

Volume 37, Number 20

Pages 1515-1556

October 15, 2012

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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June 1, 2012	<b>July 2, 2012</b>	July 31, 2012	August 30, 2012
June 15, 2012	<b>July 16, 2012</b>	July 31, 2012	August 30, 2012
July 2, 2012	<b>August 1, 2012</b>	August 31, 2012	September 30, 2012
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March 15, 2013	<b>April 15, 2013</b>	April 30, 2013	May 30, 2013

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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Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
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## HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2011.

## EXECUTIVE ORDER 12-09

WHEREAS, Executive Order 12-06 was issued on June 29, 2012, activating the Missouri State Emergency Operations Center in response to the severe drought affecting the State of Missouri and to assist residents and communities in addressing the hazards associated with this extreme weather pattern; and

WHEREAS, Executive Order 12-07 was issued on July 23, 2012, declaring a State of Emergency relating to the ongoing drought conditions; and

WHEREAS, the drought conditions have made access to adequate water supplies difficult for Missouri agricultural producers; and

WHEREAS, the State of Missouri has been proactive in addressing these challenges confronting Missouri agricultural producers; and

WHEREAS, pursuant to the powers granted under Chapter 44, RSMo, to be exercised during a State of Emergency, Executive Order 12-08 was issued on July 23, 2012, establishing an Emergency Cost-Share Program for water source development and/or water distribution practices to alleviate immediate water shortages being experienced by Missouri agricultural producers; and

WHEREAS, Executive Order 12-08 established specific criteria that must be satisfied in order to participate in the Emergency Cost-Share Program including that the proposed project would provide an immediate material benefit to the well-being of the landowner's livestock or crop; and

WHEREAS, the extraordinary need for water source and water distribution practices by Missouri agricultural producers is demonstrated by the more than 11,000 applications received by the State and the more than 5,800 approved projects; and

WHEREAS, hard work by well-drillers, electrical workers, other contractors and suppliers has resulted in more than 4,400 projects completed, started or scheduled; and

WHEREAS, Executive Order 12-08 required that projects under the Emergency Cost-Share Program be completed within sixty days of July 23, 2012; and

WHEREAS, the extraordinary response to this program necessitates that additional time be permitted to allow landowners to engage contractors and suppliers to complete all approved projects.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby extend the deadline for completion of approved projects under the Emergency Cost-Share Program.

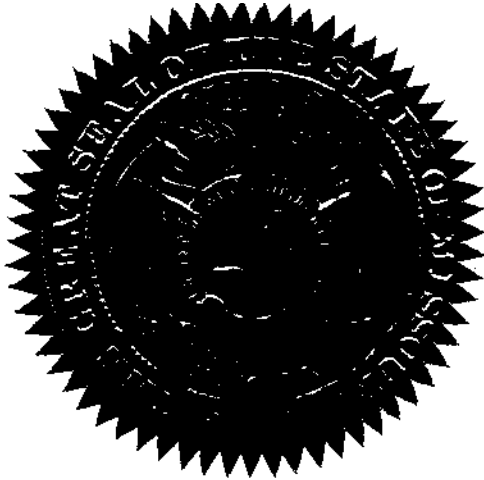
In order to be eligible for this extension, a landowner with an approved project must make diligent efforts to engage the services of contractors and/or necessary suppliers and complete the project by the earliest possible date. Because this program, necessitated by the drought that resulted in the State of Emergency contained in Executive Order 12-07, is narrowly designed to alleviate the impact of the drought on Missouri agricultural producers, it shall be further required that projects completed under this extension must continue to satisfy the criteria for the Emergency Cost-Share Program contained in Executive Order 12-08. Specifically, the following conditions must be met at the time project construction commences:

- 1) The landowner is still experiencing a water shortage caused directly by the current drought;
- 2) The water shortage being experienced by the landowner continues to severely impact the well-being of the landowner's livestock or crop production;
- 3) The water source development or water distribution practice will provide an immediate material benefit to the well-being of the landowner's livestock or crop production; and
- 4) The water source development or water distribution practice will not adversely affect a public water supply.


I further order the establishment of a Program Audit and Compliance Team which will report directly to the State Budget Director. The Program Audit and Compliance Team will inspect a sample of completed projects to confirm adherence to the Emergency Cost-Share Program criteria established in Executive Order 12-08 and in this Order. The Program Audit and Compliance Team will also verify that each reviewed project was completed in a manner consistent with the approved contract.

Executive Order 12-08 is hereby extended to effectuate this Order.

Executive Order 12-07 establishing a drought-related State of Emergency is hereby extended until November 15, 2012 unless extended by subsequent Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10<sup>th</sup> day of September, 2012.



---

Jeremiah W. (Jay) Nixon  
Governor

ATTEST:



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Robin Carnahan  
Secretary of State

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

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

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

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

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

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

*vide additional guidance concerning the statutorily revised regulatory requirements.*

(1) Definitions. Definitions are consistent with those set forth in the statutory authorization.

**(K) "Continuous operation" means a certificate of approval to operate in Missouri that has been maintained without lapse, suspension, or revocation.**

*[(K)](L)* "Course" means a defined and unique educational offering with discrete objectives and requirements in support of a program, whether conducted in person, by mail, or through any telecommunication medium.

*[(L)](M)* "Credit hour" means the unit of quantitative measurement of educational attainment earned in a course, generally stated in semester, trimester, or quarter hours. The basis of measuring a credit hour shall be defined in accordance with the standards of a school's accreditor or, in the absence of accreditation, defined to be consistent with the definition of such generally employed at institutions of American higher education, as determined by the department.

*[(M)](N)* "Degree" means any award, earned or honorary, conferred with the designation of associate, baccalaureate, master, professional or professional development, specialist, or doctorate.

*[(N)](O)* "Department" means the Department of Higher Education created by section 173.005(1), RSMo.

*[(O)](P)* "Exempt" means having been determined to be a school or instructional program eligible for release from the provisions of sections 173.600 to 173.619, RSMo, pursuant to section 173.616, RSMo.

*[(P)](Q)* "Extension site" or "extension" means any geographicaly separate and either temporary or permanent instructional facility located within reasonable geographic proximity to a main or branch campus, that is entirely auxiliary to and operated by a main or branch campus. An extension site shall not provide distinct programs, employ significant administrative personnel, or maintain its own institutional or student records.

