicle contains scrap tires, a scrap tire hauler shall maintain the current permit inside the vehicle.

2. Record keeping requirements. A scrap tire hauler shall maintain tracking and summary reports as required by the Department of Natural Resources on forms provided by the Department of Natural Resources or on similar forms or in a similar format that has been preapproved by the Department of Natural Resources. The tracking report(s) shall be filled out for each load delivered to an approved destination and shall include all applicable collection and receiver data. The reports shall be submitted to the Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City, MO 65102 by the fifteenth of each month after the date the tires were delivered to their destination.

3. All records required by this rule shall be kept for at least three (3) years. The period of record retention extends upon the written request of the Department of Natural Resources or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the Department of Natural Resources or its designated representative upon request.

(D) Any person permitted as a scrap tire hauler shall notify the Missouri Department of Natural Resources, Scrap Tire Unit and Missouri Department of Transportation, Motor Carrier Service within thirty (30) days of any change of address, phone number, type and number of vehicles, or destination of tires hauled. Registered or certified mail sent to a permitted scrap tire hauler with proper postage and last known address that is returned unclaimed shall be considered adequate notification of notice served. Refusal to accept mail is a violation of these regulations.

## Title 10—DEPARTMENT OF NATURAL RESOURCES

### Division 80—Solid Waste Management

#### Chapter 8—Scrap Tires

#### ORDER OF RULEMAKING

By the authority vested in the Department of Natural Resources under sections 260.225 and 260.270, RSMo Supp. 2006, the department rescinds a rule as follows:

10 CSR 80-8.040 Waste Tire Site Permits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on February 1, 2007 (32 MoReg 227–228). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed rescission and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 8—Scrap Tires**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000 and 260.270, RSMo Supp. 2006, the department amends a rule as follows:

10 CSR 80-8.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 228–237). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

The following written comment was received during the public comment period:

**COMMENT:** A comment was received to remove “Processing facilities in existence on the effective date of this rule shall make application within thirty (30) days of the effective date of this rule and shall be allowed to continue to operate during the permit review process provided that the facility does not cause a public nuisance, a health hazard or pollution and provided that the application is submitted on time and complete.” from subsection (4)(A) and add “Scrap tire processing facilities, as defined in Section 260.200(38) RSMo and this rule, are not authorized to operate unless permitted by the department.” To insert “Missouri” before “Department” in paragraph (4)(B)9.

**RESPONSE AND EXPLANATION OF CHANGE:** As a result of this comment, the department changes subsection (4)(A) for clarity and paragraph (4)(B)9. because it was a grandfather provision and is no longer applicable.

**10 CSR 80-8.050 Scrap Tire Processing Facility Permits**

**(4) Scrap Tire Processing Facility Permit Application.**

(A) A person desiring to establish, maintain or operate a scrap tire processing facility shall make application to the department in triplicate on forms provided by the department. Scrap tire processing facilities, as defined in Section 260.200(38), RSMo and this rule, are not authorized to operate unless permitted by the department.

(B) An application for a scrap tire processing facility permit shall be sent by certified mail to the Missouri Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City, MO 65102-0176. The application shall consist of:

1. A completed Scrap Tire Processing Facility Permit Application form which will be provided by the department;
2. Detailed site plans and operational plans containing the information necessary to comply with the storage and record keeping requirements of this rule. Plans shall include:

A. An estimate of the inventory of scrap tires that can be processed or used in six (6) months of normal and continuous operation. This estimate shall be based on the volume of tires processed or used by the facility in the last year, or the manufacturer’s estimated capacity of the processing equipment. This estimate may be increased when new equipment is obtained by the owner of the facility and may be reduced if equipment used previously is removed from active use. Active use will be determined on a case-by-case basis and will be based on the provisions of the permit;

B. Topographic and boundary surveys prepared by a registered land surveyor showing contour intervals of ten feet (10') or less. This survey shall have a scale of not less than one inch equals four hundred feet (1"=400'). All existing and proposed storage areas and structures shall be shown on the survey;

C. A map showing the land use and zoning within five hundred feet (500') of the property boundaries, including the location of all residences, buildings, utilities and easements. This map shall have a scale of not less than one inch equals four hundred feet (1"= 400'); and

D. Detailed plans containing the information necessary to comply with the closure requirements and financial assurance instrument requirements of this rule;

