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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



ROBIN CARNAHAN  
SECRETARY OF STATE

MISSOURI  
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 110—Office of the Director  
Chapter 3—Missouri Renewable Fuel Standard**

**EMERGENCY RULE**

**2 CSR 110-3.010 Description of General Organization; Definitions; Requirements and Exemptions; Enforcement Provisions**

*PURPOSE: This rule describes the operation of the renewable fuel standard; defines terms; establishes requirements and exemptions for fuel distributors, position holders, terminals, suppliers, and fuel retailers; and describes enforcement provisions.*

*EMERGENCY STATEMENT: This emergency rule is necessary to preserve a compelling government interest in the transition from fossil-based to renewable fuels. An early effective date is required because this emergency rule implements the requirements of section 414.255, RSMo Supp. 2007, the Missouri Renewable Fuel Standard Act, contained in HB 1270 and 1027, 93rd General Assembly, Second Regular Session (2006), which requires that on and after January 1, 2008 all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-blended gasoline, unless otherwise provided. A proposed rule containing the same requirements as this emergency rule was published in the August 1, 2007 Missouri Register and an Order of Rulemaking for that rule was published in the January 2, 2008 Missouri Register and becomes effective February 29, 2008. If this*

*emergency rule is not enacted there will be no rule in effect from January 1, 2008 to February 29, 2008, relating to renewable fuel and the requirements for the sale of ethanol-blended gasoline. Without a rule in place there could be significant delays in awareness of and compliance with section 414.255, RSMo, which could disrupt the continuity of gasoline and ethanol supplies, thereby leading to supply shortages and significant price increases. This emergency rule is being proposed to address the gap in time from the January 1, 2008 effective date contained in section 414.255, RSMo Supp. 2007 and the February 29, 2008, effective date for the regular rule. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Agriculture believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on December 19, 2007, effective January 1, 2008, expires June 28, 2008.*

(1) General Organization.

(A) The director of the Department of Agriculture (MDA) is authorized to ensure implementation of, and compliance and consistency with, the Missouri Renewable Fuel Standard Act (MRFSa). The MRFSa requires that, unless otherwise provided, on and after January 1, 2008 all gasoline sold or offered for sale in Missouri at retail shall be ten percent (10%) fuel ethanol-blended gasoline. The MDA and the Department of Revenue (DOR) are authorized to obtain documentation from relevant parties regarding the sales transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline.

(B) All submissions or requests for information regarding the MRFSa should be directed to the Missouri Department of Agriculture, Renewable Fuel Standard, PO Box 630, Jefferson City, MO 65102.

(2) Definitions.

(A) Aviation fuel—any motor fuel specifically compounded for use in reciprocating aircraft engines.

(B) Distributor—a person who either produces, refines, blends, compounds or manufactures motor fuel, imports motor fuel into a state or exports motor fuel out of a state, or who is engaged in distribution of motor fuel.

(C) E75-E85 fuel ethanol—fuel ethanol that meets ASTM D 5798 specifications.

(D) Fuel ethanol-blended gasoline—as defined in section 414.255.2(3), RSMo.

(E) Position holder—the person who holds the inventory position in motor fuel in a terminal, as reflected on the records of the terminal operator. A person holds the inventory position in motor fuel when that person has a contract with the terminal operator for the use of storage facilities and terminating services for motor fuel at the terminal. The term includes a terminal operator who owns motor fuel in the terminal.

(F) Premium gasoline—gasoline with an antiknock index number of ninety-one (91) or greater.

(G) Price—the cost of the fuel ethanol plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the fuel ethanol-blended gasoline plus fuel taxes and transportation expenses less tax credits, if any; or the cost of the unblended gasoline plus fuel taxes and transportation expenses less tax credits, if any.

(H) Qualified terminal—a terminal that has been assigned a terminal control number (tcn) by the Internal Revenue Service.

(I) Supplier—a person that is:

1. Registered or required to be registered pursuant to 26 U.S.C., section 4101, for transactions in motor fuels in the bulk transfer/terminal distribution system; and

2. One (1) or more of the following:



A. The position holder in a terminal or refinery in this state;  
 B. Imports motor fuel into this state from a foreign country;  
 C. Acquires motor fuel from a terminal or refinery in this state from a position holder pursuant to either a two (2)-party exchange or a qualified buy-sell arrangement which is treated as an exchange and appears on the records of the terminal operator; or

D. The position holder in a terminal or refinery outside this state with respect to motor fuel which that person imports into this state. A terminal operator shall not be considered a supplier based solely on the fact that the terminal operator handles motor fuel consigned to it within a terminal. "Supplier" also means a person that produces fuel grade alcohol or alcohol-derivative substances in this state, produces fuel grade alcohol or alcohol-derivative substances for import to this state into a terminal, or acquires upon import by truck, railcar, boat, barge or pipeline into a terminal, fuel grade alcohol or alcohol-derivative substances. "Supplier" includes a permissive supplier unless specifically provided otherwise.

(J) Terminal—a bulk storage and distribution facility which includes:

1. For the purposes of motor fuel, is a qualified terminal;
2. For the purposes of fuel grade alcohol, is supplied by truck, railcar, boat, barge or pipeline and the products are removed at a rack.

(K) Ultimate vendor—a person that sells motor fuel to the consumer.

(L) Unblended gasoline—gasoline that has not been blended with fuel ethanol.

### (3) Requirements and Exemptions.

(A) On and after January 1, 2008, all gasoline sold or offered for sale in Missouri at retail shall be fuel ethanol-blended gasoline, unless a distributor is unable to obtain fuel ethanol or fuel ethanol-blended gasoline from a position holder or supplier at the terminal at the same or lower price as unblended gasoline. Price comparisons are to be made between position holders or suppliers at a particular terminal, not by price comparisons between terminals.

(B) For each purchase of unblended gasoline from a position holder or supplier at the terminal, the position holder, supplier, distributor, and ultimate vendor shall maintain accurate purchase and disposition records and source documents for at least three (3) years. The records and source documents must, in their entirety, be sufficient to verify the price and quantity available at the terminal for fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline for each position holder or supplier at the terminal at the time of each purchase of unblended gasoline. If the unblended gasoline is to be used for exempt purchases as described in (3)(G) of this rule, records and source documents must include the quantity purchased, destination, date, and the category of exemption.

(C) The position holder, supplier, distributor, and ultimate vendor shall, upon request, and within thirty (30) days of receiving such a request, provide documentation within their purview or control regarding the sales transaction and price of fuel ethanol, fuel ethanol-blended gasoline, and unblended gasoline to the Department of Agriculture and/or the Department of Revenue. The departments may examine records, documents, books, premises, and products of such entities to determine the validity of all documentation provided and to determine compliance with the provisions of section 414.255, RSMo and this rule. All information obtained by the departments from such sources shall be confidential and not disclosed except by court order or as otherwise provided by law. Any documentation provided to the departments will be considered received by the departments on the:

1. Postmark date for items delivered by the United States Postal Service;
2. Actual date received by the departments for items delivered by any other carrier service; or
3. Actual date received for information received by facsimile or email within the departments' Jefferson City, Missouri central office.

(D) Any delivery of unblended gasoline to an ultimate vendor or consumer shall include notification by the distributor on a bill of lading, invoice, delivery ticket, or some other document of the quantity of unblended gasoline delivered and that the distributor was unable to purchase fuel ethanol or fuel ethanol-blended gasoline from a position holder or supplier at the terminal at the same or lower price as unblended gasoline.

(E) All terminals in Missouri that sell gasoline shall offer for sale, in cooperation with position holders and suppliers, fuel ethanol-blended gasoline, fuel ethanol, and unblended gasoline. Terminals that only offer for sale federal reformulated gasolines, in cooperation with position holders and suppliers, shall not be required to offer for sale unblended gasoline.

(F) Notwithstanding any other law to the contrary, all fuel retailers, wholesalers, distributors, and marketers shall be allowed to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, fuel ethanol wholesaler, or supplier. In the event a court of competent jurisdiction finds that this subsection does not apply to or improperly impairs existing contractual relationships, then this subsection shall only apply to and impact future contractual relationships.

(G) The following shall be exempt from the provisions of section 414.255, RSMo and this rule.

1. Aviation fuel and automotive gasoline used in aircraft;
2. Premium gasoline;
3. E75-E85 fuel ethanol;
4. Any specific exemptions declared by the United States Environmental Protection Agency;
5. Bulk transfers between terminals; and
6. Marinas that sell fuel exclusively to watercraft.

(H) The director of the Department of Agriculture may by rule exempt or rescind additional gasoline uses from the requirements of section 414.255, RSMo and this rule. The governor may by executive order waive the requirements of section 414.255, RSMo and this rule or any part thereof in part or in whole for all or any portion of this state for reasons related to air quality. Any regional waiver shall be issued and implemented in such a way as to minimize putting any region of the state at a competitive advantage or disadvantage with any other region of the state.

*AUTHORITY: section 414.255, RSMo Supp. 2007. Original rule filed June 29, 2007, effective Feb. 29, 2008. Emergency rule filed Dec. 19, 2007, effective Jan. 1, 2008, expires June 28, 2008.*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf and Hard of Hearing Chapter 200—Board for Certification of Interpreters

### EMERGENCY AMENDMENT

**5 CSR 100-200.170 Skill Level Standards.** The Missouri Commission for the Deaf and Hard of Hearing is amending section (5) and subsections (9)(A) and (10)(A) of this rule.

*PURPOSE: This amendment adds the new certifications issued by the Registry of Interpreters for the Deaf (RID) to the Skill Level Standards clarifying where persons who hold those certifications can work, and it modifies the Skill Level Standards allowing persons holding an MICS Advanced certification or its equivalent to work in Medical (Serious) and Mental Health (Serious) settings.*

*EMERGENCY STATEMENT: The Registry of Interpreters for the Deaf (RID) has developed a new test and now issues several new certifications resulting from passing their new test, those being NIC, NIC Advanced and NIC Masters. The Missouri State Committee of*

*Interpreters (SCI) has amended their rules to allow persons with these new RID certifications to obtain licenses to practice interpreting in Missouri. But the SCI has another rule that says a person cannot provide interpreting services outside the Skill Level Standards rule (5 CSR 100-200.170), and as of now that rule does not recognize these new RID certifications. So, today we are faced with a situation where a person with an RID NIC, NIC Advanced, or NIC Masters can get a license to interpret in Missouri but arguably cannot interpret anywhere because those certifications are not recognized in the Skill Level Standards rule. The Missouri Commission for the Deaf and Hard of Hearing finds a compelling governmental interest in clarifying this situation, which requires this emergency amendment. In addition, medical and mental health hospitals are now finding it very difficult to fulfill their responsibility to provide interpreters to deaf patients given the current restriction in the Skill Level Standards rule that only persons holding an MICS Comprehensive certification can provide interpreting services in those settings. Therefore, this emergency amendment modifies the Skill Level Standards allowing persons holding an MICS Advanced certification to also provide interpreting services in those settings. This situation has become very critical in Missouri and the Missouri Commission for the Deaf and Hard of Hearing finds a compelling governmental interest in expanding the pool of interpreters who can work in serious medical and mental health settings. A proposed amendment that covers the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed December 19, 2007, effective January 1, 2008, expires June 28, 2008.*

(5) For the purpose of this rule, certifications issued by the Registry of Interpreters for the Deaf (RID) and recognized by the Board for Certification of Interpreters (BCI) pursuant to 209.322(1), RSMo are referred to as follows:

- (A) National Interpreter Certification (NIC) Master = Com
- (B) National Interpreter Certification (NIC) Advanced = Com
- (C) National Interpreter Certification (NIC) = Adv
- [(A)] (D) Comprehensive Skills Certificate (CSC) = Adv
- [(B)] (E) Certificate of Interpreting/Certificate of Transliterating (CI/CT) = Adv
- [(C)] (F) Certified Deaf Interpreter (CDI) = CDI

**(9) Medical Setting Appropriate Certifications**

- (A) Medical (Serious) . . . . . Com/Adv/CDI
  - 1. Emergency room
  - 2. Any complicated surgery and medical procedure
  - 3. Life-threatening health problem
  - 4. Obstetrics

**(10) Mental Health Setting Appropriate Certifications**

- (A) Mental Health (Serious) . . . . . Com/Adv/CDI
  - 1. Mental hospitals
  - 2. Psychiatric hospitals
  - 3. Psychiatric units within hospitals
  - 4. Crisis intervention

*AUTHORITY: sections 209.292(5) and (8), RSMo Supp. [2004] 2007. Original rule filed Nov. 27, 1996, effective July 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002.*

*Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Emergency amendment filed Dec. 19, 2007, effective Jan. 1, 2008, expires June 28, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 18—PUBLIC DEFENDER COMMISSION  
Division 10—Office of State Public Defender  
Chapter 4—Rule for the Acceptance of Cases and  
Payment of Private Counsel Litigation Costs**

**EMERGENCY RULE**

**18 CSR 10-4.010 Rule for the Acceptance of Cases and Payment of Private Counsel Litigation Costs**

*PURPOSE: This rule establishes a uniform process to protect the constitutional rights of criminal defendants represented by private lawyers by authorizing the courts of Missouri to seek payment of litigation expenses from the state public defender. This administrative rule applies to all cases for which the courts of Missouri appoint private counsel under the public defender’s protocol process and cases where the public defender contracts with private counsel.*

*EMERGENCY STATEMENT: The director finds that there is an immediate danger to the public health, safety and welfare or a compelling government interest, which can only be addressed through this emergency rule. In fiscal year 2008, the Missouri General Assembly funded the Missouri State Public Defender System with an additional 1.15 million dollars to alleviate its burdening caseload. This emergency rule is necessary to provide a uniform process for Missouri courts to access litigation costs requested by private attorneys assigned to represent indigent defendants. Missourians who are legally entitled to meaningful criminal representation face severe and unacceptably high risks that they will be deprived of the rights guaranteed to them by the Missouri and United States Constitutions if the courts are unable to provide appointed private counsel with a means to access funds appropriated to the state public defender for payment associated with representation of indigent criminal defendants. This emergency rule provides a uniform process for the payment of funds appropriated to the public defender to appointed and contract counsel consistent with the requirements of law. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The director believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule filed December 18, 2007, effective December 28, 2007, expires June 30, 2008.*

**(1) Litigation Costs For Private Counsel.**

(A) If a court appoints a member of the private bar to represent an indigent defendant because the local public defender office is unavailable to accept such case, the court shall advise private counsel of the right to request the Missouri State Public Defender for payment of reasonable and necessary litigation costs including expert witness fees, deposition fees, and transcript costs to the extent such funds are available to the public defender. Requests for payment of litigation costs must be made and approved by the state public defender director or the director’s designee in advance of those costs being incurred.

(B) The determination of indigence under subsection (1)(A) shall be made by the public defender. Upon motion by the defendant contesting the public defender’s finding of non-indigence, the court in which the case is pending shall review and determine the defendant’s indigence. If the court finds the defendant indigent, the court shall advise the defendant and defendant’s private counsel of the right to

request the Missouri State Public Defender for payment of reasonable and necessary litigation costs as authorized under this rule.

(C) The State Public Defender System shall not represent indigent defendants who have at any time during the pendency of the case retained private counsel. The public defender shall not be available to assume representation where private counsel is allowed by court order to withdraw from representation regardless of the cause for such order of withdraw. In such cases, the state public defender may be available for payment of reasonable and necessary litigation costs as authorized under this rule.

*AUTHORITY: sections 600.017(10), 600.086 and 600.090, RSMo 2000. Emergency rule filed Dec. 18, 2007, effective Dec. 28, 2007, expires June 30, 2008. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-2.010 Definitions.** The board is amending section (89).

*PURPOSE: This amendment changes the plan's definitions as a result of the passage of HB 818.*

*EMERGENCY STATEMENT: This emergency amendment must be in place by January 1, 2008, in accordance with the new plan year. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 1, 2008, in order that an immediate danger is not imposed on the public welfare. This amendment reflects changes made to the plan as a result of the passage of HB 818. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed December 20, 2007, effective January 1, 2008, expires June 28, 2008.*

(89) Unemancipated child(ren). A natural child(ren), a legally adopted child(ren) or a child(ren) placed for adoption, and a dependent disabled child(ren) over [twenty-three (23)] **twenty-five (25)** years of age (during initial eligibility period only and appropriate documentation may be required by the plan), and the following:

(D) Other child(ren) for whom the employee is legal custodian subject to specific approval by the plan administrator.

1. Except for a disabled child(ren) as described in section (58) of this rule, an unemancipated child(ren) is eligible from birth to the end of the month in which s/he is emancipated, as defined here, or attains age [twenty-three (23)] **twenty-five (25)** (see 22 CSR 10-2.020(3)(D)2. for continuing coverage on a handicapped child(ren) beyond age [twenty-three (23)] **twenty-five (25)**); and

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions.** The board is amending paragraph (3)(D)2.

*PURPOSE: This amendment changes the plan's eligibility requirements as a result of the passage of HB 818.*

*EMERGENCY STATEMENT: This emergency amendment must be in place by January 1, 2008, in accordance with the new plan year. Therefore, this rule is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 1, 2008, in order that an immediate danger is not imposed on the public welfare. This amendment reflects changes made to the plan as a result of the passage of HB 818. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed December 20, 2007, effective January 1, 2008, expires June 28, 2008.*

(3) Termination of participation shall occur on the last day of the calendar month coinciding with or following the happening of any of the following events, whichever shall occur first:

(D) Termination of Eligibility for Participation.

1. With respect to employees, termination of participation shall occur upon termination of employment in a position covered by the MCHCP, except as specified in sections (4) and (5).

2. With respect to dependents, termination of participation shall occur upon ceasing to be a dependent as defined in this rule or upon failure to provide the plan with acceptable proof of eligibility with the following exception: unemancipated mentally retarded and/or physically handicapped children will continue to be eligible beyond age [twenty-three (23)] **twenty-five (25)** during the continuance of a permanent disability provided documentation satisfactory to the plan administrator is furnished by a physician prior to the dependent's [twenty-third] **twenty-fifth** birthday, and as requested at the discretion of the plan administrator.



*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 3—Public Entity Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-3.010 Definitions.** The board is amending subsection (1)(YY).

