

Volume 36, Number 1
Pages 1-212
January 3, 2011

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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The *Missouri Register* is published semi-monthly by

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ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

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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.

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 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules**

EMERGENCY RULE

20 CSR 2063-1.010 Definitions

PURPOSE: This rule establishes various definitions and terms used in 20 CSR 2063.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 131I and 134I was passed. House Bill Nos. 131I and 134I are herein referred to as HB 131I. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 131I created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 131I also required that those providing applied behavior analyses be licensed in the state of Missouri.

HB 131I also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts. The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 131I. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and
- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

This emergency rule is necessary to preserve a compelling governmental interest by establishing terms used throughout these rules which will allow consistent administration and enforcement of these rules.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely

intervention is key to enhancing the lives of children with autism spectrum disorder.

Immediate adoption of this rule will allow an early effective date to define terms used throughout the rules, including those related to licensing applicants, which are necessary for the board to conduct business at the onset of licensure. Defining terms will allow the board to consistently conduct its business and licensed behavior analysts and assistant behavior analysts to have a clear understanding of the terms used throughout these rules.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

- (1) Applicant—An individual applying for licensure as a behavior analyst or assistant behavior analyst.
- (2) Certifying entity—Behavior Analyst Certification Board (BACB)[®], 2888 Remington Green Lane, Suite C, Tallahassee, FL 32308 and approved by the committee.
- (3) Committee—State Committee of Psychologists as established in section 337.050, RSMo.
- (4) Division—Division of Professional Registration.
- (5) Department—Department of Insurance, Financial Institutions and Professional Registration.
- (6) Family Care Safety Registry—The registry established by the Missouri Department of Health and Senior Services pursuant to section 210.903, RSMo.

AUTHORITY: section 337.310, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2063—Behavior Analyst Advisory Board
Chapter 1—General Rules**

EMERGENCY RULE

20 CSR 2063-1.015 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 337, RSMo.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 and 1341 was passed. House Bill Nos. 1311 and 1341 are herein referred to as HB 1311. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 1311 created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that

health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 1311 also required that those providing applied behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the licensure and regulation of behavior analysts and assistant behavior analysts. HB 1311 also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 1311. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- *Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;*
- *Section 337.315.4, RSMo, authorizes issuance of temporary permits;*
- *Section 337.315.8, RSMo, authorizes established code of conduct; and*
- *Section 337.315.9, RSMo, authorizes establishment of a supervision rule.*

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This

could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely intervention is key to enhancing the lives of children with autism spectrum disorder.

This emergency rule is necessary to preserve a compelling governmental interest by establishing the fees necessary to support regulation and enforcement activities related to the administration of sections 337.300 through 337.345, RSMo. Pursuant to section 337.340, RSMo, all fees authorized under sections 337.300 through 337.340, RSMo, shall be deposited in the state treasury to the credit of the State Committee of Psychologists Fund. Section 337.030, RSMo, establishes the State Committee of Psychologists Fund. Pursuant to subsection 337.030.4, RSMo, all fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering sections 337.010 to 337.090, RSMo.

Immediate adoption of this rule will set the fees for application for a behavior analyst or assistant behavior analyst as well as fees associated with renewal and reactivation and fees for checks returned for insufficient funds and declares that all fees are nonrefundable. Setting fees will allow the board to accept and process applications and license behavior analysts and assistant behavior analysts before January 1, 2011, so that their services can be covered.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

(1) The following fees are established for the Behavior Analyst Advisory Board and are payable to the State Committee of Psychologists:

(A) Application Fee for Behavior Analyst	\$150
(B) Application Fee for Assistant Behavior Analyst	\$150
(C) Biennial Renewal Fee	\$150
(D) Delinquency Fee (in addition to the Renewal Fee)	\$ 50
(E) Inactive Renewal Fee	\$ 50
(F) Inactive Reactivation Fee (section 337.320.8, RSMo)	\$100
(G) Insufficient Check Fee	\$ 25

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 337.310, 337.315, 337.320, and 337.340, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*.

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

**Division 2063—Behavior Analyst Advisory Board
Chapter 2—Licensure Requirements**

EMERGENCY RULE

20 CSR 2063-2.005 Application for Licensure

PURPOSE: This rule outlines the procedures to apply for licensure and temporary permits for behavior analysts and assistant behavior analysts.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 and 1341 was passed. House Bill Nos. 1311 and 1341 are herein referred to as HB 1311. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 1311 created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 1311 also required that those providing applied behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the licensure and regulation of behavior analysts and assistant behavior analysts. HB 1311 also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 1311. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and
- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely intervention is key to enhancing the lives of children with autism spectrum disorder.

