This 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*.

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 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 18—Safety Standards

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, 393.140, and 394.160, RSMo 2000 and section 393.130, RSMo Supp. 2007, the commission amends a rule as follows:

**4 CSR 240-18.010** Safety Standards for Electrical Corportations, Telecommunications Companies and Rural Electric Cooperatives **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1133–1134). This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendment was held July 16, 2008, and the public comment period ended July 16, 2008. One (1) written comment was received from the staff of the Public Service Commission, and the only person to testify at the hearing was staff witness David Elliott.

COMMENT: Mr. Elliot supports adoption of the amendment but notes that the *Missouri Register* contained a typographical error in the sentence following the title, which indicated the addition of section (5), but should have referred to section (4), as there is no section (5). However, as this sentence only appears in the Register to assist readers and is not included in the *Code of State Regulations*, no change is required.

RESPONSE: No language change is necessitated by this comment.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 80—Teacher Quality and Urban Education Chapter 631—Leadership Academy

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2007 and section 168.405, RSMo 2000, the board rescinds a rule as follows:

#### **5 CSR 80-631.010** Administrator Assessment Center is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1076–1077). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

#### Title 11—DEPARTMENT OF PUBLIC SAFETY Division 70—Division of Alcohol and Tobacco Control Chapter 2—Rules and Regulations

#### ORDER OF RULEMAKING

By the authority vested in the Department of Public Safety, Division of Alcohol and Tobacco Control under section 311.722, RSMo 2007, the division amends a rule as follows:

#### 11 CSR 70-2.020 Application for License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1335–1336). 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 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 4—Conditions of Participant Participation, Rights and Responsibilities

#### ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.633, 208.636, 208.643, 208.646, 208.650, 208.655, and 208.657, RSMo 2000, sections 208.201, 208.631, 208.640, and 208.647, RSMo Supp. 2007, and Conference Committee Substitute for Senate Committee Substitute for House Bill 11, 94th General Assembly, the division amends a rule as follows:

## 13 CSR 70-4.080 State Children's Health Insurance Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1231–1233). 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 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 30—Podiatry Program

#### ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-30.010 Podiatric Services Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1235). 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 13—DEPARTMENT OF SOCIAL SERVICES Division 70—MO HealthNet Division Chapter 98—Psychiatric/Psychology/Counseling/ Clinical Social Work Program

#### ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

**13 CSR 70-98.015** Psychiatric/Psychology/Counseling/Clinical Social Work Program Documentation **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1235–1237). 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 400—Life, Annuities and Health Chapter 1—Life Insurance and Annuity Standards

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 376.670, 376.673, and 376.675, RSMo 2000 and section 376.671, RSMo Supp. 2007, the director amends a rule as follows:

**20 CSR 400-1.010** Policy Approval Criteria for Life Insurance and Annuity Contracts **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1276). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed amendment, and no comments were made.

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

Division 400—Life, Annuities and Health Chapter 1—Life Insurance and Annuity Standards

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 376.620, RSMo Supp. 2007, the director rescinds a rule as follows:

20 CSR 400-1.050 Suicide No Defense to Payment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1276–1277). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rescission, and no comments were made.

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

Division 400—Life, Annuities and Health Chapter 1—Life Insurance and Annuity Standards

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 376.380, 376.670, and 376.676, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-1.170 Recognition of Preferred Mortality Tables in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits is adopted. A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1278–1280). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rule, and no comments were made.

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

Division 400—Life, Annuities and Health Chapter 1—Life Insurance and Annuity Standards

#### ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under sections 374.045, 376.380, 376.670, and 376.676, RSMo 2000, the director adopts a rule as follows:

20 CSR 400-1.175 Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values for Life Insurance Sold with a Preneed Contract is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the Missouri Register on July 1, 2008 (33 MoReg 1281–1282). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held August 4, 2008, and the public comment period ended August 4, 2008. At the public hearing, the Life, Annuities and Health Division staff explained the proposed rule, and no comments were made.

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

Division 2010—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under sections 326.268 and 326.271, RSMo Supp. 2007, the board amends a rule as follows:

#### 20 CSR 2010-1.020 Board Compensation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1283–1284). 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 2150—State Board of Registration for the Healing Arts Chapter 7—Licensing of Physician Assistants

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Registration for the Healing Arts under sections 334.125, 334.736, 334.738, 334.742, 334.743, and 334.745, RSMo 2000 and sections 334.100, 334.735, and 334.749, RSMo Supp. 2007, the board amends a rule as follows:

## 20 CSR 2150-7.300 Applicants for Temporary Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1285). 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 2200—State Board of Nursing Chapter 4—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 620.010.15(6) and 335.036, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2200-4.030** Public Complaint Handling and Disposition Procedure **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1285–1286). 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 2200—State Board of Nursing Chapter 4—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Nursing under sections 335.036 and 383.133, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2200-4.040 Mandatory Reporting Rule is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008

(33 MoReg 1286–1287). 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 2210—State Board of Optometry Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under section 336.160.1, RSMo Supp. 2007, the board amends a rule as follows:

#### 20 CSR 2210-2.011 Licensure by Endorsement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1168). 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 2210—State Board of Optometry Chapter 2—General Rules

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Optometry under sections 336.160 and 336.220, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2210-2.080** Certification of Optometrists to Use Pharmaceutical Agents **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 2, 2008 (33 MoReg 1085). 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: The State Board of Optometry received one (1) comment on the proposed amendment.

COMMENT #1: Richard H. Paul with Missouri Society of Eye Physicians and Surgeons (MOSEPS) voiced opposition to the changes proposed by the board based on the revisions being substantive and not procedural in nature. While the amendment's purpose is listed as removing obsolete language following the passage of Senate Bill 308 and House Bill 780 of the 94th General Assembly, it does not appear that the deletions of the language are reflected in the language of the passed legislation. The aforementioned sections should remain intact as they existed prior to the proposed amendment and continue to remain relevant to the practice of optometry.

RESPONSE: The board appreciates the comment; however, the board still feels that the amendment is necessary to be in compliance

with the passage of Senate Bill 308 and House Bill 780 of the 94th General Assembly. Therefore, no changes have been made to the proposed amendment as a result of this comment.

#### 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, RSMo 2000, the board amends a rule as follows:

### 20 CSR 2232-1.020 Policy for Release of Public Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287). 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 2—Licensure Requirements

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

20 CSR 2232-2.010 Application for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287). 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 2—Licensure Requirements

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

20 CSR 2232-2.020 Application for Temporary License is amended.

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1287–1288). 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 2—Licensure Requirements

#### ORDER OF RULEMAKING

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

20 CSR 2232-2.030 Name and Address Change and License Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1288). 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 3—Ethical Rules of Conduct

#### ORDER OF RULEMAKING

By the authority vested in the Missouri State Committee of Interpreters under section 209.328.2(1) and (3), RSMo 2000, the board amends a rule as follows:

#### 20 CSR 2232-3.020 Consumer Welfare is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1288). 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 2267—Office of Tattooing, Body Piercing, and Branding

**Chapter 2—Licensing Requirements** 

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board amends a rule as follows:

#### 20 CSR 2267-2.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2008 (33 MoReg 985–988). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Twenty-five (25) comments were received.

COMMENT #1: Marilyn Rustand, with Facial Designs; Kathleen Ciampi, with the Society of Permanent Cosmetic Professionals; and Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics, submitted comments regarding 20 CSR 2267-2.010(2)(A) and (2)(B) stating it is common for all machine singleuse accessories, such as tubes and needles, provided by the manufacturers to come pre-sterilized. The commenters disagree that blood borne pathogen or cardiopulmonary resuscitation (CPR) courses are needed in the permanent cosmetic industry.

COMMENT #2: John Glore, with Ozark Ink Tattoo Emporium, Gee Lucas, and Sue Stephens, with School of Permanent Makeup, submitted comments supporting blood borne pathogens training; however, commenters do not see the need for CPR classes. One (1) commenter expressed concern regarding the cost to the apprentice to take blood borne pathogen training courses, citing that an apprentice is not allowed to charge for his/her own work, but is expected to pay for the cost of the training course. This commenter recommended an on-line course be offered to offset costs.

COMMENT #3: Susan Keller, with Beehive Tattoos, and T.B. Gregory submitted comments supporting blood borne pathogen training and CPR courses.

RESPONSE: According to the United States Department of Labor, Occupational Safety and Health Administration (OSHA), "eight (8) million workers in the United States are at risk of occupational exposure to blood borne pathogens. Blood borne pathogens are pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and others." OSHA cautions that "any worker handling sharp devices or equipment such as scalpels, sutures, hypodermic needles, blood collection devices, or phlebotomy devices is at risk." Due to the nature of the tattooing, body piercing, and branding professions, practitioners and their consumers are at a recognized risk of exposure to blood borne pathogens. Blood borne pathogen training will ensure practitioners are aware of how blood borne pathogens are spread, how to prevent exposure, and what to do if exposed to infectious materials. As such, blood borne pathogen training is a necessary step to adequately protect the health, safety, and welfare of Missouri consumers as well as practitioners. Blood borne pathogen training is consistent with the licensing requirements of the other states that regulate tattooing, body piercing, and/or branding. As to costs, blood borne pathogen trainings are readily available in the state of Missouri, online and through reputable entities such as the American Red Cross for a minimal fee. In light of the considerable health risks, the division has considered the comment and has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(A). Additionally, tattooing, body piercing, and branding generally involves the manipulation and/or permanent alteration of skin through various instruments, including, sharp devices. Procedures may extend over several hours and are likely to occur in a non-medical setting. Due to the potential for adverse reaction to a procedure, allergic or otherwise, proper training in life saving resuscitative methods is appropriate. As indicated in the response related to blood borne pathogen courses, CPR courses are offered by reputable entities throughout the state for a minimal fee. CPR training is also consistent with the licensing regulations of other jurisdictions and is necessary to adequately protect the health, safety, and welfare of Missouri consumers as well as practitioners. As a result, the division has considered the comment and has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(B).

COMMENT #4: Cassie Levett submitted a comment supporting blood borne pathogens and CPR training and requested the office to consider a requirement for body piercers to have an annual blood test and be required to take an anatomy course.

RESPONSE: Amending the proposed amendment to require additional blood testing would constitute a substantive change to the amendment submitted for public comment and would violate Chapter 536, RSMo. Further, annual blood testing would significantly increase the estimated fiscal impact of the proposed amendment and would require additional financial consideration and estimations. In order to allow for public comment and to comply with Missouri law, the division has not made any changes to the proposed amendment, but will consider the comment in future rulemaking. Additionally, the division encourages and recognizes the benefits of anatomy education. Human anatomy courses may include the study of gross anatomy as well as minute anatomical structures which relate more attenuantly to the practice of tattooing, body piercing, and branding. Further, anatomy courses may not be readily accessible in all areas of the state and may, in certain areas of the state, require enrollment in a collegiate course. As such, the costs may be quite substantial, particularly to practioners in smaller areas. Although the division has decided to proceed with the proposed amendment as drafted in 20 CSR 2267-2.010(2)(A) and (2)(B), the division may review the suggestion at a future date.

COMMENT #5: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics; John Glore, with Ozark Ink Tattoo Emporium; Val Green, with Spa Wing Haven; Sue Stephens, with School of Permanent Makeup; and T.B. Gregory submitted comments regarding 20 CSR 2267-2.010(2)(C) stating an apprenticeship of six hundred (600) hours or a three hundred (300)-hour course of study is too excessive for the individuals in the permanent cosmetic industry. One (1) commenter stated the proposed number of hours would result in three hundred to four hundred (300)-(400) tattoos, not fifty (50).