**(R) "Formal grievance" means a complaint against a certified school that is submitted on forms provided by the department and completes the review process through the final disposition.**

*[(Q)](S)* "Grievance policy" means the internal procedures through which a student may formally make a complaint regarding actions of a school and a school may make its response to such a complaint.

**(T) "Lapse" means a certificate of approval to operate that has not been renewed by the deadline established by the department.**

*[(R)](U)* "Main campus" means the primary instructional facility of a school, as so designated by the school. For accredited schools, the main campus is the one to which accreditation is directly conferred and from which other campus locations derive their accreditation.

**(V) "New program" means an academic or vocational educational offering not previously approved by the department or a current offering delivered in a format not previously approved by the department. New program shall also mean an approved academic or vocational offering whose components, including but not limited to program length, required hours, and/or content, have been modified by fifty percent (50%) or more.**

*[(S)](W)* "Operate" means to establish, keep, or maintain any facility at a location or locations in this state where, from, or through which education is offered or given and shall include contracting with any person, group, or entity to perform any such act.

*[(T)](X)* "Person" means any individual, corporation, partnership, association, or business entity of any kind or description.

*[(U)](Y)* "Physical presence" means any person or location within the state of Missouri where, from, or through which a school operates for the purpose of conducting an activity relating to postsecondary education, including the granting of certificates or degrees, or

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 5—Regulation of Proprietary Schools

### PROPOSED AMENDMENT

#### 6 CSR 10-5.010 Rules for Certification of Proprietary Schools.

The department is proposing to amend current sections (1), (3), (4), and (7), add a new section (5), and renumber the following sections accordingly.

*PURPOSE: Sections 173.606, 173.608, 173.612, and 173.616, RSMo were amended to revise the annual certification fee for proprietary schools, to authorize the Department of Higher Education to charge additional fees, as needed, and to revise certain requirements relating to schools certified to operate by the department. This amendment is intended to update the rule accordingly as well as pro-*



for the purpose of recruiting students. Location is defined to include any address, physical site, electronic device, or telephone number within or originating from within the boundaries of the state of Missouri. Physical presence shall also mean a formally scheduled instructional interaction organized by or through a school taking place between two (2) or more students and/or instructors within the state of Missouri.

**(V)(Z)** "Program" or "program of instruction" means a complete academic or vocational educational offering which fulfills the requirements for the awarding of a certificate or degree. A program may consist of one (1) or multiple courses, and shall, upon satisfactory completion, fulfill an academic, occupational, or other training objective.

**(W)(AA)** "Proprietary school" or "school" means any person not specifically exempted in the authorizing statute which offers or maintains on either a profit or not-for-profit basis within the state of Missouri a course or courses of instruction or study through classroom instruction or correspondence, or which grants certificates or earned or honorary degrees.

**(X)(BB)** "Public institution" means a postsecondary educational institution established by provisions of Missouri constitutional or statutory law or established by the voters of the district in which it is located, which is funded fifty percent (50%) or more of its operating costs from public funds; which is governed by a body appointed by the Governor and approved by the Senate, or selected by the voters of the district in which it is located and which operates on a not-for-profit basis.

**(Y)(CC)** "Religious degree" or "religious program" means any degree or program with a specific theological, biblical, divinity, or other religious designation. Religious degrees or programs shall not include those with a designation that generally denotes a secular degree, including, but not limited to, associate, baccalaureate, master or doctor of arts, science, humanities, philosophy, law, business, education, medicine, and other designations of non-religious disciplines.

**(D)** "Substantive change" means a modification of twenty percent (20%) or more of a program's components including, but not limited to, program length, required hours, and/or content.

**(Z)(EE)** "Transcript" or "transcript record" means a student's permanent educational record.

(3) Exemption.

(A) Schools That Shall Be Exempt by Statute. The following schools, training programs, and courses of instruction shall be exempt from the provisions of sections 173.600 to 173.619, RSMo, and formal application for that exemption is waived:

1. A public institution;
2. Any college or university represented directly or indirectly on the advisory committee of the Coordinating Board for Higher Education as provided in subsection 3 of section 173.005, RSMo;
3. An institution that is certified by the board as an "approved private institution" under subdivision (2) of section [173.205/173.1102, RSMo; and
4. A not-for-profit religious school that is accredited by the American Association of Bible Colleges, the Association of Theological Schools in the United States and Canada, or a regional accrediting association, such as the North Central Association, that is recognized by the Council on Postsecondary Accreditation or its successor organization and the United States Department of Education.

(4) Application for Certificate of Approval to Operate.

(D) The submission of applications should allow adequate lead time prior to the applicant's planned date for starting school operations. The applicant's planned start date shall not normally be a consideration for the time frame for decision on an application. Incomplete or inaccurate applications may be returned to the applicant for resubmission. Failure of the applicant to respond in a time-

ly manner to requests for supplementary information or for resubmission of the application may result in the assessment of a late fee and/or denial of certification to operate.

(E) Annual Recertification.

1. Certificates to operate shall be issued for a maximum of a one- (1-)/-/ year period, and schools must submit application and be certified annually.
2. The annual certification year shall be from July 1 to June 30.
3. Schools initially certified shall be certified from the date of issuance of the certificate of approval to operate to the end of the certification year, June 30.
4. The closing date for the submission of applications for annual recertification shall be the March 15 immediately preceding the beginning of the certification year, and, contingent upon a school submitting an acceptable application on or prior to that closing date, a school's certification status shall not lapse in the event a recertification decision is delayed past the expiration of the then current certification year.
5. Failure to submit application by the prescribed closing date shall be grounds, without other considerations, for the assessment of a late fee and/or denial of a certificate of approval to operate for the next certification year.

(F) Biennial Recertification.