3. A contingency plan designed to minimize the hazards to human health and the environment from fires, runoff of contaminants resulting from fires and from mosquitoes in case of failure of the primary method of vector control. The contingency plan shall include, but not be limited to, the following items, as applicable:

A. The actions site personnel must take in response to fires, runoff resulting from fires and mosquito breeding in scrap tires;

B. An evacuation plan for site personnel, in case of fire; and

C. Evidence that the fire contingency plan has been provided to the local fire and police departments;

4. Plans for final disposition of the scrap tires;

5. Evidence of compliance with the department’s Clean Water Law, Chapter 644, RSMo and implementing regulations;

6. Evidence of compliance with local zoning requirements;

7. Evidence of property ownership;

8. Explicit written authorization from the property owner, if different from the applicant, for land use for scrap tire storing and processing operations; and

9. Nonreturnable processing facility permit fee of two hundred dollars (\$200). The fee shall be paid by certified check or money order made payable to the Missouri Department of Natural Resources.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 8—Scrap Tires**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000, 260.273 and 260.276, RSMo Supp. 2006, the department amends a rule as follows:

**10 CSR 80-8.060 Scrap Tire End-User Facility Registrations  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 238–240). No changes have been made to the text of the proposed amendment, therefore it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 9—Solid Waste Management Fund**

**ORDER OF RULEMAKING**



By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000 and 260.273 and 260.276, RSMo Supp. 2006, the department amends a rule as follows:

**10 CSR 80-9.030 Scrap Tire Grants is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 241). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 80—Solid Waste Management  
Chapter 9—Solid Waste Management Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Natural Resources under sections 260.225, RSMo 2000 and 260.273 and 260.276, RSMo Supp. 2006, the department amends a rule as follows:

10 CSR 80-9.035 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2007 (32 MoReg 242–244). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held March 6, 2007, and the public comment period ended April 6, 2007. At the public hearing, the Solid Waste Management Program staff explained the proposed amendment and no comments were received.

The following two (2) written comments were received during the public comment period.

COMMENT: A comment was received that in paragraph (2)(A)5. “waste” needed to be changed to “scrap.”

RESPONSE AND EXPLANATION OF CHANGE: As a result of this comment, the department changes paragraph (2)(A)5. for consistency.

COMMENT: On March 29, 2007, one comment was received from a Solid Waste Management District (SWMD) regarding 10 CSR 80-9.035(4)(A) and (B). The comment recommended that the word nongovernmental be struck from 10 CSR 80-9.035(4)(A) and (B) or that SWMDs be specifically included in the eligible parties to be reimbursed when cleaning up scrap tires from either small illegal scrap tire sites or scrap tires found during cleanups of land and water resources.

RESPONSE AND EXPLANATION OF CHANGE: The agency made the requested change by removing the word “nongovernmental” due to this comment and also because the term may be beyond the scope of the statute. The statute specifically limits reimbursements to a “. . . charitable, fraternal, or other nonprofit organization . . . .”

**10 CSR 80-9.035 Scrap Tire Clean-Up Contracts**

(2) Eligibility. Any person, firm, corporation, state agency, charitable, fraternal, or other nonprofit organization may bid on a contract for each resource recovery or nuisance abatement activity.

(A) Vender Preference. In letting contracts for the performance of any job or service for the removal or clean up of scrap tires under this chapter, the Department of Natural Resources shall, in addition to the requirements of sections 34.073 and 34.076, RSMo, and any other points awarded during the evaluation process, give to any vendor that meets one (1) or more of the following factors a five percent (5%) preference and ten (10) bonus points for each factor met:

1. The bid is submitted by a vendor that has resided or maintained its headquarters or principal place of business in Missouri continuously for the two (2) years immediately preceding the date on which the bid is submitted;

2. The bid is submitted by a nonresident corporation vendor that has an affiliate or subsidiary that employs at least twenty (20) state residents and has maintained its headquarters or principal place of business in Missouri continuously for the two (2) years immediately preceding the date on which the bid is submitted;

3. The bid is submitted by a vendor that resides or maintains its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent (75%) of such vendor’s employees are Missouri residents who have resided in the state continuously for at least two (2) years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this subdivision and submit a written claim for preference at the time the bid is submitted;

4. The bid is submitted by a nonresident vendor that has an affiliate or subsidiary that employs at least twenty (20) state residents and has maintained its headquarters or principal place of business in Missouri and, for the purposes of completing the bid project and continuously over the entire term of the project, an average of at least seventy-five percent (75%) of such vendor’s employees are Missouri residents who have resided in the state continuously for at least two (2) years immediately preceding the date on which the bid is submitted. Such vendor must certify the residency requirements of this section and submit a written claim for preference at the time the bid is submitted;

5. The bid is submitted by any vendor that provides written certification that the end use of the tires collected during the project will be for fuel purposes or for the manufacture of a useable good or product. For the purposes of this section, the landfilling of scrap tires, scrap tire chips, or scrap tire shreds in any manner, including landfill cover, shall not permit the vendor a preference.

