

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 400—Life, Annuities and Health  
Chapter 5—Advertising and Material Disclosures**

**PROPOSED RULE**

**20 CSR 400-5.305 Scope and Definitions for Military Sales Practices Regulation**

*PURPOSE: This rule sets out the scope of the military sales practices regulation in 20 CSR 400-5.305 to 20 CSR 400-5.310 and provides definitions to aid in the interpretation of the rules.*

(1) Applicability of Rules. The rules in 20 CSR 400-5.305 to 20 CSR 400-5.310 are based upon the Military Sales Practices Model Regulation adopted by the National Association of Insurance Commissioners (NAIC), published July 2007, fulfilling the intent of the Military Personnel Financial Services Act, Pub. L. No. 109-290, section 3(1)(C) (2006).

(A) The rules in 20 CSR 400-5.305 to 20 CSR 400-5.310 apply to insurers soliciting, offering to sell or selling any life or annuity product, except those described in subsection (1)(B), to a member of the United States Armed Forces, wherever located. The rules shall be read together with Chapter 536, RSMo.

(B) The rules in 20 CSR 400-5.305 to 20 CSR 400-5.310 shall not apply to solicitations or sales involving:

1. Credit insurance;
2. Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;
3. An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner; or, when a term conversion privilege is exercised among corporate affiliates;
4. Individual stand-alone health policies, including disability income policies;
5. Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq.;
6. Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501(c)(23) of the *Internal Revenue Code* (IRC), and which are not underwritten by an insurer; or
7. Contracts used to fund:
  - A. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);
  - B. A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the IRC, as amended, if established or maintained by an employer and there is no in-person, face-to-face solicitation of individuals by an insurance producer;
  - C. A government or church plan defined in Section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC, if there is no in-person, face-to-face solicitation of individuals by an insurance producer;
  - D. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;
  - E. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or
  - F. Prearranged funeral contracts.

(C) Nothing herein shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate mem-

bers of the United States Armed Forces in accordance with Department of Defense DoD Instruction 1344.07—PERSONAL COMMERCIAL SOLICITATION ON DoD INSTALLATIONS or successor directive.

(2) Definitions. As used in rules 20 CSR 400-5.305 to 20 CSR 400-5.310 the following terms shall mean:

(A) "Active duty," full-time duty in the active military service of the United States and includes members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training. The term does not include members of the reserve component who are performing active duty or active duty for training under military calls or orders specifying periods of less than thirty-one (31) calendar days;

(B) "Department of Defense (DoD) Personnel," all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense;

(C) "Door to door," a solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment;

(D) "General advertisement," an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer;

(E) "Insurable needs," the risks associated with premature death taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents;

(F) "Insurer," an insurance company required to be licensed under the laws of this state to provide life insurance products, including annuities;

(G) "Insurance producer," a person required to be licensed under the laws of this state to sell, solicit or negotiate life insurance, including annuities;

(H) "Known" or "Knowingly," depending on its use herein, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited:

1. Is a service member; or
2. Is a service member with a pay grade of E-4 or below;

(I) "Life insurance," insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities;

(J) "Military installation," any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters;

(K) "MyPay," a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms;

(L) "Other military survivor benefits," includes the following, but is not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits;

(M) "Service member," any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces;

(N) "SGLI," Servicemembers' Group Life Insurance;

(O) "Side fund," a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement or other mechanism which

accumulates premium or deposits with interest or by other means. The term does not include:

1. Accumulated value or cash value or secondary guarantees provided by a universal life policy;
  2. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or
  3. A premium deposit fund which:
    - A. Contains only premiums paid in advance which accumulate at interest;
    - B. Imposes no penalty for withdrawal;
    - C. Does not permit funding beyond future required premiums;
    - D. Is not marketed or intended as an investment; and
    - E. Does not carry a commission, either paid or calculated;
- (P) "Specific appointment," a prearranged appointment agreed upon by both parties and definite as to place and time;
- (Q) "United States Armed Forces," all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard; and
- (R) "VGLI," Veterans' Group Life Insurance.

*AUTHORITY: sections 374.045, 375.934 and 375.936, RSMo 2000 and 375.144, RSMo Supp. 2006. Original rule filed Nov. 9, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing will be held on this proposed rule at 10:00 a.m. on January 22, 2007 at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule until 5:00 p.m. on January 22, 2007. Written statements shall be sent to Mary S. Erickson, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 400—Life, Annuities and Health  
Chapter 5—Advertising and Material Disclosures**

**PROPOSED RULE**

**20 CSR 400-5.310 Deceptive or Unfair Military Sales Practices**

*PURPOSE: This rule describes specific acts and practices that constitute deceptive or unfair trade practices and is based upon the Military Sales Practices Model Regulation adopted by the NAIC during July 2007. The specific prohibitions are not intended to be an all-inclusive list of conduct which might violate sections 375.144 or 375.934, RSMo, but rather provide clear notice to insurers and insurance producers of conduct that would constitute a deceptive or unfair trade practice.*

(1) Unfair Trade Practices on a Military Installation.

(A) Untrue, Deceptive or Misleading Representations. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member when committed on a military installation by an insurer or insurance producer with respect to the in-person, face-to-face solicitation of life insurance constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Knowingly soliciting the purchase of any life insurance product "door to door" or without first establishing a specific appointment for each meeting with the prospective purchaser;
2. Soliciting service members in a group or "mass" audience or in a "captive" audience where attendance is not voluntary;
3. Knowingly making appointments with or soliciting service members during their normally scheduled duty hours;
4. Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation;
5. Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee;
6. Posting unauthorized bulletins, notices or advertisements;
7. Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885; or
8. Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives or rules of the Department of Defense (DoD) or any branch of the Armed Forces.

(B) Rebate or other Consideration or Inducement not in Contract. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member when committed on a military installation by an insurer or insurance producer constitute unfair trade practices under section 375.936(9), RSMo:

1. Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members; or
2. Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

(2) Unfair Trade Practices Regardless of Location.

(A) Untrue, Deceptive or Misleading Representations Concerning Banking. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar Internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form;
2. Knowingly receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:
  - A. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth

and makes the disclosures required by the Truth

in Savings Act, 12 U.S.C. section 4301 et seq. and the regulations promulgated thereunder; and

B. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums;

3. Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in paragraph (2)(A)2.; or

4. Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship as defined in paragraph (2)(A)2.

(B) Rebate or other Consideration or Inducement not in Contract. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(9), RSMo:

1. Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members who are junior in rank or grade, or to the family members of such personnel;

2. Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting or facilitating the solicitation or sale of life insurance to another service member;

3. Knowingly offering or giving anything of value to a service member with a pay grade of E-4 or below for his or her attendance to any event where an application for life insurance is solicited; or

4. Advising a service member with a pay grade of E-4 or below to change his or her income tax withholding or state of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(C) Untrue, Deceptive or Misleading Representations Concerning Source, Sponsorship, Approval or Affiliation. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, the United States Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor." Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS); or

2. Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated, connected

or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, or the United States Armed Forces.-

(D) Untrue, Deceptive or Misleading Representations Concerning Premiums, Costs or Investment Returns. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid; or

2. Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(E) Untrue, Deceptive or Misleading Representations Concerning Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI). The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Making any representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading or deceptive;

2. Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading or deceptive; or

3. Suggesting, recommending or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(F) Omission of Material Disclosures. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance;

2. Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser;

3. Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance;

4. Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16; or

5. Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken:

A. An explanation of any free look period with instructions on how to cancel if a policy is issued; and

B. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of sections 375.1500 to 375.1527, RSMo shall be deemed sufficient to meet this requirement for a written disclosure.

(G) Omission of Facts Concerning Suitability. The following acts or practices in connection with the solicitation, offer to sell or sale to a service member constitute a deceptive sales practice under

section 375.144, RSMo or an unfair trade practice under section 375.936(4), RSMo:

1. Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member in pay grades E-4 and below unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable;

2. Offering for sale or selling a life insurance product which includes a side fund to a service member in pay grades E-4 and below who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance;

3. Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

A. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

B. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one to ten (1-10) and for every fifth policy year thereafter ending at age one hundred (100), policy maturity or final expiration; and

C. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce or offset any premiums due;

4. Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance; or

5. Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, e.g., double indemnity, which may be excluded.

*AUTHORITY: sections 374.045, 375.934 and 375.936, RSMo 2000 and 375.144, RSMo Supp. 2006. Original rule filed Nov. 9, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on January 22, 2007 at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule until 5:00 p.m. on January 22, 2007. Written statements shall be sent to Mary S. Erickson, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.*

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

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2120-2.060 Funeral Directing.** The board is proposing to amend subsections (1)(E) and (G), sections (2), (3), (5), (7), (8), (10), (11), (14), (15), (16), and (17), add new language in section (18), move the old language in section (18) to the new section (19), renumber the next section accordingly, delete section (20), amend sections (23), (25), and (27), add new language in section (28), move the language in the old section (28) to the new section (29).

*PURPOSE: This amendment clarifies language related to the practice of funeral directing. This amendment also makes gender corrections throughout the rule.*

(1) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo shall provide the following to the board:

(E) Affidavit of completion of a twelve (12) consecutive month apprenticeship; or official transcript and documentation indicating [s/he] he/she is a graduate of an institute of mortuary science accredited by the American Board of Funeral Service Education or any successor organization recognized by the United States Department for Funeral Service Education; or has successfully completed a course in funeral directing offered by a college accredited by a recognized national, regional or state accrediting body and approved by the State Board of Embalmers and Funeral Directors; or proof of being a Missouri licensed embalmer;

(G) Proof of successful completion of the National **Board** Funeral Service Arts **examination or the Missouri Funeral Service Arts examination**, if applicable;

(2) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a Missouri funeral director license on the forms provided by the board and shall pay the funeral director application [and the administration] fee[s for the Missouri Law examination and Missouri Funeral Service Arts examination] directly to the board. [The scheduling and payment of the examinations will be made through the International Conference of Funeral Service Examining Boards, Inc., or designee of the board.] If the applicant has successfully completed the National **Board** Funeral Service Arts examination, no Missouri Funeral Service Arts examination is required., and no Missouri Funeral Service Arts examination fee may be applicable.] Application forms can be obtained from the board office or the board's website at <http://pr.mo.gov/embalmers.asp>.

(3) Effective [June 1] **July 30**, 2004 the funeral director examination [administered] developed by the [board] **International Conference of Funeral Service Examining Boards, Inc., or designee of the board**, shall consist of the Missouri Law section and the Missouri Funeral Service Arts section [developed and furnished by the International Conference of Funeral Service Examining Boards, Inc., or designee of the board]. In lieu of the Missouri Funeral Service Arts examination, successful completion of the National **Board** Funeral Service Arts examination results will be accepted.

(5) Upon registration and payment in full of all applicable fees, the board shall issue the apprentice funeral director applicant a funeral

director apprentice registration. This registration authorizes the apprentice registrant to engage in the practice of funeral directing under the supervision of a Missouri licensed funeral director. The funeral director apprentice registration, or a copy thereof, shall be displayed, **at all times**, in a conspicuous location accessible to the public at each establishment where the apprentice is working.

(7) Each registered funeral director apprentice shall provide to the board, on the application prescribed by the board, the name(s), location(s) and license number(s) of each funeral establishment(s) where they are serving as an apprentice. The funeral director apprenticeship may be served at a funeral establishment licensed by a state, other than Missouri, upon submission of proof to the board that the out-of-state funeral home is licensed for the care and preparation for burial and transportation of human dead in this state or another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirement for admission to practice funeral directing in this state. **The funeral director apprenticeship shall be served under the supervision of a Missouri licensed funeral director.** If the funeral director apprentice changes funeral establishments during the course of the apprenticeship, the apprentice shall notify the board, on the form prescribed by the board, of the name(s), location(s) and funeral establishment(s) license number of the new apprenticeship location within ten (10) business days after the change has been made.

(8) Successful completion of a funeral director apprenticeship shall consist of the following:

(B) Filing with the board a notarized affidavit(s) signed by the apprentice and his/her supervisor(s) that *[s/he] he/she* has arranged for and conducted a minimum of ten (10) funeral ceremonies under the supervision of a Missouri licensed funeral director.

(10) An applicant will be deemed to have successfully completed the funeral director examination when a score of seventy-five percent (75%) or better is achieved on each section. If the applicant fails a section of the examination, the applicant shall be permitted to retake that section *[upon application and payment of the administration fee to the board. Scheduling and payment of the examination fee will be made through the International Funeral Service Examining Boards, Inc., or designee of the board.] of the examination.*

(11) All notifications for the funeral director's examination *[must] shall* be in writing and received by the board at least forty-five (45) days prior to the date *[of the next regularly scheduled] the candidate plans to sit for the examination [and must be accompanied by all applicable fees].*

(14) *[It shall be considered misconduct in the practice of funeral directing for a Missouri licensed funeral director to permit any unlicensed person to engage in, or take charge of, the activities for which a license is required by law.] Any funeral director that allows an unlicensed person to make at-need arrangements for the transportation or removal of a dead human body for or on behalf of the funeral director, shall supervise the unlicensed person and shall be responsible for the conduct of the unlicensed person. This section shall not be construed to allow any unlicensed person to perform any other act for which a license is required by Chapter 333, RSMo.*

(15) A Missouri licensed funeral director shall be present and personally *[must] shall* supervise or conduct each funeral ceremony conducted by or from a Missouri licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

(16) A Missouri licensed funeral director shall be present and personally *[must] shall* supervise any disinterment, interment, entombment, or cremation as defined in *[4 CSR 120-1.040] 20 CSR 2120-1.040 conducted by a Missouri licensed funeral establishment. However, nothing in this rule shall be interpreted as requiring the presence of a Missouri licensed funeral director if the person(s) having the right to control the incidents of burial request otherwise.* If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. A violation of this section shall be deemed misconduct in the practice of funeral directing.