COMMENT #6: Val Green, with Spa Wing Haven, suggested the requirement for procedures performed during the apprenticeship include at least sixty (60) procedures for piercings and at least two (2) of the same procedures, since there are more than thirty (30) piercings regularly performed, in order to gain the proper knowledge of the piercing. The commenter also suggested the requirements for procedures performed during an apprenticeship program be changed to at least fifty (50) supervised tattoo procedures.

COMMENT #7: Cassie Levett submitted a comment stating that six hundred (600) hours for a piercer is too many hours since piercers do not require the same amount of practical experience as tattoo artists and could result in shops simply doctoring their training records. Three hundred (300) hours would be enough for piercers to be considered a journeyman. The commenter stated that regulating the hours does not guarantee a piercer has mastered their craft.

COMMENT #8: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; and Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics, submitted comments stating it was impractical to expect people to attend exceptionally long apprenticeships and courses when there are only a handful of cosmetic tattoo trainers across the state compared to the ample availability of traditional tattoo artists who might offer education in body

art tattooing. This could create a hardship for individuals to find cosmetic tattoo training and require them to leave their jobs and families for a considerable period of time.

COMMENT #9: Cassie Levett submitted a comment stating the idea of body piercing, tattooing, and branding schools is horrifying. Apprenticeships allow for one-on-one training and monitoring of a student. Requiring separate licensing for people would raise the quality of teaching for Missouri practitioners.

COMMENT #10: James A. George, with Tatman Productions, LLC, suggested the apprenticeship be for one (1) year or twelve hundred (1,200) hours under a trainer to allow a trainer to properly train an apprentice, citing his particular shop requires an apprentice to complete eighteen hundred (1,800) hours of training. This commenter agrees with the fifty (50) completed procedures requirement; however, disagrees with the number of school training hours stating that an individual should spend as much time in an accredited school as they would spend in an individual training program.

COMMENT #11: Stephanie Sledge and Randy Sledge, with Metal Edge Expo, submitted a comment supporting the training requirements proposed by the office; however, suggested the regulations clearly define the responsibilities and rules of the establishments and practitioners regarding teaching experience; require the establishment be licensed by the office to teach; and require each practitioner who is teaching to provide proof of adequate training and experience.

COMMENT #12: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; John Glore, with Ozark Ink Tattoo Emporium; Charles Beam, with Artifex Tattoo; T.B. Gregory; Val Green, with Spa Wing Haven; Sue Stephens, with School of Permanent Makeup; Bob Thomas; and Christine Henson requested consideration for current license holders to be exempted from the six hundred (600)-hour apprenticeship or three hundred (300)-hour licensed school training. COMMENT #13: Gee Lucas submitted a comment suggesting the sponsor/instructor is in the best position to judge the readiness of the apprentice.

COMMENT #14: Susan Keller, with Beehive Tattoos, submitted a comment suggesting: the instructors be issued a license from the office upon meeting specific requirements; the office develop training books to be purchased by individuals seeking a trainers license; the commenter also suggested specific requirements for instructors; the office issue a license on one's ability to draw; and the office issue temporary permits in three (3)-month intervals.

RESPONSE AND EXPLANATION OF CHANGE: The division has reviewed the comments regarding the requisite training and practicum hours. After further review of the proposed amendment and the licensing regulations of other states, the division has decreased the apprentice training hours required from six hundred (600) hours to three hundred (300) hours. The remaining requirements of the proposed amendment will protect Missouri consumers and help ensure practitioners are adequately trained without imposing burdensome and unreasonable cost.

COMMENT #15: Christine Henson suggested the office require monthly documentation of training and unannounced visits by state officials to validate the training an apprentice is receiving. The commenter further suggested the office develop a grievance procedure for apprentices that is enforceable and protects the apprentice from unethical practitioners. Ms. Henson suggested tattoo schools be modeled after cosmetology schools. The commenter stated that by mixing a school with a profit-based tattoo shop, the potential for abuse of the apprentice is magnified and oversight is limited.

COMMENT #16: Gee Lucas submitted a comment suggesting more frequent and more intensive checks and pathogen training be conducted in lieu of implementing the other provisions proposed in this amendment.

RESPONSE: The division currently has authority to review an apprentice's training and training records as part of its current inspection process. In addition, the division currently has a complaint

procedure for handling and addressing grievances/complaints from a licensee, apprentice, or other member of the public. In light of the current procedures and practices, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #17: Jon Wallace, with Next Generation Tattoo, and Christine Henson suggested requirements be considered for the apprentice supervisor. One (1) commenter recommended a five (5)-year limitation be considered before a practitioner could train an apprentice.

RESPONSE: Amending the proposed amendment to require additional training or supervision requirements for instructors or apprentice supervisors would constitute a substantive change to the amendment submitted for public comment and would violate Chapter 536, RSMo. Further, the additional training or supervision requirements proposed may significantly increase the estimated fiscal impact of the proposed amendment and would require additional financial consideration and estimations. In order to allow for public comment and to comply with Missouri law, the division has not made any changes to the proposed amendment in subsection (2)(C) but will consider the comment in future rulemaking.

COMMENT #18: Sue Stephens, with School of Permanent Makeup, submitted a comment stating she has worked with the Missouri Department of Higher Education to certify a school of permanent makeup, which has been approved. The commenter is concerned this amendment may prohibit the school from being used.

RESPONSE: The proposed amendment is consistent with the requirements imposed by other jurisdictions regulating the profession's licenses. The division is unaware of any requirement in the proposed amendment that would interfere with certification or accreditation by, or through, the Missouri Department of Higher Education. Further, the division does not have regulatory jurisdiction to require that tattoo schools be modeled after cosmetology schools or to prohibit a school from being affiliated with a profit-based tattoo shop. As such, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #19: Susan Keller, with Beehive Tattoos, submitted a comment supporting apprenticeship requirements, but suggested the office issue temporary permits for apprenticeships for up to three (3) months.

RESPONSE: The division does not have regulatory jurisdiction to grant or create a temporary permit as suggested. Accordingly, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #20: James A. George, with Tatman Productions, LLC, submitted a comment regarding subsection (2)(D) suggesting the rule contain continuing education (CE) requirements citing that several states now require CE as a condition of licensure renewal.

RESPONSE: The division does not have regulatory jurisdiction to require continuing education. Accordingly, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #21: Marilyn Rustand, with Facial Designs Permanent Cosmetics, LLC; Kathleen Ciampi, with Society of Permanent Cosmetic Professionals; Cheri Durbin and Angela Durbin, with So Natural Institute of Permanent Cosmetics; James A. George, with Tatman Productions, LLC; Charles Beam, with Artifex Tattoo; and Gee Lucas submitted comments stating the proposed amendment does not contain provisions for individuals coming from a state where the laws are less restricted than Missouri. If such individuals would be required to meet the proposed amendment, the provisions are overly restrictive. The commenters requested that individuals practicing in another state, who have demonstrated they have operated a viable business, not be required to serve an apprenticeship. They

suggested consideration be given under the reciprocity requirements. One (1) individual suggested that the rule be amended to allow individuals who have not been convicted of any violation of body art law in another state, who can show at least five (5) years of concurrent verifiable experience, and who can pass the written and oral exams, should not be required to complete the proposed hours of training. RESPONSE AND EXPLANATION OF CHANGE: The division has reviewed the comments and agrees that provisions should be incorporated to address licensing requirements for practitioners with enhanced experience. As a result, the proposed amendment will be amended accordingly.

COMMENT #22: John A. Glore, with Ozark Ink Tattoo Emporium, and Bob Thomas suggested grandfathering or adding an exemption for experienced practitioners be considered.

RESPONSE: The proposed amendment is being promulgated to better protect the health, safety, and welfare of Missouri consumers and Missouri licensees. Although the division recognizes the experience many Missouri practitioners may have prior to licensure, the training and safety requirements of the proposed amendment should be uniformly applied to all licensees to better protect Missouri consumers. As a result, the division has reviewed the comment and has decided to promulgate the amendment as proposed.

COMMENT #23: John Glore, with Ozark Ink Tattoo Emporium, and T.B. Gregory submitted comments regarding fiscal impact to practitioners.

RESPONSE: The division estimated fiscal costs based on current expenditures, current market data, and information gathered from other states, national organizations, and members of the industry that are licensed. Based on the information available, the division's cost estimation complies with Chapter 536, RSMo and reflects a reasonable estimate of the anticipated costs. Although the division recognizes the proposed amendment will result in additional costs to the division and licensees/applicants, the proposed amendment has been drafted to minimize the financial impact to the extent possible while increasing consumer protection. As a result, the division has reviewed the comments and has decided to promulgate the amendment as proposed.

COMMENT #24: Frank Curtis, with Tattoo Spot, submitted a comment requesting the comment period be extended.

RESPONSE: The proposed amendment was submitted for public comment in compliance with the comment period required by Missouri law. Additionally, the proposed amendment was mailed to all licensees for public comment in May 2008. To comply with the timeframes allotted in Chapter 536, RSMo, the division has not extended the comment period. However, additional comments may still be submitted to the division. Any comments or suggestions received after the deadline will be reviewed by the division to determine whether future rulemaking or amendments are appropriate.

COMMENT #25: Sue Stephens, with School of Permanent Makeup, submitted comments agreeing with proposed requirements. RESPONSE: The division appreciates the comment.

#### 20 CSR 2267-2.010 Licenses

(2) No person shall tattoo, body pierce, and/or brand another person, use or assume the title of tattooist, body piercer, and/or brander, designate or represent themselves to be a tattooist, body piercer, and/or brander unless he or she has obtained a license from the division for the profession practiced. An application for a practitioner license shall be notarized, accompanied by the appropriate fee, and evidence of having successfully completed the following:

(C) An apprenticeship, which shall include at least three hundred (300) documented hours of practical experience that includes at a minimum fifty (50) completed procedures in each area that the

applicant has filed an application for licensure. The documented work shall be certified and supervised by a currently licensed Missouri practitioner or by a practitioner who is licensed to practice tattooing, body piercing, and/or branding in another state, territory, or commonwealth whose requirements for licensure are substantially equivalent to the requirements for licensure in Missouri. The supervising practitioner shall be present during the entire procedure and shall be licensed in the same field of practice in which the applicant has filed a license application; or

- (E) Alternatively, and in lieu of an apprenticeship, an applicant may submit proof or other evidence which verifies that he/she has, within the last seven (7) years, practiced for a minimum of three (3) years in the same practice area that the applicant has applied for licensure. Sufficient proof or evidence may include, but is not limited to:
  - 1. Affidavits from prior employer(s) or supervisors;
  - 2. W-2 or 1099 forms; or
  - 3. Tax returns verifying occupational status.

Vol. 33, No. 20

his 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.

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

#### Title 19—DEPARTMENT OF HEALTH AND **SENIOR SERVICES**

Division 60—Missouri Health Facilities Review Committee **Chapter 50—Certificate of Need Program** 

#### NOTIFICATION OF REVIEW: APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for December 8, 2008. These applications are available for public inspection at the address shown below:

#### **Date Filed**

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

#### 09/25/08

#4277 HS: St. Louis Children's Hospital St. Louis (St. Louis City) \$2,022,723, Acquire third magnetic resonance imager (MRI)

#### 09/26/08

#4278 HS: SSM DePaul Health Center St. Louis (St. Louis County) \$1,650,000, Acquire robotic surgery system

#4281 HS: St. Luke's Hospital of Kansas City Kansas City (Jackson County) \$2,751,305, Acquire third MRI

#4286 HS: St. John's Mercy Medical Center St. Louis (St. Louis County) \$1,650,000, Acquire second robotic surgery system

#4282 RS: Grant's Farm Manor Community St. Louis (St. Louis County) \$4,067,239, Establish 12-bed assisted living facility (ALF)

#4283 NS: Grant's Farm Manor Community St. Louis (St. Louis County) \$8,132,478, Establish 24-bed skilled nursing facility

#4276 RS: Ashfield Active Living and Wellness Communities Kirkwood (St. Louis County) \$16,000,000, Establish 30-bed ALF

#4280 HS: Saint Luke's East Hospital Lee's Summit (Jackson County) \$1,650,000, Acquire robotic surgery system

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 October 29, 2008. 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

### **Dissolutions**

October 15, 2008 Vol. 33, No. 20

The 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.