(4) Any charitable, fraternal, or other nonprofit organization that voluntarily cleans up land or water resources may be reimbursed for properly disposing of scrap tires collected in the course of such cleanup. Funds will be allocated each year for these types of activities. The amount of funds allocated will depend on funding availability and amount of appropriations.

(A) A portion of the funds allocated will be available to any charitable, fraternal, or other nonprofit organization that wishes to clean up small, illegal scrap tire sites in their area. These funds will be awarded under the following conditions:

1. On a first-come-first-served basis;

2. The organization(s) shall receive written approval from the department prior to conducting the cleanup. The organization(s) shall state where they will dispose of the tires and shall estimate the number of tires and the associated disposal costs for which the organization plans to seek reimbursement from the department; and

3. Reimbursement shall be for disposal costs only.

(B) Another portion of the funds allocated will be available for tires picked up as incidental wastes by nonprofit groups which voluntarily clean up land or water resources and collect scrap tires in the course of such cleanup. These funds will be awarded under the following conditions:

1. On a first-come-first-served basis;
2. The organization(s) shall receive written approval from the department prior to conducting the cleanup. The organization(s) shall state where they will dispose of the tires and shall estimate the number of tires and the associated disposal costs for which the organization plans to seek reimbursement from the department; and
3. Reimbursement shall be for disposal costs only.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES**  
**Division 60—Missouri Health Facilities Review Committee**  
**Chapter 50—Certificate of Need Program**

**EXPEDITED APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for July 23, 2007. These applications are available for public inspection at the address shown below:

**Date Filed**

**Project Number:** Project Name  
City (County)  
Cost, Description

**06/08/07**

**#4060 HS:** Cass Medical Center  
Harrisonville (Cass County)  
\$1,369,933, Replace magnetic resonance imaging scanner

**06/11/07**

**#4083 RS:** Alexian Brothers Sherbrooke Village  
St. Louis (St. Louis County)  
\$1,443,856, Renovate/modernize long-term care facility

**#4080 NS:** Mother of Good Counsel Home  
St. Louis (St. Louis County)  
\$11,954,400, Renovate/modernize long-term care facility

**#4081 HS:** Barnes-Jewish Hospital  
St. Louis (St. Louis County)  
\$2,800,000, Replace gamma knife

**#4082 NS:** South County  
Senior Care Associates, LLC  
Des Peres (St. Louis County)  
\$16,239,352, Replace 216-Bed skilled nursing facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by July 11, 2007. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
Post Office Box 570  
Jefferson City, MO 65102

For additional information contact  
Donna Schuessler, (573) 751-6403.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2245—Real Estate Appraisers**  
**Chapter 3—Applications for Certification and Licensure**

**IN ADDITION**

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration**

A proposed amendment to 20 CSR 2245-3.005 was published in the *Missouri Register* on January 2, 2007 (32 MoReg 65-68) and a final order of rulemaking was published in the *Missouri Register* on June 1, 2007 (32 MoReg 928). A comment and response regarding the educational requirements contained in section (6) of the rule was published in the order of rulemaking. The response and explanation of change to this comment indicated that the educational requirements would be deleted from the rule. However when the rule was published in the June 30, 2007 update to the *Code of State Regulations*, section (6) failed to be deleted from the rule. This has been corrected and the rule with section (6) deleted appeared correctly in the July 31, 2007 update to the *Code of State Regulations*.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

## NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against PEMBERTON & RAGAN CONSTRUCTION, L.L.C., a Missouri Limited Liability Company.