(A) Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any funeral ceremonies have been complete*[d]*, the Missouri licensed funeral director is not required to stay with the body.

(B) Nothing in this rule shall be interpreted as requiring the Missouri licensed funeral director to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the Missouri licensed funeral director of any responsibilities *[s/he] he/she* has under his/her contract with the person(s) having the right to control the incidents of burial.

(17) **Any licensed funeral establishment or funeral director that makes arrangements for *[A]* an unlicensed person *[may] to* transport dead human bodies *[from the place of death to another location may transport dead human bodies] within the state of Missouri, or out of this state, [if these services are performed under the direction of a Missouri licensed funeral establishment] is responsible for the conduct of the unlicensed person.***

(18) **A funeral director or funeral establishment licensed in another state that enters the state of Missouri solely for the purpose of transporting a dead human body through Missouri to another state, country or territory, shall not be deemed to be in the practice of funeral directing or required to obtain a license from the board. This regulation does not exempt any person or entity from complying with any applicable statutes or regulations governing the transportation of dead human bodies, including, but not limited to, Chapters 193 and 194, RSMo.**

*[(18)](19) [No person other than a] A Missouri licensed funeral establishment or funeral director shall *[be allowed] not allow an unlicensed person* to make the following at-need arrangements with the person having the right to control the incidents of disposition:*

(A) *[Removal of a dead human body, a] Arrangements for final disposition, supervision of visitation and memorial ceremony, grave attendance, cremation, entering into a contractual relationship for performance of any other funeral services; *[and]**

(B) *Embalming, cremation, care, or preparation, *[shipment or transportation of a dead human body.]; and**

(C) *[Nothing in this section shall be construed to apply to nor, in any manner, interfere with the duties of any officer of local or state institutions, nor shall this section apply to any person engaged simply in the furnishing of burial receptacles for the dead, but shall only apply to persons engaged in the business of embalming or funeral directing.] Nothing in this subsection shall be construed to apply to persons exempt from Chapter 333, RSMo.*

*[(19)](20) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.*

*[(20) Whenever an unlicensed person makes other than at-need funeral arrangements on behalf of a Missouri licensed funeral director or Missouri licensed funeral establishment, the unlicensed person shall be under the supervision and control of a Missouri licensed funeral director at all times.]*

## (23) Limited License.

(A) A person holding a limited license shall **only** be allowed to work *[only]* in a funeral establishment **that is licensed *[only]* as a Function B *[funeral]* establishment (cremation only). *[It shall be lawful for a limited licensee to engage in any act of funeral directing at a function B funeral establishment including transportation of dead human bodies to and from the funeral establishment.]* **A limited funeral director shall only engage in the activities of funeral directing authorized for a Function B funeral establishment.****

(C) Every limited licensee shall provide the board with the name, location and license number of each **Function B** funeral establishment where *[she/he]* he/she is employed.

(E) If a limited licensee desires to obtain a full funeral director's license, the licensee shall be required to complete an apprenticeship consisting of at least twelve (12) consecutive months as required by section 333.042.2, RSMo, and accompanying regulations OR fulfill the education requirements set forth in section 333.042.3, RSMo. The limited licensee shall also provide to the board proof of successful completion of the remaining sections of the funeral director examination as required by these regulations. *[The limited licensee shall not be required to retake the Missouri Law examination]* **The applicant shall be exempt from the requirement of successful completion of the Missouri Law section if the applicant has successfully completed the Missouri Law section within twelve (12) months of the date that the board receives the new application.**

(25) Should an individual desire to obtain a Missouri funeral director's license after his/her license has become void under section 333.081.3, RSMo, the individual shall be required to make new application and pay all applicable fees to the board. No previous apprentice, application or examination will be considered for the new application. However, the board shall accept the successful completion of the National **Board Funeral Service Arts or the Missouri Funeral Service Arts** examination for new application.

(27) A Missouri licensed funeral director has the ongoing obligation to keep the board informed if the licensee has been finally adjudicated or found guilty, or entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, *[for any offense reasonably related to the qualifications, functions or duties of any profession licensed or regulated under this chapter, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude,]* whether or not sentence was imposed. This information *[must]* **shall** be provided to the board within thirty (30) days of being finally adjudicated or found guilty.

## (28) Person Deemed to be Engaged in the Practice of Funeral Directing.

(A) **No person shall be deemed by the board to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of the dead human body of a member of one's own family or next of kin as provided by section 194.119, RSMo, provided that the activity is not conducted as a business or for business purposes.**

(B) **The board shall not deem a person to be engaged in the practice of funeral directing or to be operating a funeral establishment if the person prepares, arranges or carries out the burial of a dead human body pursuant to the religious beliefs, tenets, or practices of a religious group, sect, or organization, provided that the activity is not conducted as a business or for business purposes.**

*[(28)](29)* The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.041 and 333.042, RSMo Supp. [2005] 2006 and 333.091[, ] and 333.111, RSMo 2000 and 333.121, RSMo as amended by Senate Bill 272, 2007. This rule originally filed as 4 CSR 120-2.060. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 15, 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 Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to: embalm@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 2120—State Board of Embalmers and Funeral  
Directors  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2120-2.070 Funeral Establishments.** The board is proposing to amend sections (1)–(3), (6)–(10), (13), (16), (18), (20), (22)–(26), add new language in section (27), move language from the old section (27) to section (28), add a new section (29), and renumber the remaining sections accordingly.

*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, references to 4 CSR 120 are being amended throughout the rule. This amendment also provides clarification and clean-up relating to the register log.*

(1) Application for a Missouri licensed funeral establishment license shall be made on the forms provided by the board and *[must]* **shall** be accompanied by the appropriate fee. Applications are available from the board's office or the board's website at <http://pr.mo.gov/embalmers.asp>. Each application *[must]* **shall** indicate which license classification is being sought.

(2) There shall be the following license classifications:

(A) Function A establishments shall have authority to embalm dead human bodies and to transport dead human bodies to and from the funeral establishment. **An establishment licensed only as a Function A establishment is prohibited from the care and preparation of dead human bodies other than by embalming, and shall also be prohibited from making funeral arrangements or**

**embalming arrangements with any unlicensed person, cremating, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies, or selling of funeral merchandise.**

(B) Function B establishments shall have authority to cremate dead human bodies and to transport dead human bodies to and from the funeral establishment. This establishment *[must]* shall have a **functioning** cremation chamber./ except as otherwise provided by Chapter 333, RSMo, and the rules of the board. **An establishment licensed only as a Function B establishment is prohibited from the care and preparation of dead human bodies other than by cremating, and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any unlicensed person, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains.**

(D) Function D establishments shall have authority to conduct visitations and funeral ceremonies only. A Function D license is dependent upon and *[must]* shall be operated under the supervision and ownership of a Function C establishment.

(3) If a Missouri licensed funeral establishment wishes to change or add to its classification, it shall file a new application for a Missouri licensed funeral establishment indicating its new classification. If a Missouri licensed funeral establishment desires to eliminate one (1) of its functions, other than a Function C, it *[must]* shall notify the board in writing of its intention to surrender the function, but is not required to file a new application for a new Missouri licensed funeral establishment.

(6) Each application for a funeral establishment shall be made in the name of the person or business entity authorized to conduct business in Missouri. No license shall be issued to an establishment that has no legal recognition. **A Missouri licensed funeral establishment shall maintain a current and active authorization to conduct business in Missouri with the Missouri Secretary of State.**

(7) A funeral establishment application shall indicate the name and license number of the Missouri licensed funeral director-in-charge, as defined by *[4 CSR 120-1.040]* **20 CSR 2120-1.040**. When the Missouri licensed funeral director-in-charge changes for a period of more than thirty (30) days, the new Missouri licensed funeral director-in-charge and the former Missouri licensed funeral director-in-charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each Missouri funeral director licensee and on the part of the Missouri licensed funeral establishment. A change in the Missouri licensed funeral director-in-charge does not require a new Missouri licensed funeral establishment license.

(8) Within thirty (30) days after an application for a Missouri licensed funeral establishment has been received in the board's office, the board shall cause the establishment to be inspected. The board shall act on the application and, within thirty (30) days after the application was received in the board's office, the applicant will be advised whether the license is granted or denied. If an applicant determines the establishment will not meet the qualifications for inspection or licensure within the thirty (30)-day application period, up to two (2) thirty (30)-day extensions of the application may be requested by the applicant in writing to the board before the application expires. Each request for an extension *[must]* shall be received by the board prior to the expiration of the application or extension period.

(9) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name of a person or entity authorized to conduct business in Missouri and may include one (1) "doing business as" name. The license issued by the board shall be displayed in a conspicuous location accessible to the general public at that location. Whenever the ownership, location or name of the Missouri licensed establishment is changed, a new license *[must]* shall be obtained. If the Missouri licensed funeral establishment maintains a chapel, preparation room or other facility in a building or portion physically separated from and located at a place designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule shall be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(B) A corporation is considered by law to be a separate person. If a corporation owns a Missouri licensed funeral establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license if the owners of the stock change. However, as a separate person, if a corporation begins ownership of a Missouri licensed funeral establishment or ceases ownership of a Missouri licensed funeral establishment, a new establishment license *[must]* shall be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(10) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment that has been licensed by the board except as permitted by section 333.071, RSMo. The Missouri licensed funeral establishment physical facility shall be under the general management and supervision of the Missouri licensed funeral director-in-charge. Every Missouri licensed funeral establishment *[must]* shall provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the Missouri licensed funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the Missouri licensed funeral establishment and by the Missouri licensed funeral director-in-charge of the Missouri licensed funeral establishment. Additionally, if the Missouri licensed funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(13) A Missouri licensed funeral establishment may use only its registered name in any advertisement or holding out to the public.

(A) All signs, stationery and any advertising in newspapers, publications or otherwise, *[must]* shall include the name(s) of the Missouri licensed funeral establishment registered with the board. Advertisements that do not comply with this section shall be deemed misleading for the purposes of section 333.121, RSMo.

(16) Each Missouri licensed funeral establishment used solely or partially for embalming shall contain a preparation room that shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in *[4 CSR 120-2.090]* **20 CSR 2120-2.090**.

(18) Each Missouri licensed funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in *[4 CSR 120-2.071]* **20 CSR 2120-2.071**.

(20) Each Function C or Function D establishment shall contain a restroom, available drinking water, and an area where funeral ceremonies or visitations may be conducted. The establishment *[must]* shall be equipped with seating for visitations or funeral ceremonies,

casket bier, register book stand, officiate stand, flower display stands and music-producing equipment.

(22) Each Missouri licensed funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the Missouri licensed funeral establishment[:]-

(A) When authorization to embalm is given in writing[-]:

1. The name and signature of the person who is authorizing embalming;

2. The relationship of that person to the deceased;

3. The time and date authorization to embalm was given; and

4. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment; and

(B) Authorization to embalm *[must]* shall be given in writing if the person authorizing embalming is present in the Missouri licensed funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment. If verbal authorization to embalm is given, the Missouri licensed funeral establishment shall document[-]:

1. The name of the person who is actually authorizing embalming, if different from the person who is verbally communicating authorization to embalm to the Missouri licensed funeral establishment;

2. The relationship of that person to the deceased;

3. The name of the person who is verbally communicating authorization to embalm and that person's relationship to the person who is actually authorizing embalming;

4. The time and date authorization to embalm was given; and

5. The name and title of the person receiving authorization to embalm on behalf of the Missouri licensed funeral establishment.

(23) Each Function C funeral establishment shall maintain on the Missouri premises the following documents:

(24) Each Function A funeral establishment licensed for embalming shall maintain on the premises in the preparation room *[an embalming log]* a register log.

(25) Each Function B establishment licensed for cremation shall maintain on the premises a completely functioning cremation chamber, as defined by 20 CSR 2120-2.071(1)(D), and maintain on the premises in the cremation area a cremation log. A Function B establishment shall not be in violation of this rule if the cremation chamber is completely restored to functioning capacity within one hundred twenty (120) days from the date the cremation chamber ceases to be in compliance with this section. However, if there are extenuating circumstances, and the cremation chamber could not be repaired, documentation of such shall be provided to the board for review and approval. Cremation chambers shall be maintained in proper working order and in compliance with all applicable Missouri Department of Health and Senior Services statutes, rules and regulations; Missouri Department of Natural Resources, statutes, rules and regulations; and all other applicable federal, city, county, and municipal statutes, rules and regulations.

(A) If a Function B establishment has only one (1) cremation chamber, and that chamber is not functioning, notification from the establishment shall be made to the board within ten (10) business days after the cremation chamber stops functioning.

(B) A Function B establishment that has a nonfunctioning cremation chamber may arrange for cremation at another licensed establishment, if the use of an alternate establishment for purposes of cremation is disclosed to the third party making the arrangements on the cremation authorization form.

1. Cremation areas shall contain only the articles, instruments and items that are necessary for the preparation and cre-

mation of dead human bodies. For purposes of this section, the cremation area shall include the entire room where the retort is located and any rooms used for viewing or visitation of a dead human body awaiting cremation or that is being cremated or being removed from the cremation chamber. This paragraph (25)(B)1. shall not apply to establishments containing retorts or cremation areas for the cremation of non-human remains prior to April 1, 2008, provided that such establishment shall be prohibited from cremating human remains at the same time or in the same retort as non-human remains.