*PURPOSE: This amendment includes changes to the plan's definitions as a result of the passage of HB 818.*

*EMERGENCY STATEMENT: This emergency amendment must be in place by January 1, 2008, in accordance with the new plan year. Therefore, this amendment is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this amendment be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 1, 2008, in order that an immediate danger is not imposed on the public welfare. This amendment reflects changes made to the plan as a result of the passage of HB 818. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed December 20, 2007, effective January 1, 2008, expires June 28, 2008.*

(1) When used in this chapter's rules or the public entity member handbook, these words and phrases have the meaning—

(YY) Unemancipated child(ren). A natural child(ren), a legally adopted child(ren) or a child(ren) placed for adoption, and a dependent disabled child(ren) over [twenty-three (23)] **twenty-five (25)** years of age (during initial eligibility period only and appropriate documentation may be required by the plan), and the following:

1. Stepchild(ren);
2. Foster child(ren) for whom the employee is responsible for health care;
3. Grandchild(ren) for whom the employee has legal custody and is responsible for providing health care;
4. Other child(ren) for whom the employee is legal custodian subject to specific approval by the plan administrator. Except for a disabled child(ren) as described in subsection (1)(GG) of this rule, an unemancipated child(ren) is eligible from birth to the end of the month in which s/he is emancipated, as defined here, or attains age [twenty-three (23)] **twenty-five (25)** if attending school full-time and the public entity joining the plan had immediate

*previous coverage allowing this provision)] **twenty-five (25)** (see 22 CSR 10-3.020(4)(D)2. for continuing coverage on a handicapped child(ren) beyond age [twenty-three (23)] **twenty-five (25)**); and*

5. Stepchild(ren) who are not domiciled with the employee, provided the natural parent who is legally responsible for providing coverage is also covered as a dependent under the plan;

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 20, 2004, effective Jan. 1, 2005, expired June 29, 2005. Original rule filed Dec. 20, 2004, effective June 30, 2005. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 3—Public Entity Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions.** The board is amending paragraph (4)(D)2.

*PURPOSE: This amendment changes the plan's eligibility requirements as a result of the passage of HB 818.*

*EMERGENCY STATEMENT: This emergency amendment must be in place by January 1, 2008, in accordance with the new plan year. Therefore, this amendment is necessary to protect members (employees, retirees and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of having their health insurance coverage interrupted due to confusion regarding eligibility or availability of benefits. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this amendment be registered immediately in order to maintain the integrity of the current health care plan. This emergency amendment must become effective January 1, 2008, in order that an immediate danger is not imposed on the public welfare. This amendment reflects changes made to the plan as a result of the passage of HB 818. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. Emergency amendment filed December 20, 2007, effective January 1, 2008, expires June 28, 2008.*

(4) Termination of participation shall occur on the last day of the calendar month coinciding with or following the happening of any of the following events, whichever shall occur first:

(D) Termination of Eligibility for Participation.

1. With respect to employees, termination of participation shall occur upon termination of employment in a position covered by the MCHCP, except as specified in sections (5) and (6).

2. With respect to dependents, termination of participation shall occur upon ceasing to be a dependent as defined in this rule with the following exception: unemancipated mentally retarded and/or physically handicapped children will continue to be eligible beyond age [twenty-three (23)] **twenty-five (25)** during the continuance of a permanent disability provided documentation satisfactory to the plan

administrator is furnished by a physician prior to the dependent's [twenty-third] **twenty-fifth** birthday, and as requested at the discretion of the plan administrator.

3. Termination of employee's participation shall terminate the participation of dependents, except as specified in section (6).

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 20, 2004, effective Jan. 1, 2005, expired June 29, 2005. Original rule filed Dec. 20, 2004, effective June 30, 2005. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

## EXECUTIVE ORDER 07-37

WHEREAS, Section 105.454(5), RSMo, requires the Governor to designate those members of his staff who have supervisory authority over each department, division or agency of the state government.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby designate the following members of my staff as having supervisory authority over the following departments, divisions or agencies:

Office of Administration	Trish Vincent
Department of Agriculture	Chuck Pryor
Department of Conservation	Trish Vincent
Department of Corrections	Lowell Pearson
Department of Economic Development	John Russell
Department of Elementary and Secondary Education	Bill Anderson
Department of Health and Senior Services	Jodi Stefanick
Department of Higher Education	Bill Anderson
Department of Insurance	Jody Larison
Department of Labor and Industrial Relations	Jody Larison
Department of Mental Health	Jodi Stefanick
Department of Natural Resources	Chuck Pryor
Department of Public Safety	Adam Gresham
Department of Revenue	Lowell Pearson
Department of Social Services	Jodi Stefanick
Department of Transportation	Chuck Pryor
Missouri Housing Development Commission	Adam Gresham
Boards Assigned to the Governor	Trish Vincent
Unassigned Boards and Commissions	Trish Vincent



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 26<sup>th</sup> day of December, 2007.

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**Matt Blunt**  
Governor

**ATTEST:**

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**Robin Carnahan**  
Secretary of State



**EXECUTIVE ORDER  
07-38**

WHEREAS, emergencies may arise at any time, including but not limited to power outage due to tornado, rain, snow or ice storm, propane or gas shortages due to extremely cold conditions requiring carriers to travel out of state to haul fuel and distribute such fuel upon their return, flooding conditions, potential terrorist attack, or other unforeseen emergencies; and

WHEREAS, many of these emergencies occur after normal working hours or on holidays; and

WHEREAS, the safety and welfare of the inhabitants of the affected areas may require the rapid identification of an emergency situation that necessitates the need to suspend state enforcement of federal commercial vehicle and driver laws; and

WHEREAS, Executive Order 07-01 issued on January 2, 2007, in accordance with Section 390.23 of Title 49, Code of Federal Regulations, authorized the Missouri Department of Transportation to declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from the Federal Motor Carrier Safety Regulations, Parts 390-399, both while providing assistance to the emergency relief efforts during the emergency, and while returning empty to the motor carrier's terminal or driver's normal work reporting location; and

WHEREAS, Executive Order 07-01 is scheduled to terminate on January 1, 2008; and

WHEREAS, in order to ensure the safety and welfare of Missourians in times of emergency situations, an extension of the January 1, 2008, termination date is necessary:

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby extend the order that Executive Order 07-01 shall remain in effect until January 1, 2009.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29<sup>th</sup> day of December, 2007.

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**Matt Blunt**  
Governor

**ATTEST:**

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**Robin Carnahan**  
Secretary of State

**EXECUTIVE ORDER  
07-39**

WHEREAS, the severe winter weather that began on December 8, 2007, created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, Executive Order 07-34 was issued on December 9, 2007, declaring a State of Emergency within the State of Missouri; and

WHEREAS, Executive Order 07-36 was issued on December 10, 2007, authorizing the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, in response to Executive Order 07-36, the Director of the Missouri Department of Natural Resources issued a waiver on December 11, 2007, suspending specific air pollution and solid waste regulations to address wastes generated by the severe storm systems; and

WHEREAS, several communities in the State of Missouri continue to clear debris caused by the severe storm systems; and

WHEREAS, Executive Orders 07-34 and 07-36 expire on January 7, 2008, unless extended in whole or in part.

NOW THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby extend the declaration of emergency contained in Executive Order 07-34 and the terms of Executive Order 07-36 through February 15, 2008, for the purpose of continuing the cleanup efforts in the affected Missouri communities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28<sup>th</sup> day of December, 2007.

**Matt Blunt**  
Governor

**ATTEST:**

**Robin Carnahan**  
Secretary of State



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

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

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

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

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

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

Proposed Amendment Text Reminder:  
**Boldface text indicates new matter.**  
*[Bracketed text indicates matter being deleted.]*

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**Division 100—Missouri Commission for the Deaf and Hard of Hearing**  
**Chapter 200—Board for Certification of Interpreters**

**PROPOSED AMENDMENT**

**5 CSR 100-200.170 Skill Level Standards.** The Missouri Commission for the Deaf and Hard of Hearing is amending section (5) and subsections (9)(A) and (10)(A) of this rule.

*PURPOSE: This amendment adds the new certifications issued by the Registry of Interpreters for the Deaf (RID) to the Skill Level Standards clarifying where persons who hold those certifications can work, and it modifies the Skill Level Standards allowing persons holding an MICS Advanced certification or its equivalent to work in Medical (Serious) and Mental Health (Serious) settings.*

(5) For the purpose of this rule, certifications issued by the Registry of Interpreters for the Deaf (RID) and recognized by the Board for Certification of Interpreters (BCI) pursuant to 209.322(1), RSMo are referred to as follows:

- (A) **National Interpreter Certification (NIC) Master** = Com
- (B) **National Interpreter Certification (NIC) Advanced** = Com
- (C) **National Interpreter Certification (NIC)** = Adv
- [(A)] (D) **Comprehensive Skills Certificate (CSC)** = Adv
- [(B)] (E) **Certificate of Interpreting/Certificate of Transliterating (CI/CT)** = Adv
- [(C)] (F) **Certified Deaf Interpreter (CDI)** = CDI

**(9) Medical Setting** **Appropriate Certifications**

- (A) **Medical (Serious)** . . . . . Com/Adv/CDI
  - 1. Emergency room
  - 2. Any complicated surgery and medical procedure
  - 3. Life-threatening health problem
  - 4. Obstetrics

**(10) Mental Health Setting** **Appropriate Certifications**

- (A) **Mental Health (Serious)** . . . . . Com/Adv/CDI
  - 1. Mental hospitals
  - 2. Psychiatric hospitals
  - 3. Psychiatric units within hospitals
  - 4. Crisis intervention

*AUTHORITY: sections 209.292(5) and (8), RSMo Supp. [2004] 2007. Original rule filed Nov. 27, 1996, effective July 30, 1997. Amended: Filed April 17, 1998, effective Nov. 30, 1998. Rescinded and readopted: Filed July 26, 2001, effective March 30, 2002. Amended: Filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Feb. 7, 2005, effective Aug. 30, 2005. Emergency amendment filed Dec. 19, 2007, effective Jan. 1, 2008, expires June 28, 2008. Amended: Filed Dec. 19, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Commission for the Deaf and Hard of Hearing, 1103 Rear Southwest Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 23—Motor Vehicle**

**PROPOSED RESCISSION**

**12 CSR 10-23.395 Regulation of Boat Dealer's Certificate of Number and Plates.** The director of the Department of Revenue is charged with the responsibility of regulating the certificates of number issued to boat dealers and manufacturers. This rule established safeguards to prevent unauthorized use of certificates of number.

*PURPOSE:* This rule is being rescinded because 12 CSR 10-26.060, Dealer License Plates/Certificates of Number, supersedes this rule.

*AUTHORITY:* section 301.560, RSMo Supp. 1990. Original rule filed July 17, 1989, effective Oct. 27, 1989. Rescinded: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT TO COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 26—Dealer Licensure**

**PROPOSED AMENDMENT**

**12 CSR 10-26.020 License Requirements for Auctions, Dealers and Manufacturers.** The director proposes to amend the purpose and sections (1) through (4).

*PURPOSE:* Sections 301.550 to 301.562, RSMo, establish the licensure requirements for vehicle/boat dealers, manufacturers, and auctions. This amendment eliminates provisions already in the statute and those provisions that exceed the scope of the TAFP CCS HCS SCS Senate Bill 82, enacted by the 94th General Assembly, 2007, relating to trailer dealers and manufacturers.

*PURPOSE:* The department must determine whether applicants who apply for a license as a boat dealer, boat manufacturer, **trailer dealer, trailer manufacturer, motor vehicle dealer, motor vehicle manufacturer, public motor vehicle auction, or wholesale motor vehicle auction** pursuant to sections 301.550 to 301.562, RSMo, have met the requirements outlined in the law. This rule clarifies these requirements.

(1) A separate license is required for each of the following categories of licenses:

(A) Motor vehicle dealers [and/or motor vehicle manufacturers];

(B) Boat dealers [and/or boat manufacturers]; however, a motor vehicle **or trailer** dealer may purchase and sell up to five (5) vessels during each licensure period without licensing as a boat dealer;

(D) Trailer dealers;

(E) Motor vehicle, trailer, and boat manufacturers;

[(D)](F) Wholesale motor vehicle auctions; and

[(E)](G) Public motor vehicle auctions.

(2) An applicant must complete in full the designated application for a license.

(E) Each applicant, officer or owner for a license must list on the application his or her driver's license number, birthdate, home address, **and/or** Social Security number [and/or Federal Employee Identification Number].

(F) The application must be certified by an authorized law enforcement agency/officer **unless exempted by law**. Applicants who are licensed within two (2) months of the license expiration period shall not be required to have his or her renewal application certified by a law enforcement agency/officer provided the renewal is filed before the present license expires.

(3) The corporate surety bond or an irrevocable letter of credit required in section 301.560.1[(4)], RSMo, shall be filed with the application and shall be maintained for the entire licensure period. The bond or letter of credit must either be irrevocable for the entire licensure period or by its terms require that the bonding company or entity issuing the bond or letter of credit to notify the department at least thirty (30) days prior to the cancellation or revocation date. [Failure of the licensee to submit a valid bond or irrevocable letter of credit to the department prior to the date of cancellation/revocation shall result in immediate cancellation and revocation of the license, which shall not be stayed by a request for review.]

(4) The photograph of the bona fide established place of business may be either a black and white or color photograph. [and must be at least four inches by six inches (4" × 6") but shall not exceed eight inches by ten inches (8" × 10"). Digitized photographs are not acceptable.] If more than one (1) photograph is necessary to show the building, lot and sign, [if applicable,] a statement, signed by the applicant, must accompany the photograph explaining that all photographs were taken at the same address.

(A) A temporary sign may be used (as set forth in 12 CSR 10-26.010[(1)(E)2.]). If this is the case, a copy of the sign order and a picture of the temporary sign must be submitted with the application.

*AUTHORITY:* sections 301.553 and 301.559, RSMo 2000 and sections 301.550 and 301.560, RSMo Supp. [2002] 2007. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 26—Dealer Licensure**

**PROPOSED AMENDMENT**

**12 CSR 10-26.060 Dealer License Plates/Certificates of Number.** The director proposes to amend sections (1) and (2), delete sections (4) and (7), and renumber the existing sections accordingly.

*PURPOSE:* Section 301.560, RSMo, establishes dealer license plate/certificate of number restrictions. This amendment clarifies the restrictions and incorporates recreational motor vehicle dealer and trailer dealer/manufacturer plates as provided by Senate Bill 82, enacted by the 94th General Assembly, 2007.

(1) Dealer license plates, other than powersport dealer license plates, shall be of standard size (approximately twelve inches by six inches (12" x 6")) [issued to a motor vehicle dealer or manufacturer shall only be displayed on a motor vehicle or trailer owned and held for resale by the licensee] and may only be used as provided by law.

(A) Motor vehicle dealer [or] and manufacturer license plates [shall be of standard size (approximately twelve inches by six inches (12" x 6")) and] may only be displayed on motor vehicles, trailers, and motorcycles/motortricycles.

(B) Recreational motor vehicle dealer license plates may be displayed on recreational motor vehicles, trailers, and only on other motor vehicles acquired as a trade-in.

(C) Trailer dealer and manufacturer license plates may only be displayed on trailers.

[(B)] (D) Powersport dealer license plates shall be motorcycle-size (approximately seven and one-fourth inches by four and one-eighth inches (7 1/4" x 4 1/8")) and may only be displayed on motorcycles/motortricycles, trailers and personal watercraft.

[(C)] (E) [Motor vehicle d]Dealer [and powersport dealer] license plates may only be displayed on vessels if the licensee owns and holds for resale no more than five (5) vessels during the license period.

(2) A certificate of number issued to a boat dealer [displayed on a vessel or vessel trailer owned and held for resale by the licensee] or boat manufacturer shall not exceed five inches by twenty-four inches (5" x 24") and may only be used as provided by law. In addition to obtaining a certificate of number, a boat dealer or manufacturer may obtain a boat dealer trailer license plate solely for the purpose of demonstrating a vessel trailer. A certificate of number or boat dealer trailer license plate may be displayed on a vessel trailer which is transporting a vessel for demonstration or to an exhibit or show as long as both units are for resale.

[(4) Dealer plates or certificates of number may not be displayed on a motor vehicle, trailer or vessel that is hired or loaned to others or on any regularly used service or wrecker vehicle.]

[(5)] (4) A licensee must account for all dealer license plates/certificates of number at all times.

[(6)] (5) Whenever a licensee is no longer entitled to a license due to cessation of business, sale of the business, abandonment of the business, suspension or revocation of the license, or other circumstance, the dealer license plates/certificates of number, business license, required monthly sales reports and any unissued permits, if applicable, shall be surrendered to the department immediately, but in no event later than ten (10) days following such circumstance. If a licensee dies or becomes incapacitated, the heirs or estate of the licensee or legal guardian may retain these items for no more than one hundred eighty (180) days after death or incapacitation, or until the license expires, whichever comes first, in which to settle the affairs of the licensee or to apply for a new license in the name of the successor.

[(7) Public motor vehicle auctions and wholesale motor vehicle auctions shall not be issued dealer license plates.]

*AUTHORITY:* sections 301.550, [and] 301.560, and 301.562, RSMo Supp. [2002] 2007 and section 301.553, RSMo 2000. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Sept. 23, 2002, effective March 30, 2003. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 1—General Organization**

**PROPOSED AMENDMENT**

**12 CSR 30-1.010 General Organization.** The commission is amending section (8).

*PURPOSE:* This amendment changes the location of the offices and corrects the telephone number of the State Tax Commission.

(8) The State Tax Commission is located [at 621 E Capitol Ave., P.O. Box 146, Jefferson City, MO 65102-0146, (314) 751-2414.] in the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The mailing address for the State Tax Commission is PO Box 146, Jefferson City, MO 65102-0146. The phone number is (573) 751-2414.

*AUTHORITY:* sections 138.290, 138.380, 138.390, 138.395, 138.410, 138.415, 138.420, 138.430, 138.440 and 138.450, RSMo [1986 Supp. 1989] 2000. Original rule filed Sept. 15, 1976, effective Jan. 13, 1977. Amended: Filed April 17, 1979, effective July 16, 1979. Rescinded and readopted Dec. 13, 1983, effective March 12, 1984. Amended: Filed Dec. 21, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission of Missouri, P.O. Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 1—General Organization**

**PROPOSED AMENDMENT**

**12 CSR 30-1.020 Meetings and Hearings.** The commission is amending section (1).

*PURPOSE:* This amendment changes the location of the offices of the State Tax Commission.

(1) The principal office of the State Tax Commission is located [at 623 East Capital Avenue in Jefferson City] in the Harry S



**Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The mailing address for the State Tax Commission is PO Box 146, Jefferson City, MO 65102-0146. The phone number is (573) 751-2414.** All general inquiries to the commission, cover letters, motions and other pleadings should be addressed to the Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. All documents filed with the commission must be on eight and one-half by eleven inch (8 1/2" x 11") (letter size) paper.

*AUTHORITY: section 138.430, RSMo [1986] 2000. Original rule filed Dec. 13, 1976, effective June 11, 1977. Amended: Filed Jan. 30, 1978, effective May 11, 1978. Amended: Filed April 12, 1979, effective July 16, 1979. Amended: Filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 23, 1984, effective Sept. 14, 1984. Amended: Filed Dec. 21, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 2—Original Assessment**

**PROPOSED AMENDMENT**

**12 CSR 30-2.021 Original Assessment by State Tax Commission and Appeals.** The commission is amending subsection (1)(B).