# Notice of Dissolution of Limited Liability Company To All Creditors of and Claimants Against Monterey Contracting, L.L.C.

On August 6, 2008, Monterey Contracting, L.L.C., a Missouri limited liability company (hereinafter the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Helfrey, Neiers & Jones, P. C., ATTN: David F. Neiers, 120 S. Central Ave., Ste. 1500, St. Louis, Missouri 63105. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Notice of Winding Up
To All Creditors of and
Claimants Against
Concord Properties, L.L.C.

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST CONCORD PROPERTIES, L.L.C., a Missouri limited liability company.

On August 15, 2008, CONCORD PROPERTIES, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

All persons who have claims against said corporation are directed to present them by letter to the corporation in care of MARC KRAMER, Esq., 1015 Locust Street, Suite 415, St. Louis, Missouri 63101.

All claims must include: (1) the name and address of the claimant; (2) the amount claimed; (3) the basis for the claim; (4) the date(s) on which the event(s) on which the claim is based occurred; and (5) all documentation giving rise to the claim.

Because of the winding up of Concord Properties, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

# NOTICE TO THE UNKNOWN CREDITORS OF KARLA GOLDSTEIN & ASSOCIATES, INC.

You are hereby notifed that on September 3, 2008, Karla Goldstein & Associates, Inc., a Missouri profit corporation (the "Company"), the principal office of which is located in St. Louis County, Missouri, filed its Articles of Dissolution by Voluntary Action with the Secretary of State of Missouri.

In order to file a claim with the Company, you must furnish the amount and the basis for the claim and provide all necessary documentation supporting this claim. All claims must be mailed to:

Karla Goldstein & Associates, Inc. In Care of Capes Sokol Goodman & Sarachan, P.C. 7701 Forsyth Blvd., 12<sup>th</sup> Floor Attn: Jeffrey A. Cohen, Esq.

A claim against Karla Goldstein & Associates, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

#### NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST VILLAGE APARTMENTS, L.L.C.

On September 2, 2008, Village Apartments, L.L.C. a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effective on the filing date. Dissolution was effective September 2, 2008.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: Village Apartments, L.L.C. c/o Michael E. Long, Esq., Stinson Morrison Hecker LLP, 168 N. Meramec Avenue, Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Village Apartments, L.L.C. will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

MISSOURI REGISTER

## Rule Changes Since Update to Code of State Regulations

October 15, 2008 Vol. 33, No. 20

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

Rule Number	Agency En OFFICE OF ADMINISTRATION	mergency	Proposed	Order	In Addition
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010		MoReg 1531	33 MoReg 1548		<u>U</u>
1 CSR 10-15.010		MoReg 1531	33 MoReg 1548		33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440 1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446 1 CSR 15-3.490	Administrative Hearing Commission Administrative Hearing Commission		33 MoReg 1396 33 MoReg 1396		
1 CSR 13-3.490 1 CSR 20-3.070	Personnel Advisory Board and Division		33 Mokeg 1390		
1 CSK 20-5.070	of Personnel		33 MoReg 1703		
1 CSR 20-4.010	Personnel Advisory Board and Division		33 MOKEG 1703		
1 CSK 20-4.010	of Personnel		33 MoReg 1704		
	of refsoluter		33 Mokeg 1704		
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010		MoReg 1534	33 MoReg 1706		
2 CSR 70-11.050		MoReg 1795			_
2 CSR 70-40.005	Plant Industries		33 MoReg 1803		
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		33 MoReg 1333		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1752	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-9.442	Conservation Commission		N.A.	33 MoReg 1753	
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	DEPARTMENT OF ECONOMIC DEVELOPM	ENT			
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133	This Issue	
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission 33	3 MoReg 1651	33 MoReg 1660		
		OND A DIV EDITOR	TYON		
5 CSR 80-631.010	DEPARTMENT OF ELEMENTARY AND SEC	ONDARY EDUCA	TION 22 MaDag 1076D	This IssueD	
5 CSR 80-800.285	Teacher Quality and Urban Education Teacher Quality and Urban Education		33 MoReg 1076R 33 MoReg 974	This IssueR 33 MoReg 1753	
J CSK 60-600.263	reacher Quanty and Orban Education		33 MOKES 974	33 MOKES 1733	
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-25.010	Missouri Highways and Transportation Commissio	n			33 MoReg 1768
					33 MoReg 1825
7 CSR 10-25.020	Missouri Highways and Transportation				
	Commission 33	MoReg 1535	33 MoReg 1559		
		-			
	DEPARTMENT OF LABOR AND INDUSTRIA	AL RELATIONS			
8 CSR 10-2.020	Division of Employment Security		This Issue		
8 CSR 10-3.010	Division of Employment Security		33 MoReg 1710		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 10-5.010 8 CSR 10-5.015	Division of Employment Security Division of Employment Security		This Issue This Issue		
8 CSR 10-5.030	Division of Employment Security  Division of Employment Security		This Issue		
8 CSR 10-5.040	Division of Employment Security  Division of Employment Security		This Issue		
8 CSR 10-5.050	Division of Employment Security  Division of Employment Security		This Issue		
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R		
5 0021 00 1.010			33 MoReg 1710 33 MoReg 1710		
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R		
			33 MoReg 1711		
8 CSR 30-4.030	Division of Labor Standards		33 MoReg 1712R		

#### Missouri Register

Rule Number	Agency	Emergency	Proposed	Order	In Addition
8 CSR 30-4.040	Division of Labor Standards		33 MoReg 1712		
8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712		
8 CSR 50-2.030	Division of Workers' Compensation				33 MoReg 1769
8 CSR 50-2.060 8 CSR 50-3.010	Division of Workers' Compensation Division of Workers' Compensation		33 MoReg 1713		33 MoReg 1769
6 CSK 30-3.010	Division of workers Compensation		33 Mokeg 1/13		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
9 CSR 30-4.0431	Certification Standards		33 MoReg 1804		
	DEPARTMENT OF NATURAL RESOURCE	TES			
10 CSR 10-2.150	Air Conservation Commission	200	33 MoReg 1077R		
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250 10 CSR 10-5.290	Air Conservation Commission Air Conservation Commission		33 MoReg 1077R 33 MoReg 1805R		
10 CSR 10-5.385	Air Conservation Commission  Air Conservation Commission		33 MoReg 1574		-
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908	33 MoReg 1807	
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909	33 MoReg 1807	
10 CSR 10-6.080 10 CSR 10-6.110	Air Conservation Commission Air Conservation Commission		33 MoReg 910 33 MoReg 1231	33 MoReg 1807	
10 CSR 10-6.400	Air Conservation Commission  Air Conservation Commission		This Issue		
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 20-7.050	Clean Water Commission	This Issue	This Issue		
10 CSR 23-1.050 10 CSR 23-1.060	Division of Geology and Land Survey Division of Geology and Land Survey		33 MoReg 1661 33 MoReg 1664		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 70-9.010 10 CSR 140-2	Soil and Water Districts Commission Division of Energy		33 MoReg 1722		33 MoReg 1103
10 CSK 140-2	Division of Energy				33 MoReg 1193
11 CCD 40 7 010	DEPARTMENT OF PUBLIC SAFETY	22 M.D. 067	22 M.D., 076	22 M.D. 1907	
11 CSR 40-7.010 11 CSR 70-2.020	Division of Fire Safety Division of Alcohol and Tobacco Control	33 MoReg 967	33 MoReg 976 33 MoReg 1335	33 MoReg 1807 This Issue	
11 CSR 75-1.010	Peace Officer Standards and Training Program	m	33 MoReg 1415	11115 15540	
11 CSR 75-2.010	Peace Officer Standards and Training Program	m	33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020 11 CSR 75-13.030	Peace Officer Standards and Training Program Peace Officer Standards and Training Program		33 MoReg 1416 33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program	m	33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070 11 CSR 75-13.080	Peace Officer Standards and Training Program Peace Officer Standards and Training Program		33 MoReg 1418 33 MoReg 1418		
11 CSR 75-13.080 11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030 11 CSR 75-14.040	Peace Officer Standards and Training Program Peace Officer Standards and Training Program		33 MoReg 1419 33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080 11 CSR 75-15.010	Peace Officer Standards and Training Program Peace Officer Standards and Training Program		33 MoReg 1421 33 MoReg 1422		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050 11 CSR 75-15.060	Peace Officer Standards and Training Program Peace Officer Standards and Training Program		33 MoReg 1423 33 MoReg 1423		
11 CSR 75-15.000 11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1423 33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		
	DEDA DEMENTE OF DEVENY				
12 CSR 10-2.740	DEPARTMENT OF REVENUE Director of Revenue		33 MoReg 1336		
12 CSR 10-2.740 12 CSR 10-26.010	Director of Revenue		33 MoReg 1336 33 MoReg 1153	33 MoReg 1808	
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157	33 MoReg 1808	
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157	<u>_</u>	
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R	33 MoReg 1754R	
13 CSR 35-71	Children's Division				33 MoReg 1676
	(Changed from 13 CSR 40-71)				