1. Schools that meet eligibility criteria may request a certificate of approval to operate that is valid for a two- (2-) year period. To be eligible for a biennial certificate of approval, a school must—

- A. Be in continuous operation for a period of no less than five (5) years;
- B. Maintain a location or locations in Missouri where, from, or through which education is offered;
- C. Hold current institutional accreditation from a national or regional accrediting association recognized by the United States Department of Education and have no current disciplinary actions such as warnings, probation, show cause or other negative actions from the accreditor, meaning any requirement imposed by an accrediting agency in response to a violation of accreditation criteria that requires a response by the institution or that results in the need for a follow-up visit by the accrediting commission;
- D. For schools currently participating in Title IV, currently maintain the general standards of financial responsibility as outlined by the United States Department of Education's current Federal Student Aid Handbook and its successor publications;
- E. Have no findings from the school's most recent department site visit that have not been satisfactorily resolved within sixty (60) days of formal notification;
- F. Have not been placed in a probationary status, within the previous five (5) years, by the department that has not been resolved within the time frame provided by the probation notice;
- G. Have no formal grievance in the five (5) years prior to application for biennial recertification that the department has officially determined constituted a violation of certification standards;
- H. Maintain an official cohort default rate of no more than five percent (5%) below the official threshold rate published by the United States Department of Education; and
- I. Have not added more than one (1) new branch during the most recent term of biennial recertification granted by the department.

2. Failure to maintain eligibility criteria will result in rescission of the biennial recertification. Schools will be issued a certificate that must be renewed annually. Schools may not reapply for biennial recertification for two (2) years from the date of notification by the department and must meet all eligibility criteria.

3. A school granted a biennial certificate of approval must annually submit to the department—

**A. An annual certification fee;****B. Verification of the security deposit; and**

**C. Other data as determined by the department to be necessary to administer, supervise, and enforce the provisions of sections 173.600 to 173.619, RSMo.**

*[(F)](G)* Temporary Certification. On decision of the department, a certificate of approval issued to an applicant school or to a school applying for recertification may be issued as a temporary certificate of approval. The effective date of a temporary certificate of approval shall not exceed sixty (60) days. In instances other than a temporary certificate of approval issued for reason of a change of school ownership, the reasons for issuance of the temporary certificate of approval shall be specified by the department. At the termination of the temporary certificate of approval:—

1. A temporary certificate of approval may be reissued for one (1) additional period not to exceed sixty (60) days; or

2. A certificate of approval for the remainder of the then current certification year may be issued.

*[(G)](H)* Certification Fee. No certificate of approval to operate shall be issued except upon payment of the prescribed certification fee.

1. The certification fee shall be computed on the basis of *[\$.001]* **\$.0013** per one (1) dollar of net tuition and fees income (excluding refunds, books, tools, and supplies), with a maximum of *[two thousand five hundred dollars (\$2,500)]* **five thousand dollars (\$5,000)** and a minimum of *[two hundred fifty dollars (\$250)]* **five hundred dollars (\$500)** per school. Tuition and fees for schools that operate at two (2) or more locations within Missouri may be reported separately or be combined for all locations for purposes of computing the certification fee. The certification fee shall be computed on the basis of data submitted by the institution, subject to verification by the department.

2. The certification fee for a school upon initial certification to operate shall be computed on the basis of the estimate given in the application of the net tuition income for the first year of operation, except that the fee shall not be less than the minimum of *[two hundred fifty dollars (\$250)]* **five hundred dollars (\$500)**. The full initial certification fee shall be assessed whether the initial certification is for an entire or partial certification year.

3. The certification fee requirement for a branch campus operated in Missouri by an out-of-state school shall be computed solely on the basis of applicable tuition and fee income at the Missouri branch campus.

4. For a school having a certificate of approval for the sole purpose of recruiting students in Missouri, the net tuition used for the certification fee computation shall be only that paid, or estimated if initial, to the school by students recruited from Missouri and the fee shall be *[two hundred fifty dollars (\$250)]* **five hundred dollars (\$500)** plus *[\$.001]* **\$.0013** per one (1) dollar of net tuition and fees income (excluding refunds, books, tools, and supplies) **not to exceed five thousand dollars (\$5,000)**.

*[(H)](I)* Security Deposit. Each proprietary school must file a security deposit with coverage consistent with the statutory requirements of section 173.612, RSMo.

1. The security deposit shall be executed on the prescribed form provided by the department for that purpose. The security deposit shall cover all facilities and locations of the school in the state of Missouri and shall clearly state that it covers the school and agents of the school.

2. Any bonding company must be approved by the Missouri Department of Insurance, **Financial Institutions and Professional Registration**.

3. The amount of the security deposit shall be ten percent (10%) of the preceding year's gross tuition but, in no event, shall be less than five thousand dollars (\$5,000) nor more than *[twenty-five thousand dollars (\$25,000)]* **one hundred thousand dollars (\$100,000)**, except that the school may deposit a greater amount at its own discretion.

4. The school may comply with the security deposit requirement through any of the following three (3) methods, at the discretion of the school: performance surety bond, irrevocable letter of credit, or cash bond secured by certificate of deposit.

5. The amount of the security deposit required must be computed and compliance verified with each annual application for certification. Written verification of compliance with the security deposit requirement of the authorizing statute must be presented prior to the issuance of a certificate of approval. Failure of a school to post and maintain the required security deposit may result in denial, suspension, or revocation of certification to operate or the school being placed on probation.

6. Any school that operates two (2) or more main campuses in the state may combine, or report separately, gross tuition for all locations for the purpose of determining the annual security deposit requirement. However, if the combined gross tuition calculates a security deposit requirement in excess of the *[twenty-five thousand dollars (\$25,000)]* **one hundred thousand dollars (\$100,000)** maximum, the gross tuition shall be reported separately, and the requirement calculated separately.

7. The security deposit requirement for a branch campus operated in Missouri by an out-of-state school shall be computed solely on the basis of applicable tuition and fee income at the Missouri branch campus.

