

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

Rule Number and Name: 10 CSR 26-2.081 Long-Term Stewardship
Type of Rulemaking: Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<ul style="list-style-type: none"> • Retail automotive fueling stations • Fleet operations • Automotive service and repair facilities • Manufacturing operations • Other owners and operators of underground storage tank systems 	>2,000 ¹	\$141,974 ²

III. Worksheet

See calculations in Section IV below.

IV. Assumptions

¹ The Missouri Department of Natural Resources tanks database lists approximately 1,900 registered underground storage tank owners; the department assumes that several hundred additional owners exist who have not registered with the department.

² Approximately 94% of the total number of underground storage tank release sites are insured by the Petroleum Storage Tank Insurance Fund (PSTIF). Therefore, assuming PSTIF covers each insured party's full cost to comply with this rule, the aggregate private entity cost to comply with this rule is estimated as 6% of the total estimated cost of compliance of \$2,366,240.

The proposed rule requires the application of long-term stewardship measures when contaminants will remain on a site at concentrations exceeding standards applicable to residential land use. The proposed rule allows the long-term stewardship measure to be met in one of several ways, though the number of options available becomes limited when certain conditions are present. Importantly, long-term stewardship requirements in proposed rule 10 CSR 26-2.081 may be avoided entirely by conducting corrective action to reduce contaminant concentrations to below residential target levels.

At a minimum, the proposed rule requires that information regarding conditions at a site be disclosed to future property owners and users. In general, the measure used for this purpose is a deed notice recorded in the chain of title for the subject property. The following summarizes assumptions used in estimating the cost of applying a deed notice. Note that a deed notice need not necessarily be drafted by an attorney.

- Assume professional pay rate of \$80 per hour
- Assume attorney pay rate of \$120 per hour
- Assume drafting the deed notice requires 4 attorney hours
- Assume professional staff time to record the deed notice and submit a copy to the department is 2 hours
- Total per site cost to apply a deed notice as a long-term stewardship measure
 - $(\$120 \times 4) + (\$80 \times 2) = \$640$

In other situations, an enforceable long-term stewardship measure will be warranted. Under the proposed rule, enforceable measures include restrictive covenants, ordinances (provided they are supported by a memorandum of agreement between the local government and the department), and well location and construction rules. Of these, only restrictive covenants have an associated financial cost.

The following summarizes assumptions used in estimating the cost of applying a restrictive covenant. Note that a restrictive covenant need not necessarily be drafted by an attorney.

- Assume professional pay rate of \$80 per hour
- Assume attorney pay rate of \$120 per hour
- Assume drafting the restrictive covenant takes 8 attorney hours
- Assume professional staff time to record the covenant and submit a copy to the department is 2 hours
- Total per site cost to develop and record a restrictive covenant
 - $(\$120 \times 8) + (\$80 \times 2) = \$1,120$ per site

Some restrictive covenants will require periodic inspections or other ongoing activities to ensure the conditions of the restrictive covenant are not violated in the future. The need for, type of, and duration of such activities can vary significantly from site to site. For the purposes of this fiscal note, the following is assumed with respect to ongoing inspection activities associated with a restrictive covenant.

- Assume covenant requires annual inspections to verify land use has not changed
- Assume each inspection requires 4 hours
- Assume development of inspection report requires 4 hours
- Assume professional staff pay rate of \$80 per hour
- Assume need for inspections as 20 years
 - $((4 + 4) \times \$80) \times 20 = \$12,800$
- Total per site cost to apply a restrictive covenant as a long-term stewardship measure
 - $\$1,120$ (apply and record) + $\$12,800$ (inspection and reporting) = $\$13,920$ per site

The proposed rule allows the use of engineered controls as long-term stewardship measures, provided a restrictive covenant is applied to the property to ensure the long-term maintenance and monitoring of the control. An engineered control is a type of corrective action and the cost can vary significantly depending on the type and extent of the control. Costs associated with engineered controls are not covered in this fiscal note.

Cost of proposed rule 10 CSR 26-2.081 to private entities

The aggregate cost for private entities to meet the requirements of proposed rule 10 CSR 26-2.081 is as follows:

- Assume 1,366 sites³
- Assume 50%, or 683 sites, will require long-term stewardship
- Of the sites where long-term stewardship will be required, assume 60% or 410 sites will use a deed notice
- Assume 20% or 137 sites will use a restrictive covenant
- Assume 20% will use an ordinance or well location and construction rule (which pose no cost to owners or operators)
- $(\$1,120 \times 410) + (\$13,920 \times 137) = \$2,366,240$ total aggregate cost

The total aggregate cost of proposed rule 10 CSR 26-2.081 to private entities is \$2,366,240.

However, approximately 94% of underground storage tank sites are insured by the Petroleum Storage Tank Insurance Fund (PSTIF). Therefore, assuming PSTIF covers each insured party's full cost to comply with this rule, the aggregate private entity cost to comply with this rule is estimated as 6% of the total estimated cost of compliance. The remaining 94% of the cost of compliance will be borne by PSTIF, as explained in the public cost fiscal note for this rule.