On April 11, 2007, PEMBERTON & RAGAN CONSTRUCTION, L.L.C., a Missouri Limited Liability Company, Charter Number **LC0002959**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Nancy E. Blackwell, CHINNERY EVANS & NAIL, P.C., 200 S.E. Douglas St., Suite 200, Lee's Summit, Missouri 64063.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of PEMBERTON & RAGAN CONSTRUCTION, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST PEMBERTON & RAGAN CONSTRUCTION, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

**NOTICE OF WINDING UP**  
**aem eventmanagement LLC**

TAKE NOTICE that aem eventmanagement LLC, a Missouri Limited Liability Company was dissolved on June 13, 2007. All individuals with a claim against the limited liability company must deliver a written statement of the claim to Seigel & Wolff PC, 7911 Forsyth Blvd., Ste 300, Clayton MO 63105. All claims must include the full name and address of the claimant, the social security number or federal tax identification number of the claimant, the amount of the claim, the date(s) on which the claim accrued, the basis for the claim, all documents that prove the claim, and any account or other identifying number used in conjunction with the claim. All claims against the limited liability company and the individual organizers will be barred unless proceedings to enforce the claim are commenced within 3 years from the date of publication of this notice.

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency OFFICE OF ADMINISTRATION	Emergency	Proposed	Order	In Addition
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-8.010	Commissioner of Administration		32 MoReg 970		
1 CSR 15-3.350	Administrative Hearing Commission		32 MoReg 1025		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.040	Animal Health		32 MoReg 971		
2 CSR 30-10.010	Animal Health		32 MoReg 578	This Issue	
2 CSR 80-2.010	State Milk Board		32 MoReg 526	32 MoReg 994	
2 CSR 80-2.020	State Milk Board		32 MoReg 527	32 MoReg 994	
2 CSR 80-2.030	State Milk Board		32 MoReg 528	32 MoReg 994	
2 CSR 80-2.040	State Milk Board		32 MoReg 528	32 MoReg 994	
2 CSR 80-2.050	State Milk Board		32 MoReg 529	32 MoReg 994	
2 CSR 80-2.060	State Milk Board		32 MoReg 529	32 MoReg 995	
2 CSR 80-2.070	State Milk Board		32 MoReg 530	32 MoReg 995	
2 CSR 80-2.080	State Milk Board		32 MoReg 532	32 MoReg 995	
2 CSR 80-2.091	State Milk Board		32 MoReg 532	32 MoReg 995	
2 CSR 80-2.101	State Milk Board		32 MoReg 533	32 MoReg 995	
2 CSR 80-2.110	State Milk Board		32 MoReg 533	32 MoReg 995	
2 CSR 80-2.121	State Milk Board		32 MoReg 534	32 MoReg 996	
2 CSR 80-2.130	State Milk Board		32 MoReg 534	32 MoReg 996	
2 CSR 80-2.141	State Milk Board		32 MoReg 535	32 MoReg 996	
2 CSR 80-2.151	State Milk Board		32 MoReg 535	32 MoReg 996	
2 CSR 80-2.161	State Milk Board		32 MoReg 535	32 MoReg 996	
2 CSR 80-2.170	State Milk Board		32 MoReg 536	32 MoReg 996	
2 CSR 80-5.010	State Milk Board		32 MoReg 1093		
2 CSR 90-30.085	Weights and Measures		32 MoReg 1027		
2 CSR 110-3.010	Office of the Director		This Issue		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.130	Conservation Commission		32 MoReg 696	32 MoReg 1136	
3 CSR 10-5.422	Conservation Commission		N.A.	32 MoReg 1047	
3 CSR 10-6.410	Conservation Commission		N.A.	32 MoReg 911	
3 CSR 10-6.511	Conservation Commission		N.A.	32 MoReg 911R	
3 CSR 10-7.431	Conservation Commission		N.A.	32 MoReg 1047	
3 CSR 10-7.432	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.433	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.434	Conservation Commission		N.A.	32 MoReg 1048	
3 CSR 10-7.437	Conservation Commission		N.A.	32 MoReg 1049	
3 CSR 10-7.438	Conservation Commission		N.A.	32 MoReg 1049	
3 CSR 10-7.440	Conservation Commission		N.A.	This Issue	