2. Any establishment containing an area for the cremation of non-human remains prior to April 1, 2008, shall be required to comply with this rule if a change of ownership is caused by the addition or replacement of one (1) or more owners or a new corporation begins ownership of the establishment. This paragraph (25)(B)2. shall not apply if only the owners of the stock of a corporation changes.

3. In no event shall any licensee or licensed establishment cremate human remains in the same retort used for cremating non-human remains.

(26) All documents required by this rule to be maintained, *[must]* shall be maintained on the premises *[for a minimum of the current calendar year and the previous calendar year]* of the Missouri licensed funeral establishment for two (2) years from the date the record was created. All documents required to be maintained by this rule may be maintained electronically, but all documents shall be stored in such a manner to allow access by the board and so the board, or its assignee, may easily and timely obtain hard copies or electronic copies in a format easily readable by the board, or its assignee.

(27) Each funeral establishment shall maintain a register log, as defined by 20 CSR 2120-1.040(9). The log shall be kept in the preparation or embalming room of the Missouri licensed funeral establishment at all times and in full view for a board inspector. If the funeral establishment does not contain a preparation or embalming room, the log shall be kept on the premises of the licensed funeral establishment and shall be easily accessible and in full view for a board inspector. A register log shall contain the information required by 20 CSR 2120-1.040(9).

*[(27)](28)* No dead human body shall be buried, disinterred, interred, or cremated within this state or removed from this state, unless the burial, disinterment, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director, unless otherwise authorized by law. If the disinterment does not require legal notification to the county coroner or medical examiner, a funeral director's presence may not be required. Nothing in this rule shall be interpreted to require the use of a Missouri licensed funeral establishment or director if the person(s) having the right to control the incidents of burial request or determine otherwise, provided that this provision does not exempt any person from licensure as required by Chapter 333, RSMo.

(29) A licensee shall be prohibited from knowingly using, placing, or including any false, misleading, deceptive or materially incorrect information, or assisting or enabling any person to provide such information, on a death certificate filed in the state of Missouri.

*[(28)](30)* Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements



for return of the body to the legal next of kin have been made, then final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

[(29)](31) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.061, RSMo Supp. [2003] 2006 and 333.091, 333.III and 333.145, RSMo 2000, and 333.121, RSMo as amended by Senate Bill 272, 2007. This rule originally filed as 4 CSR 120-2.070. Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 15, 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 Embalmers and Funeral Directors, Becky Dunn, Executive Director, 3605 Missouri Boulevard, PO Box 423, Jefferson City, MO 65102, by facsimile at (573) 751-1155 or via email to: embalm@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 2145—Missouri Board of Geologist Registration  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2145-1.020 Policy for Handling Release of Public Records.** The board is proposing to amend subsection (4)(C), delete section (5), and renumber the remaining section.

*PURPOSE: This amendment corrects references to the board's fund and deletes obsolete information.*

(4) The board may charge a reasonable fee for the cost for researching, inspecting and copying board records. Charges and payments of the fees shall be based on the following:

(C) All fees collected shall be payable to the [director of revenue] **Board of Geologist Registration** for deposit to the credit of the Board of Geologist Registration.

[(5) If the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before deciding whether to deny access to the records. If contact with that office is not practicable or is impossible, the custodian may decide whether to deny access. However, in that case, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision. When access is denied, the custodian will comply with the requirements in section 610.023, RSMo, concerning informing the

*individual requesting access to the records and shall supply to members of the board copies of the written denial. At its next meeting, the board shall either affirm or reverse the decision of the custodian. If the board reverses the decision, it shall direct the custodian to so advise the requesting party and supply the access to the information during regular business hours at the party's convenience.]*

[(6)] (5) The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record of the board open for inspection by any member of the general public during regular business hours.

*AUTHORITY: section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-1.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-1.020, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 1—General Rules**

**PROPOSED RESCISSION**

**20 CSR 2145-1.030 Application for Licensure.** This rule outlined the procedure for application for licensure as a registered geologist.

*PURPOSE: This rule is being rescinded to move the language to Chapter 2 so that the licensees can locate information in the rule.*

*AUTHORITY: section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-1.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2145-1.030, effective Aug. 28, 2006. Rescinded: Filed Nov. 7, 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 Missouri Board of Geologist Registration, Pamela Groose, Executive*

Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at [geology@pr.mo.gov](mailto:geology@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at [geology@pr.mo.gov](mailto:geology@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2145-1.040 Fees.** The board is proposing to amend section (1).

*PURPOSE:* This amendment establishes the fees for the Board of Geologist Registration.

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

- |  |                                       |
|--|---------------------------------------|
| (E) Geologist-Registrant In-Training<br>Renewal Fee  | [ <del>\$25.00</del> ] <b>\$10.00</b> |
| <b>(F) License Renewal Fees:</b>   |                                       |
| 1. Until February 28, 2006/ <del>License<br/>Renewal Fee</del>   | \$100.00                              |
| 2. Beginning March 1, 2006 with the<br>2007 Renewal<br>[ <del>License Renewal Fee and in addition<br/>to the renewal fee—</del> ]  | \$200.00                              |
| 3. <b>Beginning March 1, 2008 with the 2009<br/>Renewal</b>  | <b>\$ 10.00</b>                       |
| <b>(G) Late Renewal Fee (in addition to applicable<br/>license renewal fee)</b>  |                                       |
| [1.] One (1) day to two (2) years late   | \$ 50.00                              |
| [ <del>(G)</del> ] <b>(H)</b> Endorsement to Another Jurisdiction  | \$ 10.00                              |
| [ <del>(H)</del> ] <b>(I)</b> Replacement Wall Hanging   | \$ 15.00                              |
| [ <del>(I)</del> ] <b>(J)</b> Educational Review   | \$ 35.00                              |
| [ <del>(J)</del> ] <b>(K)</b> Uncollectible Fee (charged for any<br>uncollectible check or other uncollectible<br>financial instrument submitted to the Missouri<br>State Board of Geologist Registration) | \$ 25.00                              |

*AUTHORITY:* section 256.465.2, RSMo (**HB 780, 94th General Assembly, First Regular Session (2007)**). This rule originally filed as 4 CSR 145-1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 7, 2007.

*PUBLIC COST:* This proposed amendment will cost state agencies one hundred fifty-nine thousand one hundred eighty dollars (\$159,180) 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 amendment will save private entities approximately one hundred fifty-nine thousand one hundred eighty dollars (\$159,180) 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.

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

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

**Division 2145 - Board of Geologist Registration**

**Chapter 1 - General Rules**

**Proposed Amendment - 20 CSR 2145-1.040 Fees**

Prepared August 23, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Loss of Revenue	
Board of Geologist Registration	<b>\$159,180.00</b>	
	<b>Total Loss of Revenue Annually for the Life of the Rule</b>	<b>\$159,180.00</b>

**III. WORKSHEET**

1. The division is statutorily obligated to enforce and administer the provisions of sections 324.520-324.526, RSMo. Pursuant to Section 324.522, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 324.520-324.526, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 324.520-324.526, RSMo.

**IV. ASSUMPTION**

1. The figures reported above are based on FY06 and FY07 actuals.
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

## PRIVATE ENTITY FISCAL NOTE

**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2145 - Board of Geologist Registration****Chapter 1 - General Rules****Proposed Amendment - 20 CSR 2145-1.040 Fees**

Prepared August 23, 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 annual savings for compliance with the amendment by affected entities:</b>
837	Registered Geologist (biennial renewal fee - \$190 decrease)	\$159,030
10	Geologist-Registrant In-Training (annual renewal fee - \$15 decrease)	\$150
	<b>Estimated Annual Cost Savings for the Life of the Rule</b>	<b>\$159,180</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY06 and FY07 actuals.
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 256.010-256.670, RSMo. Pursuant to Section 256.465.2, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 256.010-256.670, 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 256.010-256.670, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2145—Missouri Board of Geologist Registration**  
**Chapter 2—Licensure Requirements**

**PROPOSED RESCISSION**

**20 CSR 2145-2.010 Grandfather Requirements.** This rule established the requirements for licensure prior to October 1, 1995.

*PURPOSE:* This rule is being rescinded because the grandfather requirements ended October 1, 1995.

*AUTHORITY:* section 256.462.3, RSMo 1994. This rule originally filed as 4 CSR 145-2.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original Rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.010, effective Aug. 28, 2006. Rescinded: Filed Nov. 7, 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 Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2145—Missouri Board of Geologist Registration**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.020 Educational Requirements.** The board is proposing to amend subsection (2)(C).

*PURPOSE:* This amendment adds wording to reflect a name change to an accrediting body.

(2) Upon request by the board, the applicant shall furnish to the board competent and substantial evidence that the college or university is accredited by a regional accrediting commission recognized by the United States Department of Education. Regional accrediting commissions acceptable to the board are as follows:

(C) North Central Association of Colleges and Schools, **The Higher Learning Commission** for the states of Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, West Virginia, Wisconsin, and Wyoming;

*AUTHORITY:* section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-2.020. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2145—Missouri Board of Geologist Registration**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.030 Post-Baccalaureate Experience in Geology.** The board is proposing to amend sections (1)-(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 145-2.020 in section (2) is being amended. Additionally, this amendment ensures that the geologist has received post-baccalaureate experience from a registered geologist that is trained in the field of geology.

(1) A person applying for licensure as a registered geologist with three (3) years post-baccalaureate experience shall have completed the post-baccalaureate experience prior to the time of application and the experience shall consist of the practice of geology in responsible charge. Responsible charge geological work shall be provided pursuant to the order, oversight, guidance, and full professional responsibility of [a supervisor, employer or client] the supervising registered geologist.

(2) The phrase, actual geological work, as defined in 256.468.3, RSMo, means the practice of geology as defined in 256.453.7, RSMo, beginning after the satisfactory completion of the educational requirements set forth in [4 CSR 145-2.020] **20 CSR 2145-2.020**.

(3) A [licensed, registered, or certified person] **registered geologist** shall not serve as a supervisor if his/her license is subject to terms of probation, suspension or revocation.

(4) The [supervisor, employer or client] **supervising registered geologist** must certify to the board, on a form provided by the board, the applicant has complied with these requirements for post-baccalaureate experience. For the purposes of this rule, a reference may not be a current board member or relative of the applicant. A relative of an applicant shall mean a spouse, parent, child, sibling of the whole or half-blood, grandparent, aunt, or uncle of the applicant, or one who is or has been related by marriage.

*AUTHORITY:* section 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-2.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003,

effective Sept. 30, 2003. Moved to 20 CSR 2145-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PRIVATE COST:** This proposed amendment will cost private entities approximately nine thousand dollars (\$9,000) 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 amendment with the Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.040 Examination.** The board is proposing to amend sections (1) and (2) and subsection (3)(C).

**PURPOSE:** This amendment clarifies time limits for registration for the national examination and removes outdated wording.

(1) Every applicant for licensure by the board as a registered geologist, except those meeting the requirements for licensure by *[grandfather procedures,]* reciprocity $[,]$  or where test examination score has been endorsed by the board, shall take a written examination as prescribed by the board.

**(A) To be examined, a candidate must notify the board and pay the appropriate, non-refundable examination fee no less than sixty days (60) prior to the scheduled examination.**

(2) The applicant shall pass the National Geologist Examination as developed by the National Association *[for the]* of State Boards of Geology (ASBOG™) or its *[predecessor]* successor which consists of two (2) sections; Fundamentals of Geology, and *[Principles and]* Practice/s/ of Geology.

(3) The examinations shall be given at least twice each year at times determined by the board.

(C) If the candidate fails to appear for the examination without submitting a written notice to the board at least seven (7) days prior to the examination, the examination fee shall be forfeited **unless otherwise determined by the board.**

**AUTHORITY:** section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-2.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.040, effective Aug. 28, 2006. Amended: Filed Nov. 7, 2007.

**PUBLIC COST:** This proposed amendment will cost state agencies or political subdivisions approximately two thousand three hundred twenty-one dollars and eighty-three cents (\$2,321.83) 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.

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2145 - Missouri Board of Geologist Registration**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2145-2.040 Examination**  
 Prepared October 10, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Biennial Cost of Compliance</b>
<b>Missouri Board of Geologist</b>	<b>\$2,321.83</b>
<b>Total Biennial Cost of Compliance for the Life of the Rule</b>	
<b>\$2,321.83</b>	

**III. WORKSHEET**

The Licensure Technician II will receive and process the applications. The Administrative Office Support Assistant will schedule them for the exam or exams, issue the admission document, order the test books, and type the letter containing the results of the exam or exams once they are received back in the office from the testing agency.

<b>STAFF</b>	<b>ANNUAL SALARY</b>	<b>SALARY TO INCLUDE FRINGE BENEFIT</b>	<b>HOURLY SALARY</b>	<b>COST PER MINUTE</b>	<b>TIME PER APPLICATION</b>	<b>COST PER APPLICATION</b>	<b>TOTAL COST</b>
Administrative Assistant	\$28,200	\$41,986.98	\$20.19	\$0.34	1 hour	\$20.19	\$1,211.16
Licensure Technician II	\$25,860	\$38,502.95	\$18.51	\$0.31	1 hour	\$18.51	\$1,110.66
<b>Total Personal Services Cost for Initial Licensure</b>							<b>\$2,321.83</b>

**IV. ASSUMPTION**

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

3. The division is statutorily obligated to enforce and administer the provisions of sections 256.450-256.483, RSMo. Pursuant to Section 256.465, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 256.450-256.483, 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 256.450-256.483, RSMo.