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 35-71.010	Children's Division	33 MoReg 1651	33 MoReg 1664		
13 CSR 35-71.020	(Changed from 13 CSR 40-71.010) Children's Division	33 MoReg 1653	33 MoReg 1665		
	(Changed from 13 CSR 40-71.020)	-	_		
13 CSR 35-71.030	Children's Division	33 MoReg 1654	33 MoReg 1668		
13 CSR 35-71.040	(Changed from 13 CSR 40-71.030) Children's Division	33 MoReg 1655	33 MoReg 1668		
12 CCD 25 71 045	(Changed from 13 CSR 40-71.040)				
13 CSR 35-71.045	Children's Division (Changed from 13 CSR 40-71.045)	33 MoReg 1655	33 MoReg 1669		
13 CSR 40-71	Family Support Division				33 MoReg 1676
13 CSR 40-71.010	(Changed to 13 CSR 35-71) Family Support Division	33 MoReg 1651	33 MoReg 1664		
	(Changed to 13 CSR 35-71.010)				
13 CSR 40-71.020	Family Support Division (Changed to 13 CSR 35-71.020)	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	(Changed to 13 CSR 35-71.030)	22 MaDan 1655	22 MaDan 1669		
13 CSK 40-71.040	Family Support Division (Changed to 13 CSR 35-71.040)	33 MoReg 1655	33 MoReg 1668		
13 CSR 40-71.045	Family Support Division	33 MoReg 1655	33 MoReg 1669		
13 CSR 70-3.100	(Changed to 13 CSR 35-71.045) MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.105	MO HealthNet Division		33 MoReg 1671		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-4.080	MO HealthNet Division		33 MoReg 1231	This Issue	
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-6.010	MO HealthNet Division		33 MoReg 1672		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-20.320	MO HealthNet Division	This Issue	This Issue		
13 CSR 70-25.110	MO HealthNet Division		33 MoReg 1722		
13 CSR 70-26.010 13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1234	This Issue	
13 CSR 70-30.010 13 CSR 70-45.010	MO HealthNet Division  MO HealthNet Division		33 MoReg 1235 33 MoReg 789	This Issue 33 MoReg 1754	
13 CSR 70-43.010 13 CSR 70-94.010	MO HealthNet Division		33 MoReg 1723	33 MOKES 1734	
13 CSR 70-94.020	MO HealthNet Division		33 MoReg 1725		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235	This Issue	
	DEPARTMENT OF CORRECTIONS				
14 CSR 80-5.010	State Board of Probation and Parole		33 MoReg 1672		
14 CSR 80-5.020	State Board of Probation and Parole		33 MoReg 1673		
	ELECTED OFFICIALS				
15 CSR 30-10.110	Secretary of State	This Issue	This Issue		
15 CSR 30-51.170	Secretary of State	11115 15540	33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
16 000 50 2 120	RETIREMENT SYSTEMS		771 · X		
16 CSR 50-2.120	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.050	The County Employees' Retirement Fund		This Issue		
	BOARDS OF POLICE COMMISSIONERS	S			
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065 17 CSR 20-2.075	St. Louis Board of Police Commissioners St. Louis Board of Police Commissioners		33 MoReg 1159 33 MoReg 1160		
17 CSR 20-2.075 17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.005 17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
	DEDARTMENT OF HEALTH AND SENIO	D SEDVICES			
19 CSR 30-40.308	<b>DEPARTMENT OF HEALTH AND SENIO</b> Division of Regulation and Licensure	JK SERVICES	33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271	22 MaDa = 1754	
19 CSR 30-82.010 19 CSR 30-83.010	Division of Regulation and Licensure Division of Regulation and Licensure		33 MoReg 790 33 MoReg 792	33 MoReg 1754 33 MoReg 1754	
19 CSR 30-83.010 19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793	33 MoReg 1756	
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798	33 MoReg 1757W	
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812	33 MoReg 1760W	
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817	33 MoReg 1762	
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819	33 MoReg 1762	

#### Missouri Register

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820	33 MoReg 1763W	
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827	33 MoReg 1766W	
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829	33 MoReg 1766	
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830	33 MoReg 1766	
19 CSR 30-88.010 19 CSR 60-50	Division of Regulation and Licensure Missouri Health Facilities Review Committee		33 MoReg 836	33 MoReg 1767	33 MoReg 1676
	Missouri Health Facilities Review Committee				33 MoReg 1826 This Issue
20 CSR	<b>DEPARTMENT OF INSURANCE, FINANC</b> Construction Claims Binding Arbitration Cap	IAL INSTITUTIONS	S AND PROFESSION	AL REGISTRATION	32 MoReg 667
20 CSR	Medical Malpractice				33 MoReg 150 30 MoReg 481
20 CSR	Sovereign Immunity Limits				31 MoReg 616 32 MoReg 545 30 MoReg 108
	,				30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap		This Issue		32 MoReg 668 33 MoReg 150
20 CSR 100-1.060 20 CSR 100-1.070	Insurer Conduct Insurer Conduct		This Issue This Issue		
20 CSR 100-1.070 20 CSR 100-7.002	Insurer Conduct		33 MoReg 915	33 MoReg 1808	
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916	33 MoReg 1810	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916	33 MoReg 1811	
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917	33 MoReg 1813	
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918	33 MoReg 1814	
20 CSR 100-8.012 20 CSR 100-8.014	Insurer Conduct		33 MoReg 919	33 MoReg 1815	
20 CSR 100-8.014 20 CSR 100-8.015	Insurer Conduct Insurer Conduct		33 MoReg 919 33 MoReg 920	33 MoReg 1815 33 MoReg 1816	
20 CSR 100-8.015 20 CSR 100-8.016	Insurer Conduct		33 MoReg 920	33 MoReg 1817	
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921	33 MoReg 1818	
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922	33 MoReg 1819	
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163	33 MoReg 1821	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100 20 CSR 300-2.200	Market Conduct Examinations Market Conduct Examinations	33 MoReg 1387R 33 MoReg 1388R	33 MoReg 1457R 33 MoReg 1457R		
20 CSR 300-2.200 20 CSR 300-3.100	Market Conduct Examinations  Market Conduct Examinations	33 Moreg 1366K	33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276	This Issue	
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R	This IssueR	
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278	This Issue	
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281	This Issue	
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 600-1.030 20 CSR 700-1.140	Statistical Reporting		This Issue 33 MoReg 1167		
20 CSR 700-1.140 20 CSR 700-1.148	Insurance Licensing Insurance Licensing		33 MoReg 1078		
20 CSR 700-1.148 20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081	33 MoReg 1821	
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081	33 MoReg 1822	
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082	33 MoReg 1822	
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082	33 MoReg 1822	
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083	33 MoReg 1823	
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083	33 MoReg 1823	
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084	33 MoReg 1823	
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084	33 MoReg 1823	
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085	33 MoReg 1823	
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283	This Issue	
20 CSR 2015-1.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.010 20 CSR 2015-2.020	Acupuncturist Advisory Committee		33 MoReg 1458 33 MoReg 1458		
20 CSR 2015-2.020 20 CSR 2015-4.010	Acupuncturist Advisory Committee Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2030-5.080	Missouri Board for Architects, Professional Eng Professional Land Surveyors, and Landscape A		33 MoReg 1727		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Eng Professional Land Surveyors, and Landscape A	gineers,	33 MoReg 1730		
20 CSR 2030-11.025	Missouri Board for Architects, Professional Eng Professional Land Surveyors, and Landscape A	gineers,	33 MoReg 1730		
20 CSR 2065-1.030	Endowed Care Cemeteries	arcinicets .	33 MoReg 1337		
20 CSR 2070-2.031	State Board of Chiropractic Examiners		33 MoReg 1731		
20 CSR 2070-2.080	State Board of Chiropractic Examiners		33 MoReg 1736		
20 CSR 2070-2.081	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-2.090	State Board of Chiropractic Examiners		33 MoReg 1741		
20 CSR 2070-4.030	State Board of Chiropractic Examiners		33 MoReg 1745		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		33 MoReg 1337		
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285	This Issue	
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Spe		33 MoReg 1459		
20 CSR 2165-1.030	Board of Examiners for Hearing Instrument Spe		33 MoReg 1464		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Spe		33 MoReg 1464		
20 CSR 2165-2.020	Board of Examiners for Hearing Instrument Spe	ecialists	33 MoReg 1465		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Sp	ecialists	This Issue		
20 CSR 2165-2.050	Board of Examiners for Hearing Instrument Sp		33 MoReg 1465		
20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Sp	ecialists	33 MoReg 1465		
20 CSR 2165-3.010	Board of Examiners for Hearing Instrument Sp	ecialists	33 MoReg 1466		
20 CSR 2197-1.010	Board of Therapeutic Massage		33 MoReg 1466		
20 CSR 2197-2.010	Board of Therapeutic Massage		33 MoReg 1575		
20 CSR 2197-5.040	Board of Therapeutic Massage		33 MoReg 1467		
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 1467		
20 CSR 2200-4.020 20 CSR 2200-4.030	State Board of Nursing State Board of Nursing		33 MoReg 1471 33 MoReg 1285	This Issue	
20 CSR 2200-4.030 20 CSR 2200-4.040	State Board of Nursing State Board of Nursing		33 MoReg 1285	This Issue	<del></del>
20 CSR 2200-4.040 20 CSR 2200-4.100	State Board of Nursing		33 MoReg 1474	Tills Issue	
20 CSR 2200-4.100 20 CSR 2200-4.200	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-6.020	State Board of Nursing		33 MoReg 1474 33 MoReg 1475		
20 CSR 2200-6.060	State Board of Nursing		33 MoReg 1475		
20 CSR 2205-1.010	Missouri Board of Occupational Therapy		33 MoReg 1338		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		33 MoReg 1579		
20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
20 CSR 2210-2.011	State Board of Optometry		33 MoReg 1168	This Issue	
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085	This Issue	
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086	33 MoReg 1824	
20 CSR 2230-1.030	State Board of Podiatric Medicine	55 1/101 <b>10</b> 5 1005	33 MoReg 1585	DD Milotteg 102:	
20 CSR 2232-1.020	Missouri State Committee of Interpreters		33 MoReg 1287	This Issue	
20 CSR 2232-2.010	Missouri State Committee of Interpreters		33 MoReg 1287	This Issue	
20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287	This Issue	
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288	This Issue	
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288	This Issue	-
20 CSR 2233-1.020	State Committee of Marital and Family Therap	ists	33 MoReg 1476		
20 CSR 2233-3.010	State Committee of Marital and Family Therap		33 MoReg 1476		
20 CSR 2235-1.025	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-1.026	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-2.005	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-2.030	State Committee of Psychologists		33 MoReg 1586R		
20 CSR 2235-2.050	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-3.020	State Committee of Psychologists		33 MoReg 1587		
20 CSR 2235-7.005	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.010	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.020	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2235-7.030	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476		
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338		
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Brandi		33 MoReg 1339		
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Brandi		33 MoReg 985	This Issue	
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Brandi	ing	33 MoReg 1168R	33 MoReg 1675W	
			33 MoReg 1169	33 MoReg 1675W	
			33 MoReg 1748R		
20 CCD 22(7 2 020	OCC CT : DID: 1	•	33 MoReg 1748		
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Brandi		33 MoReg 1339		
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Brandi		33 MoReg 1339		
20 CSR 2267-5.030	Office of Tattooing, Body Piercing, and Brandi	ing	33 MoReg 1340		
20 CSR 2270-1.040 20 CSR 2270-1.050	Missouri Veterinary Medical Board Missouri Veterinary Medical Board		33 MoReg 1477 33 MoReg 1477		
20 CSR 2270-1.050 20 CSR 2270-1.060	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.000 20 CSR 2270-2.021	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-2.021 20 CSR 2270-2.051			33 MoReg 1478		
20 CSR 2270-2.051 20 CSR 2270-2.060	Missouri Veterinary Medical Board Missouri Veterinary Medical Board		33 MoReg 1478 33 MoReg 1479		<del></del>
20 CSR 2270-2.000 20 CSR 2270-3.030	Missouri Veterinary Medical Board		33 MoReg 1479 33 MoReg 1479		
20 CSR 2270-3.030 20 CSR 2270-4.050	Missouri Veterinary Medical Board		33 MoReg 1479 33 MoReg 1590		
20 CSR 2270-4.030 20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480		
20 CSR 2270-5.021 20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480		
20 COR 22/0-3.041	111000aii 10toimaiy modicai boaid		33 MONES 1700		