*PURPOSE: This amendment clarifies the state tax commission's authority to amend original assessment values until September 1 of the tax year.*

(1) Every railroad, telegraph, telephone, express company and other and similar public utility corporations, companies and firms (afterwards referred to as company) doing business in Missouri, unless otherwise provided, shall proceed before the State Tax Commission as follows:

(B) Subsequent to the proceedings set out in subsection (1)(A), the commission shall certify a final assessment to the company. **The commission shall have the authority to amend a certified final assessment which it deems to be erroneous, or pursuant to section 155.040.3, RSMo, certify the value of commercial aircraft not owned by an airline company, but no such amendment or certification shall be made after September 1 of the tax year in question. Such erroneous assessments shall not include disagreements over valuation, classification, or exemption, which must be addressed through the appeal process.** Upon receipt of the final assessment, the company, if dissatisfied, shall file a petition for a rehearing, which shall be decided as a contested case, after hearing on the record;

*AUTHORITY: section 138.420, RSMo [1994] 2000. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed Dec. 21, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 3—Local Assessment of Property and Appeals  
From Local Boards of Equalization**

**PROPOSED AMENDMENT**

**12 CSR 30-3.010 Appeals From the Local Board of Equalization.** The commission is amending section (1) by adding subsection (F).

*PURPOSE: This amendment clarifies the requirement of paying taxes of those property owners who have a pending appeal with the state tax commission.*

(1) Every owner of real property or tangible personal property shall have the right to appeal from the decision of the local board of equalization, upon compliance with the following rules:

**(F) In all appeals except those where the sole issue is exemption of the entire property under appeal, taxes on the property under appeal must be timely paid on or before December 31 of each tax year affected by the appeal or such appeal shall be dismissed.**

*AUTHORITY: section 138.430, RSMo 2000. This rule was previously filed as 12 CSR 30-2.030. Original rule filed Dec. 13, 1983, effective March 12, 1984. Amended: Filed April 21, 1988, effective Sept. 11, 1988. Rescinded and readopted: Filed May 14, 1991, effective Oct. 31, 1991. Amended: Filed Aug. 23, 1995, effective Jan. 30, 1996. Rescinded and readopted: Filed June 12, 2002, effective Nov. 30, 2002. Amended: Filed Oct. 7, 2004, effective May 30, 2005. Amended: Filed Dec. 21, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission of Missouri, PO Box 146, Jefferson City, MO 65102-0146. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 12—DEPARTMENT OF REVENUE  
Division 30—State Tax Commission  
Chapter 4—Agricultural Land Productive Values**

**PROPOSED AMENDMENT**



## 12 CSR 30-4.010 Agricultural Land Productive Values

*PURPOSE: Pursuant to section 137.021 requirements, the state tax commission proposes that there is no change in the existing agricultural land grades and values. The state tax commission proposes to implement the same use values which are in effect to date.*

*PURPOSE: This rule complies with the requirement of section 137.021, RSMo, to publish a range of productive values for agricultural and horticultural land for the ensuing tax year.*

(1) Agricultural Land Grades and Values. The following are definitions of agricultural land grades and the productive values of each:

(A) Grade #1. This is prime agricultural land. Condition of soils is highly favorable with no limitations that restrict their use. Soils are deep, nearly level (zero to two percent (0-2%) slope) or gently sloping with low erosion hazard and not subject to damaging overflow. Soils that are consistently wet and poorly drained are not placed in Grade #1. They are easily worked and produce dependable crop yields with ordinary management practices to maintain productivity—both soil fertility and soil structure. They are adapted to a wide variety of crops and suited for intensive cropping. Use value: nine hundred eighty-five dollars (\$985);

(B) Grade #2. These soils are less desirable in one (1) or more respects than Grade #1 and require careful soil management, including some conservation practices on upland to prevent deterioration. This grade has a wide range of soils and minimum slopes (mostly zero to five percent (0-5%)) that result in less choice of either crops or management practices. Primarily bottomland and best upland soils. Limitations—

1. Low to moderate susceptibility to erosion;
2. Rare damaging overflows (once in five to ten (5-10) years); and
3. Wetness correctable by drainage. Use value: eight hundred ten dollars (\$810);

(C) Grade #3. Soils have more restrictions than Grade #2. They require good management for best results. Conservation practices are generally more difficult to apply and maintain. Primarily good upland and some bottomland with medium productivity. Limitations—

1. Gentle slope (two to seven percent (2-7%));
2. Moderate susceptibility to erosion;
3. Occasional damaging overflow (once in three to five (3-5) years) of Grades #1 and #2 bottomland; and
4. Some bottomland soils have slow permeability, poor drainage, or both. Use value: six hundred fifteen dollars (\$615);

(D) Grade #4. Soils have moderate limitations to cropping that generally require good conservation practices. Crop rotation normally includes some small grain (for example, wheat or oats), hay, or both. Soils have moderately rolling slopes and show evidence of serious erosion. Limitations—

1. Moderate slope (four to ten percent (4-10%));
2. Grade #1 bottomland subject to frequent damaging flooding (more often than once in two (2) years), or Grades #2 and #3 bottomland subject to occasional damaging flooding (once every three to five (3-5) years);
3. Poor drainage in some cases; and
4. Shallow soils, possibly with claypan or hardpan. Use value: three hundred eighty-five dollars (\$385);

(E) Grade #5. Soils are not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain (for example, wheat or oats), hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8-20%));
2. Grades #2 and #3 bottomland subject to frequent damaging flooding (more than once in two (2) years) and Grade #4 bottomland subject to occasional damaging flooding; and

3. Serious drainage problems for some soils. Use value: one hundred ninety-five dollars (\$195);

(F) Grade #6. Soils are generally unsuited for cultivation and are limited largely to pasture and sparse woodland. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8-20%));
2. Severe erosion hazards present;
3. Grades #3 and #4 bottomland subject to frequent damaging flooding (more than once in two (2) years), and Grade #5 bottomland subject to occasional damaging flooding (once every three to five (3-5) years); and

4. Intensive management required for crops. Use value: one hundred fifty dollars (\$150);

(G) Grade #7. These soils are generally unsuited for cultivation and may have other severe limitations for grazing and forestry that cannot be corrected. Limitations—

1. Very steep slopes (over fifteen percent (15%));
2. Severe erosion potential;
3. Grades #5 and #6 bottomland subject to frequent damaging flooding (more than once in two (2) years);
4. Intensive management required to achieve grass or timber productions; and

5. Very shallow topsoil. Use value: seventy-five dollars (\$75);

(H) Grade #8. Land capable of only limited production of plant growth. It may be extremely dry, rough, steep, stony, sandy, wet or severely eroded. Includes rivers, running branches, dry creek and swamp areas. The lands do provide areas of benefit for wildlife or recreational purposes. Use value: thirty dollars (\$30); and

(I) Definitions. The following are definitions of flooding for purposes of this rule:

1. Damaging flooding. A damaging flood is one that limits or affects crop production in one (1) or more of the following ways:

- A. Erosion of the soil;
- B. Reduced yields due to plant damage caused by standing or flowing water;
- C. Reduced crop selection due to extended delays in planting and harvesting; and
- D. Soil damage caused by sand and rock being deposited on the land by flood waters;

2. Frequent damaging flooding. Flooding of bottomlands that is so frequent that normal row cropping is affected (reduces row crop selection); and

3. Occasional damaging flooding. Flooding of bottomland that is so infrequent that producing normal row crops is not compromised in most years.

(2) Forest Land and Horticultural Land. The following prescribes the treatment of forest land and horticultural land:

(A) Forest land, whose cover is predominantly trees and other woody vegetation, should not be assigned to a land classification grade based on its productivity for agricultural crops. Forest land of two (2) or more acres in area, which if cleared and used for agricultural crops, would fall into land grades #1-#5 should be placed in land grade #6; or if land would fall into land grades #6 or #7 should be placed in land grade #7. Forest land may or may not be in use for timber production, wildlife management, hunting, other outdoor recreation or similar uses; and

(B) Land utilized for the production of horticultural crops should be assigned to a land classification grade based on productivity of the land if used for agricultural crops. Horticultural crops include fruits, ornamental trees and shrubs, flowers, vegetables, nuts, Christmas trees and similar crops which are produced in orchards, nurseries, gardens or cleared fields.

*AUTHORITY: section 137.021, RSMo 2000. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 21, 2007.*

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

**PRIVATE COST:** *Because this proposed amendment does not change the use value per acre placed on agricultural land, the assessed value of agricultural property remains the same, therefore there will be no increased cost to private entities as a result of this proposed amendment.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission, PO Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 70—[Division of Medical Services]**  
**MO HealthNet Division**  
**Chapter 3—Conditions of Provider Participation,**  
**Reimbursement And Procedure of General Applicability**

**PROPOSED AMENDMENT**

**13 CSR 70-3.100 Filing of Claims, [Medicaid] MO HealthNet Program.** The division is amending the purpose statement and sections (1), (2), (3), (6), (7) and subsection (4)(B).

**PURPOSE:** *This amendment updates the outpatient hospital and dental claims form numbers, clarifies when a claim adjustment may be submitted, and adds definition of Medicare internal control number. It also changes the name of the state's medical assistance program to MO HealthNet and revises the name of the program's administering agency to MO HealthNet Division to comply with state law. The amendment also changes reference to program recipients to participants and updates the division website address.*

**PURPOSE:** *This rule establishes the general provisions for submission or resubmission of claims and adjustments of claims to [Missouri Medicaid] MO HealthNet.*

(1) Claim forms used for filing [Medicaid] MO HealthNet services as appropriate to the provider of services are—

(A) Nursing Home Claim—electronic claim submission [print claims from the Internet,] or individualized provider software when authorized by the state's fiscal agent;

(B) Pharmacy Claim—MO-8803, Revision 11/00 or POS, on-line claim format—NCPDP current version or electronic claim submission;

(C) Outpatient Hospital Claim—[UB-92 HCFA-1450] UB-04 CMS-1450 or electronic claim submission;

(E) Dental Claim—American Dental Association (ADA) 2002, 2004 revision, Dental Form or electronic claim submission; or

(F) Inpatient Hospital Claim—UB-/92/04 CMS-1450 or electronic claim submission.

(2) Specific claims filing instructions are modified as necessary for efficient and effective administration of the program as required by federal or state law or regulation. Reference the appropriate [Medicaid] MO HealthNet provider manual, provider bulletins, and claim filing instructions for specific claim filing instructions information, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, [Division of Medical Services] MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at

[www.dss.mo.gov/dms, July 15, 2006] [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), February 1, 2008. This rule does not incorporate any subsequent amendments or additions.

(3) Time Limit for Original Claim Filing. Claims from participating providers that request [Medicaid] MO HealthNet reimbursement must be filed by the provider and received by the state agency within twelve (12) months from the date of service. The counting of the twelve (12)-month time limit begins with the date of service and ends with the date of receipt.

(A) Claims that have been initially filed with Medicare within the Medicare timely filing requirement and which require separate filing of an electronic claim with [Medicaid] MO HealthNet will meet timely filing requirements by being submitted by the provider and received by the state agency within twelve (12) months of the date of service or six (6) months from the date on the Medicare provider's notice of the allowed claim. Claims denied by Medicare must be filed by the provider and received by the state agency within twelve (12) months from the date of service. The counting of the twelve (12)-month time limit begins with the date of service and ends with the date of receipt. **Claims that have been initially filed with Medicare and which require separate filing of an electronic claim with MO HealthNet must include the Medicare internal control number or the Medicare claim identification number found on the Medicare provider's notice.**

(B) Third-Party Resources

1. Claims for [recipients] participants who have a third-party resource that is primary to [Medicaid] MO HealthNet must be submitted to the third-party resource for adjudication unless otherwise specified by the [Division of Medical Services] MO HealthNet Division. Documentation specified by the [Division of Medical Services] MO HealthNet Division which indicates the third-party resource's adjudication of the claim must be attached to the claim filed for [Medicaid] MO HealthNet reimbursement. If the [Division of Medical Services] MO HealthNet Division waives the requirement that the third-party resource's adjudication must be attached to the claim, documentation indicating the third-party resource's adjudication of the claim must be kept in the provider's records and made available to the division at its request. The claim must meet the [Medicaid] MO HealthNet timely filing requirement by being filed by the provider and received by the state agency within twelve (12) months from the date of service.

2. The twelve (12)-month initial filing rule may be extended if a third-party payer, after making a payment to a provider, being satisfied that the payment is correct, later reverses the payment determination, sometime after the twelve (12) months from the date of service has elapsed, and requests the provider return the payment. Because a third-party resource was clearly available to cover the full amount of liability, and this was known to the provider, the provider may not have initially filed a claim with the [Medicaid] MO HealthNet state agency. Under this set of circumstances, the provider may file a claim with the [Medicaid] MO HealthNet agency later than twelve (12) months from the date of services. The provider must submit this type of claim to the Third Party Liability Unit at Post Office Box 6500, Jefferson City, MO 65102-6500 for special handling. The [Medicaid] MO HealthNet state agency may accept and pay this specific type of claim without regard to the twelve (12)-month timely filing rule; however, all claims must be filed for [Medicaid] MO HealthNet reimbursement within twenty-four (24) months from the date of service in order to be paid.

(4) Time Limit for Resubmission of a Claim After Twelve (12) Months From the Date of Service.

(B) Documentation specified by the [Division of Medical Services] MO HealthNet Division in [Medicaid] MO HealthNet provider manuals which indicates the claim was originally [filed] received timely must be attached to the resubmission or entered on the claim form (electronic or paper).

(6) Time Limit for Filing an Adjustment. Adjustments to a paid claim must be filed within twenty-four (24) months from the date of the remittance advice on which payment was made. If [the processing of an adjustment necessitates filing a new claim, the timely limits for resubmitting the new, corrected claim] an adjustment processed within the twenty-four (24) months from the date of the remittance advice limitation necessitates filing a corrected claim, the timely filing limit for resubmitting the corrected claim is limited to ninety (90) days from the date of the remittance advice indicating recoupment, or twelve (12) months from the date of service, whichever is longer.

(7) Definitions.

(D) Date of service—The date of service which is used as the beginning point for determining the timely filing limit applies to the various claim types as follows:

1. Nursing home—The through date or ending date of service for each line item for each [recipient] participant listed on the claim;

2. Pharmacy—The date dispensed for each line item for each individual [recipient] participant listed on the paper claim form, or on electronically submitted claims through point of service (POS) or the Internet;

3. Outpatient hospital—The ending date of service for each individual line item on the claim;

4. Professional services (CMS-1500)—The ending date of service for each individual line item on the claim;

5. Dental—The date service was performed for each individual line item on the claim;

6. Inpatient hospital—The through date of service in the area indicating the claimed period of service; and

7. For service which involves the providing of dentures, hearing aids, eyeglasses or items of durable medical equipment; for example, artificial larynx, braces, hospital beds, wheelchairs, the date of service will be the date of delivery or placement of the device or item.

(F) Medicare internal control number—The number assigned to a Medicare claim by the Medicare provider which is used for identification purposes. The Medicare internal control number is also referred to as the Medicare claim identification number.

[(F)](G) Julian date—In a Julian system, the days of a year are numbered consecutively from 001 (January 1) to 365 (December 31) or 366 in a leap year. For example, in 1984, a leap year, June 15 is the 167th day of that year, thus, 167 is the Julian date for June 15, 1984.

[(G)](H) Twelve (12)-month time limit—This unit is defined as three hundred sixty-six (366) days.

[(H)](I) Twenty-four (24)-month time limit—This unit is defined as seven hundred thirty-one (731) days.

*AUTHORITY: sections 208.153 and 208.201, RSMo [2000] Supp. 2007. Original rule filed June 2, 1976, effective Oct. 11, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 2, 2008.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at*

*615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 3—Conditions of Provider Participation,  
Reimbursement And Procedure of General Applicability**

**PROPOSED RULE**

**13 CSR 70-3.190 Telehealth Services**

*PURPOSE: This rule establishes coverage of the Telehealth spoke site facility fee and to define services considered appropriate for this form of interactive technology from a hub site to a participant at a spoke site.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Administration.

(A) This rule is established pursuant to the authority granted to the Missouri Department of Social Services, MO HealthNet Division to promulgate rules governing the practice of Telehealth in the MO HealthNet Program.

(B) Definitions.

1. Community Mental Health Center (CMHC) means a legal entity through which comprehensive mental health services are provided to individuals residing in a certain service area.

2. Consultation means a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association.

3. Consulting provider means a provider who evaluates the patient and appropriate medical data or images through a Telehealth mode of delivery, upon recommendation of the referring provider.

4. CPT code means a code used for reporting procedures and services performed by physicians or other licensed medical professionals which is published annually by the American Medical Association in Current Procedural Terminology.

5. Department means the Department of Social Services.

6. Division means the MO HealthNet Division, within the Department of Social Services.

7. GT modifier means a modifier that identifies a Telehealth service which is approved by the Healthcare Common Procedure Coding System (HCPCS).

8. Health care provider means a:

- A. Missouri licensed physician;
- B. Missouri licensed advanced registered nurse practitioner;
- C. Missouri licensed dentist or oral surgeon;
- D. Missouri community mental health center;
- E. Missouri licensed psychologist;
- F. Missouri licensed pharmacist; or
- G. Missouri licensed speech, occupational, or physical therapist.

9. Hub site (originating site) means a Telehealth site where the health care provider providing the Telehealth service is physically located at the time of the Telehealth service and is considered the place of service.

10. MTN means the Missouri Telehealth Network.



11. Participant means an individual eligible for medical assistance benefits on behalf of needy persons through MO HealthNet, under section 208.151, RSMo.

12. Presenting provider means a provider who:

- A. Introduces a patient to a consulting provider for examination, observation, or consideration of medical information; and
- B. May assist in the telemedicine consultation.

13. Telepresenter means a person with the patient during the time of the encounter who aids in the examination by following the orders of the consulting clinician, including the manipulation of cameras and appropriate placement of other peripheral devices used to conduct the patient examination.

14. Referring provider means a provider who evaluates a patient, determines the need for a consultation, and arranges the services of a consulting provider for the purpose of diagnosis or treatment.

15. Spoke site (distant site) means a Telehealth site where the MO HealthNet participant receiving the Telehealth service is located for the encounter. A spoke site must be one of the following locations:

- A. Office of a physician or health care provider;
- B. Hospital;
- C. Critical access hospital;
- D. Rural health clinic;
- E. Federally Qualified Health Center;
- F. Nursing home;
- G. Dialysis center;
- H. Missouri State Habilitation Center or Regional Center;
- I. Community Mental Health Center;
- J. Missouri state mental health facility; or
- K. Missouri state facility.

16. Telehealth means the use of medical information exchanged from one (1) site to another via electronic communications to improve the health status of a patient. Telehealth means the practice of health care delivery, evaluation, diagnosis, consultation, or treatment using the transfer of medical data, audio visual, or data communications that are performed over two (2) or more locations between providers who are physically separated from the patient or from each other.

17. Telehealth service means a medical service provided through advanced telecommunications technology from a hub site to a participant at a spoke site.