**(5) Fees.**

**(A) Fees should be made payable to the Missouri Department of Higher Education.**

**(B) All fees are non-refundable.**

**(C) The following fees shall be paid:**

1. Initial Application for Certification (to be credited toward the certification fee)	<b>\$200</b>
2. Initial Application for Exemption	<b>\$ 50</b>
3. Application to Establish a Branch Campus	<b>\$100</b>
4. Application to Establish an Extension Site	<b>\$ 50</b>
5. New Program Review (Certificate)	<b>\$100</b>
6. New Program Review (Associate)	<b>\$200</b>
7. New Program Review (Bachelor and Graduate)	<b>\$500</b>
8. Substantive Change Review (Certificate)	<b>\$ 50</b>
9. Substantive Change Review (Associate)	<b>\$100</b>
10. Substantive Change Review (Bachelor and Graduate)	<b>\$250</b>
11. Change of Ownership, Name, Location	<b>\$100</b>
12. Student Record Verification (per copy)	<b>\$ 10</b>
13. Late Fee (per day)	<b>\$ 10</b>

**A. A late fee of ten dollars (\$10) per day exclusive of Saturday, Sunday, and holidays, not to exceed a maximum of one thousand five hundred dollars (\$1,500), will be assessed on certified schools that fail to respond, within a time frame to be stated in official correspondence, to the department's request for information or documentation related to recertification, grievances, department site visits, or probation.**

**B. The late fee may be waived in whole or in part at the discretion of the department.**

**(D) Unaccredited degree-granting schools seeking initial certification to operate in Missouri may be required to undergo a pre-certification site visit by department staff and external consultants with expertise in higher education. The applicant school is responsible for all reasonable costs associated with the site visit.**

**(E) Certified schools are responsible for travel expenses for all members of a department on-site review team when such review is scheduled in response to concerns raised by accreditors, students, or the general public.**

*[(5)](6)* Certification Standards. The following standards are established as minimum requirements that must be met in order for a school to be issued a certificate of approval to operate in Missouri. As determined by the Coordinating Board for Higher Education,

compliance with these standards shall be demonstrated and verified in the application for certification to operate and are subject to review and further determination by the department at any time.

(A) Institutional Standards.

1. The school must have an exact physical location or locations.
2. The school must have an official name. A certificate of approval shall not be issued to a school if the name of that school, whether initially proposed or changed after establishment, is:/—

A. Identical to the name of an existing certified school or a public or independent college or university in Missouri; or

B. Deemed, by the department, to cause confusion of identity among the lay public.

3. The purpose of the school shall be legitimate and acceptable educationally and shall be supported by the operations and programs of the school.

4. The physical plant and equipment of the school shall be commensurate in size, accommodations, and condition to the purpose and programs of the school.

5. The learning resources of the school, such as educational equipment, computer hardware and software, library holdings, and telecommunications equipment, shall be sufficient to meet the educational objectives of all courses and programs.

6. The school must be in current compliance with all pertinent ordinances and laws relating to the safety, health, and security of the persons on the premises.

7. All media advertising and other informative or promotional materials, including those printed, published, recorded, or presented, descriptive of the school shall:/—

A. Truthfully represent the characteristics of the school;

B. Include the name of the school and shall specify either the school mailing address, the telephone number, or both;

C. When referencing Missouri certification status, only refer to itself as being “certified to operate” or “approved to operate” by the “Missouri Coordinating Board for Higher Education” or the “Missouri Department of Higher Education”; and

D. Not be deceptive or misleading, as determined by the department, such as by:/—

(I) Stating in advertising or other materials that the school, its programs, certificates, or degrees are accredited, certified, or approved by the Coordinating Board for Higher Education, the Department of Higher Education, or by the state of Missouri or any of its agencies;

(II) Using employment or want ad sections or services of any newspaper or advertising media for purposes of student recruitment;

(III) Stating in advertising or other material that the school is accredited by any organization that is not an accrediting agency officially recognized by the United States Department of Education;

(IV) Omitting or concealing any material information that obscures a truthful description of the school, its programs, or its services; or

(V) Making any statement that cannot be verified or documented by the school.

(B) Program Standards.

1. Program review. The instructional programs of the school must legitimately support the stated purpose of the school and the school must demonstrate that each course of instruction meets its stated objectives, showing that the following are appropriate to the award designation and discipline:

A. The study discipline of a degree program shall be identified and verified to be generally accepted in American higher education as a legitimate area of degree study;

B. The study discipline of a nondegree program shall be identified and verified as legitimate preparation and training for its vocational or academic objective; and

C. Any award granted shall be on the basis of study content and achievement requirements that shall be deemed by the department to be reasonably equivalent to study content and achievement

requirements commensurate with the designated level of award, as generally applied at institutions of higher education and/or the vocation for which it prepares.

(I) Study content and achievement requirements must demonstrate satisfaction of this standard through the following:

(a) Level of the program, including its range and scope of courses;

(b) Content of courses, including the type, depth, breadth, and sequence of courses; and

(c) Duration of the program, including minimal instructional length at the school. Except as specifically determined otherwise by the department, minimum instructional length shall be twenty-five percent (25%) of similar programs for nondegree and undergraduate degree programs and seventy-five percent (75%) for graduate and professional degree programs.

(II) Demonstration of such equivalence may be established through accreditation by national or regional accrediting agencies recognized by the United States Department of Education.

D. No earned degree or certificate may be given, awarded, or granted in the absence of an instructional component offered and conducted by the school.

2. Program disclosure. The school shall maintain and provide each student in published or printed form, usually through a dated school catalog, the following information for each program and course of instruction offered. The information also shall be provided to prospective students upon request.

A. An official statement of the school’s and each program’s objectives.

B. Specific titles and descriptions of program content or competency, including, where appropriate, course descriptions.

C. Explanation of evaluation and completion requirements for each program, including:

(I) Specific grade, credit hour, clock hour, and/or other performance achievements required for satisfactory completion as appropriate to each program;

(II) Appropriate definitions of the measures of progress described in part *[(5)(B)2.C.(III)] (6)(B)2.C.(I)* of this rule;

(III) Specific methods by which program requirements may be met through study at another institution, for work experience or other equivalency, for testing out, or for credit earned on any basis other than instruction offered by the school;

(IV) Explanation of the system of evaluation to include:

(a) Definitions and application of grading methods;

(b) Policies and procedures for monitoring academic progress, including achievement requirements and pertinent time frame; and

(c) Expectations of consequences for failure to maintain satisfactory academic progress, including probation, suspension, or termination; and

(V) Exact designation of the certificate or degree bestowed upon satisfactory completion of each program.

D. The length of each program and course stated in definable units such as hours, days, weeks, months, and/or terms.

E. Explanation of the instructional method to be employed (classroom, laboratory, independent study, supervised research, supervised internship or externship, etc.) for various stages of the instruction.