This emergency rule is necessary to preserve a compelling governmental interest requiring those providing behavior analyses to be licensed on or before January 1, 2011.

Immediate adoption of this rule will set out the requirements for application for licensure for behavior analysts and assistant behavior analysts and provide the board the necessary criteria by which it makes decisions regarding each application. Because not all of the criteria are set out in section 337.315, RSMo, this rule is necessary for the board to be able to license this profession before January 1, 2011.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

(1) Applications for licensure pursuant to section 337.315, RSMo, shall be submitted on the form which may be obtained by contacting the Behavior Analyst Advisory Board.

(2) Behavior Analyst License.

(A) Applicants applying for licensure as a behavior analyst shall submit—

1. A completed application for licensure which is typewritten or printed in black ink, signed, and notarized;
2. The appropriate licensure fee pursuant to 20 CSR 2063-1.015;
3. One (1) recent photograph, pursuant to section 337.315.1, RSMo, of the applicant's head and shoulders (commonly known as passport style) that fairly depicts the applicant's appearance;
4. Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant;
5. Proof of having passed an examination and been certified as a board-certified behavior analyst from a certifying entity as defined pursuant to 20 CSR 2063-1.010;
6. Proof of active status as a board-certified behavior analyst; and
7. Verification of licensure in any other state in which the applicant holds a license as a behavior analyst. Verification of licensure must be received by the board directly from the issuing state agency.

(3) Assistant Behavior Analyst License.

(A) Applicants applying for licensure as an assistant behavior analyst shall submit—

1. A completed application for licensure which is typewritten or printed in black ink, signed, and notarized;
2. The appropriate licensure fee pursuant to 20 CSR 2063-1.015;
3. One (1) recent photograph, pursuant to section 337.315.1, RSMo, of the applicant's head and shoulders (commonly known as passport style) that fairly depicts the applicant's appearance;
4. Proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation (FBI) fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant;
5. Proof of having passed an examination and been certified as a board-certified assistant behavior analyst from a certifying entity as defined pursuant to 20 CSR 2063-1.010;
6. Proof of active status as a board-certified assistant behavior analyst;
7. Verification of licensure in any other state in which the applicant holds a license as an assistant behavior analyst. Verification of licensure must be received by the board directly from the issuing state agency; and
8. Proof the applicant will be directly supervised by a licensed behavior analyst on a form provided by the board.

(4) Temporary License.

(A) Applicants who are licensed in another state requesting a temporary license shall—

1. Meet the respective requirements of section (2) or (3) of this rule;
2. Submit a copy of a valid license issued in another state; and
3. Have no disqualifying criminal history appear on the Family Care Safety Registry.

(B) Temporary licenses shall expire upon issuance of a permanent license or denial of the application but no later than ninety (90) days from issuance of the temporary license.

(C) Holders of a temporary license requesting an extension shall submit a written request to the committee. As provided by section 337.315.4, RSMo, the temporary license may be extended one (1) time by the committee.

(5) The applicant shall be informed in writing of the decision regarding the application for licensure.

(6) The board or committee may delegate the preliminary review of license applications to the executive director.

AUTHORITY: sections 337.315 and 337.345, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

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

**Division 2063—Behavior Analyst Advisory Board
Chapter 2—Licensure Requirements**

EMERGENCY RULE

20 CSR 2063-2.015 Notification of Change of Address

PURPOSE: This rule establishes the obligation of licensees to inform the Behavior Analyst Advisory Board of their changes of address.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 131I and 134I was passed. House Bill Nos. 131I and 134I are herein referred to as HB 131I. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 131I created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 131I also required that those providing applied behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the licensure and regulation of behavior analysts and assistant behavior analysts. HB 131I also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The legislation required coverage for services by autism service providers. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 131I. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and

- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely intervention is key to enhancing the lives of children with autism spectrum disorder.

Immediate adoption of this rule is essential because it requires licensees of the board to notify the board within thirty (30) days of a change of address. Because protection of the public is the essential purpose of the board, it is necessary that the board be able to maintain contact with licensees. Therefore, adoption of this rule is necessary for the board to carry out its essential function.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

- (1) Within thirty (30) days of the effective date of the change, a licensee must inform the board of all changes in the mailing address as it appears on the licensee's license by contacting the Behavior Analyst Advisory Board in writing.

AUTHORITY: section 337.310, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**.