18. Two (2)-way interactive video means a type of advanced telecommunications technology that permits a real time service to take place between a participant and a presenting provider or a Telepresenter at the spoke site and a health care provider at the hub site.

#### (2) Covered Services.

(A) A Telehealth service shall be covered only if it is medically necessary.

(B) A Telehealth service shall require use of two (2)-way interactive video and shall not include store and forward services. The participant must be able to see and interact with the off-site provider at the time services are provided via Telehealth.

(C) The hub site (originating site) is the location where the physician or practitioner is physically located at the time of the Telehealth service. Coverage of services rendered through Telehealth at the hub site is limited to:

- 1. Consultations made to confirm a diagnosis; or
- 2. Evaluation and management services; or
- 3. A diagnosis, therapeutic, or interpretive service; or
- 4. Individual psychiatric or substance abuse assessment diagnostic interview examinations; or
- 5. Individual psychotherapy; or
- 6. Pharmacologic management.

(D) The participant must be present for the encounter.

#### (3) Eligible Providers.

(A) A health care provider utilizing Telehealth at either a hub site or a spoke site shall be enrolled as a MO HealthNet provider pursuant to 13 CSR 70-3.020 and licensed for practice in Missouri. A health care provider utilizing Telehealth must do so in a manner that is consistent with the provisions of all laws governing the practice of the provider's profession.

(B) A provider agrees to conform to MO HealthNet program policies and instructions as specified in the provider manuals, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website [www.dss.mo.gov/mhd](http://www.dss.mo.gov/mhd), February 1, 2008. This rule does not incorporate any subsequent amendments or additions.

(4) Prior Authorization and Utilization Review. All services are subject to utilization review for medical necessity and program compliance. Reviews can be performed before services are furnished, before payment is made, or after payment is made.

(A) Prior Authorization. Certain procedures or services can require prior authorization from the MO HealthNet Division or its authorized agents. Services for which prior authorization was obtained remain subject to utilization review at any point in the payment process. A service provided through Telehealth is subject to the same prior authorization and utilization review requirement which exist for the service when not provided through Telehealth.

(B) Eligibility Determination. Prior authorization of services does not guarantee an individual is eligible for a MO HealthNet service. Providers must verify that an individual is eligible for a specific program at the time services are furnished and must determine if the participant has other health insurance.

#### (5) Reimbursement.

(A) Reimbursement to the health care provider delivering the medical service at the originating site and the distant site are made at the same amount as the current fee schedule amount for the service provided without the use of a telecommunication system.

(B) The claim for service will use the appropriate evaluation and management CPT code and the "GT" modifier indicating interactive communication was used.

(C) The spoke site is eligible to receive a facility fee.

(D) Services provided by practitioners must be within their scope(s) of practice and according to MO HealthNet policy.

(E) Reimbursement for services furnished by interns or residents in hospitals with approved teaching program or services furnished in other hospitals that participate in teaching programs is made through institutional reimbursement. The division cannot be billed directly by interns or residents for Telehealth services.

(6) Documentation for the Encounter. Patient records at the hub and spoke sites are to document the Telehealth encounter consistent with the service documentation described in MO HealthNet provider manuals.

(A) A request for a Telehealth service from a referring provider and the medical necessity for the Telehealth service shall be documented in the participant's medical record.

(B) A health care provider shall keep a complete medical record of a Telehealth service provided to a participant and follow applicable state and federal statutes and regulations for medical record keeping and confidentiality in accordance with 13 CSR 70-3.020.

(C) Documentation of a Telehealth service by the health care provider shall be included in the participant's medical record maintained at the participant's location and shall include:

- 1. The diagnosis and treatment plan resulting from the Telehealth service and progress note by the health care provider;
- 2. The location of the hub site and spoke site;
- 3. A copy of the signed informed consent form; and



4. Documentation supporting the medical necessity of the Telehealth service.

(7) Confidentiality and Data Integrity. All Telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996 and all other applicable state and federal laws and regulations.

(A) A Telehealth service shall be performed on a secure telecommunications line or utilize a method of encryption adequate to protect the confidentiality and integrity of the Telehealth service information.

(B) Both a hub site and a spoke site shall use authentication and identification to ensure the confidentiality of a Telehealth service.

(C) A provider of a Telehealth service shall implement confidentiality protocols that include:

1. Identifying personnel who have access to a Telehealth transmission; and

2. Preventing unauthorized access to a Telehealth transmission.

(D) A provider's protocols and guidelines shall be available for inspection by the department upon request.

(8) Informed Consent.

(A) Before providing a Telehealth service to a participant, a health care provider shall document written informed consent from the participant and shall ensure that the following written information is provided to the participant in a format and manner that the participant is able to understand:

1. The participant shall have the option to refuse the Telehealth service at anytime without affecting the right to future care or treatment and without risking the loss or withdrawal of a MO HealthNet benefit to which the participant is entitled;

2. The participant shall be informed of alternatives to the Telehealth service that are available to the participant;

3. The participant shall have access to medical information resulting from the Telehealth service as provided by law;

4. The dissemination, storage, or retention of an identifiable participant image or other information from the Telehealth service shall not occur without the written informed consent of the participant or the participant's legally authorized representative;

5. The participant shall have the right to be informed of the parties who will be present at the spoke site and the hub site during the Telehealth service and shall have the right to exclude anyone from either site; and

6. The participant shall have the right to object to the videotaping or other recording of a Telehealth service.

(B) A copy of the signed informed consent shall be retained in the participant's medical record and provided to the participant or the participant's legally authorized representative upon request.

(C) The requirement to obtain informed consent before providing a service shall not apply to an emergency situation if the participant is unable to provide informed consent and the participant's legally authorized representative is unavailable.

*AUTHORITY: section 208.201, RSMo Supp. 2007. Original rule filed Jan. 2, 2008.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions thirty-five thousand three hundred forty-eight dollars (\$35,348) in the aggregate.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, Missouri 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the*

*Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title: Title 13 - Department of Social Services**  
**Division Title: Division 70 - MO HealthNet Division**  
**Chapter Title: Chapter 3 - Conditions of Provider Participation, Reimbursement and Procedure of General Applicability**

Rule Number and Name:	13 CSR 70-3.190 Telehealth Services
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services MO HealthNet Division	\$35,348 Total \$13,432 General Revenue

**III. WORKSHEET**

**IV. ASSUMPTIONS**

Cost to the Division is based on allowing a "spoke" site to bill for a facility fee that is equal to 40% of the average office visit fee.

**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 2—Membership and Benefits**

**PROPOSED AMENDMENT**

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

*PURPOSE:* This amendment amends the total creditable service that may be accrued for a former employee who returns to covered employment.

(1) Suspension of Benefits. If a participant returns to employment after a separation from service, benefit payments to the individual will be suspended, pending the termination of employment and completion of a new retirement application. After any such suspension of benefits and subsequent termination of employment, the participant will resume benefits under the payment option originally selected with respect to those benefits. If the individual has started a buyback of prior service during the first benefit payment period, the total paid toward the buyback will be subtracted from the new buyback figure. Benefits with respect to the prior service period less any remaining buyback will recommence upon termination of employment. The buyback will extend for a maximum of forty-eight (48) months less the total number of months during which the individual had already made a buyback. While subsequently employed after a separation from service, the individual will accrue creditable service, which, upon termination of employment and submission of a new retirement application in accordance with the plan rules, will be used to calculate a benefit with respect to that period of service in accordance with the provisions of this chapter. For such subsequent period of service, benefits will also be calculated using the average final compensation with respect to that period of service. The benefits payable with respect to any employment period after a rehire shall be added to the benefits payable in accordance with a previous service period, provided that, in no event shall the participant's total creditable service when added together for all service periods exceed **twenty-nine (29) years (or, to the extent so limited for the purpose of the applicable formula, twenty-five (25) years)** for purposes of 16 CSR 50-2.090, and benefits shall be determined on the basis that a participant forever ceases accruing creditable service for this purpose in the service period in which such participant first attains *[twenty-five (25)]* **twenty-nine (29)** years of creditable service. The new retirement application with respect to employment after a rehire shall specify the form of benefit and beneficiary with respect to any benefits payable in connection with such period of service, and the form and beneficiary may, but are not required to, differ from those elected with respect to benefits relating to a prior service period. Notwithstanding anything in the plan to the contrary, if a participant was receiving benefits in the form of the level income option and has such benefit payments suspended upon returning to employment before attaining age sixty-two (62) in accordance with this section, the remaining payments under the form shall resume at termination of employment in the monthly amount determined in accordance with 16 CSR 50-2.035(1)(E) or (F) as though the participant were the age he or she had attained upon his/her return to employment.

*AUTHORITY:* section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Feb. 24, 2005, effective Aug. 30, 2005.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 18—PUBLIC DEFENDER COMMISSION**  
**Division 10—Office of State Public Defender**  
**Chapter 2—Definition of Eligible Cases**

**PROPOSED AMENDMENT**

**18 CSR 10-2.010 Definition of Eligible Cases.** The commission is adding new sections (2) and (3) and renumbering the old section (2) to section (4).

*PURPOSE:* This amendment allows the State Public Defender to pay reasonable litigation expenses for indigent criminal defendants represented by private attorneys and removes the availability of the public defenders to assume representation when private attorneys are allowed to withdraw by order of the court from continued representation.

**(2) The State Public Defender System shall not represent indigent defendants who have at any time during the pendency of the case retained private counsel. The public defender shall not be available to assume representation where private counsel is allowed by court order to withdraw from representation regardless of the cause for such order of withdraw unless approved by the director. In certain circumstances, as determined by the director, the State Public Defender System shall provide state assistance in paying for reasonable expert witnesses or investigation expenses for indigent defendants represented by private counsel. This regulation, in whole or part, does not restrict the Missouri State Public Defender System from exercising its authority to contract cases to private counsel as provided by law.**

**(3) Definition of Case.**

**(A) For purposes of determining eligibility under section (2), the term "case" shall be defined as a criminal proceeding, matter, action, or appeal in which private counsel has been retained, and shall include the time from the initial retention of private counsel through sentencing, final judgment, or completion of the direct appeal.**

**(B) Where the state enters a *nolle prosequi* for any reason, and later refiles the same charge(s), or any charge(s) based on the same set of operative facts as the original charge(s), the refiled proceeding, matter or action shall constitute the same "case" as the prior proceeding, and the public defender shall not provide representation in the refiled proceeding, matter or action.**

*[(2)](4)* The State Public Defender System shall not represent a person who faces a loss or deprivation of liberty pursuant to section 632.415, RSMo.

*AUTHORITY:* sections 600.017(10), 600.042.1(8), 600.042.3 and 600.043, RSMo 2000. Original rule filed Jan. 9, 1985, effective April 11, 1985. Amended: Filed Feb. 14, 2002, effective Aug. 30, 2002. Amended: Filed Dec. 27, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with the Public Defender's Office, Daniel Gralike, Deputy Director, 1000 E. Nifong, Columbia, Missouri 65201.*

**Title 18—PUBLIC DEFENDER COMMISSION  
Division 10—Office of State Public Defender  
Chapter 4—Rule for the Acceptance of Cases and  
Payment of Private Counsel Litigation Costs**

**PROPOSED RULE**

**18 CSR 10-4.010 Rule for the Acceptance of Cases and Payment of Private Counsel Litigation Costs**

*PURPOSE: This rule seeks to ensure that cases assigned to the Missouri state public defender system results in representation that effectively protects the constitutional and statutory rights of the accused. This administrative rule applies to all cases for which the Missouri state public defender system is required to provide representation.*

*PURPOSE: This rule establishes a uniform procedure and a uniform protocol for determining when a local public defender office has exceeded its maximum caseload and a process to limit the availability of that office to take additional cases after consultation with the court.*

*PURPOSE: This rule establishes a uniform process to protect the constitutional rights of criminal defendants represented by private lawyers by authorizing the courts of Missouri to seek payment of litigation expenses from the state public defender. This administrative rule applies to all cases for which the courts of Missouri appoint private counsel under the public defender's protocol process and cases where the public defender contracts with private counsel.*

(1) Caseload Protocol.

(A) The State Public Defender Commission shall maintain a caseload standards protocol identifying the maximum caseload each district office can be assigned without compromising effective representation.

(2) Limiting Assignment of Cases.

(A) When the director determines that a district office has exceeded the maximum caseload standard for a period of three (3) consecutive calendar months, the director may limit the office's availability to accept additional cases by filing a certification of limited availability with the presiding judge of each circuit or chief judge of each appellate court affected.

(B) The director shall provide notice to the presiding or chief judge of each affected court that an office is at risk of being certified at least one (1) calendar month prior to limiting the availability of a district office under this rule.

(C) Upon the provision of such notice, the district defender and such other Missouri state public defender (MSPD) management personnel as the director shall designate shall consult with the court and state's attorney to discuss the categories of cases to be designated for exclusion from public defender representation once the district is certified by the director as of limited availability.

(D) Each certification by the director of a district office's limited availability to accept additional cases shall be accompanied by statistical verification that the district office has exceeded its maximum allowable caseload under the public defender commission's caseload crisis protocol for at least three (3) consecutive calendar months.

(E) Upon a district office's certification of limited availability, the district defender shall file with the court a final list of categories of cases that will no longer be accepted by that district office until the

office is reinstated to full availability. While an office is certified as of limited availability, no cases on the list of excluded case types shall be accepted by that district office.

(3) Monitoring and Ending Certification of Limited Availability.

(A) Once a district has been certified as of limited availability, the director or his designee shall provide each affected presiding or chief judge with a caseload report each month verifying that the district's availability remains limited under this rule.

(B) The director shall reinstate a district to full availability when case assignments for that district have fallen below the maximum caseload standard for two (2) consecutive months.

(4) Continuing Responsibility While Certification is in Effect.

(A) A district office that has been certified as of limited availability to accept additional cases shall continue to evaluate the indigence of all defendants seeking appointment of counsel and notify the court of its indigence determinations.

(B) The determination of indigence under subsection (4)(A) shall be made by the public defender. Upon motion by the defendant contesting the public defender's finding of non-indigence, the court in which the case is pending shall review and determine the defendant's indigence. If the court finds the defendant indigent, the court shall advise the defendant and defendant's private counsel of the right to request the Missouri state public defender for payment of reasonable and necessary litigation costs as authorized under this rule.

(5) Costs and Expenses of Representation While Certification is in Effect.

(A) If a court appoints a member of the private bar to represent an indigent defendant because the district office is unavailable to accept such case, private counsel may request the Missouri state public defender to pay for reasonable and necessary litigation costs including expert witness fees, deposition fees, and transcript costs to the extent funds are available to do so. Requests for payment of litigation costs must be approved by the MSPD director or the director's designee in advance of costs being incurred.

*AUTHORITY: sections 600.017(10), 600.086 and 600.090, RSMo 2000. Emergency rule filed Dec. 18, 2007, effective Dec. 28, 2007, expires June 30, 2008. Original rule filed Dec. 27, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed rule with the Public Defender's Office, Daniel Gralike, Deputy Director, 1000 E. Nifong, Columbia, Missouri 65201.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.015 Fees.** The board is amending subsection (1)(A), deleting subsection (B), relettering the remaining subsections, adding paragraphs (1)(C)3., amending subsections (1)(B), (D), (G), (H) and

(I), adding three new subsections (1)(E), (F) and (J), and amending section (2).

*PURPOSE: This amendment changes fees authorized by Chapter 344, RSMo. and deletes reference to the national exam fee which is collected by the National Association of Boards of Examiners of Long Term Care Administrators.*

(1) The following fees are required by the Board of Nursing Home Administrators:

(A) Application Review Fee (including reciprocity)	\$[100] 150
<i>[(B) National exam fee and computer administration fee for the national exam as fixed by the National Association of Board of Examiners of Long Term Care Administrators (NAB);]</i>	
<i>[(C)] (B) State Exam Fee</i>	<i>[\$75] 100</i>
<i>[(D)] (C) License Renewal Fee</i>	
1. One-year license	\$ 50
2. Two-year license	\$100
3. Inactive license	\$ 50
<i>[(E)] (D) License Renewal Late Penalty</i>	
Fee (This fee is in addition to the renewal fee listed in subsection (1)[(D)](C))	\$ 25
<b>(E) Inactive License Fee</b>	<b>\$ 50</b>
<b>(F) Reactivate Inactive License Fee</b>	<b>\$100</b>
<i>[(F)] (G) Retired License Fee</i>	<i>\$ [25] 50</i>
<i>[(G)] (H) Duplicate License Fee</i>	<i>\$ [5] 10</i>
<i>[(H)] (I) Single Offering Fee</i>	
(per requested clock hour)	\$ [10] 15
<b>(J) Single Offering Late Filing Fee</b>	<b>\$ 50</b>
<i>[(I)] (K) Insufficient Funds Charge</i>	<i>\$ 25</i>

(2) Fees *[(listed in (1)(A) and (C)–(I)]* must be made payable to the Department of Health and Senior Services in the form of a cashier's check, company check or money order. *[(Fees listed in (1)(B) must be made payable to the National Association of Board of Examiners of Long Term Care Administrators (NAB).]*

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.015. Original rule filed Jan. 3, 1992, effective May 14, 1992. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 28, 2007.*

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

*PRIVATE COST: This proposed amendment is estimated to cost private entities an increase of approximately fifteen thousand eight hundred forty-four dollars (\$15,844) annually.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



**FISCAL NOTE  
PRIVATE COST**

**I. Department Title: 19 – Department of Health and Senior Services  
Division Title: 73 – Board of Nursing Home Administrators  
Chapter Title: 2 - General Rules**

<b>Rule Number and Title:</b>	19 CSR 73-2.015 Fees
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimated increased annual cost of compliance with the amendment by affected entities in the aggregate:
190*	Applicants for licensure (application review fee, \$50.00 increase)	\$9,500
150**	Applicants for licensure (state exam fee, \$25 increase)	\$3,750
***	Licensees seeking inactive status (\$50, new fee)	\$0
***	Inactive licensees seeking to renew (\$50, new fee)	\$0
***	Inactive licensees seeking to reactive the license, (\$100, new fee)	\$0
14*	Licensees seeking a duplicate license (\$5 fee increase)	\$70
69**	Single offering providers seeking approval of a continuing education program (\$5 per requested clock hour increase)	\$2,224
6****	Single offering providers seeking to file a late application (\$50 late fee, new)	\$300
	<b>Estimated Annual Increase Cost of Compliance for the in the Aggregate</b>	<b>\$15,844.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTIONS**

\* Figures based upon FY07 actuals and FY08 projections

\*\* Figures based upon calendar years 2006 and 2007 actuals, and 2008 projections

\*\*\* A licensee may choose to place the license on inactive status (\$50 fee) in lieu of maintaining an active license (\$100 fee), which will cause a reduction of revenue. As a result, the proposed fees will not cost private entities more than \$500 in the aggregate over the life of the rule.