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 2145 - Missouri Board of Geologist Registration**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2145-2.040 Examination**  
 Prepared October 10, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated Biennial cost of compliance with the rule by affected entities:
60	Geology Licensure Applicant (Examination Fee - \$150)	\$9,000
<b>Estimated Biennial Cost of Compliance for the Life of the Rule</b>		<b>\$9,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY06 actuals.
2. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.
3. The exam fees are paid to the Board of Geologist Registration as a pass through fee. Once the office receives the fees, they pay them to the national organization.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of sections 256.450-256.483, RSMo. Pursuant to Section 256.465, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 256.450-256.483, 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

**Title 20—DEPARTMENT OF INSURANCE,  
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Division 2145—Missouri Board of Geologist Registration  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.050 Reexamination.** The board is proposing to amend sections (1) and (2).

*PURPOSE:* This amendment changes the wording of the rule to clarify the procedures for retaking the licensure examination for a registered geologist.

(1) Any applicant who fails the license examination [shall be reexamined] **may request to be reexamined** as follows:

(B) After paying the examination fee, a candidate may be reexamined within an eighteen (18)-month period of the date of the failed exam without filing a new application. [and without presenting evidence of additional education and experience.]

(2) A candidate who fails any section of the initial examination and two (2) subsequent reexaminations shall be disqualified from retaking the examination a fourth time, until [meeting with the board and presenting a] **submitting a written plan for passing the examination and meeting with the board if requested.**

*AUTHORITY:* section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-2.050. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.050, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
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Division 2145—Missouri Board of Geologist Registration  
Chapter 2—Licensure Requirements**

**PROPOSED RULE**

**20 CSR 2145-2.051 Application for Licensure**

*PURPOSE:* This rule outlines the procedure for application for licensure as a registered geologist.

(1) Applications for licensure must be made on the forms provided by the Missouri Board of Geologist Registration.

(2) An application will not be considered officially filed with the board unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the board, and the application fee.

(3) The applicant will be informed by letter of the results of the board review of the application.

*AUTHORITY:* section 256.462.3, RSMo 2000. Original rule filed Nov. 7, 2007.

*PUBLIC COST:* This proposed rule will cost state agencies or political subdivisions approximately one thousand nine hundred sixty-four dollars and twenty cents (\$1,964.20) 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 five thousand ninety-six dollars and forty cents (\$5,096.40) 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 Missouri Board of Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2145 - Missouri Board of Geologist Registration**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2145-2.051 Application for Licensure**  
 Prepared October 10, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Board of Geologist	\$1,964.20
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	<b>\$1,964.20</b>

**III. WORKSHEET**

The Licensure Technician II processes applications until they are complete and ready to be reviewed by the board. Once reviewed by the board, the Administrative Assistant prepares the decision letter and licenses the applicants.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Administrative Assistant	\$28,200	\$41,986.98	\$20.19	\$0.34	30 minutes	\$10.09	\$403.72
Licensure Technician II	\$25,860	\$38,502.95	\$18.51	\$0.31	2 Hours	\$37.02	\$1,480.88
<b>Total Personal Services Cost for Initial Licensure</b>							<b>\$1,884.60</b>

The applicants will be informed by letter of the results of the board review of the application. The costs associated with this are shown in the table below.

**Expense and Equipment Dollars for Initial Licensure**

Application Printing	\$0.80		
Application Envelope	\$0.16		
Application Postage	\$1.03		
<b>Total Expense and Equipment Cost Per Applicant</b>	<b>\$1.99</b>	<b>Total Expense and Equipment Costs</b>	<b>\$79.60</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
2. It is anticipated that the total cost will recur biannually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight
3. The division is statutorily obligated to enforce and administer the provisions of sections 256.450-256.483, RSMo. Pursuant to Section 256.465, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 256.450-256.483, 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 256.450-256.483, RSMo.

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 2145 - Missouri Board of Geologist Registration**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2145-2.051 Application for Licensure**  
 Prepared October 10, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

**Initial Licensure Fees**

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 Annual cost of compliance with the rule by affected entities:
40	Geology Licensure Applicant (Application Fee - \$125)	\$5,000

**Estimated Annual Cost of Compliance for the Life of the Rule**      **\$5,000**

**Expense and Equipment Dollars for Initial Licensure**

Notary	\$2.00		
Postage for Mailing Application to the Board	\$0.41		
<b>Estimated Annual Expense and Equipment Costs for the Life of the Rule Per Applicant</b>	\$2.41	<b>Total Estimated Annual Expense and Equipment Costs for the Life of the Rule</b>	<b>\$96.40</b>

**III. WORKSHEET**

See tables above.

**IV. ASSUMPTION**

1. The figures reported above are based on FY06 actuals.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The division is statutorily obligated to enforce and administer the provisions of sections 256.450-256.483, RSMo. Pursuant to Section 256.465, RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 256.450-256.483, 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

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**PROPOSED AMENDMENT**

**20 CSR 2145-2.055 Complaints, Appeals and Challenges of Examination.** The board is proposing to amend subsection (1)(B).

*PURPOSE:* This amendment deletes time limits for the board to respond to the candidates regarding complaints filed against the examination administration.

(1) Examination Administration Complaints.

(B) The MBGR through the executive director will investigate and determine the validity of the complaint and will respond to the candidate via traceable mail with delivery-signature of receipt required (e.g., certified mail). *[within sixty (60) business days after receiving the complaint.]*

*AUTHORITY:* section 256.462, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-2.055. Original rule filed July 11, 2000, effective Jan. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
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**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.060 Licensure by Reciprocity.** The board is proposing to amend subsection (2)(D).

*PURPOSE:* This amendment corrects the name of the national examination.

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

(D) Proof of having achieved a passing score on the *[National Geologist Examination] Fundamentals of Geology and the Practice of Geology* as developed by the National Association *[for the]* of State Boards of Geology (ASBOG™), or, evidence that the state of licensure, at the time of application to the Missouri Board, requires its applicants to successfully pass the ASBOG™ exam, or,

evidence of successful completion of a state administered exam, approved by the board, which tests the applicant's knowledge *[of the fundamentals of geology and the principles and practices of geology]*.

*AUTHORITY:* sections 256.462.3, RSMo 2000 and 256.468, RSMo Supp. 2006. This rule originally filed as 4 CSR 145-2.060. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.070 Geologist-Registrant In-Training.** The board is proposing to amend subsections (1)(A) and (1)(B), section (2), delete section (4) and renumber the remaining section.

*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 145-2.020 in subsection (1)(A) is being amended. Additionally, this amendment corrects language to clarify the requirements for a geologist-registrant in-training.

(1) Any person engaged in post-baccalaureate experience in the practice of geology as defined in section 256.453(7), RSMo, may apply for geologist-registrant in-training by obtaining an application from the board.

(A) The applicant shall meet the educational requirements as defined in *[4 CSR 145-2.020] 20 CSR 2145-2.020*; and

(B) The applicant shall have passed the Fundamentals of Geology portion of the National Geologist Examination as developed by the National Association *[for the]* of State Boards of Geology (ASBOG™) or its *[predecessor] successor*.

(2) The applicant will be informed by letter regarding the results of the board review. *[If the application is denied the letter shall outline, with as much specificity as practical, the reasons for denial.]*

*[(4) Each geologist-registrant in-training shall provide clients with a disclosure statement which shall include:*

*(A) His/her in-training status; and*

(B) Name of the supervisor, employer, or client.]

[(15)](4) A geologist-registrant in-training shall comply with all laws and rules relating to the practice of geology.

*AUTHORITY: sections 256.462.3, RSMo [1994] 2000 and 256.468, RSMo Supp. [1999] 2006. This rule originally filed as 4 CSR 145-2.070. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**PROPOSED AMENDMENT**

**20 CSR 2145-2.080 Renewal of License.** The board is proposing to amend sections (1)–(5).

*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 145-1.040 in subsection (5)(B) is being amended. Also, this amendment changes wording to make it consistent throughout the rule.*

(1) A [certificate] license may be renewed on or before the expiration date of the [certificate] license by submitting the signed renewal notice and fee as set forth in these regulations.

(2) Failure of a registered geologist or geologist-registrant in-training to receive the notice and application to renew his/her [certificate] license shall not excuse him/her from the requirement to renew that [certificate] license.

(3) Failure to renew a [certificate] license within sixty (60) days of the registration renewal date shall affect an administrative revocation of the [certificate] license as authorized by section 256.468.12, RSMo.

(4) Any registered geologist or geologist-registrant in-training who fails to renew the [certificate] license or whose [certificate] license has been administratively revoked shall not perform any act or provide any service for which a license is required.

(5) Any individual who failed to renew the [certificate] license within the sixty (60)-day period set forth in section 256.468. [12]10, RSMo, and who wishes to restore the [certificate] license shall make application to the board by submitting the following within two (2) years of the registration renewal date:

(A) An application for restoration of the [certificate] license; and

(B) The delinquency fee as set forth in [4 CSR 145-1.040(1)(F)] **20 CSR 2145-1.040.**

*AUTHORITY: sections 256.462.3, RSMo 2000 and 256.468[.12,.10] RSMo [1994] Supp. 2006. This rule originally filed as 4 CSR 145-2.080. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.090 Name and Address Changes.** The board is proposing to amend sections (1)–(3).

*PURPOSE: This amendment changes wording to make it consistent throughout the rule and clarifies wording to make it easier for licensees to understand.*

(1) An individual practicing under a [certificate] license issued by the board shall ensure that the current [certificate] license bears the current legal name of that individual.

(2) A registered geologist or [geology] geologist-registrant in-training whose name is changed by marriage or court order shall promptly—

(B) Request a new [certificate] license bearing the individual's new legal name.

(3) A registered geologist or [geology] geologist-registrant in-training whose address has changed must inform the board of all such changes by [sending a letter to the board's office in Jefferson City, Missouri,] notifying the board's office in writing within sixty (60) days of the effective date of the change.

*AUTHORITY: section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-2.090. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule*

filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-2.090, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at [geology@pr.mo.gov](mailto:geology@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2145-2.100 Registered Geologist's Seal.** The board is proposing to delete section (4) and renumber the remaining sections and amend the new section (6).

**PURPOSE:** This amendment deletes obsolete information and changes the word "certificate" to "license" to be consistent with wording throughout the rules in Division 2145.

*[(4) When a registered geologist is submitting documents for review purposes to supervisors, clients or municipal authorities, such documents shall be signed, sealed and dated. If the documents are incomplete, language should be placed in an obvious location so that it is easily read and not obscured by other markings. When the documents are considered complete by the registered geologist, the disclaimer should be removed or crossed out and the registered geologist shall sign the cancellation of the disclaimer as a revision to the documents.]*

*[(5)](4)* If two (2) or more registered geologists provide reports, plans, drawings, maps or other documents, each registrant shall date, sign and seal those documents using the appropriate disclaimer identifying each registrant's responsibility.

*[(6)](5)* Any documents not prepared by the registered geologist or under his/her personal supervision shall not be signed or sealed by the registered geologist.

*[(7)](6)* Any registered geologist who does not have a current [*certificate*] license in this state is prohibited from using his/her seal on any documents until the [*certificate*] license is renewed or otherwise reinstated.

**AUTHORITY:** sections 256.456 and 256.462.3, RSMo 2000. This rule originally filed as 4 CSR 145-2.100. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2145-2.100, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at [geology@pr.mo.gov](mailto:geology@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 3—Complaint Handling**

**PROPOSED AMENDMENT**

**20 CSR 2145-3.010 Complaint Handling and Disposition Procedure.** The board is proposing to amend sections (1) and (4).

**PURPOSE:** This amendment removes unnecessary wording to be consistent with the rest of the rules of this chapter.

(1) The Missouri Board of Geologist Registration will receive and process each complaint made against any registered geologist or [*geology*]**geologist**-registrant in-training of the board, or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 256.450–56.483, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the board. Complaints will be received from sources within Missouri and outside of this state. No member of the Missouri Board of Geologist Registration may file a complaint with this board while holding that office, unless that member is excused from further board deliberation or activity concerning the matters alleged within that complaint. The division director or any board staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(4) Each complaint received under this rule will be logged in and maintained by the board for that purpose. The log will contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of; [*including the name of any person injured or victimized by the alleged acts or practices;*] a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log shall be a closed record of the board.

**AUTHORITY:** section 256.462.3, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-3.010. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-3.010, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2145—Missouri Board of Geologist Registration  
Chapter 4—Code of Professional Conduct**

**PROPOSED AMENDMENT**

**20 CSR 2145-4.030 Obligations to the Employer or Client.** The board is proposing to amend section (1).

*PURPOSE: This amendment makes technical changes to section (1) of the rule.*

(1) Registrants shall not use their professional skills or licensed status in furtherance of or participation in any unlawful activity. Registrants, in the conduct of their practice, shall not knowingly violate any [state of federal] criminal laws.

*AUTHORITY: section 256.462.6, RSMo [1994] 2000. This rule originally filed as 4 CSR 145-4.030. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Moved to 20 CSR 2145-4.030, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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 Geologist Registration, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102-1335, by facsimile at 573-526-3489 or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 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 2150-4.055 Applicants for Provisional Licensure.** The board is proposing to amend subsection (6)(B) and section (9).