F. If applicable, explanation of instructional methods, achievement evaluation, technical requirements, and other policies unique to the delivery of instruction via distance media.

G. As applicable, the schedule of classes, including dates and times of meetings.

3. Earned and honorary awards.

A. No earned certificate or degree may be given, awarded, or granted solely on the basis of payment of tuition or fee, credit earned at another school or schools, on the basis of credit for life experience or other equivalency, on the basis of testing out, on the basis of research and writing, or solely on the basis of any combination of

these factors.

B. No honorary degree may be given, awarded, or granted by any school that does not give, award, or grant an earned degree.

C. No fee or other charge may be assessed for giving, awarding, or granting an honorary degree.

(C) Personnel Standards.

1. The school must have a formal governance structure consistent with its form of ownership or corporate identity that is capable of adequately directing, administering, and operating the school and is capable of developing and maintaining its instructional programs.

2. The school must have sufficient administrative, instructional, and support personnel based on its student enrollment and relative needs for educational and support services.

3. Instructional personnel, defined to include those who train or deliver instruction as well as any personnel that measure, assess, or evaluate student achievement, shall minimally meet the following qualifications:

A. A combination of educational and experiential qualifications in excess of the level of instruction on which they are instructing; and

B. Shall have relevant qualifications, training, and experience in the subject or discipline area in which they are instructing.

(D) Financial Standards.

1. The school must have a sound financial structure with sufficient resources for its continued operation, as determined by the department.

2. The school must demonstrate financial stability and responsibility through reasonably prompt satisfaction of operational financial obligations, its capital indebtedness obligations, its personnel payroll, and its student financial refund obligations.

3. The school must have the required financial security deposit, on forms provided by the department, on file pursuant to the provisions of section 173.612.2.(3), RSMo.

4. If applicable, the school must administer governmental student financial aid, including both grants and loans, awarded through or by the school, in compliance with all applicable law and regulations.

(E) Student Cost Standards.

1. Cost disclosures. The school must maintain, through a catalog or other printed or published informative material, and make available to students and prospective students, full disclosure of any and all financial charges to the students, including:

A. Tuition;

B. Special fees;

C. A reasonable estimate of required charges for books, equipment, materials, tools, services, and other non-incidentual educational supplies or charges, whether or not made by the school but required for program completion;

D. Charges for room and board provided by the school;

E. Information on payment policies and procedures; and

F. Information on availability of and procedures to apply for student financial aid, whether available from public and/or private sources.

2. Cancellation policy. The school must provide for a period during which an enrollment or admission agreement may be cancelled by the student with refund of all monies paid.

A. That cancellation period shall not be less than three (3) days, exclusive of Saturday, Sunday, and holidays.

B. The enrollment agreement shall contain a clear statement of the cancellation policy and procedures.

3. Refund policy. The school must have a fair and equitable student tuition refund policy, as determined by the department.

A. The enrollment agreement shall contain a statement of the refund policy and the formula or rules for calculation of refunds due to students withdrawing or whose enrollment is otherwise discontinued.

B. The tuition refund policy must specify fees or other expenses that are nonrefundable beyond the period of cancellation as

described in paragraph ~~[(5)(E)2.] (6)(E)2.~~ of this rule.

C. The refund policy must specify a maximum time lapse for the refund to be made and any conditions under which there would be no refund.

D. The school must also disclose to the student any conditions under which the refund would be made to a person other than the student.

E. Unless variation is authorized by the department based on program length or cost, fair and equitable shall mean provision of a reasonable refund formula through at least one-half of the enrollment period.

(F) Student Services Standards.

1. The school shall maintain and fairly and equitably enforce the following policies and procedures:

A. Admission procedures and requirements which reasonably assure that the students admitted are capable of achieving and informed concerning the qualifications, competency levels, and/or proficiencies necessary to achieve the stated goals of the instruction offered and which are nondiscriminatory in their application;

B. Conduct, dress, attendance, grievance, and other policies governing students during their enrollment and the expectations of reprimand, punishment, or termination for violation of any policies;

C. A formal policy and procedure for students to withdraw from a program of instruction or the school; and

D. A formal policy and procedure for the issuance of transcript records, including disclosure of any associated fees.

2. The school must provide all students through a catalog or other printed or published informative material[,] full disclosure of the following. The information also shall be provided to prospective students upon request.

A. Admission requirements and procedures for applying for admission.

B. Information on conduct, dress, attendance, grievance, and other policies governing students during their enrollment and the expectations of reprimand, punishment, or termination for violation of any policies.

C. Accurate description of instructional resources, including: the physical facility, qualification of individual instructional faculty, equipment, and, if applicable, library.

D. Statement of any institutional or program accreditation or approval claimed.

E. Statement of the formal policy and procedure for students to withdraw from a program of instruction or the school.

F. Description of job placement assistance, counseling, or other related services available to students.

3. Enrollment agreement. The school, through a written enrollment agreement, shall maintain and make available to all students, upon acceptance or enrollment, disclosure of the following:

A. The program in which the student is enrolled;

B. The beginning date of instruction;

C. Length of the period of enrollment, defined to be the time to which a student commits for completion of a course or program;

D. The cost of all charges made by the school during the period of enrollment;

E. Conditions of payment, meaning a description of when payments to the school are due and for what amount, regardless of the sources of funding, and additional fees for alternative payment plans;

F. The cancellation policy maintained in compliance with this rule;

G. The refund policy maintained in compliance with this rule;

H. Signature of the student and the date of signing; and

I. Signature of an authorized school representative and the date of signing.

4. Transcript. The school shall maintain an individual transcript record for each student currently or formerly enrolled at the school. Unless the transcript is destroyed by an act of nature, the institution

may not refuse to issue a transcript on a student's written request, except for the reason of student nonpayment of a financial obligation to the school. The transcript shall minimally include the following:

- A. Full name of the student;
- B. Name and address of the school;
- C. Notation of each course attempted or completed, including the term and date of the course, credit or contact hours attempted, credit or contact hours earned, and grade assigned;
- D. Exact award conferred, if applicable;
- E. Date of award conferral, if applicable;
- F. Notation and date of withdrawal, if applicable; and
- G. Upon issuance of an official transcript, the name, title, and signature of the school official authorized to issue the transcript and the date of issuance.