\*\*\*\* Figure based upon FY07 actuals and FY08 projections. We had approximately 6 entities file late applications in FY 07 and project the number to be about the same for FY08. Also affected are unidentifiable entities that may have chosen not to file the application late (and forfeit the nonrefundable fee of \$10 per requested clock hour due to missing the deadline). Applications for program approval must be submitted 45-days prior to the first offering date. The proposed amendment to 19 CSR 73-2.060 will allow entities to file an application late (less than 45-days, but more than 30 days, prior to the first offering date) for a late fee of \$50 (which is in addition to the \$15 per clock hour fee).

It is anticipated that the total cost will recur annually for the life of the rule and may vary based upon the number of entities affected, which fluctuates (with no pattern of increase/decrease) each fiscal year.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 344, RSMo. Pursuant to Sections 344.030, 344.040, and 344.108, the board shall, by rule, set the amount of fees authorized by Chapter 344, RSMo.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.020 Procedures and Requirements for Licensure of Nursing Home Administrators.** The board is amending sections (1) and (3) and deleting the form which follows the rule in the *Code of State Regulations*.

*PURPOSE:* This amendment increases the application fee, removes the notary requirement from the application (per House Bill 780, effective Aug. 28, 2007), removes the application form from the rule, explains how to obtain the form from the board, and reflects procedural changes in the testing process.

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Every applicant shall obtain an application form[, *included herein,*] from the board. **The application form, MO 580-2578 (4-04), Application for Licensure, is incorporated by reference in this rule and is available on the web at [www.dhss.mo.gov/BNHA](http://www.dhss.mo.gov/BNHA) or by contacting the board at PO Box 570, Jefferson City, MO 65102, (573) 751-3511. This rule does not incorporate any subsequent amendments or additions.** The application shall be completed and returned to the board with a nonrefundable application fee of **one hundred-fifty dollars (\$150) made payable to the Department of Health and Senior Services. Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.**

(3) The applicant, shall be eligible to take the examinations upon *[submission of the National Association of Boards of Examiners for Long Term Care Administrators (NAB) Application Form for Computerized Testing,]* **board approval and payment of the required examination fees [and satisfactory completion of sections (1) and (2) of this rule].**

*AUTHORITY:* section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.020. Original rule filed March 5, 1974, effective March 15, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.025 Licensure by Reciprocity.** The board is amending sections (2), adding a new section (3), renumbering the remaining sections, and amending renumbered sections (6) and (8).

*PURPOSE:* This amendment reflects the change in the application fee and the examination fee, removes the notary requirement for the application for licensure, and includes reference to the new law enacted in House Bill 780, effective Aug. 28, 2007.

(2) The applicant must file *[a] an [notarized]* application for licensure, along with a nonrefundable application fee of one hundred **fifty** dollars *[[(\$100)] (\$150)* made payable to the Department of Health and Senior Services, and supply the board with satisfactory evidence that the following requirements have been met:

**(3) Information provided in the application shall be attested by signature to be true and correct to the best of the applicant's knowledge and belief.**

*[(5)](6)* Upon meeting the requirements of section (2) of this rule and upon board approval, the applicant must pay a *[seventy-five (\$75)] one-hundred* dollar **(\$100)** examination fee and successfully complete the state examination administered by the board. The minimum passing score on that examination is seventy-five percent (75%).

*[(7)](8)* Applicants for licensure by reciprocity shall not act or serve in the capacity of a nursing home administrator in this state without first procuring a license from this board as provided in sections 344.010—*[344.100]* **344.108**, RSMo.

*AUTHORITY:* section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.025. Original rule filed June 28, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.031 Prescribed Course of Instruction and Training.**

The board is amending subsections (5)(B), (C) and (E), and sections (9) and (10).

*PURPOSE: This proposed amendment adds the assisted living facility as a new type of facility created by SB 616, effective Aug. 28, 2006, further defines what level of residential care facility the rule refers to, removes language that is no longer relevant and gives the applicant additional time to complete an internship once the course work has been completed.*

(5) Internships as required by section (1) shall be under the direct supervision of a licensed nursing home administrator approved and designated as a preceptor by the Missouri Board of Nursing Home Administrators. An administrator may be approved and designated as a preceptor for a period of two (2) years, if s/he—

(B) Is currently serving as the administrator of a duly licensed intermediate care facility (ICF), skilled nursing facility (SNF), **assisted living facility (ALF)** or [a] any Residential Care Facility (RCF) [///] **that was licensed as a residential care II on or before August 27, 2006 that continues to meet the licensure standards for a residential care facility II in effect on August 27, 2006**, with sixty (60) or more beds;

(C) Is an administrator of an ICF, SNF, **ALF** or RCF [///] **(as described above)** with sixty (60) or more beds which is in substantial compliance with the rules governing nursing homes; and

(E) Has successfully completed a board approved preceptor training program. [Nursing home administrators who are approved and designated as a preceptor prior to the effective date of this amendment, shall not have to complete a board-approved preceptor training program until reapplication is made after the current approval period expires.]

(9) Internships shall be completed within [nine (9)] **eighteen (18)** months of completion of classroom or other formal instruction unless approved by the board.

(10) A portion of an internship may be completed in a duly licensed **ALF or RCF [///] (as described above)** with sixty (60) or more beds if the intern desires **such** experience [in an RCF II]. The maximum hours of internship that may be served in such an **ALF or RCF [///] (as described above)** are designated as follows. Applicants may complete up to—

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.031. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.050 Renewal of Licenses.** The board is deleting section (2), relettering the remaining sections and amending new section (3) and new subsections (2)(A) and (4)(A).

*PURPOSE: This amendment will remove obsolete language, extend the filing deadline for applications by fifteen (15) days, remove the notary requirement from the application (per House Bill 780, effective August 28, 2007), and allow on-line continuing education courses for license renewal.*

[/(2) Licenses that expire on June 30, 2006 will be renewed if the licensee:

(A) Files an application for renewal on a form furnished by the board during the month of May. Information provided in the application shall be given under oath and include an attestation verifying that the licensee has completed at least twenty (20) clock hours of board-approved continuing education, as outlined in 19 CSR 73-2.050(5)(A)–(B), obtained during the current licensure year or carried from the preceding year. A minimum of five (5) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)–(F).

1. Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal.

2. Upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed;

(B) Submit the renewal fee made payable to the Department of Health and Senior Services. Licensees with a license number that ends in an odd number (1, 3, 5, 7, or 9) shall submit a renewal fee of fifty dollars (\$50). Licensees that hold a license number that ends in an even number (0, 2, 4, 6, or 8) shall submit a renewal fee of one hundred dollars (\$100);

(C) Licensees that hold a license number that ends in an odd number shall be issued a one (1)-year license expiring June 30, 2007. Licensees that hold a license number that ends in an even number shall be issued a two (2)-year license expiring June 30, 2008;

(D) Up to a maximum of fifteen (15) excess clock hours of continuing education may be carried forward to apply toward the renewal of a license in June 2007 or June 2008.]

[/(3)] (2) Licenses that expire on June 30, 2007 will be renewed if the licensee:

(A) Files an application for renewal on a form furnished by the board [during the month of May] **on or before June 15**. Information provided in the application shall be [given under oath] **attested to by signature to be true and correct to the best of the applicant's knowledge and belief** and include an attestation verifying that the licensee has completed at least twenty (20) clock hours of board-approved continuing education, as outlined in 19 CSR 73-2.050(5)(A)–(B), obtained during the current licensure year or carried from the preceding year. A minimum of five (5) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)–(F).

1. Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal.



2. Upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed;

(B) Submit a renewal fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services;

(C) A two (2)-year license expiring on June 30, 2009 will be issued.

*[[4]]* (3) Licensees seeking renewal on June 30, 2008 or later shall, *[during the month of May] on or before June 15*, of the year of renewal, file an application for renewal on a form furnished by the board, and shall submit a renewal fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services. Information provided in the application shall be *[given under oath] attested to by signature to be true and correct to the best of the applicant's knowledge and belief* and include an attestation verifying that the licensee has completed at least forty (40) clock hours of board-approved continuing education obtained during the current licensure period. A minimum of ten (10) clock hours must be in patient-care related offerings, as defined in 19 CSR 73-2.031(2)(A)-(F).

*[[5]]* (4) Licensees must maintain proof of having completed the number of continuing education hours claimed at the time of renewal and shall, upon request of the board, make that proof available for audit to verify completion of the number and validity of hours claimed. Documentation to prove completion of continuing education hours must be maintained by each licensee for four (4) years from the last day of the licensure year in which the hours were earned.

(A) A minimum of thirty (30) clock hours toward the forty (40) required shall be obtained through attendance at board-approved continuing education programs or academic courses, as defined in 19 CSR 73-2.031(2)(A)-(K), *and must meet the following criteria:*. **A maximum of twenty (20) clock hours of the forty (40) clock hours may be from on-line continuing education programs if a Missouri board-approved training agency offers the program. The continuing education programs and the academic courses must meet the following criteria:**

1. Be approved by the board. In the case of academic courses, the licensee must submit a course description from the college for board review. A maximum of five (5) clock hours per semester hour may be approved by the board. Upon successful completion of the course (grade of "C" or above), an official transcript or grade report must be submitted to the board office, upon request, as verification of course completion;

2. Be offered by a registered training agency approved by the board or a single offering provider (as outlined in 19 CSR 73-2.060);

3. Be approved by another state licensure board for nursing home administrators or by the National Continuing Education Review Service (NCERS) under the National Association of Boards (NAB), if the program is held out-of-state.

(B) A maximum of ten (10) clock hours toward the forty (40) required may be obtained as follows:

1. For the purposes of this subsection, the following definitions shall apply:

A. Referred publication—a publication that undergoes an anonymous review process that determines whether or not the article will be published; and

B. National health-care publication—a publication that is—

(I) Published by a health-care association whose mission statement/bylaws indicate its scope is national;

(II) Mailed nationwide; and

(III) Addressing content contained within the long-term care core of knowledge outlined in 19 CSR 73-2.031(2)(A)-(K);

2. Publishing health-care related articles of at least fifteen hundred (1,500) words shall be granted—

A. Five (5) clock hours if article appears in a national health-care referred publication;

B. Four (4) clock hours if article appears in a regional health-care referred publication;

C. Three (3) clock hours if article appears in a state health-care referred publication;

D. Two (2) clock hours if article appears in a national health-care publication; and

E. One (1) clock hour if article is published;

3. An administrator lecturing at a board-approved seminar may receive credit equal to each hour or quarter hour of presentation time with a maximum of six (6) hours credit earned per licensure period. This credit may be in addition to actual hours of attendance at the seminar but credit shall be granted for only one (1) presentation of the same seminar.

(C) Serving as a registered preceptor for an applicant who has been required by the board to complete an internship as described in 19 CSR 73-2.031. One (1) clock hour per full month as a preceptor shall be granted with a maximum of ten (10) clock hours per internship. During the two (2)-year licensure period, a maximum of twenty (20) clock hours will be granted.

(D) Each licensee whose initial licensure period is less than twenty-four (24) months shall be required to obtain at least one and one-half (1 1/2) hours of continuing education for each month in the initial licensure period which shall include programs covering patient-care related topics as defined in 19 CSR 73-2.031(2)(A)-(F). The minimum number of clock hours required in patient-care (PC) related programs is as follows. Initial licensure period of:

1. 23 months to 18 months—8 PC clock hours

2. 17 months to 12 months—6 PC clock hours

3. 11 months to 6 months—4 PC clock hours

4. 5 months or less—2 PC clock hours

*[[6]]* (5) The board shall annually select on a random basis at least five percent (5%) of the licensees applying for renewal to have their claims of continuing education hours audited for compliance with board requirements. A licensee will be notified by mail when a renewal application has been selected for audit and will have up to thirty (30) days to provide copies of all certificates of attendance and other documentation supporting the continuing education clock hours claimed on the renewal application. Nothing in this section shall prevent the board from requiring any individual licensee to provide evidence satisfactory to the board of having completed the continuing education hours required for license renewal. Failure to provide proof of continuing education hours as reported on the renewal application or submission of falsified records can be cause for discipline pursuant to section 344.050.2, RSMo.

*[[7]]* (6) When the required information, documentation and fee are received and approved by the board within the specified time period, the board shall issue the license.

*AUTHORITY:* sections 344.040[, RSMo Supp. 2005] and 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.050. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**Title 19—DEPARTMENT OF HEALTH  
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**PROPOSED AMENDMENT**

**19 CSR 73-2.051 Retired Licensure Status.** The board is amending subsections (2)(A) and (B), and (5)(B).

*PURPOSE:* The amendment reflects the fee increase, which is due to the change from a one-year license to a two-year license effective July 1, 2000, and includes additional language added by House Bill 780 (effective Aug. 28, 2007).

(2) Licensees interested in making application must submit the following information to the board:

(A) A fee of *[twenty-five dollars (\$25)]* **fifty dollars (\$50)** made payable to the Department of Health and Senior Services;

(B) His/her original wall license and all other evidence of licensure **or evidence satisfactory to the board that the license has been lost, stolen, or destroyed;** and

(5) A retired license may be reactivated within five (5) years of the granting of the retired license by filing the following information with the board:

(B) A fee of *[fifty dollars (\$50)]* **one hundred dollars (\$100)** made payable to the Department of Health and Senior Services; and

*AUTHORITY:* section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.051. Original rule filed Oct. 24, 2000, effective May 30, 2001. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**PROPOSED RULE**

**19 CSR 73-2.053 Inactive Licensure Status**

*PURPOSE:* This rule establishes the procedures by which a currently licensed administrator may place his/her license on an inactive status and the procedures for reactivating the license, pursuant to section 344.108, RSMo.

(1) Any nursing home administrator possessing a current license to practice as a nursing home administrator in Missouri may request an inactive license.

(2) Licensees interested in requesting an inactive license must submit the following information to the board prior to June 30 of the year of renewal of the administrator's active license.

(A) A fee of fifty dollars (\$50) made payable to the Department of Health and Senior Services;

(B) His/her original wall license and all other indicia of licensure, or evidence satisfactory to the board that the license has been lost, stolen or destroyed;

(C) A signed written request that has been notarized; and

(D) Evidence satisfactory to the board of completion of ten (10) clock hours of continuing education in the area of patient care.

(3) The board shall issue a new license to the licensee indicating that the license is inactive once the board has received the required information and has approved the request for inactive licensure status.

(4) An inactive license shall expire on June 30 of the year following the year of issuance and every other year thereafter.

(5) Licensees seeking to renew shall, on or before June 30, of the year of renewal, file an application for renewal on forms furnished by the board that includes evidence satisfactory to the board of completion of ten (10) clock hours of continuing education in the area of patient care and shall be accompanied by a renewal fee of fifty dollars (\$50) made payable to the Department of Health and Senior Services.

(6) A license may be carried in inactive status for up to six (6) years from the date of issuance. If the licensee does not reactivate the license during the six (6)-year period, the license shall expire on the last day of the six (6)-year period.

(7) An inactive license may be reactivated by submitting a written request to the board, accompanied by evidence satisfactory to the board of the completion of forty (40) clock hours of continuing education and a fee of one hundred dollars (\$100) made payable to the Department of Health and Senior Services. The forty (40) clock hours of continuing education shall be earned no earlier than six (6) months prior to the request for reactivation and no later than six (6) months after the inactive license has been reactivated. If the holder of an inactive license requests reactivation prior to completing the forty (40) clock hours of continuing education, the board shall issue a six (6)-month interim license to the licensee. The interim license shall expire six (6) months from the date of issuance or at such earlier time as the licensee earns the forty (40) clock hours of continuing education and submits evidence satisfactory to the board of completion of the required hours.

(8) A request for reactivation of an inactive license shall show, under oath or affirmation of the nursing home administrator, a statement that the nursing home administrator has not practiced during the inactive period and is not presently practicing in this state.

(9) No person shall practice as a nursing home administrator or hold himself or herself out as a nursing home administrator in this state while his or her license is inactive.

(10) An inactive license shall remain subject to discipline for violations of this chapter and the rules promulgated there under.

*AUTHORITY:* section 344.070, RSMo Supp. 2007. Original rule filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**PROPOSED AMENDMENT**

**19 CSR 73-2.055 Renewal of Expired License.** The board is amending sections (2) and (3).

*PURPOSE:* This amendment will remove obsolete language and remove the notary requirement for the application.

(2) The licensee must complete and forward to the board office a license renewal application (see 19 CSR 73-2.050(2)[,] or (3)[, or (4)], accordingly to the date the license expired), along with a renewal fee of [fifty dollars (\$50) for a one (1)-year license or] one hundred dollars (\$100) for a two (2)-year license, plus a twenty-five dollar (\$25) penalty fee. Satisfactory evidence of board-approved continuing education, (as outlined in 19 CSR 73-2.050(2)[,] or (3) [or (4)], according to the date the license expired), must also be submitted with the license renewal application. Information provided in the application shall be [given under oath] attested to by signature to be true and correct to the best of the applicant's knowledge and belief and include an attestation verifying that the licensee has completed the required number of board-approved continuing education clock hours obtained during the current licensure period.

(3) The licensee shall also supply the board with a [notarized] statement indicating employment status from the point the license expired through the filing of the application for late renewal. The licensee shall include in the [notarized] statement written reasons as to why the license was not renewed prior to the expiration date of June 30.

*AUTHORITY:* sections 344.040[, RSMo Supp. 2005] and 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.055. Original rule filed June 28, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 28, 2007.

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

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

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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**PROPOSED AMENDMENT**

**19 CSR 73-2.060 Registration of Training Agencies and Single Offering Providers.** The board is adding a new paragraph (1)(C)5. and amending section (2) and subsections (1)(D) and (2)(B).

*PURPOSE:* The amendment will establish criteria for on-line courses, create a provision allowing an application for a single offering to be filed less than forty-five (45) days in advance if the sponsored pays a late fee of fifty dollars (\$50) and increases the application fee from ten dollars (\$10) per requested clock hour to fifteen dollars (\$15).

(1) All organizations described in 19 CSR 73-2.010(8) which offer any course of study or program of instruction and training to prepare applicants for licensure as nursing home administrators or for the renewal of license as nursing home administrators shall register with the board.

(C) The program shall follow the long-term care core of knowledge areas as described in 19 CSR 73-2.031(2). All approved training agencies must submit to the board office in advance, the following information regarding each program they wish to approve for nursing home administrator clock hours:

1. Date, time and location of presentation broken down into specific time periods, topic titles and speakers;
2. A program outline including the purpose and content objectives;
3. Statements regarding presenter qualifications in his/her particular subject matter area; [and]
4. Number of clock hours requested, deleting time allotted for breaks and lunch; and
5. For on-line courses, the program materials must also include:

**A. Description of the total learning package including the method/rational used for determining the number of study hours required to complete the program. One (1) clock hour will be awarded for each hour needed to complete the course.**

**B. Instruction for program completion; and**

**C. Post-test as part of the total learning package. The information must demonstrate test security, include a minimum of five (5) multiple choice or true/false questions per clock hour, and require a grade of seventy-five percent (75%) or higher in order to pass.**

(D) If the training agency wishes to approve a program but is not the sponsoring agency and provider, the agency must submit the application for approval of a single offering as described in section (2) of this rule. No fee will be charged for this process as referenced in subsection (2)(B). **If the application for a single offering is submitted less than forty-five (45) days in advance of the presentation but more than thirty (30) days in advance, there will be a nonrefundable late fee of fifty dollars (\$50).**

(2) Organizations or persons who do not qualify under 19 CSR 73-2.010(8) but who wish to sponsor education seminars shall submit three (3) copies of the application for approval of a single offering a minimum of forty-five (45) days in advance of the presentation. **If the application for a single offering is submitted less than forty-five (45) days in advance of the presentation but more than thirty (30) days in advance, there will be a separate, nonrefundable late fee of fifty dollars (\$50).**

(B) There shall be a separate, nonrefundable fee of [ten] fifteen dollars [(\$10)] (\$15) per requested clock hour for each single offering application filed with the board. The education and training unit

of any state agency, or a section of a department, will be exempt from these application fees.