3 CSR 10-7.455	Conservation Commission		N.A.	32 MoReg 1049	32 MoReg 261
3 CSR 10-20.805	Conservation Commission		N.A.	32 MoReg 1050	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 240-23.020	Public Service Commission		32 MoReg 1096		
4 CSR 240-23.030	Public Service Commission		32 MoReg 1104		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 50-500.010	Division of School Improvement		32 MoReg 412	32 MoReg 1051W	
5 CSR 60-100.050	Division of Career Education		31 MoReg 1644R		
			32 MoReg 629R	This IssueR	
5 CSR 70-742.140	Special Education		N.A.	32 MoReg 1052	
5 CSR 80-800.200	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.220	Teacher Quality and Urban Education		32 MoReg 759		
5 CSR 80-800.230	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.260	Teacher Quality and Urban Education		32 MoReg 760		
5 CSR 80-800.270	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.280	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.350	Teacher Quality and Urban Education		32 MoReg 761		
5 CSR 80-800.360	Teacher Quality and Urban Education		32 MoReg 762		
5 CSR 80-800.380	Teacher Quality and Urban Education		32 MoReg 762		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-2.020	Commissioner of Higher Education		32 MoReg 303	32 MoReg 911	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
6 CSR 10-2.080	Commissioner of Higher Education		32 MoReg 303	32 MoReg 912	
6 CSR 10-2.120	Commissioner of Higher Education		32 MoReg 304	32 MoReg 912	
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-4.020	Missouri Highways and Transportation Commission		32 MoReg 629		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		32 MoReg 536	32 MoReg 1136	
7 CSR 10-10.010	Missouri Highways and Transportation Commission		32 MoReg 133	32 MoReg 997	
7 CSR 10-10.030	Missouri Highways and Transportation Commission		32 MoReg 134	32 MoReg 997	
7 CSR 10-10.040	Missouri Highways and Transportation Commission		32 MoReg 135	32 MoReg 997	
7 CSR 10-10.050	Missouri Highways and Transportation Commission		32 MoReg 135	32 MoReg 997	
7 CSR 10-10.060	Missouri Highways and Transportation Commission		32 MoReg 136	32 MoReg 997	
7 CSR 10-10.070	Missouri Highways and Transportation Commission		32 MoReg 136	32 MoReg 998	
7 CSR 10-10.080	Missouri Highways and Transportation Commission		32 MoReg 138	32 MoReg 998	
7 CSR 10-10.090	Missouri Highways and Transportation Commission		32 MoReg 138	32 MoReg 998	
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7 CSR 10-25.030	Missouri Highways and Transportation Commission <i>(Changed from 12 CSR 20-3.010)</i>	32 MoReg 521	32 MoReg 541	32 MoReg 1136	
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10 CSR 10-2.210	Air Conservation Commission		This Issue		
10 CSR 10-2.390	Air Conservation Commission		31 MoReg 1941	32 MoReg 912	
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10 CSR 10-3.090	Air Conservation Commission		32 MoReg 39	32 MoReg 918	
10 CSR 10-4.070	Air Conservation Commission		32 MoReg 40	32 MoReg 918	
10 CSR 10-4.090	Air Conservation Commission		32 MoReg 1115R		
10 CSR 10-5.070	Air Conservation Commission		32 MoReg 1116R		
10 CSR 10-5.160	Air Conservation Commission		32 MoReg 41	32 MoReg 919	
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10 CSR 10-6.045	Air Conservation Commission		32 MoReg 1116		
10 CSR 10-6.070	Air Conservation Commission		32 MoReg 139	32 MoReg 1057	
10 CSR 10-6.075	Air Conservation Commission		32 MoReg 139	32 MoReg 1057	
10 CSR 10-6.080	Air Conservation Commission		32 MoReg 141	32 MoReg 1057	
10 CSR 10-6.110	Air Conservation Commission		32 MoReg 976		
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10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 42	32 MoReg 925	