*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, references to 4 CSR 150 are being amended throughout the rule. This amendment also clarifies that the board's minimum requirements for completion of the supervised postgraduate professional experience of a speech-language pathologist or audiologist be consistent with those required by the American Speech-Language-Hearing Association.*

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

(B) Applicants shall provide, on forms prescribed by the board, a plan for completion of the supervised postgraduate professional experience. This form must be signed by a supervisor holding current permanent Missouri licensure, in the area in which the applicant seeks licensure. The plan shall consist of at least thirty-six (36) weeks of full-time professional experience. A minimum of [thirty (30)] **thirty-five (35)** hours of work per week constitutes full-time employment. If the applicant works [twenty-five to twenty-nine (25–29)] **twenty-nine to thirty-four (29–34)** hours per week, the length of the experience must be at least forty-eight (48) weeks. If the applicant works [twenty to twenty-four (20–24)] **twenty-two to twenty-eight (22–28)** hours per week, the length of the experience must be at least sixty (60) weeks. If the applicant works [fifteen to nineteen (15–19)] **fifteen to twenty-one (15–21)** hours per week, the length of the experience must be at least seventy-two (72) weeks;

(9) The provisional license is valid for one (1) year. The license may be renewed one (1) time with board approval. Applicants may apply for provisional licensure renewal pursuant to [4 CSR 150-4.056] **20 CSR 2150-4.056**.

*AUTHORITY: sections 345.030, RSMo [2000] (HB 780 merged with SB 308, 94th General Assembly, First Regular Session (2007)) and 345.022, RSMo Supp. 2006. This rule originally filed as 4 CSR 150-4.055. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed March 18, 2005, effective Sept. 30, 2005. Moved to 20 CSR 2150-4.055, effective Aug. 28, 2006. Amended: Filed Nov. 7, 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, Tina Steinman, Executive Director, 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 2233—State Committee of Marital and Family  
Therapists  
Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.010 Educational Requirements.** The board is

proposing to amend section (1), add section (6), renumber the remaining sections, amend the new subsections (7)(B), (8)(G), and sections (9), (10), (12), (14) and (15).

*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, references to 4 CSR 233 are being amended throughout the rule. This amendment also corrects grammatical errors and clarifies license requirements.*

(1) To apply for licensure or supervision, an applicant shall have received a graduate degree at the master/'s/, specialist/'s/ or doctoral level with either a major in marriage and family therapy or an equivalent graduate course of study in a mental health discipline from a regionally accredited institution acceptable to the United States Department of Education.

(B) An equivalent graduate course of study in a mental health discipline shall consist of at least forty-five (45) semester hours or sixty (60) quarter hours of study. The applicant shall have completed graduate or postgraduate course work in each core area as defined in [4 CSR 233-2.010(7)(A)-(F)] 20 CSR 2233-2.010(7)(A)-(F).

**(6) Effective August 28, 2008 an applicant for supervision or licensure shall document completion of three (3) semester hours or five (5) quarter hours of study in the area of diagnostic systems either within the curriculum leading to a master, doctoral, or specialist degree, or a post master's graduate level course work prior to the issuance of a license.**

**(A) This regulation shall not apply to a person with an application for supervision or licensure filed with the state committee prior to August 28, 2008.**

[[6]](7) Graduate course work in marriage and family therapy or a course of study in a mental health discipline from a school, college or university or other institution of higher learning outside the United States may be considered in compliance with these rules if, at the time the applicant was enrolled and graduated, the school, college, university or other institution of higher learning maintained a standard of training substantially equivalent to the standards of training of those institutions accredited by one of the regional accrediting commissions recognized by the United States Department of Education.

(A) A graduate program in marriage and family therapy shall consist of at least forty-five (45) semester hours or sixty (60) quarter hours of study in the area of marriage and family therapy; or

(B) An equivalent graduate course of study in a mental health discipline shall consist of at least forty-five (45) semester hours or sixty (60) quarter hours of study. The applicant shall have completed graduate or postgraduate course work in each core area as defined in [4 CSR 233-2.010(7)(A)-(F)] 20 CSR 2233-2.010(8)(A)-(G).

[[7]](8) A course shall be counted once in granting credit for a core area and shall be an in-depth study solely devoted to a particular core area. No core area credit shall be given for courses which contain only a component or some aspects of a core area. The core areas are defined as follows:

(A) Theoretical Foundations of Marriage and Family Therapy—Courses in this area cover the development, theoretical foundations, contemporary conceptual directions, and critical philosophical issues of marriage and family therapy;

(B) The Practice of Marriage and Family Therapy—Courses in this area cover the historical development, theoretical foundations, contemporary conceptual directions, and critical philosophical issues of marriage and family therapy and applied marriage and family therapy practice. Within the context of systems theory and marriage and family therapy, courses will cover assessment, evaluation and treat-

ment of dysfunctional relationship patterns and mental disorders consistent with the scope of practice as defined in section 337.700(7), RSMo. Major marriage and family therapy assessment methods and instruments shall be covered;

(C) Human Development and Family Studies—Courses in this area cover the life cycle of individuals, couples and families and the modification of relationship dynamics over time from a systems perspective. Courses shall address issues of relationships, normal development and dysfunctional patterns, as well as issues of sexuality, gender, ethnicity, race, socioeconomic status, religion, culture and other issues of diversity which emerge in a pluralistic society;

(D) Ethics and Professional Studies—Courses in this area cover the development of professional commitment, identity, and accountability. Studies shall include professional socialization and professional organizations, licensure and credentials, legal responsibilities and liabilities of clinical practice and research, business ethics in professional practice, family law, confidentiality, professional marital and family therapy codes of ethics, and cooperation with members of other mental health professions. The course shall be specific to the practice and profession of marriage and family therapy;

(E) Research Methodology—Courses in this area cover an understanding of research methodology and data analysis with the ability to evaluate research. Course content shall include both qualitative and quantitative research; *and*

(F) Practicum in Marriage and Family Therapy—The practicum or internship consists of direct, face-to-face client contact to include couple and family formats. Individual supervision with one (1) or two (2) students in face-to-face consultation with a supervisor shall be provided. Students shall be trained to make relevant assessments of client systems./.; **and**

**(G) Effective August 28, 2008 Diagnostic Systems—Courses in this area provide an understanding and a working knowledge of psychodiagnostics using classification systems with an emphasis on the current edition of the *Diagnostic and Statistical Manual of Mental Disorders (DSM)*. Course content regarding the DSM must include understanding the organizational structure, professional terminology used in the manual, and competence in its application as it is used in the assessment process and subsequent treatment planning relative to the practice of marital and family therapy.**

[[8]](9) Any course offered primarily via **correspondence course, Internet (such as a chat room or discussion group), electronic mail (email), or similar delivery method or system** or by audio or video tape or non-interactive communication, shall not be acceptable for course work pursuant to [4 CSR 233-2.010(7)(A)-(F)] 20 CSR 2233-2.010 (8)(A)-(G), even if credit is awarded by the educational institution and the offering appears on the transcript.

(A) For the purpose of this rule non-interactive communication shall be defined as those courses transmitted via satellite in which the student has no means of simultaneously interacting with the course instructor visually and verbally during the transmission of course information.

[[9]](10) Independent studies, courses listed on the transcript as a seminar, and readings courses shall be clearly delineated on the transcript and shall be submitted to the state committee for review and approval. It shall be the applicant's responsibility to document that the course work is in compliance with the core course requirements defined in [4 CSR 233-2.010(7)(A)-(F)] 20 CSR 2233-2.010 (8)(A)-(G). The applicant may submit course descriptions from course catalogs, syllabi, bulletins or through written documentation from an appropriate school official stating that the course was an in-depth study of a particular core area.

[[10]](11) Undergraduate level course work is in compliance with core requirements as defined in this rule if the applicant's official

transcript clearly shows that the course was awarded graduate credit by the school.

*[(11)](12)* Courses provided by a post-degree institute accredited by an accrediting body which has been approved by the United States Department of Education may be acceptable as meeting core course requirements defined in *[4 CSR 233-2.010(7)(A)-(F)] 20 CSR 2233-2.010 (8)(A)-(G)*. It shall be the applicant's responsibility to document that the course work is in compliance with the core course requirements defined in this rule. The applicant may submit course descriptions from course catalogs, syllabi, bulletins or through written documentation from an appropriate official stating that the course was an in-depth study of a particular core area.

*[(12)](13)* The applicant has the burden of demonstrating that the academic course work and training constituted a program of study in marriage and family therapy or a mental health discipline. A final determination of whether the program of study which formed the basis of the applicant's degree was marriage and family therapy or a mental health discipline shall be within the discretion of the state committee.

*[(13)](14)* The state committee shall review an applicant's educational credentials upon request from an applicant and upon receipt of official educational transcripts received directly from the university or post-degree institute accredited by an accrediting body which has been approved by the United States Department of Education and upon payment of the fee as defined in *[4 CSR 233-1.040(1)(H)] 20 CSR 2233-1.040(1)(H)*. All information shall be submitted to the state committee no later than thirty (30) days prior to a regularly scheduled state committee meeting to be reviewed at that meeting.

*[(14)](15)* The state committee shall review an applicant's proposed plan for obtaining an appropriate educational degree and/or course work upon receiving a request from an individual, receipt of the photocopies of official school documents, such as course syllabi or catalog descriptions of course work and degree programs, and upon payment of the fee as defined in *[4 CSR 233-1.040(1)(H)] 20 CSR 2233-1.040(1)(H)*. All information shall be submitted to the state committee no later than thirty (30) days prior to a regularly scheduled state committee meeting to be reviewed at that meeting.

**AUTHORITY:** *sections 337.715 as amended by House Bill 780 and Senate Bill 308 (2007) and 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.010. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.010, effective Aug. 28, 2006. Amended: Filed: Nov. 15, 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 five thousand forty-five dollars (\$5,045) to twelve thousand six hundred seventy-five dollars (\$12,675) 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 Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0735, or by emailing comments to maritalfam@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 2233 - State Committee of Marital and Family Therapists****Chapter 2 - Licensure Requirements****Proposed Amendment - 20 CSR 2233-2.010 - Educational Requirements**

Prepared October 5, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5	Graduate Course in Diagnosis (Course @ \$1,009 - \$2,535)	\$5045 - \$12,675
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$5045 - \$12,675</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on revenue projections for the next five (5) years.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

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

**Division 2233—State Committee of Marital and Family  
Therapists**

**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.020 Supervised Marital and Family Work Experience.** The board is proposing to amend sections (1) and (2), add a new subsection (2)(A), renumber subsections thereafter, amend new subsection (2)(B), sections (4), (5), (6), (8), paragraph (9)(B)1., subsection (9)(C), add subsection (9)(F), amend subsections (9)(C) and (9)(D), add a new section (14), renumbering sections thereafter, and amend section (15).

*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, references to 4 CSR 2233 are being amended throughout the rule. This amendment also clarifies the requirements to provide supervision for licensure.*

(1) The phrase supervised clinical experience as used in section 337.715.1(2), RSMo shall mean post-degree training in the practice of marital and family therapy as defined in section 337.700(7), RSMo beginning after the satisfactory completion of the educational requirements set forth in [4 CSR 233-2.010] 20 CSR 2233-2.010 and obtained under the supervision of an acceptable supervisor as defined in [4 CSR 233-2.021] 20 CSR 2233-2.021.

(2) Supervision shall be registered on a form provided by the [division] state committee and accompanied by the required fee [pursuant to 4 CSR 233-1.040(1)(B)], and include a background check as defined in 20 CSR 2233-2.020(2)(A). Supervised experience in marital and family therapy shall be considered effective the date the application is received in the state committee office and contingent upon the state committee's approval. For the purpose of supervision, the results of a background check shall be valid for two (2) years.

(A) For the purpose of conducting a background check 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 Federal Bureau of Investigation criminal background check. Proof shall consist of any documentation acceptable to the state committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s);

[(A)](B) A supervised-marital and family therapist (S-MFT) shall notify the division within fifteen (15) days of changing supervisors or settings by filing a change of supervision form and paying the fee as defined in [4 CSR 233-1.040(1)(J)] 20 CSR 2233-1.040(1)(J). The change of supervision shall be effective the date the change of supervision form is received in the state committee office and contingent upon the state committee's approval.

(4) Applicants for supervised experience in marital and family therapy whose graduate training began prior to January 1, 1981, shall complete all educational requirements as defined in [4 CSR 233-2.010(3)] 20 CSR 2233-2.010(3) and shall apply for supervision by August 31, 2007.

(5) Applicants for supervised experience in marital and family therapy whose graduate training began after January 1, 1981, and before August 31, 2000, shall complete all educational requirements as

defined in [4 CSR 233-2.010(4)] 20 CSR 2233-2.010(4) and shall apply for supervision by August 31, 2007.

(6) Applicants for supervised experience in marital and family therapy whose graduate training began after August 31, 2000, shall complete all education requirements as defined in [4 CSR 233-2.010(5)] 20 CSR 2233-2.010(5).

(8) A supervisor shall be licensed as marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist in Missouri for supervised experience in this state to be considered for licensure. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement.

(9) The characteristics of acceptable supervision shall include in no more than sixty (60) calendar months:

(B) A minimum fifteen hundred (1,500) hours of the three thousand (3,000) hours of supervised experience in marital and family therapy shall be direct client contact.

1. For the purpose of these rules, direct client contact shall be defined as face-to-face interaction between the client and [therapist] S-MFT in the same room; and

(C) A minimum of twenty-four (24) calendar months of supervised experience. The S-MFT must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with [4 CSR 233-2.020(1), (2), (4) or (5) or (6), (7) and (8)] 20 CSR 2233-2.020(1), (2), (4) or (5) or (6), (7) and (8); and

(E) The services provided by an S-MFT shall be performed under the registered supervisor's full order, control, oversight and guidance. The S-MFT shall remain under the supervision until licensed as a marital and family therapist.