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.060. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**PROPOSED AMENDMENT**

**19 CSR 73-2.070 Examination.** The board is amending sections (4) and (8) and subsection (3)(A).

*PURPOSE: The amendment will address changes in the testing procedures for the national exam, increase the fee for the state exam from seventy-five (\$75) to one hundred (\$100) dollars, and clean up other language.*

(3) Qualified applicants will be eligible to take the national examination through the testing service by following the procedures set forth in subsections (A)–(D).

(A) Applicants must submit the National Association of Boards of Examiners of Long Term Care Administrators (NAB) Application Form for Computerized Testing[, the Fee Payment Transmittal Form,] and the required fees to [the board office] NAB. The applicant will receive from the testing service an authorization letter including a list of testing center vendors, each center's toll-free telephone number and instructions on the scheduling process.

(4) Qualified applicants will be eligible to take the state examination administered by the board once a written request and the [seventy-five] one hundred dollar[s] [[\$75]] (\$100) fee are received by the board. The examination will be scheduled at least monthly if one (1) or more applicants are awaiting examination.

(8) If an applicant fails **either of** the examination(s) a third time, the applicant must complete a course of instruction prescribed and approved by the board. After completion of the board-prescribed course of instruction, the applicant may reapply for board-approved examination(s). No applicant shall be licensed by the board after a third licensure examination failure unless the applicant successfully completes the board-prescribed course of instruction and passes the board-approved examination(s). With regard to any nationally certified examination required for licensure, no examination scores from other states shall be recognized by the board after the applicant has failed for a third time to pass the examination.

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.070. Original rule filed May 13, 1980, effective Aug. 11, 1980. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**PROPOSED AMENDMENT**

**19 CSR 73-2.080 Temporary Emergency Licenses.** The board is amending subsections (1)(A) and (C), and section (5).

*PURPOSE: This amendment will remove the requirement for a notarized signature on the temporary application and the facility's statement, and add language passed in House Bill 780, effective August 28, 2007.*

(1) Application for a temporary emergency license shall be made to the executive secretary of the board. The application shall demonstrate that the applicant meets the requirements for a temporary emergency license as set forth in section 344.030.5, RSMo and shall include the following:

(A) The [notarized] signature of the appropriate authority at the facility where the emergency exists and of the person for whom the license is requested;

(C) A statement as to whether the facility is newly licensed. Newly licensed shall mean licensed, either initially or because of a change of operator, within ninety (90) days prior to the request for an emergency license. If the facility has been newly licensed, the application shall also include a [sworn] statement from the operator setting forth the reasons why the departure of the previous administrator was not anticipated by the operator at the time the facility was licensed;

(5) Request for extension of a temporary emergency license shall be made in writing and submitted to the executive secretary no later than twenty-one (21) days in advance of the temporary emergency license date of expiration. Upon recommendation of the officers of the Missouri Board of Nursing Home Administrators, temporary emergency license extensions may be issued for up to ninety (90) days. The extension may only be considered upon a showing that the person seeking the renewal of a temporary emergency license meets the qualifications for licensure and has filed an application for a regular license, accompanied by the application fee and the [examination has not yet been given] applicant has taken the examination or examinations but the results have not been received by the board. No temporary emergency license may be renewed more than one (1) time.



*AUTHORITY: sections 344.030.4 and 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.080. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Dec. 10, 1984, effective April 11, 1985. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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**PROPOSED AMENDMENT**

**19 CSR 73-2.085 Public Complaints.** The board is amending section (2).

*PURPOSE: This amendment will remove the street address from the board's mailing address.*

(2) Complaints should be mailed or delivered to the following address: State Board of Nursing Home Administrators, [2023 St. Mary's Boulevard,] PO Box 570, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaints may be based upon personal knowledge, or upon information and belief, reciting information received from other sources.

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.085. Original rule filed Oct. 4, 1988, effective March 15, 1989. Amended: Filed Jan. 3, 1992, effective May 14, 1992. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.090 Disciplinary Action.** The board is amending section (1), adding a new subsection (2)(G), relettering the remaining subsections, amending subsection (2)(H), adding two new subsections (2)(O) and (P), amending section (5), and adding a new section (6).

*PURPOSE: This amendment adds language passed in House Bill 780, effective August 28, 2007 relating to discipline of the license.*

(1) The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one (1) or any combination of causes stated in section (2) of this rule. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his/her right to file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo. **As an alternative to refusal to issue or renew any certificate, registration or authority, permit or license, the board may, at its discretion, issue a license which is subject to probation for any one (1) or any combination of causes stated in section (2) of this rule. The board's order of probation shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty (30) days to request in writing a hearing before the Administrative Hearing Commission. If the board issues a probationary license to an applicant for licensure, the applicant may file a written petition with the Administrative Hearing Commission within thirty (30) days of the effective date of the probationary license seeking review of whether cause exists to discipline the licensee under section (2) of this rule. If no written request for a hearing is received by the Administrative Hearing Commission within the thirty (30)-day period, the right to seek review of the board's decision shall be waived.**

(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his/her certificate or registration or authority, permit or license for any one (1) or any combination of the following causes:

**(G) Violation of, or assisting or enabling any person to violate, any provision of Chapter 198, RSMo, or any lawful rule or regulation promulgated thereunder;**

**[(G)] (H) [Impersonating] Impersonation of any person holding a certificate of registration or authority, permit or license, or allowing any person to use [his/her] such person's certificate of registration or authority, permit, license or diploma from any school;**

**[(H)] (I) [Granting of d]Disciplinary action against the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency or country upon grounds for which revocation or suspension is authorized in this state;**

**[(I)] (J) [Adjudging a]A person is finally adjudged incapacitated or disabled by a court of competent jurisdiction;**

**[(J)] (K) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not registered and currently eligible to practice under this chapter;**

**[(K)] (L) [Issuing] Issuance of a certificate of registration or authority, permit or license based upon a material mistake of fact;**



*[(L)] (M) [Violating] Violation of the drug laws or rules and regulations of this state, any other state or the federal government;*

*[(M)] (N) Knowingly failing to report abuse or neglect of a resident in a long-term care facility, as required by section 198.070, RSMo, of which [s/he] he or she has actual knowledge that it is abuse or neglect[.];*

**(O) Violation of any professional trust or confidence; or**

**(P) Having served as the administrator, operator, or any principal involved in the operation of a facility licensed under Chapter 198, RSMo, and during such time the facility has had its license revoked under section 198.036, RSMo, has entered into a consent agreement to obtain a probationary license under subsection 5 of section 198.026, RSMo, has had a license denied under subsection 2 of section 198.022, RSMo, or has surrendered its license while under investigation.**

(5) Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (2) of this rule, for disciplinary action are met, singly or in combination, the board may *[place upon probation,]* **censure or place the person named in the complaint on probation on such terms as the board deems appropriate, or may suspend or revoke [a] the certificate [of registration or authority], permit or license.**

**(6) The board may exclude any application for up to five (5) years for any person who has had his or her license revoked by the board or has surrendered his or her license to the board.**

*AUTHORITY: section 344.070, RSMo [2000] Supp. 2007. This rule was previously filed as 13 CSR 73-2.090. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Amended: Filed Oct. 1, 1987, effective Jan. 14, 1988. Amended: Filed Dec. 4, 1989, effective March 1, 1990. Moved and amended: Filed Jan. 31, 2003, effective Aug. 30, 2003. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 73—Missouri Board of Nursing Home  
Administrators  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**19 CSR 73-2.120 Duplicate License.** The board is amending section (1).

*PURPOSE: This amendment will change the fee charged for a duplicate license from five dollars (\$5) to ten dollars (\$10).*

(1) In the event a license is lost or stolen, mutilated or destroyed, the administrator is required to report the loss immediately to the board office. Upon receipt of satisfactory evidence that a license has been lost, mutilated or destroyed, the board may issue a duplicate license upon payment of a fee of *[five] ten* dollars *[(5)] (\$10)*. Satisfactory evidence is construed to be a notarized affidavit stating facts of the loss, mutilation or destruction of the license.

*AUTHORITY: section 344.070, RSMo Supp. [1993] 2007. This rule was previously filed as 13 CSR 73-2.120. Original rule filed May 13, 1980, effective Aug. 11, 1980. Amended: Filed Oct. 16, 1985, effective March 14, 1986. Moved to 19 CSR 73-2.120, effective March 3, 2003. Amended: Filed Dec. 28, 2007.*

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

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Diana Love, Missouri Board of Nursing Home Administrators, 3418 Knipp Drive, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-2.010 Definitions.** The board is amending section (89).

*PURPOSE: This amendment changes the plan's definitions as a result of the passage of HB 818.*

(89) Unemancipated child(ren). A natural child(ren), a legally adopted child(ren) or a child(ren) placed for adoption, and a dependent disabled child(ren) over *[twenty-three (23)] twenty-five (25)* years of age (during initial eligibility period only and appropriate documentation may be required by the plan), and the following:

(D) Other child(ren) for whom the employee is legal custodian subject to specific approval by the plan administrator.

1. Except for a disabled child(ren) as described in section (58) of this rule, an unemancipated child(ren) is eligible from birth to the end of the month in which s/he is emancipated, as defined here, or attains age *[twenty-three (23)] twenty-five (25)* (see 22 CSR 10-2.020(3)(D)2. for continuing coverage on a handicapped child(ren) beyond age *[twenty-three (23)] twenty-five (25)*); and

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. Amended: Filed Dec. 20, 2007.*

*PUBLIC COST: The fiscal impact of this amendment is estimated to be less than five hundred dollars (\$500) in the aggregate for state agencies or political subdivisions.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Ron Meyer, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership  
  
PROPOSED AMENDMENT**

**22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions.** The board is amending paragraph (3)(D)2.

*PURPOSE: This amendment changes the plan's eligibility requirements as a result of the passage of HB 818.*

(3) Termination of participation shall occur on the last day of the calendar month coinciding with or following the happening of any of the following events, whichever shall occur first:

(D) Termination of Eligibility for Participation.

1. With respect to employees, termination of participation shall occur upon termination of employment in a position covered by the MCHCP, except as specified in sections (4) and (5).

2. With respect to dependents, termination of participation shall occur upon ceasing to be a dependent as defined in this rule or upon failure to provide the plan with acceptable proof of eligibility with the following exception: unemancipated mentally retarded and/or physically handicapped children will continue to be eligible beyond age [twenty-three (23)] **twenty-five (25)** during the continuance of a permanent disability provided documentation satisfactory to the plan administrator is furnished by a physician prior to the dependent's [twenty-third] **twenty-fifth** birthday, and as requested at the discretion of the plan administrator.

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 16, 1993, effective Jan. 1, 1994, expired April 30, 1994. Emergency rule filed April 4, 1994, effective April 14, 1994, expired Aug. 11, 1994. Original rule filed Dec. 16, 1993, effective July 10, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. Amended: Filed Dec. 20, 2007.*

*PUBLIC COST: The fiscal impact of this amendment is estimated to be less than five hundred dollars (\$500) in the aggregate for state agencies or political subdivisions.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Ron Meyer, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 3—Public Entity Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-3.010 Definitions.** The board is amending subsection (1)(YY).

*PURPOSE: This amendment includes changes to the plan's definitions as a result of the passage of HB 818.*

(1) When used in this chapter's rules or the public entity member handbook, these words and phrases have the meaning—

(YY) Unemancipated child(ren). A natural child(ren), a legally adopted child(ren) or a child(ren) placed for adoption, and a dependent disabled child(ren) over [twenty-three (23)] **twenty-five (25)** years of age (during initial eligibility period only and appropriate documentation may be required by the plan), and the following:

1. Stepchild(ren);
2. Foster child(ren) for whom the employee is responsible for health care;
3. Grandchild(ren) for whom the employee has legal custody and is responsible for providing health care;
4. Other child(ren) for whom the employee is legal custodian subject to specific approval by the plan administrator. Except for a disabled child(ren) as described in subsection (1)(GG) of this rule, an unemancipated child(ren) is eligible from birth to the end of the month in which s/he is emancipated, as defined here, or attains age [twenty-three (23)] (twenty-five (25) if attending school full-time and the public entity joining the plan had immediate previous coverage allowing this provision)] **twenty-five (25)** (see 22 CSR 10-3.020(4)(D)2. for continuing coverage on a handicapped child(ren) beyond age [twenty-three (23)] **twenty-five (25)**); and
5. Stepchild(ren) who are not domiciled with the employee, provided the natural parent who is legally responsible for providing coverage is also covered as a dependent under the plan;

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 20, 2004, effective Jan. 1, 2005, expired June 29, 2005. Original rule filed Dec. 20, 2004, effective June 30, 2005. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. Amended: Filed Dec. 20, 2007.*

*PUBLIC COST: The fiscal impact of this amendment is estimated to be less than five hundred dollars (\$500) in the aggregate for state agencies or political subdivisions.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Ron Meyer, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 3—Public Entity Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-3.020 Subscriber Agreement and General Membership Provisions.** The board is amending paragraph (4)(D)2.

*PURPOSE: This amendment changes the plan's eligibility requirements as a result of the passage of HB 818.*

(4) Termination of participation shall occur on the last day of the calendar month coinciding with or following the happening of any of the following events, whichever shall occur first:

(D) Termination of Eligibility for Participation.

1. With respect to employees, termination of participation shall occur upon termination of employment in a position covered by the MCHCP, except as specified in sections (5) and (6).

2. With respect to dependents, termination of participation shall occur upon ceasing to be a dependent as defined in this rule with the following exception: unemancipated mentally retarded and/or physically handicapped children will continue to be eligible beyond age *[twenty-three (23)]* **twenty-five (25)** during the continuance of a permanent disability provided documentation satisfactory to the plan administrator is furnished by a physician prior to the dependent's *[twenty-third]* **twenty-fifth** birthday, and as requested at the discretion of the plan administrator.

3. Termination of employee's participation shall terminate the participation of dependents, except as specified in section (6).

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Dec. 20, 2004, effective Jan. 1, 2005, expired June 29, 2005. Original rule filed Dec. 20, 2004, effective June 30, 2005. Emergency amendment filed Dec. 20, 2007, effective Jan. 1, 2008, expires June 28, 2008. Amended: Filed Dec. 20, 2007.*

*PUBLIC COST: The fiscal impact of this amendment is estimated to be less than five hundred dollars (\$500) in the aggregate for state agencies or political subdivisions.*

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

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Ron Meyer, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*



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

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

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 50—Division of School Improvement  
Chapter 500—Virtual Schools**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092, 161.670, 163.031, and 163.043, RSMo Supp. 2007, the board adopts a rule as follows:

5 CSR 50-500.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2046–2048). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received fifteen (15) comments on the proposed rule.

**COMMENT #1:** Comment received objecting the statement of intent of the program in section (1).

**RESPONSE AND EXPLANATION OF CHANGE:** The “intent” language has been deleted.

**COMMENT #2:** There were four (4) comments submitted for section (2), Access. Their concern is students taking online courses when they could take the course at school.

**RESPONSE:** Section 161.670(1), RSMo states “Any student under the age of twenty-one (21) in grades kindergarten through twelve (K-

12) who resides in this state shall be eligible to enroll in the virtual public school regardless of the student’s physical location.” No change has been made.

**COMMENT #3:** There was a comment for subsection (2)(B), Access. Their concern is students can take too many courses, allowing for early graduation, before reaching maturity.

**RESPONSE:** The state board carefully considered this comment and decided to make no change at this time.

**COMMENT #4:** Several comments on subsection (2)(C) were received relating to the use of school district equipment to take Missouri Virtual Instruction Program (MoVIP) courses.

**RESPONSE:** The rule does not address whether school districts provide equipment for taking MoVIP courses. However, districts may have some responsibilities to comply with a student’s Individual Education Program (IEP).

**COMMENT #5:** There was one (1) comment for the subsection (4)(B) on Credit. The comment states they are concerned about a full-time MoVIP student transferring all credit to a school district thus forcing the school district to issue a diploma.

**RESPONSE:** No change has been made; this issue is not addressed in this rule.

**COMMENT #6:** The Department of Elementary and Secondary Education submitted an internal comment after staff analysis. It was determined that the language needed clarification regarding responsibilities under Individuals with Disabilities Education Act (IDEA).

**RESPONSE AND EXPLANATION OF CHANGE:** Section (5) has been reworded to accommodate students with special needs.

**COMMENT #7:** Concerning section (5) there were six (6) comments submitted stating that MoVIP should be a school district or local education agency with the legal rights and responsibilities that accompany this designation.

**RESPONSE:** Although the statute requires MoVIP to comply with various state standards (MSIP, AYP, APR), the statute does not designate MoVIP as a school district or a local education agency.

**COMMENT #8:** There were four (4) comments about section (5) stating that school districts should have input regarding decisions for IEP students.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (5) has been reworded to clarify who is responsible for the provision of special education services.

**COMMENT #9:** One (1) comment was received on section (5) stating that responsibility for IDEA should not rest with the contractor.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (5) has been reworded to clarify who is responsible for the provision of special education services.

**COMMENT #10:** There were five (5) comments received concerning section (6) on multiple providers and the option of choice.

**RESPONSE AND EXPLANATION OF CHANGE:** DESE is unable to award a contract that is unresponsive to the request for proposal (RFP). This language states the intent of the state board of education to consider multiple proposals that are responsive to the RFP. A change has been made to align the language of the rule with the provisions of section 161.670(5), RSMo.

**COMMENT #11:** Several comments were received regarding procedural issues connected with the MoVIP program and were not related to the proposed rule.

**RESPONSE:** Department personnel will take these comments under advisement as MoVIP evolves.



**5 CSR 50-500.010 Virtual Instruction Program**

(1) General information. Missouri's Virtual Instruction Program (MoVIP) offers online courses to any kindergarten through grade twelve (K-12) students residing in Missouri, subject to appropriations. All MoVIP teachers are Missouri certified in the subjects they teach. All courses offered through MoVIP are aligned with Missouri Show-Me Standards.