**[(6)](7) Information and Data Standards.** Full compliance with all data and information requests and the submission of all data forms and required statements of the Coordinating Board shall be requisite to the issuance of a certificate of approval to operate, notwithstanding that a certificate of approval may be denied, revoked, or suspended on the basis of data and information submitted or for willfully submitting incorrect data. In order to be in compliance with the data and information requirements of the certification process, the school shall maintain, in addition to information disclosures described elsewhere in this rule, the following information, which shall be available for submission to and/or examination by the Department of Higher Education.

**(A) Institutional Information and Data.**

1. The name of the school, current telephone number, current mailing address, any Internet addresses maintained by or for the school, the school's physical address, and date of school establishment.
2. The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation, or non-Missouri public, along with the names, if applicable, of those persons holding a ten percent (10%) or more ownership interest in the school.
3. Verification of the school's accreditation by any national or regional accrediting entity and verification of any licensing or approval by a state or federal governmental agency.
4. Assurances, and documentation, of compliance with all pertinent ordinances and laws relating to the safety, health, and security of persons on the school premises.
5. Sample copies of all media advertising and printed or published materials, including Internet and other electronic publications, descriptive of the institution and employed within the past year.
6. Description of the school's instructional, administrative, and support facilities located in Missouri.
7. The peak enrollment and the total student enrollment for the most recently completed calendar, fiscal, school, or other year as designated by the department.

**(B) Program Information and Data.**

1. For each instructional program offered, a program outline containing, at a minimum, the following information:
  - A. Specific title of the program;
  - B. The designation of the certificate or degree granted upon completion;
  - C. The objective academic or vocational educational outcomes for the program;
  - D. Requirements for admission to the program;
  - E. Requirements for completion of the program, including the specific courses, grade achievement, and other requirements, described, as applicable, in defined terms of clock hours, credit hours, and/or performance requirements;
  - F. The length of study, stated in calendar terms such as days, weeks, months, or years, which reasonably describes the expected program length, as well as any provisions for variation from this length and any associated variance in cost;

G. Academic and performance policies for evaluation, grading, satisfactory progress, and attendance for the program;

H. The method of instruction by which the program requirements may be earned, including the specific courses or other required units that may be met by study at another institution, for work experience or other equivalency, for testing out, or for credit earned on any basis other than instruction offered by the school;

I. The teaching methodologies employed by the program, including the specific uses of classroom, laboratory, correspondence, independent study, supervised research, supervised internship or externship, electronic telecommunication, and other methods of instruction;

J. For each distinct course of instruction required or available as a part of the program, the specific course title, objective or competency sought, instructor(s), the number of credit or clock hours awarded upon completion, and a description of the course content; and

K. Individual and aggregate information on student enrollment, completion, and employment.

2. Description of the procedures for implementing policies of evaluation, grading, academic progress, attendance, conduct, and grievance, and records demonstrating the application of these policies.

3. Copies of the current or most recent schedule of courses of instruction.

4. As applicable, a statement as to the policy by which a credit or contact hour is defined for institutional application in determining credit or contact hour values for courses and program completion.

**(C) Personnel Information and Data.**

1. The names and titles of all administrative and instructional personnel employed by the school and a resume of the education and employment experience for each person so employed.
2. The names, titles, addresses, and telephone numbers of the agents of the school, along with the geographic area of the operation of each agent.
3. As applicable, explanatory statements of and documentation for any corporate governance body or structure that directs or administers the school.

**(D) Financial Information and Data.**

1. Verification of compliance with the security deposit requirement under the authorizing statute and this rule.
2. The fiscal year used for the school's operation.
3. A financial statement showing, in addition to other standard revenue and expenditure categories, gross tuition, fees, and income from other charges made to students for the last completed fiscal year, certified by the school owner or the school's chief administrative officer.

**(E) Student Cost Information and Data.**

1. Catalog or other printed or published information for disclosure of financial charges to students and records demonstrating the application of that printed or published information.
2. A statement of the refund policy of the school and records of the application of that policy.
3. A statement of the cancellation policy of the school and records of the application of that policy.

**(F) Student Services Information and Data.**

1. Transcripts of the records of student achievement, including all degrees, certificates, or other awards granted, and evaluation of all students, past and present, enrolled at the school, whether or not completing the program of instruction shall be maintained permanently, and in accordance with record storage requirements in subsections **[(7)(C)] (8)(C)** and **[(7)(D)] (8)(D)** of this rule.

2. The following student records are to be maintained for a reasonable length of time, minimally three (3) years after a student has graduated, withdrawn, or terminated enrollment, or longer as mandated by federal and/or state policies, procedures, or statutes:

A. Records of the application of each student for enrollment and the decision made on that application;

B. Records of the completion of an enrollment agreement by each student as described in paragraph *[(5)(F)3.] (6)(F)3.* of this rule;

C. Records of all financial charges to each student and payments made by or on behalf of the student;

D. Records of all financial aid awarded to or obtained by each student, including governmental grants and loans, and the application of those funds to payment of student charges and/or refunds made to the student or the funding source;

E. Records of all disciplinary actions taken against individual students for their violations of school policies on attendance, conduct, dress, academic progress, and any other policies, as well as records of all associated grievance proceedings, as maintained in compliance with this rule;

F. Records on each student withdrawing from the school demonstrating application of the school's withdrawal policy including a notation of that withdrawal on the student transcript;

G. Records of job placement and employment of those students graduated; and

H. Files of any other student records required by this rule.

*[(7)](8) Operating Standards.*

(A) The certificate of approval issued by the Coordinating Board indicating a school's approval to operate in compliance with sections 173.600 to 173.619, RSMo, and the provisions of this rule shall be, at all times during the term of its validity, displayed in a conspicuous place on, and only on, the premises listed on the face of the certificate of approval so that persons visiting the premises may readily see the certificate of approval.

(B) Any school that closes or whose certificate of approval is suspended, revoked, or not renewed shall, on the approval of the department, take one (1) of the following actions:

1. Make partial or full refund of tuition and fees to the students enrolled;

2. Continue operation under a temporary certificate until students enrolled have completed the program for which they are enrolled;

3. Make arrangements for another school or schools to complete the instruction for which the students are enrolled;

4. Employ a combination of these methods in order to fulfill its obligations to the students; or

5. Implement other plans approved by the department.

(C) A school must maintain a location or locations for all student records, including the student transcript, for both current and former students, that can reasonably assure their proper security, protection, and accessibility.