1. An S-MFT shall not engage in independent, private practice and shall not offer therapy from any office that is not affiliated with a mental health group, practice, mental health agency, mental health clinic, school or hospital.

2. An S-MFT shall not engage in marketing or advertising services without including the name and license number of the registered supervisor.

3. An S-MFT shall not bill clients for therapeutic services. Billing and remuneration for marital and family therapy provided by the S-MFT shall be facilitated by the organization employing or affiliated with the S-MFT or the registered supervisor.

4. A therapist shall use one (1) of the following terms while under supervision for licensure: S-MFT, or supervised marital and family therapist.

5. The registered supervisor shall read and cosign all written reports, to include their license number, including treatment plans and progress notes prepared by the S-MFT. If the setting prohibits the cosign/signing of reports, it shall be the responsibility of the S-MFT to document that written reports, to include treatment plans and progress notes, have been reviewed by the registered supervisor./.; and

(F) Effective August 28, 2008 an S-MFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008.

(13) For individuals applying for supervised experience in marital and family therapy on the basis of a doctoral or specialist's degree, additional supervised experience in marital and family therapy shall include in no more than twenty-four (24) calendar months:

(C) A minimum of twelve (12) calendar months of supervised experience. The S-MFT must obtain at least fifteen (15) hours of supervised experience within a calendar month in order for the experience to be considered by the state committee and must be in compliance with *[4 CSR 233-2.020(10), (11), and (12)]* **20 CSR 2233-2.020(10), (11), and (12)**; and

(D) The committee may grant credit for up to twelve (12) months and fifteen hundred (1,500) hours of supervised clinical experience as part of the specialist's or doctoral program. In order to complete the requirement, the applicant shall obtain supervised experience in marital and family therapy pursuant to *[4 CSR 233-2.020(13)(A) and (B)]* **20 CSR 2233-2.020(13)(A)**.

**(14) Effective August 28, 2008 an S-MFT shall demonstrate supervision of diagnosis as a core component of the postgraduate supervised experience. 20 CSR 2233-2.020(9)(F) shall not apply to individuals with an application for supervision or licensure filed with the state committee prior to August 28, 2008.**

*[(14)](15)* Applicants with supervised experience in marital and family therapy completed before August 28, 1995, may submit supervised experience in marital and family therapy for review and approval on a form pursuant to *[4 CSR 233-2.020]* **20 CSR 2233-2.020**. Verification of supervision shall include an attestation form signed by the supervisor.

(A) If a supervisor is deceased or cannot be located by the applicant, the applicant shall provide documentation verifying supervised hours and time providing marital and family therapy.

*AUTHORITY: sections 337.715 as amended by House Bill 780 and Senate Bill 308 (2007) and 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.020. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.020, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 four hundred sixty-nine dollars and eight cents (\$469.80) 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 Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, 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.*

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
 Division 2233 - State Committee of Marital and Family Therapists  
 Chapter 2 - Licensure Requirements  
 Proposed Amendment - 20 CSR 2233-2.020 - Supervised Marital and Family Work  
 Experience  
 Prepared October 5, 2007 by the Division of Professional Registration**

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
9	Applications for Supervision (digital fingerprinting @ \$52.20)	\$469.80
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$469.80</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on revenue projections for the next five (5) years.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2233—State Committee of Marital and Family  
Therapists**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.021 Registered Supervisors and Supervisory Responsibilities.** The board is proposing to amend section (1), subsections (1)(C) and (1)(D), delete subsection (1)(E), add subsection (1)(E) with new language, amend sections (2) and (3), subsections (3)(C), (3)(D), (3)(E), and paragraphs (3)(E)3., and (3)(E)4.

*PURPOSE:* This amendment clarifies the requirements for individuals to supervise a marital and family therapist seeking supervision for licensure.

(1) In order to provide supervision for a supervised-marital and family therapist (S-MFT), a [registered] supervisor shall document the following:

(C) [Currently licensed] For supervision occurring in Missouri the supervisor must be currently licensed in Missouri as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist for at least two (2) years. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

(D) Applicants for licensure or supervision may submit current or past postgraduate supervised experience from another state for consideration by the state committee. The supervisor must be licensed in the state and during the time of supervision in the state where supervised experience occurred as a marital and family therapist, professional counselor, psychologist, clinical social worker, or psychiatrist. For the purpose of this regulation an inactive, provisional, expired, temporary, or retired license shall not meet this requirement; and

(E) [A supervisor from another state shall document credentials pursuant to 4 CSR 233-2.021(1)(A), (B), and (D).] When considering supervision from another state, the state committee shall determine whether the requirements for supervisors in that state are substantially the same as those of Missouri. If the state committee determines the requirements are not substantially the same, the supervisor from another state shall document credentials pursuant to 20 CSR 2233-2.021(1)(A), (B), (D), (2)(A) and (3)(E).

(2) A [registered] supervisor in Missouri completing a graduate degree before January 1, 1990, shall comply with [4 CSR 233-2.021(1)(A)–(C)] 20 CSR 2233-2.021(1)(A)–(C) and shall document training and experience in marital and family therapy and in supervisory activities involving marital and family therapy with a resume or vitae detailing course work, workshops, supervision-of-supervision and supervisory experience in marital and family therapy supervision.

(3) A [registered] supervisor in Missouri completing a graduate degree after January 1, 1990, shall comply with [4 CSR 233-2.021(1)(A)–(C)] 20 CSR 2233-2.021(1)(A)–(C) and shall document the following:

(C) The supervisor of an S-MFT shall have completed [4 CSR 233-2.021(3)(A)] 20 CSR 2233-2.021(3)(A) prior to completing thirty (30) hours of supervision-of-supervision; and

(D) The supervisor of an S-MFT shall have completed the educational requirements defined in [4 CSR 233-2.010(3) or (4)] 20 CSR 2233-2.010(3) or (4); and

(E) A supervisor from another state completing a graduate degree after January 1, 1990, whose supervisor requirements are not substantially the same as those of Missouri shall comply with [4 CSR 233-2.021(1)(A)–(C)] 20 CSR 2233-2.021(1)(A)–(C) along with documenting the following:

1. A three (3) semester hour or five (5) quarter hour graduate course in marriage and family therapy supervision or a comparably organized and integrated series of workshops and supervised studies of marital and family therapy supervision; and

2. Documentation of at least thirty (30) hours of supervision-of-supervision and/or in the process of receiving supervision-of-supervision; and

3. The supervisor of an S-MFT shall have completed [4 CSR 233-2.021(3)(A)] 20 CSR 2233-2.021(3)(A) prior to completing thirty (30) hours of supervision-of-supervision; and

4. The supervisor of an S-MFT shall have completed the educational requirements defined in [4 CSR 233-2.010(3) or (4)] 20 CSR 2233-2.010(3) or (4).

*AUTHORITY:* sections 337.715 as amended by House Bill 780 and Senate Bill 308 (2007) and 337.727, RSMo 2000. This rule originally filed as 4 CSR 233-2.021. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.021, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, 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 2233—State Committee of Marital and Family  
Therapists**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.030 Application for Licensure.** The board is proposing to amend sections (1) and (2), add subsection (2)(A) and delete the form that immediately follows this rule in the *Code of State Regulations*.

*PURPOSE:* This amendment clarifies the requirements to apply for licensure as a marital and family therapist.

(1) Applications for licensure shall be made on the forms provided by the [Missouri Division of Professional Registration or the] state committee and may be obtained by writing the [division or] state committee at P./Of./ Box 1335, Jefferson City, MO 65102 or by calling (573)751-0870. The TDD number is (800)735-2966.

(2) An application shall not be considered as officially filed unless it is typewritten or printed in black ink, signed, notarized, accompanied by all documents required by the [division] state committee to



**include a background check**, and the applicant pays the application fee. The application fee shall be in the form of a cashier's check, personal check or money order. **For the purpose of licensure the results of a criminal background check shall be valid for two (2) years.**

**(A) For the purpose of conducting a background check 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 Federal Bureau of Investigation criminal background check. Proof shall consist of any documentation acceptable to the state committee. Any fees due for the background check shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor(s).**

*AUTHORITY: sections 337.706.2, RSMo Supp. 2006 and 337.727.1(6) and (10), RSMo [Supp. 1997] 2000. This rule originally filed as 4 CSR 233-2.030. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.030, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 six hundred twenty-six dollars and forty cents (\$626.40) 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 Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, 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.*

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2233 - State Committee of Marital and Family Therapists**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2233-2.030 - Application for Licensure**  
 Prepared October 5, 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>
12	Applications for Licensure (digital fingerprinting @ \$52.20)	\$626.40
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$626.40</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The figures reported above are based on revenue projections for FY08 and cost of digital fingerprinting provided by the state vendor.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION**  
**Division 2233—State Committee of Marital and Family  
Therapists**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.040 Examination Requirements.** The board is proposing to add section (2) and renumber sections thereafter.

*PURPOSE:* This amendment clarifies the requirements to apply to take the examination in Marital and Family Therapy.

**(2) In order to apply to take the Examination in Marital and Family Therapy, a person must have an application for supervision or licensure filed with the state committee.**

*[(2)](3)* An applicant for licensure by examination shall submit a request to take the examination on a form provided by the Missouri Division of Professional Registration or the state committee and may be obtained by writing the division or state committee at PO Box 1335, Jefferson City, MO 65102 or by calling (573) 751-0870. The TDD number is (800) 735-2966.

*[(3)](4)* The applicant shall submit the required examination fee to the examination service responsible for administering the examination.

*AUTHORITY:* section 337.727.1(1), (3), (6) and (10), RSMo 2000. This rule originally filed as 4 CSR 233-2.040. Original rule filed Dec. 31, 1997, effective July 30, 1998. Amended: Filed May 22, 2001, effective Nov. 30, 2001. Moved to 20 CSR 2233-2.040, effective Aug. 28, 2006. Amended: Filed Nov. 15, 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 Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, 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 2233—State Committee of Marital and Family  
Therapists**  
**Chapter 2—Licensure Requirements**

**PROPOSED AMENDMENT**

**20 CSR 2233-2.050 Renewal of License.** The board is proposing to amend section (1), subsection (1)(A), section (4), and add sections (5) through (10).

*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, references to 4 CSR 233 are being amended throughout the rule. This amendment also establishes requirements for continuing education requirements.*

(1) A license may be renewed on or before the expiration of the license by submitting the signed renewal notice and fee to the division as set forth in *[4 CSR 233-1.040(1)(D)]* **20 CSR 2233-1.040(1)(D)**.

(A) Renewal fees postmarked after the expiration date of the license shall be subject to a late fee as defined in *[4 CSR 233-1.040(1)(D)1. or 2.]* **20 CSR 2233-1.040(1)(D)1. or 2.**, in addition to paying the renewal fee.

(4) Any individual failing to renew the license within the sixty (60)-day period set forth in section 337.712.2, RSMo *[Supp. 1997,]* and wishing to restore the license shall make application to the division by submitting an application for reinstatement of license and the delinquency fee as set forth in *[4 CSR 233-1.040(1)(D)1. or 2.]* **20 CSR 2233-1.040(1)(D)1. or 2.** and shall document compliance with the continuing education requirements of this regulation.

(5) Effective August 28, 2008 a licensee shall obtain forty (40) contact hours of continuing education (CE) prior to the expiration date of a license and such hours should consist of at least twenty (20) hours of formal continuing education hours with the balance of hours to be self-study. For the purpose of this regulation a contact hour shall consist of fifty (50) minutes.

(A) Formal continuing education shall consist of one (1) or a combination of any of the following:

1. Postgraduate course work offered by a regionally accredited educational institution. Such course work shall be relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo and shall not be part of the graduate course work required for licensure. One (1) semester hour of graduate credit constitutes fifteen (15) hours of continuing education.

2. Presenting research at a formal professional meeting. A presentation shall include a paper presented in a professional journal, book, or original chapter in an edited book. Credit will be given at the rate four (4) hours for each paper or presentation. No credit would be granted for any subsequent presentation on the same subject matter during the same renewal period;

3. Attending relevant professional meetings when such meetings include verification of attendance. Such meetings can be international, national, regional, state, or local, and must be related to the profession. The licensee shall be eligible to receive three (3) hours of continuing education credit for a full day of meeting attendance.

4. Attending work shops, seminars, or continuing education courses relevant to marital and family therapy as defined in section 337.700(7) and (8), RSMo. Upon request by the state committee the licensee shall provide verification of attendance such as a certificate or letter of attendance indicating the date, time, and number of hours of continuing education from the workshop, seminar or course provider.

5. Written contributions to relevant professional books, journals, or periodicals. A licensee shall be eligible to receive three (3) hours of continuing education for publication in a non-referee journal, six (6) hours of continuing education for publication in a referee journal, eight (8) continuing education hours for each chapter in a book, ten (10) continuing education hours for editing a book, and fifteen (15) continuing education hours for the publication of a book.

6. Presenting at relevant professional meetings such as international, national, regional, state, or local professional associations. A licensee would be eligible for a maximum of three (3) hours per presentation.

7. A licensee who is a faculty member at an accredited

educational institution may receive up to a maximum of twenty (20) hours per year of continuing education credit for teaching at the educational institution. The area(s) taught by the licensee must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation, the licensee must teach a minimum of four (4) clock hours.