³ Missouri Department of Natural Resources Tanks Database indicates 1,366 active release sites as of February 24, 2009. Approximately 94% of the sites are insured by the Petroleum Storage Tank Insurance Fund.

Total aggregate private entity cost to meet the requirements of proposed rule 10 CSR 26-2.081 in consideration of 94% of sites being insured by PSTIF:

- $\$2,366,240 \times 0.06 = \$141,974$

NOTE: Proposed rules 10 CSR 26-2.075 through 10 CSR 26-2.082 present a process referred to as Risk-Based Corrective Action or RBCA. Proposed rule 10 CSR 26-2.075 presents a general overview of that process. The remaining rules expand on specific requirements of the process. In some cases, requirements are found in more than one rule. Where that occurs, efforts have been made to avoid duplication of costs in the fiscal notes. However, some costs might be accounted for in more than one fiscal note. Also, a number of assumptions and estimations are necessary in producing these fiscal notes. For these reasons, adding up the cost of each fiscal note may not necessarily produce an accurate cost of the entire RBCA process presented in proposed rules 10 CSR 26-2.075 through 10 CSR 26-2.082.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.082 No Further Remedial Action Determinations

PURPOSE: This rule explains when the department will make a no further remedial action determination, conditions applicable to such determination, content of the no further remedial action determination letter, and conditions under which the department may void such determination.

(1) The department will make a determination that no further remedial action is required at a site when the requirements of 10 CSR 26-2.070 through 10 CSR 26-2.082 are met to the satisfaction of the department.

(2) Owners and operators may request that the department make a determination of no further remedial action for a site when a risk assessment has been performed and the results approved by the department and, if a corrective action plan is required, the approved corrective action plan has been successfully implemented.

(3) The department will make a determination of no further remedial action for the site if the concentrations of chemicals of concern on the site do not pose an unacceptable level of risk to human health, public welfare, and the environment for the current and reasonably anticipated future land use and all requirements of the approved corrective action plan have been satisfied, including implementation of approved long-term stewardship measures.

(4) The department's determination of no further remedial action for a site and issuance of a no further remedial action letter shall be contingent on the following conditions being met for a site:

(A) If relevant, the groundwater solute plume is stable or decreasing. If this condition is not satisfied, owners and operators shall continue groundwater monitoring on a schedule approved by the department until the plume is demonstrably stable, take actions to hasten stabilization of the solute plume, or conduct further evaluation to demonstrate that the lack of demonstrated solute plume stability will not result in excessive risk;

(B) The maximum concentration of any chemical of concern in any sample used in developing a representative concentration is less than ten (10) times the representative concentration of that chemical of concern for any exposure pathway. This condition can be met if the high concentration can be explained by any of the following, appropriate action is taken to address the condition, and the department approves the risk assessment with this explanation:

1. The maximum concentration is an outlier;
2. The representative concentration was inaccurately calculated and is replaced with an accurately calculated representative concentration; or
3. Other explanation satisfactory to the department;

(C) Pursuant to 10 CSR 26-2.081, long-term stewardship is established if the concentration of any contaminant of concern exceeds applicable target levels for residential land use; and

(D) There are no ecological concerns at the site, as determined by completion of the ecological risk assessment or confirmation that the maximum or representative concentrations of chemicals of concern are below levels protective of ecological receptors.

(5) A determination of no further remedial action for a site by the department will be documented in a letter provided to owners and operators and other such parties as may be appropriate.

(A) The department will include all of the following in the letter:

1. A statement that, based on the information available, the concentrations of chemicals of concern on the site do not pose an unacceptable level of risk to human health, public welfare, and the environment for the current and reasonably anticipated future land use as long as all applicable long-term stewardship requirements, if any, are met now and in the future;

2. A description of the site by legal description, by reference to a plat showing the boundaries, or by other means the department determines sufficient to identify site location, any of which may be an attachment to the letter;

3. An acknowledgement that the requirements of the corrective action plan were satisfied, including reference to the administrative record supporting completion of the site work, and acknowledging continuing requirements of the corrective action plan, if any;

4. A statement regarding applicable property use in light of remediation objectives and specification of any long-term stewardship requirements imposed as part of the remediation efforts;

5. A statement that, based upon a review of reports pertaining to the site that were submitted to the department, no further remedial action is required regarding the specific release or releases at the site as long as continuing requirements, if any, of the approved corrective action plan are met now and in the future;

6. A statement, if relevant, prohibiting use of the site in a manner inconsistent with any activity and use limitation imposed as a result of the corrective action efforts without additional appropriate corrective action activities;

7. A description of any preventive engineered control, institutional control, or monitoring, including long-term monitoring of wells, required in the approved corrective action plan or a reference identifying where corrective action plan information can be found;

8. A statement, if relevant, describing any denial of access to adjacent and nearby property and the property to which access was denied and any resulting limitations in conducting site characterization, risk assessment, or corrective action;

9. Notification that further information regarding the site can be obtained from the department through a request under the Missouri Sunshine Law (Chapter 610, RSMo);

10. A standard department reservation of rights clause for previously unknown or changing site conditions; and

11. Notification that the determination of no further remedial action may be voided for reasons listed in section 10 CSR 26-2.082(7).