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

Division 2063—Behavior Analyst Advisory Board Chapter 3—Certifying Entities

EMERGENCY RULE

20 CSR 2063-3.005 Certifying Entities

PURPOSE: This rule establishes the certifying entities acceptable to the board.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 131I and 134I was passed. House Bill Nos. 131I and 134I are herein referred to as HB 131I. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of

behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 1311 created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 1311 also required that those providing applied behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the licensure and regulation of behavior analysts and assistant behavior analysts. HB 1311 also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 1311. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorize to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and
- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the

behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely intervention is key to enhancing the lives of children with autism spectrum disorder.

Section 337.310, RSMo, authorizes the establishment of certifying entity qualifications. Because certification is a necessary component for licensure, this emergency rule is necessary to preserve a compelling governmental interest by providing the criteria for meeting that component.

Immediate adoption of this rule is essential because it states the entities the board will accept as those acceptable to certify behavior analysts and assistant behavior analysts.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

(1) A certifying entity shall be accredited to certify practitioners of applied behavior analysis by a nationally-recognized agency including but not limited to:

- (A) National Commission for Certifying Agencies; or
- (B) American National Standards Institute.

AUTHORITY: section 337.310.1, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

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

Division 2063—Behavior Analyst Advisory Board Chapter 4—Education and Training Requirements

EMERGENCY RULE

20 CSR 2063-4.005 Education and Training Requirements

PURPOSE: This rule establishes the education and training requirements for licensed behavior analysts and licensed assistant behavior analysts pursuant to section 337.310, RSMo.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 1311 and 1341 was passed. House Bill Nos. 1311 and 1341 are herein referred to as HB 1311. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 1311 created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 1311 also required that those providing applied

behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the licensure and regulation of behavior analysts and assistant behavior analysts. HB 131I also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 131I. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and
- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely

intervention is key to enhancing the lives of children with autism spectrum disorder.

Section 337.310, RSMo, authorizes the establishment of education and training requirements. This emergency rule is necessary to preserve a compelling governmental interest by establishing the education and training requirements for behavior analysts and assistant behavior analysts who wish to seek reimbursement of their services. Therefore, this rule must be in place at the time the board begins to accept applications for licensure.

Immediate adoption of this rule is essential because it provides the educational requirements an applicant must meet as a part of the application process. Because proof of the educational requirements is essential for licensure, this rule provides essential information to the applicants and the board in considering applications for licensure.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

(1) Applicants for licensure as a behavior analyst or assistant behavior analyst shall meet the education and training requirements and supervised clinical practicum experience required for eligibility to sit for the certification examination for their respective level offered by the certifying entity as defined in 20 CSR 2063-1.010.

AUTHORITY: section 337.310.1(3), RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2063—Behavior Analyst Advisory Board
Chapter 5—Supervision**

EMERGENCY RULE

20 CSR 2063-5.005 Supervision of Assistant Behavior Analysts

PURPOSE: This rule establishes the characteristics of supervision for assistant behavior analysts.

EMERGENCY STATEMENT: During the Second Regular Session of the Ninety-fifth General Assembly, Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill Nos. 131I and 134I was passed. House Bill Nos. 131I and 134I are herein referred to as HB 131I. In part, this legislation created the Behavior Analyst Advisory Board to oversee the licensing of behavior analysts and assistant behavior analysts in the practice of applied behavior analysis.

HB 131I created a mandate for insurance coverage for services related to autism spectrum disorders. Specifically, a mandate that health benefit plans, as specified in section 376.1224, RSMo, must provide coverage for applied behavior analysis beginning January 1, 2011. In order to provide public protection related to applied behavior analysis, HB 131I also required that those providing applied behavior analyses be licensed in the state of Missouri. The legislation also created the Behavior Analyst Advisory Board to make recommendations to the State Committee of Psychologists related to the

licensure and regulation of behavior analysts and assistant behavior analysts. HB 1311 also identified the make-up of the board, established the duties and responsibilities of the board and State Committee of Psychologists, and required the promulgation of rules related to licensed behavior analysts and licensed assistant behavior analysts.