8. A licensee teaching formal continuing education hours may receive up to a maximum of four (4) hours per biennial cycle of continuing education credit. The CE must relate to the following core areas: Theoretical Foundations of Marriage and Family Therapy, The Practice of Marriage and Family Therapy, Human Development and Family Studies, Ethics and Professional Studies, and Research Methodology. For the purpose of this regulation the licensee must teach a minimum of four (4) clock hours.

(B) A licensee may obtain up to twenty (20) hours of self-study continuing education. Self-study of professional material includes relevant books, journals, periodicals, tapes, and other materials and preparation for relevant lectures and talks to public groups. Preparation credit may not be claimed pursuant to this regulation for presentations that are used for CE in the aforementioned paragraphs 1., 2., 6., 7., or 8.

(6) Providing marital and family therapy, workshops on personal growth, supervision of individuals for licensure or employment, or services provided to professional associations or organizations will not be considered for continuing education contact hours.

(7) Included, but not limited to the following, is a list of approved continuing education providers:

(A) American Association for Marriage and Family Therapy (AAMFT) and any chapter or division of AAMFT;

(B) American Counseling Association (ACA) and any chapter or division of ACA;

(C) American Medical Association (AMA) and any chapter or division of AMA;

(D) American Mental Health Counselors Association (AMHCA) and any chapter or division of AMHCA;

(E) Local, state, regional, or national psychological associations;

(F) Local, state, regional, or national social worker associations;

(G) National Board for Certified Counselors (NBCC); and

(H) Regionally accredited colleges and universities.

(8) For the license renewal the licensee shall verify the number of CE hours earned during the last two (2) years immediately preceding the expiration date of the license on a form provided by the state committee. The licensee shall not submit the actual record of CE attendance to the state committee except in the case of a continuing education audit or when requested by the state committee.

(9) Each licensee shall maintain a complete record of all CE hours earned for four (4) years. Formal CE credit hours shall be documented by the sponsor or CE provider and maintained by the licensee. The licensee is responsible for maintaining the record of formal self-study CE hours earned 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 subsection (5)(A) of this regulation. The state committee may conduct an audit of licensees to verify compliance with the continuing education requirement. Licensees shall assist the state committee in its audit by providing timely and complete responses to the state committee's inquiries. A response is con-

sidered timely if received in the committee office within thirty (30) days of a written request by the state committee for such information.

(10) A licensee who cannot complete the requisite number of CE hours because of personal illness, military service or other circumstances beyond the licensee's control may apply to the state committee for an extension of time to complete the continuing education requirements or a waiver. Any extension of time to complete the continuing education requirements or waiver shall be granted solely in the discretion of the state committee. The licensee must make a written application for extension of time at least thirty (30) days before the expiration date of the license. The licensee shall provide full and complete written documentation of the grounds supporting the reasons for which an extension or waiver is sought.

*AUTHORITY: section 337.727.1(1) and (10), RSMo [Supp. 1997] 2000. This rule originally filed as 4 CSR 233-2.050. Original rule filed Dec. 31, 1997, effective July 30, 1998. Moved to 20 CSR 2233-2.050, effective Aug. 28, 2006. Amended: File Nov. 15, 2007.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately two hundred eight dollars and ninety-six cents (\$208.96) 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.*

*PRIVATE COST: This proposed amendment will cost private entities approximately seventy-one thousand eight hundred fifty dollars (\$71,850) to one hundred ninety-six thousand five hundred dollars (\$196,500) 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 amendment with the State Committee of Marital and Family Therapists, Loree Kessler, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PUBLIC ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration**  
**Division 2233 - State Committee of Marital and Family Therapists**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2233-2.050 - Renewal of License**  
 Prepared October 5, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance for the Life of the Rule Starting in FY 2010 and Continuing Biennially Thereafter
State Committee of Marital & Family Therapists	\$208.96

**III. WORKSHEET**

The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall assist the board with its audits by providing timely and complete responses to the board's inquiries. Based on the current number of licensed therapists, it is estimated that the board will audit approximately five percent (5%) of current licensees biennially and request verification of their completion of the continuing education hours.

The Licensure Technician II will mail the audit notification and reporting form to each audit candidate. The Executive I will assemble responses to the audit, determine if any candidates require follow-up or an extension to complete the continuing education requirements, and assemble a compliance report for the committee. The Executive Director will review responses to the audit and requests for extension to complete the continuing education requirements.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME SPENT PROCESSING CEU REQUIREMENTS	TOTAL COST TO PERFORM ALL TASKS
Executive Director	\$64,143	\$95,502.51	\$45.91	2 Hours	\$91.83
Executive I	\$34,908	\$51,974.52	\$24.99	3 Hours	\$74.96
Licensure Tech II	\$25,428	\$37,859.75	\$18.20	2 Hours	\$36.40

**Total Biennial Personal  
Services Cost for  
Implementation of the Rule      \$203.20**

**Expenditure of Money**

<b>CLASSIFICATION</b>	<b>Fee Amount</b>	<b>Number (5% of licensees)</b>	<b>AGGREGATE COST</b>
Letterhead Printing Cost	\$0.15	8	\$1.20
Envelope for Mailing Letter	\$0.16	8	\$1.28
Postage for Mailing Application	\$0.41	8	\$3.28
<b>Total Expense and Equipment Costs For Implementation of the Rule</b>			<b>\$5.76</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 cost per hour was then multiplied by the amount of time individual staff spent on the processing of applications or renewals.
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 2233 - State Committee of Marital and Family Therapists**  
**Chapter 2 - Licensure Requirements**  
**Proposed Amendment - 20 CSR 2233-2.050 - Renewal of License**  
 Prepared October 5, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated Biennial cost of compliance with the rule by affected entities Starting in FY 2010:
150	Continuing Education Course Expenses (\$479 - \$1310)	\$71,850 - \$196,500
	<b>Estimated Biennial Cost of Compliance for the Life of the Rule</b>	<b>\$71,850 - \$196,500</b>

**III WORKSHEET**

The state committee estimates that at least fifty (50) licensees will attend the state annual meeting and at least five (5) licensees will attend the national annual meeting. There are many sources of continuing education credit. Formal hours can be obtained from state and national meetings of professional associations, course work, as well as online. Given the numerous sources of formal continuing education hours, the state committee is providing a range of costs based upon attending an annual state or national meeting which is one of the most frequent venues licensees utilize to obtain continuing education hours. Mileage is not figured in as it would vary based on the travel distance to/from the licensee's domicile to the meeting site.

Annual Missouri Association of Marriage and Family Therapy Meeting in St. Louis

The following expenses and equipment will be required for the annual training seminar:

Registration Fee	\$175.00
Lodging - 2 days/\$96 per night	\$192.00
Meals - \$56 per day	\$112.00
<b>TOTAL</b>	<b>\$479.00</b>

National Annual Meeting of the American Association for Marriage and Family Therapy

The following expenses and equipment will be required for the annual training seminar:

Registration Fee	\$375.00
Lodging - 3 days/\$139 per night	\$417.00
Meals - \$64 per day	\$192.00
Airfare	\$226.00
Miscellaneous Costs (Cab fare, parking, gratuities, etc)	\$100.00
<b>TOTAL</b>	<b>\$1,310.00</b>

**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.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 1—Organization and Description of Commission**

**PROPOSED AMENDMENT**

**20 CSR 2245-1.010 General Organization.** The board is proposing to add sections (8) and (9).

*PURPOSE:* This amendment clarifies that the requirements of the USPAP do not apply to the commission in certain circumstances.

(8) In accordance with the exception established in the Jurisdictional Exception Rule of the *Uniform Standards of Professional Appraisal Practice* (USPAP), the requirements of USPAP shall not apply to the commission or its employees when reviewing or preparing an investigation, complaint or report for enforcement, licensure, certification or disciplinary action pursuant to the statutory authority vested in the commission by Chapter 339, RSMo. This provision includes, but is not limited to, USPAP Standard Rule 3.

(9) For purposes of this section, the *Uniform Standards of Professional Appraisal Practice*, 2006 edition, is incorporated herein by reference and can be obtained from The Appraisal Foundation, 1155 15th Street NW, Suite 1111, Washington, DC 20005, by calling (202) 347-7722 or at [www.appraisalfoundation.org](http://www.appraisalfoundation.org). This rule does not incorporate any subsequent amendments to USPAP.

*AUTHORITY:* sections 339.507, RSMo (SB 272, 94th General Assembly, First Regular Session (2007)) and 339.509, RSMo 2000. This rule originally filed as 4 CSR 245-1.010. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Nov. 15, 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 Real Estate Appraisers Commission, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0038, or by emailing comments to [rea-com@pr.mo.gov](mailto:rea-com@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 2245—Real Estate Appraisers  
Chapter 3—Applications for Certification and Licensure**

**PROPOSED AMENDMENT**

**20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration.** The board is proposing to amend section (2) and delete subsection (5)(G).

*PURPOSE:* This amendment clarifies when an applicant must register with the commission to receive credit for appraisal experience.

(2) An applicant for licensure or certification shall only receive credit for appraisal experience earned after **July 1, 2008**, if the applicant has registered as a trainee real estate appraiser with the commission **prior to accruing the experience.**

(5) Training.

*[(G) A non-licensure will be given credit for appraisal experience accrued prior to July 1, 2008, and which was accrued without the non-licensure having been registered as a trainee real estate appraiser until June 30, 2010. After June 30, 2010, all appraisal experience credit earned by a non-licensure prior to being registered as a trainee real estate appraiser shall be forfeited. For the purpose of this rule, "non-licensure" shall mean any person who is not state licensed or certified.]*

*AUTHORITY:* section 339.509(8), RSMo 2000. Original rule filed Nov. 21, 2006, effective July 30, 2007. Amended: Filed Nov. 15, 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 Real Estate Appraisers Commission, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0038, or by emailing comments to [rea-com@pr.mo.gov](mailto:rea-com@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 2245—Real Estate Appraisers  
Chapter 4—Certificates and Licenses**

**PROPOSED RULE**

**20 CSR 2245-4.025 Inactive Status**

*PURPOSE:* This rule outlines the process for requesting inactive status.

(1) A licensee may request in writing that his/her license or certificate be placed on inactive status. The licensee shall not practice as a real estate appraiser while the license is on inactive status. The licensee shall not hold himself or herself out as actively practicing real estate appraising while on inactive status and must renew the inactive status at the beginning of each renewal period.

(2) If an individual with a license on inactive status wishes to return a license or certificate to active status prior to the renewal time, the individual shall complete a renewal form, pay the reactivation fee and shall provide evidence of completion of at least twenty-eight (28) hours of continuing education within the preceding two (2) years.

(3) Applicants who are approved for inactive status renewal will receive one (1) license or certificate. Duplicate licenses or certificates may be provided upon payment of the appropriate fee.

*AUTHORITY: sections 339.525.5, RSMo (SB 272, 94th General Assembly, First Regular Session (2007)) and 620.150, RSMo 2000. Original rule filed Nov 15, 2007.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately seventeen dollars and twenty-nine cents (\$17.29) 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.*

*PRIVATE COST: This proposed amendment will cost private entities approximately ten dollars (\$10) 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 amendment with the Missouri Real Estate Appraisers Commission, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0038, or by emailing comments to [rea-com@pr.mo.gov](mailto:rea-com@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 2245 - Real Estate Appraisers**

**Chapter 4 - Certificates and Licenses**

**Proposed Rule - 20 CSR 2245-4.025 Inactive Status**

Prepared September 18, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Biennial Cost of Compliance</b>
<b>Missouri Real Estate Appraisers Commission</b>	<b>\$17.29</b>
<b>Total Biennial Cost of Compliance for the Life of the Rule</b>	<b>\$17.29</b>

**III. WORKSHEET**

The office anticipates 10 licensees will switch to inactive status biennially.

Applications are processed by the Administrative Office Support Assistant and/or the Licensure Technician II.

<b>STAFF</b>	<b>ANNUAL SALARY</b>	<b>SALARY TO INCLUDE FRINGE BENEFIT</b>	<b>HOURLY SALARY</b>	<b>COST PER MINUTE</b>	<b>TIME PER EVENT</b>	<b>COST PER EVENT</b>	<b>TOTAL COST</b>
Administrative Office Support Assistant	\$30,264	\$45,060.07	\$21.66	\$0.36	5 minutes	\$1.81	\$9.03
Licensure Technician II	\$27,696	\$41,236.57	\$19.83	\$0.33	5 minutes	\$1.65	\$8.26
<b>Total Biennial Personal Services Cost for Reactivating Licensees from Inactive Status</b>							<b>\$17.29</b>

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2245 - Real Estate Appraisers****Chapter 4 - Certificates and Licenses****Proposed Rule - 20 CSR 2245-4.025 Inactive Status**

Prepared September 18, 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 rule:</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>
10	Reinstatement of license (reinstatement application @ \$1)	\$10.00
	<b>Estimated Biennial Cost for the Life of the Rule</b>	<b>\$10.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on the current number of licensees.
2. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.010-339.860, RSMo. Pursuant to Section 326.513, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 339.060, 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 339.010-339.860, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 5—Fees**

**PROPOSED AMENDMENT**

**20 CSR 2245-5.020 Application, Certificate and License Fees.**  
The board is proposing to delete subsections (2)(A) through (2)(F), reletter the remaining subsections thereafter, and add new subsections (2)(A), (2)(B) and (2)(L).

*PURPOSE:* This amendment changes the renewal fee and adds the reinstatement fee.