(D) In the event a school terminates its operations, it must file or make arrangements to file all student transcripts and financial account records, in paper and/or electronic form, in an appropriate permanent repository approved by the department within fourteen (14) days of the termination date. Failure to do so shall result in forfeiture of the security deposit as required by section 173.612, RSMo.

(E) Scope of Certificate of Approval.

1. Branch campuses and extension sites of Missouri schools.

A. Application for a certificate of approval to operate shall be made by and through a location designated as the main campus of a school indigenous to Missouri. A certification application shall be made by a main campus on behalf of its branch campuses. The application shall identify all locations proposed to be operated by the school.

B. All certificates of approval to operate shall specify the instructional locations and program(s) of instruction for which the certificate is valid. In addition to the certificate issued to the main campus, certificates of approval to operate shall be issued only for those locations and programs defined and listed in the annual application for certification as branch campuses.

C. Approval to operate locations as extension sites, as defined and listed in the annual application for certification, shall be extend-

ed from the certificate of a main or branch campus.

D. The certification to operate of the main campus or any of its branches or extensions may be denied, revoked, suspended, or placed in a status of probation. Such action may be deemed by the department to apply to all locations under the jurisdiction of that certificate of approval to operate.

2. Franchises of Missouri schools.

A. All locations at which instruction is proposed to be offered by a franchisee of a franchisor approved to operate shall be deemed a location within the scope of such franchisor's approval, provided that the franchisor provides the course curriculum and guidelines for teaching at each location and that a single location is identified as the principal facility for record keeping.

B. Denial, revocation, or suspension of certificates of approval to operate for a franchisor shall be deemed to apply to all franchisee locations. The certification of an individual franchisee (as listed on the franchisor's application for certification) may be denied, revoked, suspended, or placed in a status of probation for just cause.

3. Changes in physical location.

A. The department must be notified at least thirty (30) days prior to the effective date of proposed changes in or additions to the location(s) of the school operations.

B. Such changes shall not be effective except on review and authorization by the department.

C. As a condition of authorization for the implementation of changes and additions of location under the school's certificate to operate, accredited schools must provide written documentation of the approval of such changes by the accrediting association.

4. Programmatic additions, discontinuances, and revisions.

A. The department must be notified at least thirty (30) days prior to the effective date of **non-substantive** programmatic additions, discontinuances, and revisions (including but not limited to changes in name, length, cost, or objective).

B. Substantive revisions to existing programs of instruction and the initiation of proposed new program offerings must be submitted for review in the format established by the department. The school must demonstrate that revised and additional programs are in compliance with certification standards, as described in paragraph *[(5)(B)1.] (6)(B)1.* of this rule, in order for these programs to be approved for inclusion within the scope of the certificate of approval. Such changes shall not be effective except on authorization by the department.

C. As a condition of authorization for the implementation of programmatic changes under the school's certificate to operate, accredited schools must provide written documentation of the approval of such changes by the accrediting association.

**D. Schools must submit a complete proposal to the department at least ninety (90) days prior to implementation of a new program. Incomplete proposals will be returned without review. A complete proposal must include at least the following, as prescribed by the department:**

**(I) A signed letter of notification;**

**(II) A complete new program request form;**

**(III) All required new program request form attachments; and**

**(IV) Payment of any required fees.**

**E. Schools must submit a complete proposal to the department at least sixty (60) days prior to implementation of a substantive change to an existing program. Incomplete proposals will be returned without review. A complete proposal must include at least the following, as prescribed by the department:**

**(I) A signed letter of notification;**

**(II) A complete program revision request form;**

**(III) All required program revision request form attachments; and**

**(IV) Payment of any required fees.**

**F. Upon receipt of a complete proposal for a new program or a substantive change to an existing program, the department**

will provide an acknowledgement to the school that includes the official date of receipt.

**G.** The department must provide the school with a written response to a proposal for a new program within ninety (90) calendar days or a substantive change to an existing program within sixty (60) calendar days. The response may notify the school of final approval, tentative approval, or additional information that must be submitted to complete the review. If the response is not provided within the required time frame, the school may offer the program until the department completes its review and identifies a substantive issue or issues that need correction.

**H.** If the department fails to provide a written review within the time frame established in paragraph (8)(E)4.G. of this rule, the department will notify the school of the results of the review within ninety (90) days of the expiration of the initial time frame. The school will then have ninety (90) days from that notice to correct identified deficiencies without ceasing to offer the program. The school must cease offering the new or revised program if it fails to make the required corrections within the ninety- (90-) day time period.

(F) Change of Ownership.

1. A certificate of approval is nontransferable. A change in the sole proprietor of a school, a change in the majority interest of general partners of a partnership owning a school, or a change in a majority stock ownership of a school shall be deemed a transfer of ownership.

2. Within thirty (30) days of such transfer the new owner shall make application for a new certificate of approval on application forms as determined by the department.

3. This application shall be processed like an initial application except the Coordinating Board may issue a temporary certificate[,] to be effective for a maximum of sixty (60) days if the chief administrator furnishes a written statement asserting that all conditions set forth in the rule are being met or will be met before offering training or education.

4. Failure to make application to the department, when a change of ownership occurs, shall be grounds for placing a school on probationary status or for suspension, revocation, or denial of a certificate of approval.

(G) Change of School Name.

1. The department must be notified at least thirty (30) days prior to the effective date of proposed changes in the official name of a school. Name changes shall not be effective except on authorization by the department.

2. As a condition of authorization for the implementation of a name change under the school's certificate to operate, accredited schools must provide written documentation of the approval of the change by the accrediting association.

(H) Except as pursuant to the initial approval to operate, a certificate of approval will not be issued to any school that has reported no student enrollments during the previous certification year. A school having a full certification year without student enrollments shall be deemed as not being a school eligible for certification.

**[[8]](9) Certification of Out-of-State Institutions.**

(A) An out-of-state institution is defined as any school not indigenous to Missouri seeking to establish or to maintain a physical presence within Missouri for either the purpose of operating a branch campus of that school or the purpose of recruiting students to enroll in the school.