(6) No site with an activity and use limitation or other long-term stewardship requirements may be used in a manner inconsistent with such activity and use limitation or other requirements unless further evaluation demonstrates, or corrective action results in, the attainment of objectives appropriate for the new land use or activity. If the department approves modified long-term stewardship requirements, an updated letter reflecting the new site conditions and requirements may be obtained and recorded as described above.

(7) The department may void a determination of no further remedial action if site use and activities are not managed in full compliance with the approved corrective action plan.

(A) Specific acts or omissions that may result in voiding of the determination include and are not limited to:

1. Failure to adhere to the terms of an activity and use limitation;

2. Failure to adhere to any other applicable long-term stewardship measure or environmental limitation;

3. The failure of owners and operators or any subsequent transferee to operate and maintain preventive or engineered controls, to comply with any monitoring plan, or to disturb the site contrary to the established limitations;

4. Disturbance or removal of contamination that has been left in place if such disturbance or removal is not in accordance with the

corrective action plan;

5. Failure to comply with the recording requirements or to complete them in a timely manner; or

6. Obtaining the determination of no further remedial action by fraud or misrepresentation.

(B) The department may void the determination of no further remedial action if information becomes available to indicate that contaminants, releases, or other site-specific conditions are present at a site and were not accounted for in the risk assessment and corrective action plan and pose or may pose a threat to human health, public welfare, or the environment.

(C) If the department voids a determination of no further remedial action, it may provide a letter to the party or parties to whom the no further remedial action determination letter was originally provided and to other involved or affected parties explaining that the no further remedial action determination is void and why, place a notice to that effect in the chain of title, pursue enforcement action, declare an environmental emergency, or take other actions to protect human health, public welfare, or the environment.

AUTHORITY: sections 319.109 and 319.137, RSMo Supp. 2008. Original rule filed Feb. 13, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions nine hundred nineteen thousand eight hundred eighty-six dollars (\$919,886) annually.

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

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 10:30 a.m. on August 20, 2009, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on August 27, 2009. Faxed or emailed correspondence will not be accepted. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name: 10 CSR 26-2.082 No Further Remedial Action Determinations
Type of Rulemaking: Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Department of Natural Resources	\$919,886 ¹ (annual cost)

III. Worksheet

See calculations in Section IV below.

IV. Assumptions

The requirements of the proposed rule are applicable to the Department of Natural Resources. The rule outlines the conditions under which the department will make a determination of No Further Remedial Action for an underground storage tank site. In addition, the rule explains the general content of No Further Remedial Action letters issued by the department to underground storage tanks owners and operators. Finally, the rule explains the conditions under which the department may void a No Further Remedial Action determination and the potential consequences of that action.

Cost of proposed rule to Department of Natural Resources

The Department of Natural Resources' Hazardous Waste Program, Tanks Section, Remediation Unit oversees the application of all Title 10, Division 26, Chapter 2 rules related to releases from underground storage tanks. The Remediation Unit includes two Environmental Specialist IVs, one Environmental Engineer I/II, and eight Environmental Specialist I/II/III. The following table summarizes the cost to operate the Remediation Unit. The cost is not solely associated with the Unit's administration of proposed rule 10 CSR 26-2.082; rather, it represents the cost to the department to administer all Division 26, Chapter 2 rules applicable to releases from regulated underground storage tanks.

¹ This is the total annual cost to operate the department's Hazardous Waste Program, Tanks Section, Remediation Unit. The Remediation Unit oversees the application of all Title 10, Division 26, Chapter 2 rules pertaining to releases from underground storage tanks, not just proposed rule 10 CSR 26-2.082.

<u>Position</u>	<u>Number</u>	<u>Bi-monthly Rate</u>	<u>Annual Rate</u>
Environmental Engineer II	1	\$1,966.00	\$47,184
Environmental Specialist III	8	\$1,666	\$319,801
Environmental Specialist IV (Unit Chief)	1	\$1,806.00	\$43,344
Environmental Specialist IV (Technical)	1	\$2,004.00	\$48,084
Subtotal:	11		\$458,413
Fringe (42.9%)			\$196,659
E & E ²			\$64,207
Subtotal			719,279
Indirect (27.89%)			\$200,607
Total Costs for One Year - Existing Funding			\$919,886

The estimated annual cost of the proposed rule to the department is \$919,886. Note, however, this cost is applicable to the department's oversight of all rules pertaining to releases from underground storage tanks regulated by Title 10, Division 26, Chapter 2 rules, not just this rule.