(5) Special Education. MoVIP shall provide the services/accommodations set forth in a student's Individual Education Program (IEP) to enable a student to take the online courses offered by MoVIP. Provisions in the IEP for related services shall be the responsibility of the local school district where the student is enrolled, unless the student is a private school student accessing MoVIP. No IEP is needed for students not enrolled in a public school district. For those students, related services shall be provided by the local district to the extent required by their proportionate share requirement under state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA). Districts must provide MoVIP with a copy of the current IEP for students enrolled in the public school district and participates in MoVIP.

(6) Multiple Providers. DESE shall ensure that multiple content providers are allowed in the event that more than one (1) vendor is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, and are determined to be responsive to the request for proposal issued by DESE.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 6—Veterans' Unemployment Compensation Program**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Labor and Industrial Relations under section 288.042, RSMo Supp. 2007 and section 288.220, RSMo 2000, the department adopts a rule as follows:

**8 CSR 10-6.010 Veteran's Unemployment Compensation Program**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2056-2061). 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: No comments were received.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director adopts a rule as follows:

**12 CSR 10-110.201 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007

(32 MoReg 1567-1568). Changes have been made and those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) letter of formal comment.

COMMENT #1: The commenter suggests replacing the word "taxation" with "state sales and use tax."

RESPONSE AND EXPLANATION OF CHANGE: After review the department has changed the rule to read "state tax and local use tax." Changes have been made to all subsections with this phrase.

COMMENT #2: The commenter proposes adding "electricity" in section (1) to the list of goods used or consumed.

RESPONSE AND EXPLANATION OF CHANGE: The department concurs with the suggestion and "electricity" has been added.

COMMENT #3: The commenter suggests that the department refer to "manufacturing, processing, compounding, mining or producing" collectively as "manufacturing."

RESPONSE: The department disagrees with this comment; therefore, no change will be made.

COMMENT #4: The commenter suggests that the department delete the last sentence from section (1).

RESPONSE: The department disagrees with this comment; therefore, no change will be made.

COMMENT #5: The commenter suggests that the department change "used in manufacturing" in the last sentence of subsection (2)(A) to "used in these activities" so all listed activities are included.

RESPONSE AND EXPLANATION OF CHANGE: The department has amended the last sentence of subsection (2)(A) to include the entire list of activities in section 144.054, RSMo.

COMMENT #6: The commenter suggests that the department change the word "process" to "of a product" in subsections (3)(B) and (3)(C).

RESPONSE AND EXPLANATION OF CHANGE: The department has changed subsection (3)(B) to address the comment. The department disagrees with this change for subsection (3)(C); therefore, no change will be made to subsection (3)(C).

COMMENT #7: The commenter suggested adding another example.

RESPONSE AND EXPLANATION OF CHANGE: The department has added the example; it appears as subsection (3)(E).

**12 CSR 10-110.201 Materials and Other Goods Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo**

*PURPOSE: Section 144.054.2, RSMo, exempts from state tax and local use tax, but not local sales tax certain materials, goods, machinery and parts. This rule explains the requirements for this exemption.*

(1) In general, purchases of electricity, gas (natural, artificial, or propane), water, coal, and energy sources, chemicals, machinery, equipment and materials that are used or consumed in the manufacturing, processing, compounding, mining or producing a product are exempt from state tax and local use tax, but not local sales tax. Local sales tax applies to these transactions.

(2) Basic Application of Exemption.  
(A) Electricity, gas (natural, artificial, or propane), water, coal,

and energy sources, chemicals, machinery, equipment and materials that are used or consumed in manufacturing, processing, compounding, mining or producing a product are exempt from state tax and local use tax, but not local sales tax. It is not necessary for the item purchased to be used directly in manufacturing, processing, compounding, mining or producing a product in order to qualify for the exemption.

(3) Examples.

(A) A toy manufacturer purchases sandpaper to use in the manufacturing of wooden rocking horses. The purchase of sandpaper is exempt from state tax and local use tax, but not local sales tax because it is a material that is consumed in producing a product.

(B) An automobile manufacturer purchases soap to wash all automobiles as they leave the manufacturing plant. The soap qualifies as a material used or consumed in manufacturing and is exempt from state tax and local use tax, but not local sales tax.

(C) A steel fabricator purchases gases for use in fabricating a product out of steel plates. The gases that are consumed in the fabrication process are exempt from state tax and local use tax, but not local sales tax, because they are consumed in producing a product.

(D) A foundry creates a steel product by casting molten steel. After casting, a cleaning solution is poured over the product to remove impurities from the surface. The solution is used or consumed in the producing of a product and is exempt from state tax and local use tax, but not local sales tax.

(E) A metal container manufacturer purchases coolants, hydraulic fluids, greases and oils for use in machines that are used to shape the product. Catalysts and acids are also purchased to interact with and clean the product being manufactured. The coolants, hydraulic fluids, greases, oils, catalysts and acids are exempt from state tax and local use tax, but not local sales tax.

**Title 12—DEPARTMENT OF REVENUE**  
**Division 10—Director of Revenue**  
**Chapter 110—Sales/Use Tax—Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director adopts a rule as follows:

**12 CSR 10-110.601 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1570–1571). Changes have been made and those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The department received four (4) letters of formal comment. During review the date in subsection (4)(B) was extended to allow taxpayers to file adjustments until January 31, 2008.

**COMMENT #1:** The commenter addresses the method of collection and allocation in the rule with reference to section 144.054.2, RSMo, and the department's method of calculating the exempt percentage.

**RESPONSE:** The department is given the authority by statute to interpret, enforce and regulate. The department is not able to determine the exact amount of energy each taxpayer uses in the manufacturing process or in the processing of recovered materials. The method the department is using in subsection (4)(A) lessens the burden on the taxpayers.

**COMMENT #2:** The commenter proposes that the department adopt a predominant use definition in determining eligibility of an entity.

**RESPONSE:** The department does not have the statutory authority to make the proposed change. The department's intent was to be fair to all to all entities regardless of the extent of their business.

**COMMENT #3:** The commenter suggests that the department amend section (1) after the phrase "In general" by inserting "purchases of."

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs with the comment and adopts the change.

**COMMENT #4:** The commenter suggests that the department modify the definition of "energy source."

**RESPONSE:** The department's definition of "energy source" is inclusive; therefore, no change will be made.

**COMMENT #5:** The commenter suggests that the department add a more detailed example in subsection (5)(A).

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has adopted the change.

**COMMENT #6:** The commenter suggests that in subsection (5)(C) the department insert after the word "coal" the phrase "and any chemicals or other items used to condition or treat the coal for use are."

**RESPONSE:** The department does not agree; therefore, no change will be made.

**COMMENT #7:** The commenter suggests that in the second sentence of subsection (5)(F), the department change the word "temperature" to "environment."

**RESPONSE AND EXPLANATION OF CHANGE:** The department agrees with the comment and has adopted the change.

**COMMENT #8:** The commenter suggests that the rule be amended to include all local taxes as exempt.

**RESPONSE:** The last sentence in section 144.054.2, RSMo, prohibits an exemption from local sales tax. The requested change is beyond the department's authority, and any changes must be made by the legislature.

**12 CSR 10-110.601 Electrical, Other Energy and Water as Defined in Section 144.054, RSMo**

*PURPOSE:* Section 144.054.2, RSMo, exempts from state tax and local use tax, but not local sales tax, electricity, gas (natural, artificial, or propane), water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product or in the processing of recovered materials. This rule explains when this exemption applies and how a taxpayer may claim the exemption at the time of purchase.

(1) In general, purchases of electricity, gas (natural, artificial, or propane), water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining or producing any product are exempt from state tax and local use tax, but not local sales tax.

(3) Basic Application of Exemption.

(A) A taxpayer may claim the exemption for state tax and local use tax, but not local sales tax at the time of purchase. A taxpayer may not claim an exemption from local tax and then remit the tax directly to the department. It is the seller's responsibility to collect and

remit the proper amount of local tax to the department.

(B) Purchases reported to the department under direct pay and Electrical Energy Direct Pay (EEDP) are exempt from the application of subsection (3)(A) of this rule.

(C) The energy source and water that is subject to this exemption is not required to be directly used in the process for which the exemption is being claimed. There is also no requirement that the energy source and water comprise ten percent (10%) of the cost of a primary or secondary production process in order to qualify for this exemption. There is also no requirement that twenty-five percent (25%) of the raw materials be recycled in order for the purchaser to claim this exemption.

(4) Method of Collection and Apportionment

(A) Energy and water vendors are responsible for remitting tax to the department. Purchasers are responsible for informing energy vendors on the MO-149 (Sales/Use Tax Exemption Certificate) of the percentage of energy used for activities exempt under section 144.054, RSMo. The purchaser may use any reasonable method to calculate this percentage, such as square footage or reference to a use analysis. The exemption will be applied as follows:

Purchaser's Calculated Exempt Percentage	Percentage Exempt
76-100	100
51-75	75
26-50	50
1-25	25
0	0

(B) Beginning on August 28, 2007 and ending on January 31, 2008, any vendor who receives an exemption certificate exempting sales of electricity, gas (natural, artificial, or propane), water, coal, and energy sources used or consumed in manufacturing, processing, compounding, mining or producing any product, or used or consumed in the processing of recovered materials, or used in research and development related to manufacturing, processing, compounding, mining or producing any product after the bill was issued may take the correction as an adjustment on its sales tax return provided the net result is not a negative figure. In the event an exemption certificate is received after January 31, 2008, and an exemption was due and not properly applied by the vendor, the vendor may submit a refund request to the department.

(5) Exempt Examples.

(A) A manufacturer purchases propane to operate forklifts that move raw materials to production lines, move work-in-process between production steps, move finished goods to an on-site storage area, and to load finished goods on trucks for shipment from the plant. The fuel is exempt from state tax and local use tax, but not local sales tax.

(B) A manufacturer uses electricity to run its equipment, maintain a moderate temperature in its production facility and light the plant. The purchase of all of its electricity is exempt from state tax and local use tax, but not local sales tax, because it is used or consumed in producing a product.

(C) A manufacturer uses coal to fuel boilers to generate steam used to manufacture a product. The purchase of the coal is exempt from state tax and local use tax, but not local sales tax, because it is used or consumed in producing a product.

(D) A manufacturer purchases compressed gas used for welding a product. The purchase of the compressed gas is exempt from state tax and local use tax, but not local sales tax because it is used or consumed in producing a product.

(E) A manufacturer uses water to cool a product during the manufacturing process. The water is exempt from state tax and local use tax, but not local sales tax.

(F) A manufacturer preserves its final product in a warehouse located at the production facility awaiting shipment. The purchase of

energy to maintain the desired environment and provide lighting is exempt from state tax and local use tax, but not local sales tax.

(G) A construction company that has been deemed a manufacturer purchases fuel to be used in a concrete ready-mix truck. The fuel is subject to motor fuel tax; however if a refund claim is made, the refund will be exempt from state tax and local use tax, but not local sales tax, because the fuel is used in producing a product.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 111—Sales/Use Tax—Machinery and  
Equipment Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

**12 CSR 10-111.010** Manufacturing Machinery and Equipment Exemptions, as Defined in Section 144.030, RSMo is **amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1571). 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: The department received one (1) formal letter of comment.

COMMENT: The commenter suggests that the department change "production process" and "is finished" in the last sentence of subsection (2)(J) to "plant site" and "leaves the plant site," respectively.

RESPONSE: The department disagrees and declines to make any changes.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 111—Sales/Use Tax—Machinery and  
Equipment Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000 and section 144.054, RSMo Supp. 2007, the director adopts a rule as follows:

12 CSR 10-111.011 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1571-1572). Changes have been made and those sections with change are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) formal letters of comments. The department also was requested to add "TAFP" to its citation to Senate Bill 30 (2007).

COMMENT #1: The commenter suggests that the department amend the rule to include "and use" after the phrase "state sales" wherever it appears.

RESPONSE AND EXPLANATION OF CHANGE: After review the department has changed the rule to read "state tax and local use tax."



Changes have been made to each of the sections and subsections addressed.

COMMENT #2: The commenter suggests deleting the phrase “of the facility” in the first sentence of subsection (3)(B).

RESPONSE: The department disagrees and is including the phrase.

COMMENT #3: The commenter suggests deleting the word “testing” in the first and second sentences of subsection (4)(A).

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and adopts the change.

COMMENT #4: The commenter poses a legal question about the application of the rule.

RESPONSE: The department declines to respond to the commenter’s question in this forum and instead encourages the commenter to request a letter ruling from the department pursuant to 12 CSR 10-1.020.

COMMENT #5: The commenter suggests that the rule be amended to include all local taxes as exempt.

RESPONSE: The last sentence in section 144.054.2, RSMo, prohibits an exemption from local sales tax. The requested change is beyond the department’s authority, and any changes must be made by the legislature.

**12 CSR 10-111.011 Machinery, Equipment, Materials, and Chemicals Used or Consumed in Manufacturing, as Defined in Section 144.054, RSMo**

*PURPOSE: Section 144.054.2, RSMo, exempts machinery, equipment, materials, and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product, or used in research and development related to manufacturing, processing, compounding, mining or producing any product from state tax and local use tax, but not local sales tax. This rule explains what elements must be met in order to qualify for these exemptions.*

(1) In general, the purchase of machinery, equipment and materials used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state tax and local use tax, but not local sales tax.

(3) Basic Application of Exemption.

(A) Pursuant to section 144.054.2, RSMo, purchases of machinery, equipment, materials and chemicals used or consumed in manufacturing, processing, compounding, mining or producing any product or used in research and development related to manufacturing, processing, compounding, mining or producing any product is exempt from state tax and local use tax, but not local sales tax.

(B) The exemptions do not require that the owner of the facility be the purchaser to qualify for the exemption or that the purchaser be the one who uses the machinery, equipment and materials in an exempt fashion. All that is required is that the machinery, equipment and materials are used in a tax-exempt manner.

(4) Exempt Examples.

(A) A manufacturing company purchases various pieces of equipment to perform research and development on potential future products. The equipment for research and development is exempt from state tax and local use tax, but not local sales tax, because it is used or consumed in research and development related to manufacturing a product.

(B) A commercial photo developer uses “crop cards” to hold individual negatives in the film developing process; they are discarded after a single use. The developer also uses tape to connect negative strips so that the negatives may be fed through its automatic film

developing machinery and equipment. The crop cards and tape are exempt from state tax and local use tax, but not local sales tax, as materials used and consumed in producing a product.

(C) A manufacturer purchases materials to develop models for research and development for use in designing a new product. The manufacturer may purchase the materials exempt from state tax and local use tax, but not local sales tax, because they are used in research and development related to manufacturing.

(D) Workers in a manufacturing plant are required to wear safety equipment while producing a product. The safety equipment is exempt from state tax and local use tax, but not local sales tax, because it is used to produce a product.

*AUTHORITY: section 144.270, RSMo 2000 and section 144.054, RSMo Supp. 2007. Emergency rule filed Aug. 14, 2007, effective Aug. 28, 2007, expires Feb. 23, 2008. Original rule filed Aug. 14, 2007.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 111—Sales/Use Tax—Machinery and  
Equipment Exemptions**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000 and section 144.054, RSMo Supp. 2007, the director adopts a rule as follows:

12 CSR 10-111.061 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1572-1573). Changes have been made and those sections with change are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department did not receive any formal letters of comment. During review by the department an inconsistency was noted.

COMMENT: The department noted that this rule contained the phrase “state sales and use tax” and was therefore inconsistent with its other rules.

RESPONSE AND EXPLANATION OF CHANGE: The department has changed the phrase “state sales and use tax” to “state tax” wherever it appears.

**12 CSR 10-111.061 Exempt Items Used or Consumed in Material Recovery Processing as Defined in Section 144.054, RSMo**

*PURPOSE: Section 144.054.2, RSMo, exempts machinery, equipment, materials, coal, energy sources and chemicals used or consumed in the processing of recovered materials from state tax and local use tax, but not local sales tax. This rule explains the elements that must be met in order to qualify for the exemption.*

(1) In general, the purchase of machinery, equipment, materials and chemicals used or consumed in the processing of recovered materials are exempt from state tax and local use tax, but not local sales tax.

(2) Basic Application of Exemption.

(A) Purchases of machinery, equipment and materials used or consumed in the processing of recovered materials are exempt from state tax and local use tax, but not local sales tax. Coal, energy sources and chemicals used or consumed in the processing of recovered materials are also exempt from state tax and local use tax, but not local sales tax.



(B) Electrical energy or gas (natural, artificial or propane), water, or other energy sources consumed in processing recovered materials is exempt from state and local tax (144.030.2(31), RSMo).

(3) Examples.

(A) A metal recycler uses diesel fuel to operate its hydraulic cutter. The diesel fuel may be purchased exempt from state tax and local use tax, but not local sales tax, because it is used or consumed in the processing of recovered materials.

(B) A paper recycler mixes water with paper in its pulping equipment in order to separate the paper fibers from each other. The water may be purchased exempt from state tax and local use tax, but not local sales tax.

(C) An aluminum can recycler uses natural gas in its furnace to melt aluminum scraps into molten aluminum. The purchase of the natural gas is exempt from state tax and local use tax, but not local sales tax, because it is consumed in the processing of recovered materials.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 112—Sales/Use Tax—Contractors**

**ORDER OF RULEMAKING**

By the authority vested in the director of revenue under section 144.270, RSMo 2000, the director amends a rule as follows:

12 CSR 10-112.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1574). Changes have been made and those sections are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) letters of formal comment.

COMMENT #1: Both commenters suggested keeping the phrase “fuel to run equipment” in subsection (3)(D).

RESPONSE AND EXPLANATION OF CHANGE: The department concurs and is including the phrase.

COMMENT #2: The commenter suggests adding the “Missouri Highways and Transportation Commission” to the list of exempt entities using the flow through project exemption.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees with the comment and is adopting the change.

**12 CSR 10-112.010 Contractors**

(3) Basic Application of Tax.

(D) Flow Through Project Exemptions—A contractor, including subcontractors working for the contractor, constructing, repairing or remodeling facilities for a specific exempt entity, may purchase tax exempt tangible personal property and materials incorporated into or consumed in the project if the exempt entity furnishes to the contractor a project exemption certificate. Tangible personal property and materials that can only be used for one construction, repair or remodeling job which are actually used up in performing the contract are consumed. Examples include sandpaper, fuel to run equipment and drill bits that are actually used up in the performance of the exempt contract. Items that are not consumed are hand tools, drinking water coolers, hardhats and bulldozers. For purposes of this flow through exemption an exempt entity is limited to:

1. Political subdivisions exempt under Article III section 39(10) of the *Missouri Constitution*;

2. Federal government and its instrumentalities;
3. Religious organizations;
4. Charitable organizations;
5. Elementary and secondary schools, public and private;
6. Higher education institutions, public and private;
7. Missouri Department of Transportation;
8. Jackson County Sports Complex Authority; or
9. Missouri Highways and Transportation Commission.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 3—Conditions of Provider Participation,  
Reimbursement and Procedure of General Applicability**

**ORDER OF RULEMAKING**

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

**13 CSR 70-3.030** Sanctions for False or Fraudulent Claims for Title XIX Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1914–1918). 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 Recipient 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 and sections 208.201, 208.631, 208.640 and 208.647, RSMo Supp. 2007, 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 October 15, 2007 (32 MoReg 2061–2063). 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 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-10.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 17, 2007 (32 MoReg 1583-1586). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received one (1) comment.