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10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 43	32 MoReg 925	
10 CSR 100-5.010	Petroleum Storage Tank Insurance Fund Board of Trustees		32 MoReg 44	32 MoReg 925W	
10 CSR 140-2	Division of Energy				32 MoReg 599
10 CSR 140-6.010	Division of Energy		32 MoReg 696		
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11 CSR 40-5.110	Division of Fire Safety		32 MoReg 841		
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11 CSR 45-5.051	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.183	Missouri Gaming Commission		32 MoReg 581		
11 CSR 45-5.184	Missouri Gaming Commission		32 MoReg 582		
11 CSR 45-5.185	Missouri Gaming Commission		32 MoReg 585		
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11 CSR 50-2.400	Missouri State Highway Patrol		32 MoReg 1122R		
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12 CSR 10-23.220	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.285	Director of Revenue		32 MoReg 1031R		
12 CSR 10-23.295	Director of Revenue		32 MoReg 1031		
12 CSR 10-23.415	Director of Revenue		32 MoReg 1033R		
12 CSR 10-23.460	Director of Revenue		32 MoReg 1033R		
12 CSR 20-3.010	Highway Reciprocity Commission ( <i>Changed to 7 CSR 10-25.030</i> )	32 MoReg 521	32 MoReg 541	32 MoReg 1136	
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13 CSR 40-2.370	Family Support Division		32 MoReg 1033		
13 CSR 40-32.010	Family Support Division	32 MoReg 693	32 MoReg 1123R		
13 CSR 70-3.020	Division of Medical Services		32 MoReg 697		
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13 CSR 70-20.034	Division of Medical Services		32 MoReg 335	32 MoReg 926	
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19 CSR 30-20.086	Division of Regulation and Licensure		This Issue		
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20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 32 MoReg 668
20 CSR	State Legal Expense Fund Cap				32 MoReg 668
20 CSR 500-5.020	Property and Casualty	32 MoReg 401	32 MoReg 416	32 MoReg 1139W	
20 CSR 500-5.025	Property and Casualty	32 MoReg 403	32 MoReg 423	32 MoReg 1140W	
20 CSR 500-5.026	Property and Casualty	32 MoReg 404	32 MoReg 423	32 MoReg 1140W	
20 CSR 500-5.027	Property and Casualty	32 MoReg 404	32 MoReg 424	32 MoReg 1140W	
20 CSR 600-1.030	Statistical Reporting	32 MoReg 1023	32 MoReg 1034		
20 CSR 700-4.100	Licensing		32 MoReg 718		
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20 CSR 2030-2.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1129		
20 CSR 2030-4.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1130		
20 CSR 2030-5.110	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 55	32 MoReg 926	
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1131		
20 CSR 2030-11.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1132		
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20 CSR 2030-16.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
20 CSR 2030-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1133		
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20 CSR 2030-17.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		32 MoReg 1134		
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20 CSR 2120-1.040	State Board of Embalmers and Funeral Directors		32 MoReg 428	32 MoReg 999	
20 CSR 2120-2.010	State Board of Embalmers and Funeral Directors		32 MoReg 431	32 MoReg 999	
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20 CSR 2200-3.035	State Board of Nursing		32 MoReg 888R 32 MoReg 888		
20 CSR 2200-3.040	State Board of Nursing		32 MoReg 889R 32 MoReg 889		
20 CSR 2200-3.050	State Board of Nursing		32 MoReg 893R 32 MoReg 893		
20 CSR 2200-3.060	State Board of Nursing		32 MoReg 895R 32 MoReg 895		
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20 CSR 2245-2.050	Real Estate Appraisers		32 MoReg 64	32 MoReg 927	
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20 CSR 2245-7.040	Real Estate Appraisers		32 MoReg 85R	32 MoReg 932R	
20 CSR 2245-7.050	Real Estate Appraisers		32 MoReg 86R	32 MoReg 932R	
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20 CSR 2245-8.010	Real Estate Appraisers		32 MoReg 86	32 MoReg 933	
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20 CSR 2270-4.011	Missouri Veterinary Medical Board		32 MoReg 993		

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7 CSR 10-25.030 Apportion Registration . . . . .	32 MoReg 521 . . . . .	August 29, 2007
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10 CSR 20-4.023 State Forty Percent Construction Grant Program . . . . .	32 MoReg 395 . . . . .	August 30, 2007
10 CSR 20-4.030 Grants for Sewer Districts and Certain Small Municipal Sewer Systems . . . . .	32 MoReg 396 . . . . .	August 30, 2007
10 CSR 20-4.061 Storm Water Grant and Loan Program . . . . .	32 MoReg 396 . . . . .	August 30, 2007
<b>Public Drinking Water Program</b>		
10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Supply Systems . . . . .	32 MoReg 398 . . . . .	August 30, 2007
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<u>2007</u>			
07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	Next Issue
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	Next Issue