The board must be appointed by the governor and confirmed by the senate prior to assuming their recommended duties regarding licensure and enforcement. At this time, the Behavior Analyst Advisory Board has not been appointed. Because of the January 1, 2011, insurance mandate, the State Committee of Psychologists appointed a subcommittee charged with promulgating rules related to the licensure and regulation of behavior analysts and assistant behavior analysts. The subcommittee held their first meeting on July 14, 2010, and held four (4) subsequent meetings to draft regulations necessary to implement the licensure component of HB 1311. Several stakeholders, which included behavior analysts, parents of children with autism spectrum disorders, and lobbyists were in attendance at the meetings and provided input to the committee's work. The committee also solicited individuals who would have an interest in the subcommittee's work and placed those individuals on a mailing list to receive regular updates of the subcommittee's activities and work products. The mailing list included practitioners in the area of autism spectrum disorders, health care administrators, parents of children with autism spectrum disorders, and lobbyists. These individuals were encouraged to submit written comments for the subcommittee's consideration. The comments were discussed during the subcommittee meetings and often resulted in changes to the text of the rule. The State Committee of Psychologists reviewed and approved the proposed rules on October 27, 2010.

Section 337.310.4, RSMo, authorizes the committee to review and resolve all applications for licensure until such time as the Governor appoints the board and the board has a quorum. Terms defined in this rule are used in 20 CSR 2063-2.005. While section 337.310.3, RSMo, indicates the board is required to make recommendations to the committee related to rules and regulations, other sections throughout sections 337.300 through 337.345, RSMo, authorize the committee to promulgate rules to carry out that authority. Such sections include but are not limited to:

- Sections 337.315.2(2), 337.320.7, and 337.320.8(2), RSMo, authorizes to set fees;
- Section 337.315.4, RSMo, authorizes issuance of temporary permits;
- Section 337.315.8, RSMo, authorizes established code of conduct; and
- Section 337.315.9, RSMo, authorizes establishment of a supervision rule.

The legislation required coverage for services by autism service providers effective January 1, 2011. Autism service providers must be providers of diagnostic or treatment services for autism spectrum disorders and be licensed by the state of Missouri, or be licensed as a behavior analyst or assistant behavior analyst. If the committee is unable to begin licensing behavior analysts and assistant behavior analysts in mid-December, applicants will not be able to complete the application process, and the committee will have little to no time to review and resolve the applications prior to January 1, 2011. If the behavior analysts or assistant behavior analysts are not licensed by January 1, 2011, parents who wish to seek reimbursement of services may not be able to do so until the behavior analyst or assistant behavior analyst has been licensed by the state of Missouri. This could result in families being compelled to seek another provider of such services which could result in a negative impact to a child with autism spectrum disorder. Studies have proven that early and timely intervention is key to enhancing the lives of children with autism spectrum disorder.

Section 337.310, RSMo, authorizes the establishment of supervision of assistant behavior analysts. This emergency rule is necessary

to preserve a compelling governmental interest by establishing the characteristics of supervision for assistant behavior analysts.

Immediate adoption of this rule is essential because assistant behavior analysts must be supervised during their practice by a licensed behavior analyst and must submit proof of supervision to the board at the time of application for licensure. Accordingly, this rule must be in place at the time the board begins to license assistant behavior analysts.

As a result, the State Committee of Psychologists finds that there is a compelling governmental interest that requires this emergency action. A proposed rule, which 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 State Committee of Psychologists believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed November 30, 2010, becomes effective December 10, 2010, and expires June 7, 2011.

(1) An assistant behavior analyst shall assist a behavior analyst in the delivery of applied behavior analysis in compliance with all state and federal statutes, regulations, and rules.

(2) The assistant behavior analyst may only perform services under the direct supervision of a behavior analyst as set forth in this rule.

(A) The manner of supervision shall depend on the treatment setting, patient/client caseload, and the competency of the assistant behavior analyst as determined by the supervising behavior analyst. At a minimum, supervision shall include consultation of the assistant behavior analyst with the supervising behavior analyst prior to the initiation of any patient's/client's treatment plan and modification of treatment plan.

(B) More frequent face-to-face supervision may be necessary as determined by the behavior analyst or assistant behavior analyst dependent on the level of expertise displayed by the assistant behavior analyst, the practice setting, and/or the complexity of the patient/client caseload.

(C) Supervision shall be an interactive process between the behavior analyst and assistant behavior analyst. It shall be more than peer review or co-signature. The interactive process shall include but is not limited to the patient/client assessment, reassessment, treatment plan, intervention, discontinuation of intervention, and/or treatment plan.

(D) The supervising behavior analyst or the supervisor's designee must be available for immediate consultation with the assistant behavior analyst. The supervisor need not be physically present or on the premises at all times.