NOTE: Proposed rules 10 CSR 26-2.075 through 10 CSR 26-2.082 present a process referred to as Risk-Based Corrective Action or RBCA. Proposed rule 10 CSR 26-2.075 presents a general overview of that process. The remaining rules expand on specific requirements of the process. In some cases, requirements are found in more than one rule. Where that occurs, efforts have been made to avoid duplication of costs in the fiscal notes. However, some costs might be accounted for in more than one fiscal note. Also, a number of assumptions and estimations are necessary in producing these fiscal notes. For these reasons, adding up the cost of each fiscal note may not necessarily produce an accurate cost of the entire RBCA process presented in proposed rules 10 CSR 26-2.075 through 10 CSR 26-2.082.

² \$5,837 per employee – DNR ongoing E & E standard FY2009

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 10—County Employees' Defined Contribution Plan

PROPOSED AMENDMENT

16 CSR 50-10.050 Distribution of Accounts. The board is amending subsection (3)(B).

PURPOSE: This amendment amends the cash-out provisions under the defined contribution plan.

(3) Commencement of Distributions and Payment Options.

(B) Notwithstanding subsection (3)(A), if the value of a Participant's Account is [five thousand dollars (\$5,000)] **one thousand dollars (\$1,000)** or less at the time of the Participant's Separation from Service (without respect to any Board matching contributions or Employer matching contributions which might be allocated following the Participant's Separation from Service), then his or her benefit under the Plan shall be distributed to the Participant in a single sum as soon as administratively feasible following his or her Separation from Service.

AUTHORITY: section 50.1250, RSMo Supp. 2008 and section 50.1260, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 31, 2009.

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 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2085—Board of Cosmetology and Barber
Examiners
Chapter 3—License Fees

PROPOSED AMENDMENT

20 CSR 2085-3.010 Fees. The board is proposing to amend subparagraph (1)(C)4.A., subsection (1)(D), and subparagraph (1)(D)5.A.; add new paragraphs (2)(C)3. and (2)(C)4., and renumber the remaining paragraphs accordingly; add new paragraphs (3)(A)2. and (3)(A)3., and renumber the remaining paragraphs accordingly; and amend paragraphs (3)(D)4. and (3)(D)5.

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 328.010–328.160, RSMo. Pursuant to section 329.015, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 328.010–328.160, RSMo, and sections 329.010–329.265, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the committee for administering the provisions of sections 328.010–328.160, RSMo, and sections 329.010–329.265, RSMo.

Therefore, this amendment clarifies the months that penalty fees will be assessed after the renewal period for barbers and barber establishments and establishes a reinstatement fee and change of ownership fee for cosmetology establishments.

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

(C) Barber

1. Reciprocity	\$100
2. Exam Score Endorsement Fee	\$100
3. Certificate of Registration (first license)	\$ 20
4. License Renewal	\$ 30

A. Reinstatement (delinquent) Fee after
[April 30] **November 30** (not renewable after
two (2) years)

\$ 60

B. Military renewal under 328.110.3, RSMo

\$ 1

(D) Barber Establishment (**Full Service/Chair Rental**)

1. Certificate of Registration/License	\$100
2. Change of Location	
A. Full Service Barber Establishment	\$100
B. Barber Chair/Individual Space Renter	\$ 50
3. Change of Ownership	\$ 50
4. Adding a Co-Owner	\$ 50
5. License Renewal	\$ 50
A. Penalty Fee after [March 30] October 30	\$[100]/80
6. Delinquent Fee (Opening a barber establishment without registering before opening)	\$100

(2) The following cosmetology related fees are hereby established by the board for those fees, activities, or licenses governed by Chapter 329, RSMo.

(C) Cosmetology Establishments (up to and including three (3) operators)

1. Application/License Fee (Full Service & Rental Station)	\$100
2. Change of Location—	
A. Full Service Cosmetology Establishment	\$100
B. Rental Station/Independent Contractors	\$ 50
3. Change of Ownership	\$100
4. Adding Co-Owner	\$ 50
[3.]5. Delinquent Fee (Opening a cosmetology establishment without registering before opening)	\$100
[4.]6. Renewal Fee (Full Service & Rental Station)	\$ 50
A. Reinstatement (Includes late fee)	\$ 80

(3) The following fees are hereby established by the board for crossover licensees under Chapter 328 or Chapter 329, RSMo.

