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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

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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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HOW TO CITE RULES AND RSMo

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.

Rules 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.

Rules 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.

All 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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2015—Acupuncturist Advisory Committee
Chapter 1—General Rules**

EMERGENCY AMENDMENT

20 CSR 2015-1.030 Fees. The advisory committee is proposing to amend subsection (3)(B).

PURPOSE: The advisory committee is statutorily obligated to enforce and administer the provisions of sections 324.475–324.499, RSMo. Fees collected should be set at a level sufficient, but not excessive, to cover the cost and expense for administering the provisions of sections 324.475–324.499, RSMo. Therefore, the advisory committee is proposing to decrease the practitioner renewal fee for the 2009 fiscal year.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date of the rule by informing the public of a change in the practitioner fee required for the renewal of a license. The advisory committee is proposing to decrease the acupuncturist biennial renewal fee from three hundred dollars (\$300) to two hundred twenty-five dollars (\$225). This emergency amendment is necessary to allow the division to collect the decreased renewal fee. Renewals are due to be mailed out during April 2009 for June 30, 2009, renewals.

The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency amendment, the division has determined that the fee decrease is necessary for the 2009 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 324.481, RSMo. Pursuant to section 324.001.1(10), RSMo, “A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.” The division believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 9, 2009, effective April 19, 2009, and expires January 27, 2010.

(3) The fees are established as follows:

(B) Acupuncturist Biennial Renewal Fee **\$/300.00/225.00**

AUTHORITY: sections 324.481, 324.487, 324.490, and 324.493, RSMo 2000. This rule originally filed as 4 CSR 15-1.030. Original rule filed July 24, 2001, effective Feb. 28, 2002. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2015-1.030, effective Aug. 28, 2006. Emergency amendment filed April 9, 2009, effective April 19, 2009, expires Jan. 27, 2010.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2205—Missouri Board of Occupational Therapy
Chapter 1—General Rules**

EMERGENCY AMENDMENT

20 CSR 2205-1.050 Fees. The board is proposing to amend subsections (1)(D), (1)(E), (1)(G), and (1)(H).

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 324.050 to 324.089, RSMo. Pursuant to section 324.068(3), RSMo, the division shall “establish all applicable fees; set at an amount which shall not substantially exceed the cost of administering sections 324.050 to 324.089, RSMo.” Therefore, the division is proposing to decrease the renewal fee for occupational therapists and occupational therapy assistants.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date of the rule by informing the public of a change in the renewal fee for occupational therapists and occupational therapy assistants. The division is proposing to decrease the occupational therapy renewal fee from fifty-five dollars (\$55) to twenty-five dollars (\$25), occupational therapy assistant renewal fee from thirty dollars (\$30) to fifteen dollars (\$15), inactive occupational therapists from eighteen dollars (\$18) to ten dollars (\$10), and inactive occupational therapy assistant fee from fifteen dollars (\$15) to ten dollars (\$10). This emergency amendment is necessary to allow the division to collect the decreased renewal fees during the 2009 renewal period. Renewals are due to be mailed out the first part of April 2009.

The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency amendment, the division has determined that

the fee decrease is necessary for the 2009 renewal period to prevent the board's fund from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 324.074, RSMo. Pursuant to section 324.001.1(10), RSMo, "A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue." The division believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 7, 2009, effective April 17, 2009, and expires January 27, 2010.

(1) The Division of Professional Registration establishes the following fees, which are nonrefundable:

(D) Biennial Occupational Therapist License Renewal Fee	/ \$55.00/\$25
(E) Biennial Occupational Therapy Assistant License Renewal Fee	/ \$30.00/\$15
(G) Biennial Inactive Occupational Therapist License Renewal Fee	/ \$18.00/\$10
(H) Biennial Inactive Occupational Therapy Assistant License Renewal Fee	/ \$15.00/\$10

AUTHORITY: sections 324.065, 324.068, and 324.074, RSMo, 2000. This rule originally filed as 4 CSR 205-1.050. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2205-1.050, effective Aug. 28, 2006. Amended: Filed July 9, 2008, effective Jan. 30, 2009. Emergency amendment filed April 7, 2009, effective April 17, 2009, expires Jan. 27, 2010.

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

**Division 2267—Office of Tattooing, Body Piercing, and
Branding**

Chapter 2—Licensing Requirements

EMERGENCY AMENDMENT

20 CSR 2267-2.020 Fees. The division is proposing to amend subsections (1)(C), (1)(D), (3)(B), and (3)(D).

PURPOSE: The division is statutorily obligated to enforce and administer the provisions of sections 324.520 to 324.526, RSMo. Fees collected by the division should be set at a level sufficient, but not excessive, to cover the cost and expense to the division for administering the provisions of sections 324.520 to 324.526, RSMo. Therefore, the division is proposing to decrease the practitioner and establishment renewal fees for the 2009 fiscal year.

EMERGENCY STATEMENT: This emergency amendment is necessary to preserve a compelling governmental interest requiring an early effective date of the rule by informing the public of a change in the practitioner and establishment fees required for the renewal of such licenses. The division is proposing to decrease the practitioner fee from thirty dollars (\$30) to five dollars (\$5), combined practitioner from forty dollars (\$40) to five dollars (\$5), establishment from one hundred dollars (\$100) to five dollars (\$5), and combined establishment from two hundred dollars (\$200) to five dollars (\$5). This emergency amendment is necessary to allow the division to collect the decreased renewal fees during the 2009 renewal period. Renewal information for the June 30, 2009, renewals will be mailed beginning in April 2009.

The scope of this emergency amendment is limited to the circum-

stances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency amendment, the division has determined that the fee decrease is necessary for the 2009 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 324.524, RSMo. Pursuant to section 324.001.1(10), RSMo, "A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue." The division believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 7, 2009, effective April 17, 2009, and expires January 27, 2010.

(1) The operator of a tattoo, body piercing, or branding establishment shall pay a biennial license fee to the office as follows:

(C) Establishment renewal	/ \$100/\$5
(D) Combined establishment renewal	/ \$200/\$5

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay a biennial fee to the division as follows:

(B) Renewal for practitioner	/ \$30/\$5
(D) Renewal for combined practitioner	/ \$40/\$5

AUTHORITY: section 324.522, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 7, 2009, effective April 17, 2009, expires Jan. 27, 2010.