(3) The supervising behavior analyst has the overall responsibility for providing the necessary supervision to protect the health and welfare of the patient/client receiving treatment from an assistant behavior analyst. The supervising behavior analyst shall—

(A) Be licensed by the board as a behavior analyst who is certified by the certifying entity;

(B) As of January 1, 2012, have a minimum of one (1)-year experience as a licensed behavior analyst. Prior to January 1, 2012, the supervising behavior analyst shall have a minimum of one (1) year of certification as a certified behavior analyst and shall obtain licensure prior to January 1, 2012;

(C) Not be under restriction or discipline from any licensing board or jurisdiction;

(D) Not have more than ten (10) full-time-equivalent (FTE) assistant behavior analysts under his/her supervision at one (1) time without prior approval by the board;

(E) Provide at least two (2) hours of face-to-face, direct supervision for every eighty (80) hours worked. Supervision in a group may be for not more than one (1) hour for each one hundred sixty (160) hours worked;

- (F) Be responsible for all referrals of the patient/client;
- (G) Be responsible for completing the patient's evaluation/assessment. The assistant behavior analyst may contribute to the screening and/or evaluation process by gathering data, administering standardized tests, and reporting observations. The assistant behavior analyst may not evaluate independently or initiate treatment before the supervising behavior analyst's evaluation/assessment;
- (H) Be responsible for developing and modifying the patient's treatment plan. The treatment plan must include goals, interventions, frequency, and duration of treatment. The assistant behavior analyst may contribute to the preparation, implementation, and documentation of the treatment plan. The supervising behavior analyst shall be responsible for the outcome of the treatment plan and assigning of appropriate intervention plans to the assistant behavior analyst within the competency level of the assistant behavior analyst;
- (I) Be responsible for developing the patient's discharge plan. The assistant behavior analyst may contribute to the preparation, implementation, and documentation of the discharge plan. The supervising behavior analyst shall be responsible for the outcome of the discharge plan and assigning of appropriate tasks to the assistant behavior analyst within the competency level of the assistant behavior analyst;
- (J) Ensure that all patient/client documentation becomes a part of the permanent record; and
- (K) Conduct at least one (1) on-site observation per client per month.

(4) The supervising behavior analyst has the overall responsibility for providing the necessary supervision to protect the health and welfare of the patient/client receiving treatment from an assistant behavior analyst. However, this does not absolve the assistant behavior analyst from his/her professional responsibilities. The assistant behavior analyst shall exercise sound judgment and provide adequate care in the performance of duties. The assistant behavior analyst shall—

- (A) Not initiate any patient/client treatment program or modification of said program until the behavior analyst has evaluated, established a treatment plan, and consulted with the behavior analyst;
- (B) Not perform an evaluation/assessment, but may contribute to the screening and/or evaluation process by gathering data, administering standardized tests, and reporting observations;
- (C) Not analyze or interpret evaluation data;
- (D) Track the need for reassessment and report changes in status that might warrant reassessment or referral;
- (E) Immediately suspend any treatment intervention that appears harmful to the patient/client and immediately notify the behavior analyst; and
- (F) Ensure that all patient/client documentation prepared by the assistant behavior analyst becomes a part of the permanent record.

(5) The supervisor shall ensure that the assistant behavior analyst provides applied behavior analysis as defined in section 337.300, RSMo, appropriate to and consistent with his/her education, training, and experience.

AUTHORITY: section 337.310.1, RSMo Supp. 2010. Emergency rule filed Nov. 30, 2010, effective Dec. 10, 2010, expires June 7, 2011. A proposed rule, which covers the same material, is published in this issue of the Missouri Register.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, 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 334.002–334.749, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce fees.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, 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 334.002–334.749, RSMo. The board is proposing to decrease the Renewal of Certificate of Registration Fee from one hundred thirty-five dollars (\$135) to fifty-five dollars (\$55) beginning November 29, 2010, and continuing through February 15, 2011.

Without this emergency amendment, the decreased fee requirement will not be effective in time for the renewal notice, and the board will collect more revenue than it is statutorily authorized to collect.

The scope of the 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 board has determined that the fee decrease is necessary beginning November 29, 2010, and continuing through February 15, 2011, 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 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is 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 board believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed November 19, 2010, becomes effective November 29, 2010, and expires May 27, 2011.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- (J) Renewal of Certificate of Registration Fee [§ 135]
 1. Effective November 29, 2010, to February 15, 2011 \$ 55
 2. Effective February 16, 2011 \$135

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 19, 2010, effective Nov. 29, 2010, expires May 27, 2011. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons
EMERGENCY AMENDMENT**

20 CSR 2150-2.080 Fees. The board is proposing to amend (1)(J).