(A) Establishments:

1. Application/License Fee	\$100
2. Change of Ownership	\$100
3. Adding Co-Owner	\$ 50
[2.]4. Change of Location Fee (Full Service)	\$100
[3.]5. Change of Location Fee (Rental)	\$ 50
[4.]6. Delinquent Fee (Opening an establishment without a license)	\$100
[5.]7. Reinstatement Fee (Includes Late Fee)	\$130
[6.]8. Renewal Fee (Full Service & Rental Station)	\$100

(D) Operators

1. Initial Application/License Fee	\$100
2. Reciprocity Fee	\$100
3. Exam Score Endorsement Fee	\$100
4. Reinstatement Fee (Includes Late Fee)	\$[130]/90
5. Renewal Fee	\$[100]/60

AUTHORITY: section[s] 328.060.1, RSMo 2000 and section 329.025.1(4), RSMo Supp. [2006] 2008. Original rule filed June 27, 2007, effective Dec. 30, 2007. Amended: Filed March 30, 2009.

PUBLIC COST: This proposed amendment will increase revenue for state agencies or political subdivisions approximately five thousand four hundred dollars (\$5,400) biennially for the life of the rule. It is anticipated that the increase in revenue will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately five thousand four hundred dollars (\$5,400) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Cosmetology and Barber Examiners, Darla Fox, Executive Director, PO Box 1062, Jefferson City, MO 65102, by facsimile at 573-751-8176, or via email at cosbar@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2085 - Board of Cosmetology and Barber Examiners****Chapter 3 - License Fees****Proposed Amendment - 20 CSR 2085-3.010 Fees**

Prepared September 8, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Board of Cosmetology and Barber Examiners	\$5,400.00	
	Revenue Biennially for the Life of the Rule	\$5,400.00

III. WORKSHEET

The division is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. Pursuant to sections 328.060.1., RSMo and 329.025.1.(4), RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160, RSMo and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. The board estimates the projections calculated in the Private Entity Fiscal Notes will be total revenue for the board.

IV. ASSUMPTION

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

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2085 - Board of Cosmetology and Barber Examiners

Chapter 3 - License Fees

Proposed Amendment - 20 CSR 2085-3.010 Fees

Prepared September 8, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
9	Barber Establishment (Penalty Fee @ \$20 Decrease)	(\$180.00)
5	Cosmetology Establishment (Change of Ownership Fee @ \$100)	\$500.00
5	Cosmetology Establishment (Adding a Co-Owner Fee @ \$50)	\$250.00
90	Cosmetology Establishment (Reinstatement Fee @ \$80)	\$7,200.00
5	Crossover License Establishments (Change of Ownership Fee @ \$100)	\$500.00
5	Crossover License Establishments (Adding a Co-Owner Fee @ \$50)	\$250.00
50	Crossover Operators (License Fee @ \$40 Decrease)	(\$2,000.00)
3	Crossover Operators (Reinstatement Fee @ \$40 Decrease)	(\$120.00)
25	Crossover Operators (Renewal Fee @ \$40 Decrease)	(\$1,000.00)
Estimated Biennial Cost of Compliance for the Life of the Rule		\$5,400.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

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

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo. Pursuant to sections 328.060.1., RSMo and 329.025.1.(4), RSMo, the division shall by rule and regulation set the amount of fees authorized by sections 328.010-328.160, RSMo and 329.010-329.265, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 328.010-328.160, RSMo and 329.010-329.265, RSMo.

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

PROPOSED AMENDMENT

20 CSR 2145-1.040 Fees. The board is proposing to add subsection (1)(L).

PURPOSE: This amendment establishes a fee to be charged to those applicants who cancel their National Association of State Boards of Geology (ASBOG) examination so that the board can recover the fees charged for unused testing booklets.

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

(L) Exam Cancellation/Book Assessment Fee (amount determined by the Association of State Boards of Geology)

AUTHORITY: section 256.465.2, RSMo Supp. [2007] 2008. This rule originally filed as 4 CSR 145-1.040. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2009.

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

PRIVATE COST: This proposed amendment will cost private entities approximately three hundred dollars (\$300) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Geologist Registration, PO Box 1335, Jefferson City, MO 65102, by facsimile at 573-526-0661, or via email at geology@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions, and Professional Registration
Division 2145 - Missouri Board of Geologist Registration
Chapter 1 - General Rules
Proposed Amendment - 20 CSR 2145-1.040 Fees
 Prepared January 22, 2009 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment.	Classification by type of the business entities which would likely be affected:	Estimated annual cost of compliance with the rule by affected entities:
12	ASBOG Examination (Exam Cancellation/Book Assessment Fee @ \$25.00)	\$300
	Estimated Annual Cost of Compliance for the Life of the Rule	\$300

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The Exam Cancellation/Book Assessment Fee is determined by the Association of State Boards of Geology and the fees are paid directly to the association.
2. It is anticipated that the total cost will recur or the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.010 Applicants for Licensure as Professional Physical Therapists. The board is proposing to amend sections (2), (3), and (5); add a new section (7), and renumber the remaining sections accordingly; and amend all subsections under newly renumbered section (8).

PURPOSE: Pursuant to Senate Bill 788 (2008), this amendment requires physical therapists to pass a jurisprudence examination and submit satisfactory evidence of completion of the educational program and clarifies that the documentation to be submitted for licensure needs to be current.