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<b>07-23</b>	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	Next Issue
<b>07-24</b>	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	Next Issue
<b>2006</b>			
<b>06-01</b>	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
<b>06-02</b>	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
<b>06-03</b>	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
<b>06-04</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
<b>06-05</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
<b>06-06</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
<b>06-07</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
<b>06-08</b>	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
<b>06-09</b>	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
<b>06-10</b>	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
<b>06-11</b>	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
<b>06-12</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
<b>06-13</b>	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
<b>06-14</b>	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	31 MoReg 643
<b>06-15</b>	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	31 MoReg 645
<b>06-16</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 647
<b>06-17</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	31 MoReg 649
<b>06-18</b>	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	31 MoReg 651
<b>06-19</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	31 MoReg 652

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
06-20	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	31 MoReg 765
06-21	Designates members of staff with supervisory authority over selected state agencies	June 2, 2006	31 MoReg 1055
06-22	Healthy Families Trust Fund	June 22, 2006	31 MoReg 1137
06-23	Establishes Interoperable Communication Committee	June 27, 2006	31 MoReg 1139
06-24	Establishes Missouri Abraham Lincoln Bicentennial Commission	July 3, 2006	31 MoReg 1209
06-25	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	July 20, 2006	31 MoReg 1298
06-26	Directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	July 20, 2006	31 MoReg 1300
06-27	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	July 21, 2006	31 MoReg 1302
06-28	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	July 22, 2006	31 MoReg 1304
06-29	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	August 11, 2006	31 MoReg 1389
06-30	Extends the declaration of emergency contained in Executive Order 06-25 and the terms of Executive Order 06-27 through September 22, 2006, for the purpose of continuing the cleanup efforts in the east central part of the State of Missouri	August 18, 2006	31 MoReg 1466
06-31	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	September 23, 2006	31 MoReg 1699
06-32	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	September 26, 2006	31 MoReg 1701
06-33	Governor Matt Blunt orders all state employees to enable any state owned wireless telecommunications device capable of receiving text messages or emails to receive wireless AMBER alerts	October 4, 2006	31 MoReg 1847
06-34	Governor Matt Blunt amends Executive Order 03-26 relating to the duties of the Information Technology Services Division and the Information Technology Advisory Board	October 11, 2006	31 MoReg 1849
06-35	Governor Matt Blunt creates the Interdepartmental Coordination Council for Job Creation and Economic Growth	October 11, 2006	31 MoReg 1852
06-36	Governor Matt Blunt creates the Interdepartmental Coordination Council for Laboratory Services and Utilization	October 11, 2006	31 MoReg 1854
06-37	Governor Matt Blunt creates the Interdepartmental Coordination Council for Rural Affairs	October 11, 2006	31 MoReg 1856
06-38	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Employee Career Opportunity	October 11, 2006	31 MoReg 1858
06-39	Governor Matt Blunt creates the Mental Health Transformation Working Group	October 11, 2006	31 MoReg 1860
06-40	Governor Matt Blunt creates the Interdepartmental Coordination Council for State Service Delivery Efficiency	October 11, 2006	31 MoReg 1863
06-41	Governor Matt Blunt creates the Interdepartmental Coordination Council for Water Quality	October 11, 2006	31 MoReg 1865
06-42	Designates members of staff with supervisory authority over selected state departments, divisions, and agencies	October 20, 2006	31 MoReg 1936
06-43	Closes state offices on Friday, November 24, 2006	October 24, 2006	31 MoReg 1938
06-44	Adds elementary and secondary education as another category with full membership representation on the Regional Homeland Security Oversight Committees in order to make certain that schools are included and actively engaged in homeland security planning at the state and local level	October 26, 2006	31 MoReg 1939
06-45	Directs the Department of Social Services to prepare a Medicaid beneficiary employer report to be submitted to the governor on a quarterly basis. Such report shall be known as the Missouri Health Care Responsibility Report	November 27, 2006	32 MoReg 6
06-46	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	December 1, 2006	32 MoReg 127
06-47	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	December 1, 2006	32 MoReg 129

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>06-48</b>	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	December 1, 2006	32 MoReg 131
<b>06-49</b>	Directs the Department of Mental Health to implement recommendations from the Mental Health Task Force to protect client safety and improve the delivery of mental health services	December 19, 2006	32 MoReg 212
<b>06-50</b>	Extends the declaration of emergency contained in Executive Order 06-46 and the terms of Executive Order 06-48 through March 1, 2007, for the purpose of continuing the cleanup efforts in the affected Missouri communities	December 28, 2006	32 MoReg 214



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