COMMENT #1: The Department of Mental Health commented that the situation which warranted the wording change to "state-owned" from "state-operated" has changed and that under the current circumstances there is no need for the wording change at this time.

RESPONSE AND EXPLANATION OF CHANGE: Section (1), subsections (3)(G) and (3)(K), and subsection (4)(C) have been changed to read the same as prior to the proposed amendment.

### 13 CSR 70-10.060 Retrospective Reimbursement Plan for State-Operated Facilities for ICF/MR Services

(1) Objectives. The retrospective rate plan described in this rule shall apply to state-operated intermediate care facility/mentally retarded (ICF/MR) facilities for dates of service on and after March 1, 1990, and the objective of this plan is to provide reimbursement of allowable cost.

(3) Definitions.

(G) ICF/MR. State-operated facilities certified to provide intermediate care for the mentally retarded under the Title XIX program.

(K) Providers. A provider under the Retrospective Reimbursement Plan is a state-operated ICF/MR facility with a valid participation agreement in effect on or after February 28, 1990, with the Missouri Department of Social Services for the purpose of providing long-term care (LTC) services to Title XIX-eligible participants.

(4) Interim Rate.

(C) In the case of newly constructed state-operated ICF/MR facilities or existing facilities not previously certified to participate in the Title XIX Program entering the MO HealthNet Program after February 28, 1990, the facilities shall have an interim rate based on one hundred twenty-five percent (125%) of the weighted mean rate of all providers for the month prior to entering the MO HealthNet Program until the time a second prior year cost report is available, at which time the provisions of subsection (4)(B) will apply.

#### Example

Weighted Mean Rate of All Providers

(7/01/91) \$160

Interim Rate Effective (8/01/91)

(\$160 x 125%) = \$200

### Title 14—DEPARTMENT OF CORRECTIONS Division 80—State Board of Probation and Parole Chapter 1—Organization and Description

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole amends a rule as follows:

**14 CSR 80-1.010** General Organization **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2064). 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 14—DEPARTMENT OF CORRECTIONS Division 80—State Board of Probation and Parole Chapter 2—Parole Consideration and Conditional Release

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole rescinds a rule as follows:

**14 CSR 80-2.010** Parole Eligibility, Hearings, Reviews and Presumptive Release Dates **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2064). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### Title 14—DEPARTMENT OF CORRECTIONS Division 80—State Board of Probation and Parole Chapter 2—Parole Consideration and Conditional Release

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole adopts a rule as follows:

**14 CSR 80-2.010** Parole Eligibility, Hearings, Reviews and Release Dates **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2066). 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: No comments were received.

### Title 14—DEPARTMENT OF CORRECTIONS Division 80—State Board of Probation and Parole Chapter 2—Parole Consideration and Conditional Release

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole rescinds a rule as follows:

**14 CSR 80-2.020 Parole Policy Guidelines is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2066). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 2—Parole Consideration and Conditional  
Release**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole adopts a rule as follows:

**14 CSR 80-2.020 Parole Policy Guidelines is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2066–2067). 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: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 2—Parole Consideration and Conditional  
Release**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole rescinds a rule as follows:

**14 CSR 80-2.030 Release on Parole is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2067). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 2—Parole Consideration and Conditional  
Release**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo

Supp. 2007, the State Board of Probation and Parole adopts a rule as follows:

**14 CSR 80-2.030 Term of Supervision is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2067–2068). 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: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 2—Parole Consideration and Conditional  
Release**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole rescinds a rule as follows:

**14 CSR 80-2.040 Conditional Release is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2068). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 14—DEPARTMENT OF CORRECTIONS  
Division 80—State Board of Probation and Parole  
Chapter 2—Parole Consideration and Conditional  
Release**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Department of Corrections under section 217.040, RSMo 2000 and section 217.690, RSMo Supp. 2007, the State Board of Probation and Parole rescinds a rule as follows:

**14 CSR 80-2.050 Administrative Parole is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2068). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 35—Hospices**

**ORDER OF RULEMAKING**



By the authority vested in the Department of Health and Senior Services under section 197.270, RSMo 2000, the department amends a rule as follows:

**19 CSR 30-35.010 Hospice Program Operations is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2070-2072). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH  
AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 35—Hospices**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Health and Senior Services under section 197.270, RSMo 2000, the department amends a rule as follows:

**19 CSR 30-35.020 Hospice Providing Direct Care in a Hospice Facility is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2072-2074). 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 2150—State Board of Registration for the  
Healing Arts  
Chapter 6—Licensure of Athletic Trainers**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Registration for the Healing Arts under section 334.706, RSMo Supp. 2007, the board rescinds a rule as follows:

**20 CSR 2150-6.025 Examination is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 15, 2007 (32 MoReg 2089-2090). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.247 and 324.265, RSMo Supp. 2007 and sections 324.250, 324.252 and 324.267, RSMo 2000, the board amends a rule as follows:

**20 CSR 2197-1.040 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1929-1933). 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 Board of Therapeutic Massage received two (2) comments on the proposed amendment.

COMMENT #1: Ms. Meyer commented that the board has been and continues to be financially responsible and has actually been able to reduce fees. Ms. Meyer further expressed appreciation for establishing a change of address fee for massage therapy business that is less than an original application for massage business licensure.

RESPONSE: The board recommends no change to the proposed amendment.

COMMENT #2: Ms. Hopley expressed appreciation for lowering various fees. However, Ms. Hopley stated that she believes the former costs for licensure, "...were extravagant and presented serious difficulty for beginning massage therapists and entrepreneurs who wished to start a massage business." She further stated concerning starting a massage therapy business, "...the fees for provisional licensure, regular licensure, business licensure and to take the NCBTMB exam were the most expensive part of the entire start up costs."

RESPONSE: When the licensure law was passed the fiscal note or estimated cost to administer the statute estimated that initially there would be at least 3,000 massage therapy applicants. Approximately 1,300 individuals were initially licensed resulting in a revenue shortfall when compared to projections. Revenues must be generated to pay costs for staff salaries, everyday costs such as office expenses and equipment, as well as support services such as legal fees, inspections, payroll and accounting. Once the board was appointed it began meeting to develop the required regulations and forms and incurring day-to-day operational costs without generating any revenue. The law grants the Division of Professional Registration the authority to pay such start up costs until such time as there is adequate revenue for the board to operate on its own, day-to-day. In fiscal year 2002, with revenue generated from applications, the board was able to operate on its own. However, there had been no pay back of the start up loan. The board reviewed the financial projections for the next five years in order to determine a schedule for the payback of the start up loan as well as the ability to pay the day-to-day operational costs. Thus, fees were established to pay back all start up costs and provide funding over the next several fiscal years. Fees were not extravagant but required to provide funding to pay the costs of administering the licensure law.

Concerning the cost of the examination administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), such costs are established by that entity and not within the jurisdiction of the Missouri Board of Therapeutic Massage.

The board recommends no change to the proposed amendment.



**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240 and 324.267, RSMo 2000 and sections 324.243, 324.245, 324.265 and 324.270, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-2.010 Application for Licensure is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1934–1939). 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 Board of Therapeutic Massage received two (2) comments on the proposed amendment.

**COMMENT #1:** Ms. Ellerbrook commented when compared to the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB), "...the State requirements fall short in making sure that the graduate of the program is eligible to take the exam, and to a greater extent prepared to take the exam." Ms. Ellerbrook also commented that the new proposal was confusing.

**RESPONSE:** Core areas of study for massage therapy and the corresponding hours are defined by statute. The board noted that the language of the statute mandate specific core areas of study that are needed for a practitioner to enter the field of massage. With various certifying bodies and varying requirements to be met for such certifying bodies, the licensure law was structured to allow massage therapy programs and schools the ability to meet the minimum criterion defined by the law and the latitude to adjust course content and hours to meet the requirements of other certifying bodies such as the NCBTMB.

Concerning the comment that the proposed amendments were too confusing, the board noted only instructor requirements were amended. No changes were made to the core areas, hours, or content. Therefore, the board recommends no change to the proposed amendment.

**COMMENT #2:** Mr. Ruvalcaba commented that the potential conflict of interest may exist concerning the certification examination offered by the American Medical Massage Association (AMMA). Mr. Ruvalcaba stated, "The AMMA offers a course of study for one thousand seven hundred ninety-five dollars (\$1,795) which someone interested in sitting for their test must take. If the AMMA is both the education source and the testing source then there is an inherent conflict of interest which raises questions about the potential for abuse – the course work can be geared for the test rather than for real learning, the possibility of making passage easier to gain and retain more members, etc. This kind of potential will always be present unless the testing agency and the teaching agency are completely blinded to each other."

**RESPONSE:** The board staff contacted AMMA regarding the examination in medical massage and was advised that a person interested in taking the test must be state licensed as a massage therapist or have completed a massage therapy program of at least five hundred (500) hours with a transcript review conducted by AMMA to make sure the program is composed of such hours. If a program is less than five

hundred (500) hours, AMMA will advise the applicant of areas of deficiency.

The course of study referred to in Mr. Ruvalcaba's comment is the Clinical Massage Therapy Sciences Diploma Program. The AMMA is licensed through the state of Michigan to offer this program and while the cost of the program is one thousand seven hundred ninety-five dollars (\$1,795), it is not required to take the examination. The AMMA website describes the program as, "...a post graduate diploma program for massage therapists seeking to extend their education beyond their initial five hundred (500) or more hours of training in massage therapy." Applicants to the diploma program must document completion of at least five hundred (500) hours of education from a licensed/state approved massage therapy school or program. The AMMA representative explained that the diploma program is not related to the examination, but one (1) of the numerous educational products offered by the association.

Regarding the medical massage examination, the test items were developed as a result of a job task analysis with the psychometric validation process facilitated by the Center for Statistical Training and Consultation at Michigan State University. The validation process included statistical and item analysis as well as content, construct, criterion, and discriminant validity.

The cost of the examination is two hundred seventy-five dollars (\$275) and a study guide from AMMA is available for fourteen dollars and ninety-five cents (\$14.95). According to AMMA, the study guide does not teach content but will provide information and sample questions that will assist an applicant in preparing for the examination.

The AMMA representative explained that it has fourteen (14) testing centers in Michigan and Indiana. If a Missouri massage therapist desired to take the test, AMMA would arrange for a proctor and suitable test site that provides a quiet, secure environment to take the examination.

Based upon information supplied by AMMA the board is satisfied that the teaching element and the testing element of AMMA are separate functions. Therefore, the board recommends no change to the proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-2.020 Reciprocity is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1940–1941). 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 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 2007, the board rescinds a rule as follows:

**20 CSR 2197-2.030 Provisional License is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1942). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 2007, the board adopts a rule as follows:

**20 CSR 2197-2.030 Provisional License is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1942-1945). No changes have been made to 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: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 2007, the board rescinds a rule as follows:

**20 CSR 2197-2.040 Students/Student License is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1946). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 2007, the board adopts a rule as follows:

**20 CSR 2197-2.040 Students/Student License is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1946-1949). No changes have been made to 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: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 2—Massage Therapist Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.262, and 324.265, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-2.050 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1950). 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 2197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.262, RSMo Supp. 2007, the board adopts a rule as follows:

**20 CSR 2197-3.005 Definitions is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1950). No changes have been made to 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: No comments were received.

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

**Division 2197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.262, RSMo Supp. 2007, the board rescinds a rule as follows:

**20 CSR 2197-3.010 Standards of Practice is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1950–1951). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2197—Board of Therapeutic Massage  
Chapter 3—Standards of Practice**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.262, RSMo Supp. 2007, the board adopts a rule as follows:

**20 CSR 2197-3.010 Standards of Practice is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1951–1954). No changes have been made to 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: No comments were received.

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

**Division 2197—Board of Therapeutic Massage  
Chapter 4—Apprenticeship**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under section 324.240, RSMo 2000 and section 324.245, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-4.010 Certified Mentor is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1955–1956). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This pro-

posed 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 2197—Board of Therapeutic Massage  
Chapter 4—Apprenticeship**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240 and 324.250, RSMo 2000 and sections 324.245, 324.247, and 324.265, RSMo Supp. 2007, the board rescinds a rule as follows:

**20 CSR 2197-4.020 Certified Mentor is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1957). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

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

**Division 2197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.250, 324.252, 324.255, and 324.260, RSMo 2000 and sections 324.245, 324.247, and 324.257, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-5.010 Massage Therapy Business—Survey  
Inspections is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1957). 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 2197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.250, 324.252, 324.255, and 324.260, RSMo 2000 and sections 324.245, 324.247, and 324.257, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-5.020** Issuance of an Original Business License  
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1957-1958). 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 2197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.250, 324.252, 324.255, and 324.260, RSMo 2000 and sections 324.245, 324.247, 324.257, and 324.262, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-5.030** Massage Therapy Business—Change of  
Name, Ownership or Location is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1958). 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 2197—Board of Therapeutic Massage  
Chapter 5—Massage Therapy Business Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Therapeutic Massage under sections 324.250, 324.255, and 324.260, RSMo 2000 and sections 324.245, 324.257, and 324.262, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2197-5.040** Massage Therapy Business License  
Renewal is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2007 (32 MoReg 1958). 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.



**T**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.

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

**EXPEDITED APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for February 21, 2008. These applications are available for public inspection at the address shown below:

**Date Filed**

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

**01/09/08**

**#4166 HS:** Kindred Hospital St. Louis—St. Anthony's  
St. Louis (St. Louis County)  
\$272,794, Renovate long-term care hospital

**01/10/08**

**#4111 RS:** Provision Living at St. Louis Hills  
St. Louis (St. Louis City)  
\$2,496,360, Renovate/modernize long-term care facility

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by February 11, 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

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

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

## **NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST KARTKO INCORPORATED**

On December 31, 2007, Kartko Incorporated, a Missouri corporation, was dissolved upon the filing of their articles of dissolution by the Missouri Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation % Helfrey, Neiers & Jones, P.C., 120 S. Central Avenue, Suite 1500, Clayton, MO 63105 Attention: Harvey G. Schneider, Esquire. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the documentation of the claim, and the date(s) of the event(s) on which the claim is based occurred.

NOTICE: BECAUSE OF THE DISSOLUTION OF KARTKO INCORPORATED ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE PUBLICATION OF THE TWO NOTICES AUTHORIZED BY STATUTE, WHICHEVER IS PUBLISHED LAST.

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

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

On November 29, 2007, Melody Investors, L.L.C., a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Said Notice was effective on November 29, 2007.

The Company requests that all persons and organizations who have claims against it present them by letter to the LLC to the attention of George J. Leontsinis, 10 S. Broadway, Suite 2000, St. Louis, MO 63102.

All claims must include (i) the name and address of the claimant; (ii) the amount claimed; (iii) the basis for the claim; (iv) the date(s) on which the event(s) on which the claim is based occurred, and (v) any other documentation of the claim.

**NOTICE: Pursuant to Section 347.141 RSMo., any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of this notice.**

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST  
JEFFERSON CITY MORTGAGE COMPANY, LLC**

On December 26, 2007, Jefferson City Mortgage Company, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to: Howard H. Mick, Esq., 1201 Walnut Avenue, Kansas City, Missouri 64106. All claims must include the full name, address and telephone number of the claimant; amount of the claim; basis for the claim; date on which the claim arose; and documentation for the claim. All claims against Company will be barred unless proceedings to enforce the claim are commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST  
CLINTON MORTGAGE COMPANY, LLC**

On December 26, 2007, Clinton Mortgage Company, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to: Howard H. Mick, Esq., 1201 Walnut Avenue, Kansas City, Missouri 64106. All claims must include the full name, address and telephone number of the claimant; amount of the claim; basis for the claim; date on which the claim arose; and documentation for the claim. All claims against Company will be barred unless proceedings to enforce the claim are commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF  
AND CLAIMANTS AGAINST SPORTS CITY, LLC**

On December 27, 2007, Sports City, LLC, (the "Company") filed Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 27, 2007. All claims against the Company should be submitted immediately by letter c/o Randal Carlson, Attorney at Law, 800 W. 47<sup>th</sup> St., Ste. 320, Kansas City, MO 64112. Claims must include the name and address of claimant; amount of the claim; basis for the claim; and documentation of the claim. By law, proceedings to enforce a claim against the Company are barred unless commenced against the Company within three (3) years after the publication date of this notice or the publication date of any other notice required by law, whichever is later.

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

1. The name of the limited liability company is 300 WYANDOTTE, L.L.C.
2. The Articles of Organization for 300 WYANDOTTE, L.L.C were filed with the Missouri Secretary of State on February 4, 2003.
3. On December 17, 2007, 300 WYANDOTTE, L.L.C filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against 300 WYANDOTTE, L.L.C should present them in accordance with the following procedure:
  - (a) In order to file a claim with 300 WYANDOTTE, L.L.C, you must furnish the following:
    - (i) Amount of the claim
    - (ii) Basis for the claim
    - (iii) Documentation for the claim
  - (b) The claim must be mailed to:  
  
c/o Charles Renner  
1200 Main Street, Ste. 2300  
Kansas City, Missouri 64105
5. A claim against 300 WYANDOTTE, L.L.C will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.



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

1. The name of the limited liability company is McKEE HOLDING CO., LLC.
2. The Articles of Organization for McKEE HOLDING CO., LLC were filed with the Missouri Secretary of State on April 18, 2003.
3. On December 17, 2007, McKEE HOLDING CO., LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against McKEE HOLDING CO., LLC should present them in accordance with the following procedure:
  - (a) In order to file a claim with McKEE HOLDING CO., LLC, you must furnish the following:
    - (i) Amount of the claim
    - (ii) Basis for the claim
    - (iii) Documentation for the claim
  - (b) The claim must be mailed to:  
  
c/o Charles Renner  
1200 Main Street, Ste. 2300  
Kansas City, Missouri 64105
5. A claim against McKEE HOLDING CO., LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

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

1. The name of the limited liability company is BIRT HOLDING CO., LLC.
2. The Articles of Organization for BIRT HOLDING CO., LLC were filed with the Missouri Secretary of State on April 18, 2003.
3. On December 17, 2007, BIRT HOLDING CO., LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against BIRT HOLDING CO., LLC should present them in accordance with the following procedure:
  - (a) In order to file a claim with BIRT HOLDING CO., LLC, you must furnish the following:
    - (i) Amount of the claim
    - (ii) Basis for the claim
    - (iii) Documentation for the claim
  - (b) The claim must be mailed to:  
  
c/o Charles Renner  
1200 Main Street, Ste. 2300  
Kansas City, Missouri 64105
5. A claim against BIRT HOLDING CO., LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.