(2) The applicant must furnish satisfactory evidence of completion of a program of physical therapy education approved as reputable by the board. If the applicant graduated on or before December 31, 2002, he/she must present evidence that his/her physical therapy degree is the equivalent of a bachelor's degree in physical therapy from a United States college or university. If the applicant graduated after December 31, 2002, he/she must present evidence that his/her physical therapy degree is equivalent in content to the first professional degree in physical therapy in the United States as defined by the Federation of State Boards of Physical Therapy (FSBPT) as defined in the *Coursework Evaluation Tool for the Evaluation of Foreign Educated Physical Therapist*, dated May 2004, which is incorporated herein by reference as published by the FSBPT, or its successor agency, available upon request from this office or upon request from the FSBPT, [509 Wythe Street] 124 West Street South, Third Floor, Alexandria, VA 22314, (703) 299-3100. **This rule does not incorporate any subsequent amendments or additions.** An applicant who presents satisfactory evidence of graduation from a physical therapy program approved as reputable by the Commission on Accreditation in Physical Therapy Education, or its successor, shall be deemed to have complied with the education requirements of this section.

(3) [All applicants shall have on file in the office of the executive director a photostatic copy of their certificate of graduation from a reputable physical therapy program before a license number can be issued to them.] **All applicants shall have official transcripts, with the school seal affixed, submitted from each and every college or university attended, confirming the courses taken towards their physical therapy degree, grade received per course, degree(s) awarded, and date degree(s) awarded.**

(5) All applicants shall have licensure, registration, or certification verification submitted from every [state or country] jurisdiction in which he/she has ever held privileges to practice as a physical therapist or physical therapist assistant. This verification must be submitted directly from the licensing agency and include the type of license, registration, or certification, the issue and expiration date, and information concerning any disciplinary or investigative actions. If a licensing agency refuses or fails to provide a verification, the board may consider other evidence of licensure.

(7) **All applicants shall take and pass a test administered by the board on the laws and rules related to the practice of physical**

therapy in Missouri. A minimum score of seventy-five percent (75%) is required to pass the examination.

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

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

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

(C) **A current** TOEFL Internet-based testing (TOEFL iBT) **certificate in which the applicant has obtained** a minimum of the following in each section: Writing 24, Speaking 26, Reading Comprehension 21, Listening Comprehension 18, and a total score of 89.

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

AUTHORITY: section[s] 334.125, RSMo 2000 and sections 334.530 [and], 334.550, and 334.687, RSMo Supp. [2006] 2008. This rule originally filed as 4 CSR 150-3.010. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 30, 2009.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately three thousand forty dollars and sixty-two cents (\$3,040.62) during the first year of implementation and four thousand thirty-nine dollars and five cents (\$4,039.05) beginning the second year of implementation and annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately one thousand eight hundred seventy-nine dollars and thirty-five cents (\$1,879.35) annually for the life of the rule, with an annual growth rate of one hundred ten dollars (\$110). It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

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

Division 2150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Amendment - 20 CSR 2150-3.010 Applicants for Licensure as Professional Physical Therapists

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
State Board of Registration for the Healing Arts	Total Cost of Compliance During the First Year of Implementation of the Amendment	\$3,040.62
	Total Cost of Compliance Beginning During the Second Year of Implementation and Annually Thereafter	\$4,039.05

III. WORKSHEET

First Year of Implementation of the Rule

A commission member will be responsible for preparing the jurisprudence examination. All of the commission members will then review and approve the examination. The Administrative Coordinator for the board will add the examination to the application and send it off to print. The Graphic Arts Specialist I for the division will then prepare the form for state printing. These are all one time costs to the board.

Personal Service Dollars - One Time Costs

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Commission Member (1 Member)	n/a	n/a	\$6.25	\$0.10	1 Hour	\$6.25	\$6.25
Commission Members (5 Members)	n/a	n/a	\$6.25	\$0.10	30 Minutes	\$15.63	\$15.63
Administrative Coordinator	\$37,968	\$56,477.40	\$27.15	\$0.45	30 Minutes	\$13.58	\$13.58
Graphic Arts Specialist I	\$25,800	\$38,377.50	\$18.45	\$0.31	30 Minutes	\$9.23	\$9.23
Total Personal Services One Time Costs							\$44.68

The Licensure Technician II reviews the examinations for completion and corresponds with the applicant for any additional information required by the board. The Licensure Supervisor reviews the completed examinations. The Executive Director approves the examinations. The board estimates approximately 187 applications will be received during the first year of implementation.

Personal Service Dollars - Processing of Applications.

Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$1,643.30
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 Minutes	\$1.96	\$366.16
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 Minutes	\$4.55	\$850.12
Total Personal Services Costs for the First Year of Implementation of the Amendment							\$2,948.94

The examination will be sent with the application packets to the licensees so there would be no additional postage costs. The board estimates that they will have to send an average of 10 letters of correspondence to applicants annually.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
State Printing (1x Cost)	\$45.00	1	\$45.00
Letterhead	\$0.20	10	\$2.00
Total Expense and Equipment Costs for the First Year of Implementation of the Amendment			\$47.00

Second Year of Implementation of the Amendment and Thereafter

The Licensure Technician II reviews the examinations for completion and prepares and corresponds with the applicant for any additional information required by the board. The Licensure Supervisor reviews the completed examinations. The Executive Director approves the examinations. The board estimates that 264 applicants will apply for licensure annually.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$2,319.95
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 Minutes	\$1.96	\$516.93
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 Minutes	\$4.55	\$1,200.17
Total Annual Personal Services Costs Beginning the Second Year of Implementation and Annually Thereafter for the Life of the Rule							\$4,037.05

The form will be sent with the application packets to the licenses so there would be no additional postage costs. The board estimates that they will have to send an average of 10 letters of correspondence to applicants annually.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Letterhead	\$0.20	10	\$2.00
Total Annual Expense and Equipment Costs Beginning the Second Year of Implementation and Annually Thereafter for the Life of the Rule			\$2.00

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.75% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. The costs associated with processing the application is reported in the fiscal note accompanying 20 CSR 2150-3.020; and costs associated with the examination are included in the fiscal note accompanying 20 CSR 2150-3.030.
3. It is anticipated that the total cost will recur annually for the life of the rule after the first year of implementation, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants****Proposed Amendment - 20 CSR 2150-3.010 Applicants for Licensure as Professional Physical Therapists**

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
187	Applicants for Initial Licensure (Transcript @ \$10)	\$1,870.00
187	Applicants for Initial Licensure (Copies @ \$0.05)	\$9.35
	Estimated Annual Cost of Compliance for the Life of the Rule	\$1,879.35 with an annual growth rate of \$110

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals. There is an expected growth of 11 applicants based on the FY06-FY08 licenses issued. This accounts for the expected growth of \$110 annually.
2. The costs associated with processing the application is reported in the fiscal note accompanying 20 CSR 2150-3.020; and costs associated with the examination are included in the fiscal note accompanying 20 CSR 2150-3.030.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.020 Application Forms—Physical Therapists. The board is proposing to amend sections (2) and (3) and add sections (7) and (8).

PURPOSE: This amendment further clarifies the application requirements due to the passage of Senate Bill 788 by requiring applicants to pay an application fee.

(2) No application will be considered unless fully and completely made out on the specified form, [and] properly attested, and submitted with of the required application fee.

(3) An applicant shall present with the application at least one (1) recent [unmounted] photograph[,] in a size not larger than three and one-half inches by five inches (3 1/2" × 5").

(7) An applicant may withdraw his/her application for licensure anytime prior to the board's vote on his/her candidacy for licensure. In the event that an applicant withdraws his/her application, the appropriate fee established by the board will be retained.

(8) In all instances where a signature of the applicant is required, this signature must be an original signature.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.530 and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.020. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed March 30, 2009.

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

PRIVATE COST: This proposed amendment will cost private entities approximately nine thousand eight hundred two dollars and fifty-four cents (\$9,802.54) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2150 - State Board of Registration for the Healing Arts****Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants****Proposed Amendment - 20 CSR 2150-3.020 Application Forms - Physical Therapists**

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
187	Applicants for Initial Licensure (Application Fee @ \$50.00)	\$9,350.00
187	Applicants for Initial Licensure (Postage @ \$0.42)	\$78.54
187	Applicants for Initial Licensure (Notary @ \$2.00)	\$374.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$9,802.54

III. WORKSHEET

See table above.

IV. ASSUMPTION

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

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED RESCISSION

20 CSR 2150-3.030 Examination. This rule provided specific instructions to applicants regarding examination procedures.

PURPOSE: This rule is being rescinded and readopted to clarify the instructions regarding examination procedures.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.530 and 334.550, RSMo Supp. 2007. This rule originally filed as 4 CSR 150-3.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed March 30, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED RULE

20 CSR 2150-3.030 Examination—Physical Therapists

PURPOSE: This rule provides specific instructions to applicants regarding examination procedures.

- (1) The applicant shall—
 - (A) Meet all requirements as set forth in 20 CSR 2150-3.010;
 - (B) Make application with the board; and
 - (C) Register with the Federation of State Boards of Physical Therapy (FSBPT) to sit for the licensing examination.

- (2) To receive a passing score on the examination, the applicant must achieve the criterion-referenced passing point recommended by the FSBPT. This passing point will be set equal to a scaled score of 600 based on a scale of 200 to 800. Scores from a portion of an examination taken at one (1) test administration may not be averaged with scores from any other portion of the examination taken at another test administration to achieve a passing score.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.530, 334.550, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.030. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed March 30, 2009.