October 15, 2008 Vol. 33, No. 20

## **Emergency Rule Table**

MISSOURI REGISTER

Agency		Publication	Effective	Expiration
Office of Admi Commissioner of A				
1 CSR 10-4.010 1 CSR 10-15.010	State of Missouri Vendor Payroll Deductions			
Department of Animal Health	Agriculture			
2 CSR 30-11.010 Plant Industries	Large Animal Veterinary Student Loan Program	.33 MoReg 1534 .	July 24, 2008 .	Feb. 26, 2009
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine	.33 MoReg 1795	Aug. 28, 2008 .	Feb. 26, 2009
Public Service Cor	Economic Development nmission Definitions	.33 MoReg 1651 .	Aug. 1, 2008 .	Jan. 29, 2009
	Transportation s and Transportation Commission Overdimension and Overweight Permits	.33 MoReg 1535 .	Sept. 2, 2008 .	Feb. 28, 2009
Department of Director, Departm	Mental Health ent of Mental Health			
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance	.33 MoReg 1379 .	July 11, 2008 .	Dec. 28, 2008
Department of Clean Water Com 10 CSR 20-7.050	Natural Resources mission Methodology for Development of Impaired Waters List	.This Issue	Jan. 2, 2009	June 30, 2009
Department of				
Division of Fire Sa 11 CSR 40-7.010	Blasting–Licensing, Registration, Notification, Requirements, and Penalties	.33 MoReg 967 .	July 1, 2008 .	Jan. 1, 2009
Department of				
Children's Division 13 CSR 35-71.010	Definitions	.33 MoReg 1651 .	Aug. 4, 2008 .	Jan. 30, 2009
13 CSR 35-71.020	(Applicable to All Agencies)-Basis for Licensure	22.14 D 1652	4 2000	
13 CSR 35-71.030	and Licensing Procedures			
13 CSR 35-71.040	Organization and Administration	.33 MoReg 1655 .	Aug. 4, 2008 .	Jan. 30, 2009
Family Support Di	Personnel	.33 MoReg 1655 .	Aug. 4, 2008 .	Jan. 30, 2009
13 CSR 40-2.390	Transitional Employment Benefit	.Next Issue	Oct. 3, 2008 .	March 31, 2009
MO HealthNet Div 13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement			
13 CSR 70-10.016	Allowance			
13 CSR 70-10.030	Nursing Facility Reimbursement Rates  Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services			-
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatien	t	•	
13 CSR 70-15.110 13 CSR 70-20.320	Hospital Services Reimbursement Methodology Federal Reimbursement Allowance (FRA) Pharmacy Reimbursement Allowance	.33 MoReg 1384 .	July 1, 2008 .	Dec. 28, 2008
Elected Officia	•		• •	,
Secretary of State 15 CSR 30-10.110	Voting Machines (Electronic)—Manual Recount	.This Issue	Sept. 25, 2008 .	March 23, 2009
	Insurance, Financial Institutions and Profession	nal Registration		
Insurer Conduct 20 CSR 100-8.040	Insurer Record Retention	.33 MoReg 1386 .	July 30, 2008 .	Feb. 26, 2009

Agency		Publication	Effective	Expiration
Market Conduct E	xaminations			
20 CSR 300-1.100	Unfair Claims Settlement Rates	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims	33 MoReg 1387	July 30, 2008	Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct	_	•	
	Examinations	33 MoReg 1388	July 30, 2008	Feb. 26, 2009
State Board of Pha	rmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order	33 MoReg 1069	May 11, 2008	Feb. 18, 2009

## **Executive Orders**

Missouri Register

Executive Orders	Subject Matter	Filed Deta	Dublication
Orders	Subject Matter	Filed Date	Publication
	<u>2008</u>		
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his design to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property		33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in		
08-09	the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-10	Establishes the Missouri Civil War Sesquicentennial Commission  Declares a state of emergency exists and directs the Missouri State Emergency  Operations Plan be activated	March 6, 2008 March 18, 2008	33 MoReg 783 33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his design to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-28	Orders and directs the Adjutant General of the state of Missouri, or his design to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801

18-29 Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type 1 transfer 12, 2008 This Issue 18-20 Directs the Adjustant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive Officials of Missouri, to protect life and property, and to support civilina authorities September 15, 2008 This Issue 18-20 Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan he activated September 15, 2008 This Issue 19-20 Declares that a state of Emergency exists in the State of Missouri, and directs that the Missouri State Emergency Operations Plan he activated September 15, 2008 This Issue 19-20 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan he activated September 15, 2007 September 15, 2008 This Issue 19-20 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan he activated September 15, 2007 September 15, 2007 September 15, 2008 This Issue 19-20 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan he activated September 15, 2007 September 15, 2008 This Issue 19-20 September 15, 2008 This Issue 15, 2007 Septembe	Executive Orders	Subject Matter	Filed Date	Publication
Senior Services from the Department of Transportation by Type I transfer  100-300 Directs the Adjusted General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities  100-8-11 Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan he activated  100-7-12 Declares that a State of emergency operations Plan he activated  100-7-13 Directs the Adjusted General call and order time activated  100-7-14 Authorizes Transportation Director to temporarily suspend certain commercial moor vehicle regulations in response to emergencies  100-7-15 Transfer and the Missouri State Emergency Operations Plan be activated  100-7-16 Transfer and the Missouri State Emergency Operations Plan be activated  100-7-16 Transfer and the Missouri State Emergency Operations Plan be activated  100-7-17 Operations Plan be activated  100-7-18 Transfer and the Missouri Department of Natural Resources with full discretiously authority to temporarily wave or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public beath and safety during the period of the emergency and subsequent recovery period  100-7-16 Transfers the function of collecting surplus lines taxes from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation  100-7-18 Transfers the Partial Alcololo Program from the Missouri Department of Public Safety  100-7-19 Transfers the Crime Victims' Compensation Fund from the Missouri Department of Public Safety  100-7-10 Transfers the Crime Victims' Compensation Fund from the Missouri Department of Public Safety  100-7-10 Transfers the Crime Victims' Compensation Fund from the Missouri Department of Public Safety  100-7-10 Transfers the Crime Victims' Compensation Fund from the Mis		· ·	Theu Dute	1 ublication
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Designates members of staff with supervisory authority over selected state agencies   February 23, 2007   32 MoReg 576	07-10		February 23 2007	32 MoReg 573
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within the Department of Public Safety  Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding  May 7, 2007  Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5  May 7, 2007  32 MoReg 963  May 7, 2007  32 MoReg 965  O7-19  Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in	07-16			32 Mokeg 839
07-17Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential floodingMay 7, 200732 MoReg 96307-18Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5May 7, 200732 MoReg 96507-19Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in	07-10			32 MoReg 1090
Gov. Matt Blunt declares a State of Emergency and directs the Missouri State  Emergency Operations Plan be activated in response to severe storms that began May 5  Gov. Matt Blunt authorizes the departments and agencies of the Executive  Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in	07-17			
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began May 5 May 7, 2007 32 MoReg 965  O7-19 Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in	07-18			
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			May 7, 2007	32 MoReg 967

#### Missouri Register

Executive			
Orders	Subject Matter	Filed Date	<b>Publication</b>
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	e May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration at that those evaluations be recorded in the Productivity, Excellence and Results for Miscouri (DEPforM). State Employee Online Apprairied Systems		22 MaDag 1290
07-22	for Missouri (PERforM) State Employee Online Appraisal System  Declares a State of Emergency and directs the Missouri State Emergency	July 11, 2007	32 MoReg 1389
07 22	Operations Plan to be activated due to severe weather that began on		
	June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that		
	began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Account Portal as a free Internet-based tool allowing citizens to view the financial tran- related to the purchase of goods and services and the distribution of funds for	nsactions r	22 M D 1204
07-25	state programs  Performs that a State of Emergency evides in the State of Missouri and directs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the	August 24, 2007	32 MOREG 1902
07-20	concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau,	11ugust 50, 2007	32 Works 1901
ο. <b>Ξ</b> .	Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St.		
	Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the		
	lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07 33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on	,	-
т.	December 8, 2007	December 10, 2007	33 MoReg 190
<b>Emergency Declaration</b>	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue		
	until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state	December 10, 2007	JJ WIONES 172
<del>0</del> 7-31	agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321
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The rule number and the MoReg publication date follow each entry to this index.

#### ACCOUNTANCY, MISSOURI STATE BOARD OF

board compensation; 20 CSR 2010-1.020; 7/1/08, 10/15/08

#### ACUPUNCTURIST ADVISORY COMMITTEE

acupuncturist credentials, name, and address changes; 20 CSR 2015-1.020; 8/1/08

application for licensure; 20 CSR 2015-2.010; 8/1/08

license renewal, restoration, and continuing education; 20 CSR 2015-2.020; 8/1/08

supervision of auricular detox technicians; 20 CSR 2015-4.010; 8/1/08

#### ADMINISTRATION, OFFICE OF

administrative hearing commission

answers and other responsive pleadings; 1 CSR 15-3.380;

complaints; 1 CSR 15-3.350; 8/1/08

decision on the complaint without a hearing; 1 CSR 15-3.446; 8/1/08

disposing of a case without a hearing on the complaint; 1 CSR 15-3.440; 8/1/08

hearings on complaints; default; 1 CSR 15-3.490; 8/1/08 information, submissions, or requests; 1 CSR 15-1.207; 8/1/08

intervention; 1 CSR 15-3.390; 8/1/08

involuntary dismissal; 1 CSR 15-3.436; 8/1/08

organization; 1 CSR 15-1.201; 8/1/08

stay of action under review; 1 CSR 15-3.320; 8/1/08

voluntary dismissal, settlement, and consent orders; 1 CSR 15-3.431; 8/1/08

commissioner of administration

cafeteria plan; 1 CSR 10-15.010; 8/15/08

state of Missouri vendor payroll deductions; 1 CSR 10-4.010; 8/15/08

personnel advisory board and division of personnel

appeals; 1 CSR 20-4.010; 9/15/08

seperation, suspension, and demotion; 1 CSR 20-3.070; 9/15/08

#### **AGRICULTURE**

animal health

inspection of meat and poultry; 2 CSR 30-10.010; 8/1/08 laboratory services and fees; 2 CSR 30-1.020; 7/1/08 large animal veterinary student loan program; 2 CSR 30-11.010; 8/15/08, 9/15/08

requirements of exhibition; 2 CSR 30-2.040; 4/1/08, 8/15/08 plant industries

emerald ash borer intrastate quarantine; 2 CSR 70-11.050; 10/1/08

sale or distribution of wood products similar in appearance to treated timber-identification-penalties; 2 CSR 70-040.055; 3/17/08, 8/1/08

treated timber

branding; 2 CSR 70-40.040; 3/17/08, 8/1/08

definitions; 2 CSR 70-40.005; 10/1/08

preservatives required to be registered pesticides; 2 CSR 70-40.017; 3/17/08, 8/1/08

standards for

inspection, sampling, and analyses; 2 CSR 70-40.025; 3/17/08, 8/1/08

treated timber; 2 CSR 70-40.015; 3/17/08, 8/1/08

office of the director

Missouri qualified biodiesel producer incentive program

description of general organization; definitions; requirements of eligibility, licensing, application for grants; procedures for grant disbursements; record keeping requirements; and verification procedures for the Missouri qualified biodiesel producer incentive program; 2 CSR 110-2.010; 7/15/08

#### AIR QUALITY, AIR POLLUTION CONTROL

control of emissions from the surface coating of chrome-plated and resist plastic parts; 10 CSR 10-5.430; 9/2/08

control of heavy duty diesel vehicle idling emissions

Kansas City metropolitan area; 10 CSR 10-2.385; 8/15/08 St. Louis metropolitan area; 10 CSR 10-5.385; 8/15/08

definitions and common reference tables; 10 CSR 10-6.020; 3/17/08, 8/1/08

emissions

restriction of emission of particulate matter from industrial processes; 10 CSR 10-6.400; 10/15/08

restriction of emission of visible air contaminants; 10 CSR 10-6.220; 3/17/08, 8/1/08

standards for hazardous air pollutants; 10 CSR 10-6.080; 5/1/08, 10/1/08

maximum achievable control technology regulations; 10 CSR 10-6.075; 5/1/08, 10/1/08

more restrictive emission limitations for particulate matter in the south St. Louis area; 10 CSR 10-5.290; 10/1/08

new source performance regulations; 10 CSR 10-6.070; 5/1/08, 10/1/08

submission of emission data, emission fees, and process information; 10 CSR 10-6.110; 7/1/08

time schedule for compliance

Kansas City metropolitan area; 10 CSR 10-2.150; 6/2/08 Springfield-Greene County; 10 CSR 10-4.140; 6/2/08 St. Louis metropolitan area; 10 CSR 10-5.250; 6/2/08