(2) The following fees shall be paid for original issuance and renewal of certificates or licenses:

<i>[(A)]</i> Initial Certified General Real Estate Appraiser Fee	\$400
<i>[(B)]</i> Initial Certified Residential Real Estate Appraiser Fee	\$400
<i>[(C)]</i> Initial-Licensed Real Estate Appraiser Fee	\$400
<i>[(D)]</i> Certified General Real Estate Appraiser Renewal Fee	\$400
<i>[(E)]</i> Certified Residential Real Estate Appraiser Renewal Fee	\$400
<i>[(F)]</i> Licensed Real Estate Appraiser Renewal Fees	\$400
<b>(A) Initial Certification/Licensure Fee</b>	<b>\$400</b>
<b>(B) License/Certification Renewal Fee</b>	<b>\$ 1</b>
<i>[(G)]</i> (C) Delinquent Renewal Fee (per month not to exceed a maximum of \$600)	\$ 50
<i>[(H)]</i> (D) Reissuance of a Certificate or License, or Replacement of a Lost, Destroyed or Stolen Certificate or License Fee	\$ 5
<i>[(I)]</i> (E) Reissuance of a wallhanging certificate, or replacement of a lost, destroyed or stolen wallhanging certificate	\$ 15
<i>[(J)]</i> (F) Six (6)-Month Extension Fee	\$100
<i>[(K)]</i> (G) Temporary Practice Permit (valid for six (6) months)	\$150
<i>[(L)]</i> (H) Letter of Good Standing (per letter)	\$ 10
<i>[(M)]</i> (I) Fingerprint Background Check Fee— Determined by the Missouri State Highway Patrol (MSHP) or its approved vendor	
<i>[(N)]</i> (J) Continuing Education Course Approval Fee (per course)	\$ 25
<i>[(O)]</i> (K) Continuing Education Course Renewal Fee (per course)	\$ 10
<b>(L) Reinstatement Fee</b>	<b>\$ 1</b>

*AUTHORITY:* sections 339.509, 339.513, **RSMo 2000** and 339.525.5, **RSMo (SB 272, 94th General Assembly, First Regular Session (2007))**. This rule originally filed as 4 CSR 245-5.020. Emergency rule filed Dec. 6, 1990, effective Dec. 16, 1990, expired April 14, 1991. Emergency rule filed April 4, 1991, effective April 14, 1991, expired Aug. 11, 1991. Original rule filed Jan. 3, 1991, effective April 29, 1991. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Nov 15, 2007.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions approximately nine hundred ninety-seven thousand five hundred dollars (\$997,500) 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.

*PRIVATE COST:* This proposed amendment will save private entities approximately nine hundred ninety-seven thousand five hundred dollars (\$997,500) 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 amendment with the Missouri Real Estate Appraisers Commission, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0038, or by emailing comments to reacom@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 2245 - Real Estate Appraisers****Chapter 5 - Fees****Proposed Amendment - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared September 18, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Biennial Loss of Revenue	
Missouri Real Estate Appraisers Commission	<b>\$997,500.00</b>	
	<b>Total Loss of Revenue Biennially for the Life of the Rule</b>	<b>\$997,500.00</b>

**III. WORKSHEET**

The board estimates the projections calculated in the Private Entity Fiscal Notes will be total loss of revenue for the board.

**IV. ASSUMPTION**

1. The board is statutorily obligated to enforce and administer the provisions of sections 339.010-339.860, RSMo. Pursuant to Section 339.060, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 339.060, 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 339.010-339.860, RSMo.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

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

**Division 2245 - Real Estate Appraisers**

**Chapter 5 - Fees**

**Proposed Amendment - 20 CSR 2245-5.020 Application, Certificate and License Fees**

Prepared September 18, 2007 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost savings with the rule by affected entities:
2500	Licensed Real Estate Appraiser (renewal fee - \$399 decrease)	\$997,500.00
	<b>Estimated Biennial Cost Savings for the Life of the Rule</b>	<b>\$997,500.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above figures were based on the current number of licensees.
2. The fiscal impact related to the reinstatement fee is reported in the fiscal note accompanying 20 CSR 2245-4.025 Inactive Status Rule.
3. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 339.010-339.860, RSMo. Pursuant to Section 339.060, RSMo, the board shall by rule and regulation set the amount of fees authorized by section 339.060, 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 339.010-339.860, RSMo.

**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 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 52—Regulation of Securities**

**ORDER OF RULEMAKING**

By the authority vested in the commissioner of securities under section 409.6-605, RSMo Supp. 2006, the commissioner amends a rule as follows:

**15 CSR 30-52.030 NASAA Statements of Policy is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2007 (32 MoReg 1123-1124). 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: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Community and Public Health  
Chapter 20—Communicable Diseases**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 260.203, RSMo 2000 and 192.020, RSMo Supp. 2006, the director amends a rule as follows:

**19 CSR 20-20.010 Definitions Relating to Communicable,  
Environmental and Occupational Diseases is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2007 (32 MoReg 1124). 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: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 20—Division of Community and Public Health  
Chapter 20—Communicable Diseases**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Health and Senior Services under sections 192.006 and 260.203, RSMo 2000 and 192.020, RSMo Supp. 2006, the director amends a rule as follows:

**19 CSR 20-20.050 Quarantine or Isolation Practices and  
Closing of Schools and Places of Public and Private Assembly  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2007 (32 MoReg 1125). 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: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under section 331.030.9, RSMo Supp. 2006, the board amends a rule as follows:

**20 CSR 2070-2.032 Specialty Certification is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1324). No changes have been made to 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: No comments were received.

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

**ORDER OF RULEMAKING**



By the authority vested in the Missouri Board of Chiropractic Examiners under sections 43.543 and 331.030, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board amends a rule as follows:

**20 CSR 2070-2.040 Application for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1325). No changes have been made to 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: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.030, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board amends a rule as follows:

**20 CSR 2070-2.050 Examination is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1325–1326). No changes have been made to 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: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.060 and 331.100.2, RSMo 2000, the board amends a rule as follows:

**20 CSR 2070-2.060 Professional Conduct Rules is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1326). No changes have been made to 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: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.030, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board amends a rule as follows:

**20 CSR 2070-2.070 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1326). No changes have been made to 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: No comments were received.

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

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.050, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board rescinds a rule as follows:

**20 CSR 2070-2.080 Biennial License Renewal is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1327). No changes have been made to 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 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 2—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.050, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board adopts a rule as follows:

**20 CSR 2070-2.080 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1327–1332). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Board of Chiropractic Examiners received two (2) comments on the proposed rule.

COMMENT #1: A comment was received from Paul Foster, DC requesting the board allow a licensee twelve (12) hours of general continuing education credit for attending various meetings and/or legislative day at the Capitol versus the current six (6) hours authorized by the regulation.

RESPONSE: The board recognizes the importance of such functions,

however, in the area of general continuing education there needs to be a balance between attending functions and reviewing applicable journals, periodicals, or similar publications that are readily available to licensees. Therefore, the board recommended no change to the general continuing hours category.

COMMENT #2: A comment was received from Leonard Suiter, DC requesting the board add language relating to studies that contribute to a licensee's understanding of acceptable research to include the application of such research into a treatment plan and quality patient care.

RESPONSE AND EXPLANATION OF CHANGE: The board concurred with the suggestion and the language is amended accordingly. The board amended language to paragraph (3)(C)9.

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

(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:

(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 (1) 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 and evidence-based and/or value-based studies.

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

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.050, RSMo Supp. 2006 and 331.100.2, RSMo 2000, the board amends a rule as follows:

#### **20 CSR 2070-2.081 Postgraduate Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1333-1334). No changes have been made to 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: No comments were received.

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

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 43.543, RSMo Supp. 2006 and 331.070 and 331.100.2, RSMo 2000, the board amends a rule as follows:

#### **20 CSR 2070-2.090 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1335-1337). No changes have been made to 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: No comments were received.

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

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under section 331.100.2, RSMo 2000, the board amends a rule as follows:

#### **20 CSR 2070-3.010 Preceptorship is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1338). No changes have been made to 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: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2070—State Board of Chiropractic Examiners  
Chapter 4—Chiropractic Insurance Consultant**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Board of Chiropractic Examiners under sections 331.060, 331.100.2 and 376.423, RSMo 2000 and 331.050, RSMo Supp. 2006, the board amends a rule as follows:

#### **20 CSR 2070-4.030 Renewal and Postgraduate Education is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2007 (32 MoReg 1338). No changes have been made to 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: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2232—Missouri State Committee of Interpreters  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(2), RSMo 2000 the board amends a rule as follows:

**20 CSR 2232-1.040 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2007 (32 MoReg 1476–1479). No changes have been made to 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: No comments were received.

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 7—DEPARTMENT OF TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 25—Motor Carrier Operations**

**IN ADDITION**

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers**

**PUBLIC NOTICE**

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

**SUMMARY:** This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

**DATES:** Comments must be received at the address stated below, on or before January 16, 2008.

**ADDRESSES:** You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- Email:* [Kathy.Hatfield@modot.mo.gov](mailto:Kathy.Hatfield@modot.mo.gov)
- Mail:* PO Box 893, Jefferson City, MO 65102-0893
- Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED  
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

**SUPPLEMENTARY INFORMATION:**

**Public Participation**

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

**Background**

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, *Missouri Revised Statutes* (RSMo) Supp. 2006, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

**Qualifications of Applicants**

**Application # MP050218011**

**Renewal Applicant's Name & Age:** James A. Mullins, 68  
**Relevant Physical Condition:** Mr. Mullins best-corrected visual acuity in both eyes is 20/20 Snellen. He has insulin-treated diabetes mellitus and has been using insulin for control since 1998.

**Relevant Driving Experience:** Mr. Mullins worked for MoDOT from November 1977 to June 2004 and is now retired. He drives part-time for a business in Florence, MO. He has driven straight trucks with trailers and tractor-trailer combinations both manual and automatic for 37 years. Drives personal vehicle(s) daily.

**Doctor's Opinion & Date:** Following an examination in October 2007, his endocrinologist certified, "In my medical opinion, Mr. Mullin's diabetes deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

**Traffic Accidents and Violations:** No accidents or violations within the past 3 years.

**Request for Comments**

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 15, 2007

*Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.*

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

**APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for January 28, 2008. These applications are available for public inspection at the address shown below:

**Date Filed**

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

**09/25/07**

**#4126 HS:** Select Specialty Hospital—Columbia, Inc.  
Columbia (Boone County)  
\$4,786,038, Establish 30-bed long term care hospital

**11/16/07**

**#4144 NS:** St. Charles, LLC  
Lake St. Louis (St. Charles County)  
\$10,036,200, Establish 120-bed skilled nursing facility (SNF)

**#4116 HS:** Community Hospital  
Fairfax (Atchison County)  
\$19,324,500, Establish 15-bed critical access hospital

**#4141 HS:** Saint Francis Medical Center  
Cape Girardeau (Cape Girardeau County)  
\$2,175,735, Acquire third cardiac catheterization laboratory

**#4128 HS:** North Kansas City Hospital  
North Kansas City (Clay County)  
\$1,360,517, Acquire seventh computerized  
tomography unit

**#4147 NS:** Chariton Park Health Care Center  
Salisbury (Chariton County)  
\$15,000, Add 11 SNF beds

**#4148 NS:** Four Seasons Living Center  
Sedalia (Pettis County)  
\$55,000, Add 30 SNF beds

**#4149 HS:** Barnes-Jewish West County Hospital  
Creve Coeur (St. Louis County)  
\$3,188,100, Acquire linear accelerator

**#4123 RS:** Silver Oak Senior Living of Columbia  
Columbia (Boone County)  
\$8,490,287, Establish 75-bed assisted living 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 December 19, 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.

**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 Dissolution**

### **To All Creditors of and**

### **Claimants Against**

### **Larry R. Mitchell, LLC**

On, Larry R. Mitchell, LLC, a Missouri limited liability company, filed its Notice of Winding Up with the Missouri Secretary of State. Dissolution was effective June 25, 2007.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at:

Larry R. Mitchell, LLC

c/o Keleher & Eastman

403 NW Englewood Road

Gladstone, MO 64118

All claims must include the name and address of claimant, amount claimed, basis for the claim, and date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or basis for the claim.

**NOTICE:** Because of the dissolution of Larry R. Mitchell, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

Notice of Dissolution of Limited Liability Company  
To All Creditors of and Claimants Against  
Schultz Design LLC  
Pursuant to RSMo § 347.141

On November 1, 2007, Schultz Design LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. The Company requests that all persons with claims against the Company present such claims immediately by letter to the Company, c/o Patricia L. Bland, 165 N. Meramec Ave., 6th Floor, St. Louis, MO 63105.

All claims must include the name, address and telephone number of the claimant; the amount of claim; the facts supporting the claim; and the date the claim was incurred.

Any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.

**Notice of Dissolution  
To All Creditors of and  
Claimants Against  
Climer Company, Inc.**

On November 9, 2007, Climer Company, Inc., a Missouri limited liability company, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective November 9, 2007.

Said company request that all persons and organizations who have claims against it present them immediately by letter to the company at:

Climer Company, Inc.  
3021 Crossview Estates  
St. Louis, MO 63129

All claims must include the name and address of claimant, amount claimed, basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or basis for the claim.

NOTICE: Because of the dissolution of Climer Company, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices (Missouri Register and St. Louis Countian) authorized by statute, whichever is published last.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

To: All creditors of and claimants against Tuscan Place, LLC, a Missouri Limited Liability Company.

On November 1, 2007, Tuscan Place, LLC, a Missouri Limited Liability Company, Charter Number LC0067781, 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 at 245 S. Wildwood Drive, Branson, MO 65616.

All claims must include the following information:

1. Name and 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 Tuscan Place, LLC, any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the three notices authorized by statute, whichever is published last.