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 cost private entities approximately nine thousand eight hundred eighty-one dollars and eight cents (\$9,881.08) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Rule - 20 CSR 2150-3.030 Examination - Physical Therapists

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
187	Applicants for Licensure Examination (Exam Fee @ \$50.00)	\$9,350.00
187	Applicants for Licensure Examination (Send application to the board) (Postage @ \$0.42)	\$78.54
187	Applicants for Licensure Examination (Send application to the Federation of State Boards of Physical (Postage @ \$0.42)	\$78.54
187	Applicants for Licensure Examination (Notary @ \$2.00)	\$374.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$9,881.08

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals related to the number of applicants applying for licensure by examination. This number does not include the number of reciprocity applicants that take the examination. The fiscal note accompanying 20 CSR 2150-3.040 reports those costs.
2. Fees associated with the submission of applications are reported in the fiscal note accompanying 20 CSR 2150-3.020.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED RESCISSION

20 CSR 2150-3.040 Licensing by Reciprocity. This rule provided information to those applicants applying for licensure as professional physical therapists by reciprocity.

PURPOSE: This rule is being rescinded and readopted to clarify the requirements for licensure as a professional physical therapist by reciprocity and also to change the title of the rule.

AUTHORITY: section 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-3.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed July 3, 1989, effective Dec. 1, 1989. Amended: Filed June 4, 1991, effective Oct. 31, 1991. Moved to 20 CSR 2150-3.040, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007, effective June 30, 2008. Rescinded: Filed March 30, 2009.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED RULE

20 CSR 2150-3.040 Licensing by Reciprocity—Physical Therapists

PURPOSE: This rule provides information to those applicants applying for licensure as professional physical therapists by reciprocity.

(1) Upon proper application, the State Board of Registration for the Healing Arts may recommend for licensure without examination legally qualified persons who—

(A) Possess an active license in any state or territory of the United States or the District of Columbia authorizing them to practice in the same manner and to the same extent as professional physical therapists are authorized to practice by this act if the applicant has been successfully examined by any professional board considered competent by the State Board of Registration for the Healing Arts;

(B) Have received examination scores equivalent to those set forth

in 20 CSR 2150-3.030; and

(C) Have fulfilled all the scholastic and other requirements for licensure in Missouri.

(2) Applicants for licensure by reciprocity may be required to appear before the board in person.

AUTHORITY: section 334.125, RSMo 2000 and section 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.040. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed March 30, 2009.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately one thousand six hundred twenty-two dollars and ninety-four cents (\$1,622.94) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will cost private entities approximately five thousand six hundred twenty-eight dollars (\$5,628) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

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

Division 2150 - State Board of Registration for the Healing Arts

Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants

Proposed Rule - 20 CSR 2150-3.040 Licensing by Reciprocity

Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	\$1,622.94
Total Annual Cost of Compliance for the Life of the Rule	\$1,622.94

III. WORKSHEET

The Licensure Technician II reviews the application for completion and corresponds with applicants for any additional information required by the board. The Licensure Supervisor reviews the completed application for approval. The Executive Director approves the application. The board estimates that 106 applicants will apply for licensure annually.

Personal Service Dollars

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER EVENT	COST PER EVENT	TOTAL COST
Licensure Technician II	\$24,576	\$36,556.80	\$17.58	\$0.29	30 Minutes	\$8.79	\$931.50
Licensure Supervisor	\$32,856	\$48,873.30	\$23.50	\$0.39	5 Minutes	\$1.96	\$207.55
Executive Director	\$76,283	\$113,470.96	\$54.55	\$0.91	5 Minutes	\$4.55	\$481.89
Total Annual Personal Services Cost for the Life of the Rule							\$1,620.94

The board estimates that they will have to send an average of 10 letters of correspondence to applicants annually.

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per Item
Letterhead	\$0.20	10	\$2.00
Total Annual Expense and Equipment Cost for the Life of the Rule			\$2.00

IV. ASSUMPTION

1. Employee's salaries were calculated using the annual salary multiplied by 48.75% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.040 Licensing by Reciprocity
 Prepared November 12, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
106	Applicants for Initial Licensure (Reciprocity Fee @ \$50.00)	\$5,300.00
106	Applicants for Initial Licensure (Notary @ \$2.00)	\$212.00
1	Applicants for Licensure (Travel Expenses @ \$116.00)	\$116.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$5,628.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures shown above are based on FY08 actuals.
2. The travel expenses are based on gas expenses for an average trip of 134 miles one way at \$0.43 per mile. It is not possible to estimate all costs (i.e. meals and lodging) that an applicant could incur in attending a meeting of the board. However, the board anticipates that this will be a one day trip for the applicant, therefore, costs should be minimal.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of sections 334.002-334.930, RSMo. Pursuant to sections 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.930, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002-334.930, RSMo.