#### ALCOHOL AND TOBACCO CONTROL

application for license; 11 CSR 70-2.020; 7/15/08, 10/15/08

#### ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

continuing education for architects; 20 CSR 2030-11.025; 9/15/08 standards for licensure-engineers; 20 CSR 2030-5.080; 9/15/08

#### BIODIESEL PRODUCER INCENTIVE PROGRAM

Missouri qualified; 2 CSR 110-2.010; 10/1/07

#### CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 8/1/08, 8/15/08, 9/2/08, 10/1/08, 10/15/08

#### CHILD SUPPORT ENFORCEMENT

interstate income withholding procedure; 13 CSR 30-4.010; 6/2/08, 9/15/08

#### CHIROPRACTIC EXAMINERS, STATE BOARD OF

biennial license renewal; 20 CSR 2070-2.080; 9/15/08 fees; 20 CSR 2070-2.090; 9/15/08

meridian therapy/acupressure/acupuncture; 20 CSR 2070-2.031; 9/15/08

postgraduate education; 20 CSR 2070-2.081; 9/15/08 renewal and postgraduate education; 20 CSR 2070-4.030; 9/15/08

#### **CLEAN WATER COMMISSION**

concentrated animal feeding operations; 10 CSR 20-6.300; 6/16/08 construction and operating permits; 10 CSR 20-6.010; 6/16/08 impaired waters list; 10 CSR 20-7.050; 10/15/08

#### **CONSERVATION COMMISSION**

closed hours; 3 CSR 10-12.109; 6/2/08, 8/15/08 falconry; 3 CSR 10-9.442; 9/15/08 fishing

daily and possession limits; 3 CSR 10-12.140; 6/2/08, 8/15/08

methods; 3 CSR 10-12.135; 6/2/08, 8/15/08 organization and methods of operations; 3 CSR 10-1.010; 6/2/08 migratory game birds and waterfowl: seasons, limits; 3 CSR 10-

#### CREDIT UNIONS, DIVISION OF

7.440; 8/15/08, 9/15/08

general organization; 20 CSR 1100-1.010; 6/2/08, 10/1/08 state-chartered

accuracy of advertising and use of credit union name; 20 CSR 1100-2.012; 6/2/08, 10/1/08

credit union investments

other; 20 CSR 1100-2.135; 6/2/08, 10/1/08 United States government securities and obligations; 20 CSR 1100-2.130; 6/2/08, 10/1/08

delinquent loan and extension agreements reporting procedure; 20 CSR 1100-2.060; 6/2/08, 10/1/08

deposit and securing of public funds; 20 CSR 1100-2.205; 6/2/08, 10/1/08

loans; 20 CSR 1100-2.040; 6/2/08, 10/1/08

security program, report of crime and catastrophic act, and bank secrecy act compliance: federal insurance requirements; 20 CSR 1100-2.230; 6/2/08, 10/1/08 surety bond requirement; 20 CSR 1100-2.030; 6/2/08, 10/1/08

#### **DEALER LICENSURE**

bona fide established place of business; 12 CSR 10-26.010; 6/16/08, 10/1/08

dealer disciplinary hearings; 12 CSR 10-26.220; 8/1/08 dealer seminar certification requirements; 12 CSR 10-26.210; 6/16/08

fees; 12 CSR 10-26.040; 6/16/08, 10/1/08

#### ECONOMIC DEVELOPMENT

historic preservation tax credit program final application; 4 CSR 85-5.030; 8/15/08 overview and definitions; 4 CSR 85-5.010; 8/15/08 preliminary application; 4 CSR 85-5.020; 8/15/08

#### **ELECTIONS**

electronic voting machines, manual recount; 15 CSR 30-10.110; 10/15/08

#### **ELEMENTARY AND SECONDARY EDUCATION**

educator certification

application for an adult education and literacy certificate of license to teach; 5 CSR 80-800.280; 3/3/08, 8/1/08 application for a career education certificate of license to teach; 5 CSR 80-800.270; 3/3/08, 8/1/08

application for certificate of license to teach; 5 CSR 80-800.200; 3/3/08, 8/1/08

for administrators; 5 CSR 80-800.220; 3/3/08, 8/1/08 application for a student services certificate of license to teach; 5 CSR 80-800.230; 3/3/08, 8/1/08

certificate of license to teach classifications; 5 CSR 80-800.360; 3/3/08, 8/1/08

certificate of license to teach content areas; 5 CSR 80-800.350; 3/3/08, 8/1/08

certificate of license to teach on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE); 5 CSR 80-800.285; 5/15/08, 9/15/08

required assessments for professional education certification in Missouri; 5 CSR 80-800.380; 3/3/08, 8/1/08

temporary authorization certificate of license to teach; 5 CSR 80-800.260; 3/3/08, 8/1/08

professional development

mentoring program standards; 5 CSR 80-850.045; 3/3/08, 8/1//08

teacher quality and urban education

administrator assessment center; 5 CSR 80-631.010; 6/2/08, 10/15/08

#### EMPLOYMENT SECURITY, DIVISION OF

appeals

hearing and procedure; 8 CSR 10-5.015; 10/15/08 tribunal; 8 CSR 10-5.010; 10/15/08 decisions; 8 CSR 10-5.050; 10/15/08 orders; 8 CSR 10-5.040; 10/15/08 telephone hearing; 8 CSR 10-5.030; 10/15/08 copies, charges; 8 CSR 10-2.020; 10/15/08

#### **ENDOWED CARE CEMETERIES**

definitions; 20 CSR 2065-1.030; 7/15/08

#### **EXECUTIVE ORDERS**

declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operation Plan be activated; 08-31; 10/15/08

declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuationg disaster victims associated with Hurricane Gustav from that state to the state of Missouri; 08-27; 10/1/08

designates staff having supervisory authority over departments; 08-22; 8/15/08

directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities; 08-30; 10/15/08

extends declaration of emergency in Executive Order 08-14 and the terms of Executive Order 08-15; 08-17; 6/2/08

extends declaration of emergency in Executive Order 08-20 and the terms of Executive Order 08-19; 08-24; 8/15/08

extends order contained in Executive Order 08-21; 08-23; 8/15/08 extends the order contained in Executive Orders 08-21 and 08-23; 08-26; 10/1/08

extends order contained in Executive Orders 08-21 and 08-23; 08-25; 9/2/08

orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service portions of the organized militia; 08-28; 10/1/08

transfers the breath alcohol program back to the Department of Health and Senior Services from the Department of Transporation by Type I transfer; 08-29; 10/15/08

#### FIRE SAFETY, DIVISION OF

blasting; 11 CSR 40-7.010; 5/15/08, 10/1/08

#### FUEL STANDARD, MISSOURI RENEWABLE

organization, definitions; 2 CSR 110-3.010; 2/1/08 quality standards; 2 CSR 90-30.040; 2/15/08

## GEOLOGIST REGISTRATION, MISSOURI BOARD OF fees; 20 CSR 2145-1.040; 7/15/08

#### GEOLOGY AND LAND SURVEY, DIVISION OF

application for a permit; 10 CSR 23-1.060; 9/2/08 fee structure; 10 CSR 23-2.010; 8/1/08 qualifications; 10 CSR 23-1.050; 9/2/08

#### HEALING ARTS, STATE BOARD OF

physician assistant

applicants for temporary licensure; 20 CSR 2150-7.300; 7/1/08, 10/15/08 waiver renewal; 20 CSR 2150-7.137; 6/16/08

speech language pathologists and audiologists ethical standards; 20 CSR 2150-4.080; 5/1/08, 8/15/08 fees; 20 CSR 2150-4.060; 5/1/08, 8/15/08

#### HEARING INSTRUMENT SPECIALISTS, BOARD OF **EXAMINERS FOR**

application procedures; 20 CSR 2165-2.025; 10/15/08 continuing education requirements; 20 CSR 2165-2.050; 8/1/08 custodian of public records; 20 CSR 2165-1.030; 8/1/08 fees; 20 CSR 2165-1.020; 8/1/08

general obligation of the licensee; 20 CSR 2165-3.010; 8/1/08 hearing instrument specialist in training (temporary permits); 20 CSR 2165-2.010; 8/1/08

license renewal; 20 CSR 2165-2.060; 8/1/08 supervisors; 20 CSR 2165-2.020; 8/1/08

#### HEALTH AND SENIOR SERVICES, DEPARTMENT OF

environmental health and communicable disease prevention minimum construction standards for on-site sewage disposal systems; 19 CSR 20-3.060; 8/15/08

regulation and licensure

air ambulance services

application and licensure requirement standards for licensure and relicensure of air ambulance services; 19 CSR 30-40.308; 7/1/08

definition of terms; 19 CSR 30-83.010; 4/15/08, 9/15/08 comprehensive emergency medical services systems regula-

application and accreditation or certification requirements for training entities that conduct training for first responders, emergency medical dispatchers, and emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedics; 19 CSR 30-40.331; 7/1/08

application and licensure requirements for the initial licensure and relicensure of emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedics; 19 CSR 30-40.342; 7/1/08

application and licensure requirement standards for licensure and relicensure of air ambulance services; 19 CSR 30-40.308; 7/1/08

application and licensure requirements; standards for the licensure and relicensure of stretcher van services; 19 CSR 30-40.528; 7/1/08

definitions and abbreviations relating to trauma centers; 19 CSR 30-40.410; 7/1/08

standards for trauma center designation; 19 CSR 30-40.340; 7/1/08

trauma center designation requirements; 19 CSR 30-40.420; 7/1/08

general licensure requirements; 19 CSR 30-82.010; 4/15/08, 9/15/08

intermediate care and skilled nursing facility

fire safety standards; 19 CSR 30-85.022; 4/15/08, 9/15/08

physical plant requirements; 19 CSR 30-85.032; 4/15/08, 9/15/08

resident rights; 19 CSR 30-88.010; 4/15/08, 9/15/08

residential care facilities and assisted living facilities

administrative, personnel, and resident care requirements for assisted living facilities; 19 CSR 30-86.047; 4/15/08, 9/15/08

construction standards; 19 CSR 30-86.012; 4/15/08, 9/15/08

fire safety standards; 19 CSR 30-86.022; 4/15/08, 9/15/08

physical plant requirements; 19 CSR 30-86.032; 4/15/08, 9/15/08

standards and requirements for assisted living facilities which provide services to residents with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance; 19 CSR 30-86.045; 4/15/08, 9/15/08

training program for nursing assistants

certified medication technician training program; 19 CSR 30-84.020; 4/15/08, 9/15/08

level I medication aide; 19 CSR 30-84.030; 4/15/08, 9/15/08

#### HIGHWAYS AND TRANSPORTATION COMMISSION

motor carrier operations

overdimension and overweight permits; 7 CSR 10-25.020;

skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 8/1/08, 8/15/08, 9/15/08, 10/1/08

#### HOSPITALS

unlicensed assistive personnel; 19 CSR 30-20.125; 3/3/08

#### **INSURANCE**

insurance licensing

applications for license; 20 CSR 700-8.100; 3/3/08, 8/15/08 continuing education; 20 CSR 700-8.160; 3/3/08, 8/15/08 examination requirements; 20 CSR 700-8.150; 3/3/08, 8/15/08

scope and definitions; 20 CSR 700-8.005; 3/3/08, 8/15/08 insurance solvency and company regulation

service contracts

faithful performance of a motor vehicle extended service contract provider's obligations; 20 CSR 200-18.020; 3/3/08, 8/15/08

faithful performance of a motor vehicle extended service contract provider's obligations (non-motor vehicle); 20 CSR 200-18.110; 3/3/08, 8/15/08

registration of motor vehicle extended service contract providers; 20 CSR 200-18.010; 3/3/08, 8/15/08

registration of motor vehicle extended service contract providers (non-motor vehicle); 20 CSR 200-18.120; 3/3/08, 8/15/08

surplus lines

surplus lines insurance forms; 20 CSR 200-6.100; 6/16/08, 10/1/08

insurer conduct

market conduct

analysis

scope and definitions; 20 CSR 100-7.002; 5/1/08, 10/1/08

uniform analysis and continuum of actions; 20 CSR 100-7.005; 5/1/08, 10/1/08

examinations

collaborative actions; 20 CSR 100-8.014; 5/1/08, 10/1/08

contract examiners; 20 CSR 100-8.017; 5/1/08, 10/1/08

examination procedures; 20 CSR 100-8.016; 5/1/08, 10/1/08

examination warrants; 20 CSR 100-8.005; 5/1/08, 10/1/08

hearing on warrant; 20 CSR 100-8.008; 5/1/08, 10/1/08

notice of examination; 20 CSR 100-8.015; 5/1/08, 10/1/08

post-examination procedure; 20 CSR 100-8.018; 5/1/08, 10/1/08 scope and definitions; 20 CSR 100-8.002; 5/1/08,

10/1/08

timing of examinations; 20 CSR 100-8.012; 5/1/08, 10/1/08

improper or unfair claims settlement practices identification cards issued by health carriers; 20 CSR 100-1.070: 10/15/08

standards for prompt, fair, and equitable settlements under health benefit plans; 20 CSR 100-1.060; 10/15/08

licensing

producers

reasonable supervision in annuity sales; 20 CSR 700-1.148; 6/2/08

life, annuities, and health

life insurance and annuity standards

minimum standards for determining reserve liabilities and nonforfeiture values for life insurance sold with a preneed contract; 20 CSR 400-1.175; 7/1/08, 10/15/08

policy approval criteria for life insurance and annuity contracts; 20 CSR 400-1.010; 7/1/08, 10/15/08

recognition of preferred mortality tables in determining minimum reserve liabilities and nonforfeiture benefits; 20 CSR 400-1.170; 7/1/08, 10/15/08

suicide no defense to payment; 20 CSR 400-1.050; 7/1/08, 10/15/08

long-term care

standard form to establish credentials; 20 CSR 400-7.180; 6/16/08

market conduct examinations

file and record documentation for claims; 20 CSR 300-2.100; 8/1/08

fraudulent or bad faith conduct rules; 20 CSR 300-1.200; 8/1/08

primary coverage for replacement vehicles; 20 CSR 300-3.100; 8/1/08

records required for purposes of market conduct examinations; 20 CSR 300-2.200; 8/1/08

unfair claims settlement rates; 20 CSR 300-1.100; 8/1/08 medical malpractice

award; 20 CSR; 3/15/07

statistical data reporting; 20 CSR 600-1.030; 7/2/07 property and casualty

affiliated business arrangements; 20 CSR 500-7.070; 3/3/08, 8/15/08

disclosure of coverage limitation; 20 CSR 500-7.060; 3/3/08, 8/15/08

disclosure of premiums and charges; 20 CSR 500-7.050; 3/3/08, 8/15/08

general instructions; 20 CSR 500-7.030; 3/3/08, 8/15/08 insurance and closing protection form filings; 20 CSR 500-7.130; 3/3/08, 8/15/08

rate schedules; 20 CSR 500-7.100; 3/3/08, 8/15/08 scope and definitions; 20 CSR 500-7.020; 3/3/08, 8/15/08 special circumstances for policy delay; 20 CSR 500-7.090; 3/3/08, 8/15/08

standards for policy issuance; 20 CSR 500-7.200; 3/3/08, 8/15/08

statistical reporting

medical malpractice statistical data reporting; 20 CSR 600-1.030; 10/15/08

#### INTERPRETERS, MISSOURI STATE COMMITTEE OF

application for licensure; 20 CSR 2232-2.010; 7/1/08, 10/15/08 application for temporary license; 20 CSR 2232-2.020; 7/1/08, 10/15/08

consumer welfare; 20 CSR 2232-3.020; 7/1/08, 10/15/08 name and address change and license renewal; 20 CSR 2232-2.030; 7/1/08, 10/15/08

policy for release of public records; 20 CSR 2232-1.020; 7/1/08, 10/15/08

#### LABOR AND INDUSTRIAL RELATIONS

employment security, division of

registration and claims in general; 8 CSR 10-3.010; 9/15/08 unemployment automation surcharge; 8 CSR 10-4.200; 9/2/08 labor standards, division of

administrative complaints; notices issued by the director; 8 CSR 30-4.060; 9/15/08

applicability and definitions; 8 CSR 30-4.010; 9/15/08

definitions; 8 CSR 30-4.010; 9/15/08

minimum and subminimum wage rates; 8 CSR 30-4.020; 9/15/08

minimum wage rates; 8 CSR 30-4.020; 9/15/08

subminimum wage rates for the physically or mentally impaired; 8 CSR 30-4.040; 9/15/08

training wage for learners and apprentices; 8 CSR 30-4.030;

workers' compensation, division of

performance standards for administrative law judges; 8 CSR 50-2.060; 9/15/08

resolution of medical fee disputes; 8 CSR 50-2.030; 9/15/08 rules governing self-insurance; 8 CSR 50-3.010; 9/15/08

## MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

ethical standards

general principles; 20 CSR 2233-3.010; 8/1/08 policy for release of public records; 20 CSR 2233-1.020; 8/1/08

#### MEDICAL SERVICES, DIVISION OF

grant to trauma hospital; 13 CSR 70-15.180; 7/16/07 reimbursement

HIV services; 13 CSR 70-10.080; 10/15/07 nursing services; 13 CSR 70-10.015; 10/15/07 Title XIX

claims, false or fraudulent; 13 CSR 70-3.030; 5/1/07

#### MENTAL HEALTH, DEPARTMENT OF

intergrated dual disorders treatment program; 9 CSR 30-4.0431; 10/1/08

intermediate care facility for the mentally retarded federal reimbursement allowance; 9 CSR 10-31.030; 8/1/08

#### MO HEALTHNET

emergency ambulance program; 13 CSR 70-6.010; 9/2/08 filing of claims, MO HealthNet program; 13 CSR 70-3.100; 9/2/08 hearing aid program; 13 CSR 70-45.010; 4/15/08, 9/15/08 hospital program

federal reimbursement allowance (FRA); 13 CSR 70-15.110; 8/1/08

inpatient hospital services reimbursement plan; outpatient hospital reimbursement methodology; 13 CSR 70-15.010; 8/1/08

independent rural health clinic program; 13 CSR 70-94.010; 9/15/08 insure Missouri; 13 CSR 70-4.120; 2/15/08

medicaid managed care organization reimbursement allowance; 13 CSR 70-3.170; 4/15/08, 8/1/08, 8/1/08

nursing home program

global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 8/1/08

prospective reimbursement plan for HIV nursing facility services; 13 CSR 70-10.080; 8/1/08

prospective reimbursement plan for nonstate-operated facilities for ICF/MR services; 13 CSR 70-10.030; 8/1/08

prospective reimbursement plan for nursing facility services; 13 CSR 70-10.015; 8/1/08

payment for early periodic screening, diagnosis, and treatment program services; 13 CSR 70-25.010; 9/15/08

pharmacy reimbursement allowance; 13 CSR 70-20.320; 10/15/08 podiatric services program; 13 CSR 70-30.010; 7/1/08, 10/15/08 program benefits for federally qualified health center services; 13 CSR 70-26.010; 7/1/08

provider-based rural health clinic; 13 CSR 70-94.020; 9/15/08 psychiatric/psychology/counseling/clinical social work program documentation; 13 CSR 70-98.015; 7/1/08, 10/15/08

state children's health insurance program; 13 CSR 70-4.080; 7/1/08, 10/15/08

timely payment of MO HealthNet claims: 13 CSR 70-3.105: 9/2/08

NURSING, STATE BOARD OF

advanced practice nurse; 20 CSR 2200-4.100; 8/1/08 collaborative practice; 20 CSR 2200-4.200;8/1/08

fees; 20 CSR 2200-4.010; 8/1/08

intravenous infusion treatment administration definitions; 20 CSR 2200-6.020; 8/1/08

requirements for intravenous therapy administration certification; 20 CSR 2200-6.060; 8/1/08

mandatory reporting rule; 20 CSR 2200-4.040; 7/1/08, 10/15/08 professional nursing fees; 20 CSR 2200-4.010; 10/1/07, 1/16/08, 4/1/08, 7/1/08

public complaint handling and disposition procedure; 20 CSR 2200-4.030; 7/1/08, 10/15/08

requirements for licensure; 20 CSR 2200-4.020; 8/1/08

#### OCCUPATIONAL THERAPY, MISSOURI BOARD OF

continuing competency requirements; 20 CSR 2205-5.010; 8/15/08 definitions; 20 CSR 2205-1.010; 7/15/08 fees; 20 CSR 2205-1.050; 8/15/08

#### OPTOMETRY, STATE BOARD OF

certification of optomistrists to use pharmaceutical agents; 20 CSR 2210-2.080; 6/2/08, 10/15/08

licensure by endorsement; 20 CSR 2210-2.011; 6/16/08, 10/15/08

#### PHARMACY, STATE BOARD OF

administration by medical prescription order; 20 CSR 2220-6.040; 6/2/08, 10/1/08

#### PEACE OFFICER STANDARDS AND TRAINING PROGRAM

basic training centers

basic training instructor licenses; 11 CSR 75-14.070; 8/1/08 certification of basic training courses; 11 CSR 75-14.040; 8/1/08

eligibility for entrance into a basic training course; 11 CSR 75-14.060; 8/1/08

minimum requirements for a basic training instructor; 11 CSR 75-14.080; 8/1/08

minimum requirements for basic training centers; 11 CSR 75-14.020; 8/1/08

minimum standards for a certified basic training course; 11 CSR 75-14.050; 8/1/08

procedure to obtain a basic training center license; 11 CSR 75-14.010; 8/1/08

standard basic training curricula and objectives; 11 CSR 75-14.030; 8/1/08

continuing education

computer-based continuing education training; 11 CSR 75-15.070; 8/1/08

continuing education requirements; 11 CSR 75-15.010; 8/1/08 in-service continuing education training; 11 CSR 75-15.060; 8/1/08

minimum standards for continuing education training; 11 CSR 75-15.020; 8/1/08

out-of-state, federal, and organizations continuing education; 11 CSR 75-15.050; 8/1/08

procedure to obtain a continuing education provider license; 11 CSR 75-15.030; 8/1/08

procedure to obtain approval for an individual CLEE course; 11 CSR 75-15.040; 8/1/08 definitions; 11 CSR 75-2.010; 8/1/08

general organization; 11 CSR 75-1.010; 8/1/08

peace officer licenses

adjustment of peace officer license classification; 11 CSR 75-13.080; 8/1/08

cause to discipline peace officer license; 11 CSR 75-13.090; 8/1/08

classification of peace officer license; 11 CSR 75-13.010; 8/1/08

Missouri peace officer license exam; 11 CSR 75-13.050; 8/1/08

notification of change in commission status; 11 CSR 75-13.100; 8/1/08

procedure to obtain new peace officer license; 11 CSR 75-13.020: 8/1/08

procedure to upgrade peace officer license classification; 11 CSR 75-13.030; 8/1/08

recognition of federal, military, and out-of-state basic training; 11 CSR 75-13.070; 8/1/08

relicensing of expired peace officer licenses; 11 CSR 75-13.040; 8/1/08

veteran peace officer point scale; 11 CSR 75-13.060; 8/1/08 peace officer standards and training commission funds; 11 CSR 75-16.010; 8/1/08

#### PODIATRIC MEDICINE, STATE BOARD OF

definitions; 20 CSR 2230-1.030; 8/15/08

#### POLICE COMMISSIONERS, BOARDS OF

St. Louis

private security officers

authority; 17 CSR 20-2.065; 6/16/08

complaint/disciplinary procedures; 17 CSR 20-2.125; 6/16/08

definitions; 17 CSR 20-2.025; 6/16/08 drug testing; 17 CSR 20-2.135; 6/16/08 duties; 17 CSR 20-2.075; 6/16/08 licensing; 17 CSR 20-2.035; 6/16/08 uniforms; 17 CSR 20-2.085; 6/16/08 weapons; 17 CSR 20-2.105; 6/16/08

#### PROBATION AND PAROLE, STATE BOARD OF

definitions for intervention fee; 14 CSR 80-5.010; 9/2/08 intervention fee procedure; 14 CSR 80-5.020; 9/2/08

#### PSYCHOLOGISTS, STATE COMMITTEE OF

application for provisional licensure; 20 CSR 2235-1.025; 8/15/08 application for temporary licensure; 20 CSR 2235-1.026; 8/15/08 continuing education

categories of continuing education; 20 CSR 2235-7.030;

continuing education; 20 CSR 2235-7.010; 8/15/08 continuing education reports; 20 CSR 2235-7.020; 8/15/08 definitions; 20 CSR 2235-7.005; 8/15/08

health service provider certification; 20 CSR 2235-3.020; 8/15/08 licensure requirements

educational requirements, section 337.025, RSMo; 20 CSR 2235-2.005; 8/15/08

post master's degree supervised professional experience, section 337.021, RSMo; 20 CSR 2235-2.030; 8/15/08 supervised professional experience, section 337.025, RSMo; 20 CSR 2235-2.050; 8/15/08

#### PUBLIC SERVICE COMMISSION

electric utilities

net metering; 4 CSR 240-20.065; 8/1/08

Missouri universal service fund; 4 CSR 240-31.010; 9/2/08

safety standards for electrical corporations, telecommunications companies, and rural electric cooperatives; 4 CSR 240-18.010; 6/16/08, 10/15/08

telecommunication carriers

customer proprietary network information; 4 CSR 240-33.160; 3/3/08, 8/1/08

#### REAL ESTATE APPRAISERS

applications for certification and licensure; 20 CSR 2245-3.010; 5/1/08, 8/15/08

case study courses; 20 CSR 2245-6.040; 5/1/08, 8/15/08 continuing education

instructor approval; 20 CSR 2245-8.030; 5/1/08, 8/15/08 requirements; 20 CSR 2245-8.010; 5/1/08, 8/15/08

trainee real estate appraiser registration; 20 CSR 2245-3.005; 8/1/08

#### RESPIRATORY CARE, MISSOURI BOARD FOR

reinstatement; 20 CSR 2255-2.060; 7/15/08

#### RETIREMENT SYSTEMS

county employees' retirement fund, the

benefits upon participant's death; 16 CSR 50-2.120; 10/15/08 distribution of accounts; 16 CSR 50-10.050; 10/15/08

#### SECURITIES, DIVISION OF

dishonest or unethical business practice

broker-dealers; 15 CSR 30-51.170; 5/1/08

investment advisers and investment adviser representatives; 15 CSR 30-51.172; 5/1/08

#### SOIL AND WATER DISTRICTS COMMISSION

conservation equipment incentive program; 10 CSR 70-9.010; 9/15/08

cost-share rates and reimbursement procedures; 10 CSR 70-5.040; 7/15/08

SALT cost-share rates and reimbursement procedures; 10 CSR 70-8.040; 7/15/08

#### SOCIAL SERVICES, DEPARTMENT OF

children's division

basic residential child care core requirements (applicable to all agencies)-basics for licensure and licensing procedures; 13 CSR 35-71.020; 9/2/08

building, grounds, and equipment; 13 CSR 35-71.080; 9/2/08 child care program; 13 CSR 35-71.110; 9/2/08

court review and dispositional hearing; 13 CSR 35-71.035; 9/2/08

definitions; 13 CSR 35-71.010; 9/2/08

exemption of religious child care facilities; 13 CSR 35-71.025; 9/2/08

health care; 13 CSR 35-71.075; 9/2/08

hearings and judicial review; 13 CSR 35-71.030; 9/2/08 organization and administration; 13 CSR 35-71.040; 9/2/08

personnel; 13 CSR 35-71.045; 9/2/08

protection and care of the child; 13 CSR 35-71.070; 9/2/08

record keeping; 13 CSR 35-71.090; 9/2/08

social services program; 13 CSR 35-71.060; 9/2/08

specific rules for basic care agencies providing toddler or preschool age children (birth through age six); 13 CSR 35-71.100; 9/2/08

specific rules for residential care agencies providing maternity care; 13 CSR 35-71.120; 9/2/08

specialized standards for intensive residential treatment; 13 CSR 35-71.140; 9/2/08

specialized standards-residential treatment; 13 CSR 35-71.130; 9/2/08

staff qualifications and requirements; 13 CSR 35-71.050; 9/2/08

#### family services

basic residential child care core requirements (applicable to all agencies)-basics for licensure and licensing procedures; 13 CSR 40-71.020; 9/2/08

building, grounds, and equipment; 13 CSR 40-71.080; 9/2/08 child care program; 13 CSR 40-71.110; 9/2/08

court review and dispositional hearing; 13 CSR 40-71.035; 9/2/08

definitions; 13 CSR 40-71.010; 9/2/08

exemption of religious child care facilities; 13 CSR 40-71.025; 9/2/08

health care; 13 CSR 40-71.075; 9/2/08

hearings and judicial review; 13 CSR 40-71.030; 9/2/08 organization and administration; 13 CSR 40-71.040; 9/2/08

personnel; 13 CSR 40-71.045; 9/2/08

protection and care of the child; 13 CSR 40-71.070; 9/2/08

record keeping; 13 CSR 40-71.090; 9/2/08

social services program; 13 CSR 40-71.060; 9/2/08

specific rules for basic care agencies providing toddler or preschool age children (birth through age six); 13 CSR 40-71.100; 9/2/08

specific rules for residential care agencies providing maternity care; 13 CSR 40-71.120; 9/2/08

specialized standards for intensive residential treatment; 13 CSR 40-71.140; 9/2/08

specialized standards-residential treatment; 13 CSR 40-71.130; 9/2/08

staff qualifications and requirements; 13 CSR 40-71.050; 9/2/08

#### THERAPEUTIC MASSAGE, BOARD OF

application for licensure; 20 CSR 2197-2.010; 8/15/08

definitions; 20 CSR 2197-1.010; 8/1/08

massage therapy business license renewal; 20 CSR 2197-5.040; 8/1/08

## TATTOOING, BODY PIERCING, AND BRANDING, OFFICE OF

cleaning and sterilization; 20 CSR 2267-5.030; 7/15/08 establishment-change of name, ownership, or location; 20 CSR 2267-1.030; 7/15/08

fees; 20 CSR 2267-2.020; 6/16/08, 9/2/08, 9/15/08 license renewal; 20 CSR 2267-2.030; 7/15/08 licenses; 20 CSR 2267-2.010; 5/15/08, 10/15/08 standards of practice; 20 CSR 2267-5.010; 7/15/08

#### TAX, INCOME

addition modification for income tax; 12 CSR 10-2.740; 7/15/08

#### VETERINARY MEDICAL BOARD, MISSOURI

general rules

name and address changes; 20 CSR 2270-1.040; 8/1/08 public records; 20 CSR 2270-1.060; 8/1/08 renewal procedures; 20 CSR 2270-1.050; 8/1/08

licensure requirements for veterinarians

internship or veterinary candidacy program; 20 CSR 2270-2.021; 8/15/08

licensure (exemption); 20 CSR 2270-2.051; 8/1/08 reciprocity; 20 CSR 2270-2.060; 8/1/08

minimum standards

practice techniques; 20 CSR 2270-4.031; 5/1/08, 8/15/08 medical records; 20 CSR 2270-4.041; 5/1/08, 8/15/08 minimum standards for continuing education for veterinary technicians; 20 CSR 2270-4.050; 8/15/08

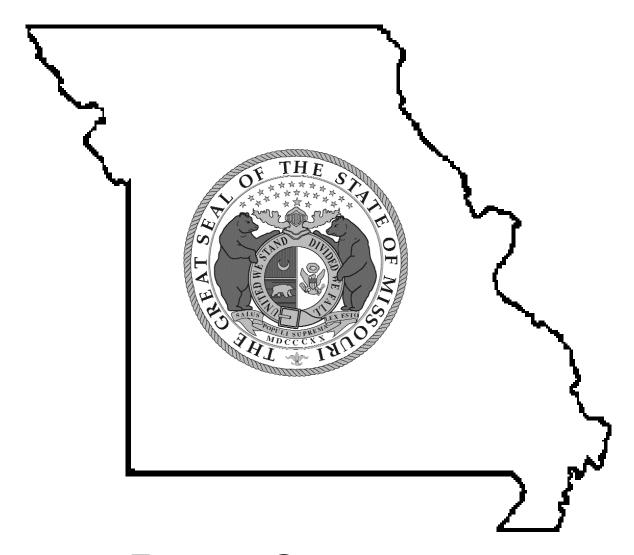
registration requirements for veterinary technicians reciprocity; 20 CSR 2270-3.030; 8/1/08

veterinary facilities permits

temporary continuance of veterinary practice upon death of owner; 20 CSR 2270-5.041; 8/1/08

veterinary facility self-inspection procedures; 20 CSR 2270-5.021; 8/1/08

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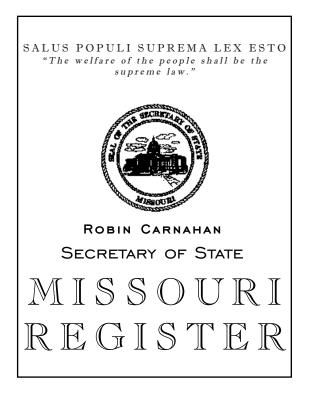


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- The Administrative Rules Division (SOS) and the Joint Committee on Administrative Rules (JCAR) use information completed on the rule transmittal sheet, especially agency contact information. It is critical to provide information for the actual person(s) SOS and JCAR should call or email regarding the text of the rule as well as technical data entry questions. The following information should be provided for each person:
  - Name;
  - o Email address;
  - o Phone number; and
  - o FAX number.
- When filing an order of rescission, adoption, or amendment, please mark the Order of Rulemaking box on the transmittal sheet.
- When the Order of Rulemaking is making additional changes to sections that were in the proposed rulemaking, please be sure to mark the "YES" box under the question, "Does the Order of Rulemaking contain changes to the rule text?" Also, please list the rule sections with changes following the "YES" box on the transmittal sheet. This provides an easy reference for SOS and JCAR when reviewing the rule filing.

## Office of the Secretary of State

# ROBIN CARNAHAN

10/15/08

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