(B) Out-of-state schools must have continuously operated for a minimum of two (2) years prior to application to operate in Missouri, be licensed or approved by the other state, territory, District of Columbia, or national government and the requirements for approval or licensure in the other state or political entity must be substantially equal, as determined by the department, to those in force in Missouri at the time the application for approval is filed.

(C) The department may give faith and credit consideration to an out-of-state accredited school's accrediting association and to approval by other governmental agencies, including certification or licensing approval by another state. The department may waive any part of the certification procedure for reason of such accreditation or approval.

(D) Operating a Branch Campus.

1. In order to operate in Missouri, an out-of-state institution must comply with the same standards and procedures as are applicable to institutions indigenous to Missouri and must be annually certified as approved to operate.

2. Each branch campus where, from, or through which an out-of-state school operates in Missouri must be independently certified even though those sites are branches of the parent non-Missouri institution. Separate applications must be submitted for each branch campus and all application information must be specifically for that site and not for the non-Missouri parent institution.

3. Each branch campus where, from, or through which an out-of-state school operates in Missouri must designate in the application a resident director in order to be eligible to be certified to operate.

4. Application forms for annual certification and follow-up communications, including the issuance of the certificate, shall be distributed by the department directly to the designated resident director of each branch campus in Missouri. This procedure does not prohibit the director of the Missouri site from forwarding the mailings to the parent institution for processing nor does it prohibit the payment of certification fee and deposit of security by the parent institution; however, the institution must comply with all closing dates and deadlines.

(E) Operating for Recruiting Purposes Only.

1. All non-Missouri schools maintaining a physical presence in Missouri for the purpose of recruiting students to attend the non-Missouri school must be certified to operate. Physical presence, in the context of recruitment operations, shall mean any address, physical location, electronic device, or telephone number within the boundaries of the state of Missouri from which promotional material is distributed or recruitment effort initiated and/or to which potential or prospective students may inquire or respond. Physical presence does not include advertising through printed or electronic media as long as the initiation for that advertising is not within this state or the advertising does not identify any Missouri presence.

2. In order to be certified to operate in Missouri for recruitment purposes, an out-of-state institution must comply with the same standards and procedures as are applicable to a Missouri institution and must annually apply for and receive a certificate of approval.

**[[9]](10) Probation, Suspension, and Revocation of a Certificate of Approval.**

(A) Probation. A school may be placed on probation for reasons of noncompliance with sections 173.600 through 173.619, RSMo, or for noncompliance with the provisions of this rule. Probation provides a school with the opportunity to attain compliance within a given time limit or to provide evidence or clarification of unclear points regarding compliance with specific items. Probation shall be governed by the following criteria:

1. The Coordinating Board shall place a school on probation by notification in writing for a fixed period with a termination date. Termination dates may be extended on decision of the Coordinating Board if the school has not attained compliance or upon request of the school. The school may continue to operate during any probationary period;

2. The notice shall specify the item or items of noncompliance with sections 173.600 through 173.619, RSMo, or this rule and shall include specific criteria and/or procedures for the school to be removed from the probation;

3. Failure of a school to comply with statutory requirements or the requirements of this rule by the termination date of the probation shall, on judgment and decision of the Coordinating Board, result in

one (1) of the following actions:

- A. Suspension of the certificate of approval; or
- B. Revocation of the certificate of approval; and

4. A school in compliance with the specified probationary requirements may request, in writing, removal from probationary status prior to the termination date of the probation.

(B) Suspension. A certificate of approval or a temporary certificate of approval may be suspended for up to twelve (12) months for noncompliance with provisions of sections 173.600 through 173.619, RSMo, or the provisions of this rule, and the following criteria and/or procedures shall apply. The purpose of suspension is to give the school the opportunity to correct the items of noncompliance within a set period of time.

1. The Coordinating Board shall suspend a school's certificate of approval or temporary certificate of approval by notification in writing for a fixed period with a termination date. Termination dates may be extended on decision of the Coordinating Board if the school has not attained compliance or upon request of the school; however, in no case shall the total time of suspension exceed twelve (12) months.

2. The notice shall specify the item or items of noncompliance with sections 173.600 through 173.619, RSMo, or this rule and shall include specific criteria and/or procedures for the school to be removed from suspension.

3. Failure of a school to comply with statutory requirements or the requirements of this rule by the termination date of the suspension shall, on judgment and decision of the Coordinating Board, result in revocation of the certificate of approval.

4. A school in compliance with the specified suspension requirements may request, in writing, removal from *[probationary]* **suspended** status prior to the termination date of the suspension.

5. The school may appeal an assignment of suspension to the Administrative Hearing Commission.

(C) Revocation. The Coordinating Board may revoke the certificate of approval or the temporary certificate of approval of any school for noncompliance with the provisions of sections 173.600 through 173.619, RSMo. Revocation of a certificate to operate shall be governed by the following criteria and/or procedures $\text{[.]}$ :

1. The Coordinating Board shall revoke a school's certificate of approval or temporary certificate of approval by notification in writing $\text{[.]}$ ;

2. The notice shall specify the item or items of noncompliance with sections 173.600 through 173.619, RSMo, and shall specify an effective date of the revocation, revocation upon the completion of operational functions as may be prescribed by the Coordinating Board, or both an effective date and completion of operational functions $\text{[.]}$ ;

3. Revocation of a certificate of approval shall not forgive a school of full compliance with the requirements contained in this rule which are applicable to any school ceasing operations, including, but not limited to, making refunds to students, completion of instructional programs of students, and the reposit of student instructional and financial records $\text{[.]}$ ; **and**

4. The school may appeal a revocation to the Administrative Hearing Commission.

*AUTHORITY: sections 173.600–173.619, RSMo 2000 and Supp. 2011 and HB 1042, Ninety-sixth General Assembly, Second Regular Session, 2012. Original rule filed March 13, 1985, effective July 1, 1985. Rescinded and readopted: Filed Oct. 16, 1991, effective Feb. 6, 1992. Rescinded and readopted: Filed Oct. 27, 2000, effective April 30, 2001. Amended: Filed Sept. 13, 2012.*

*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*

*in the aggregate approximately two hundred fourteen thousand four hundred dollars (\$214,400) annually, beginning with FY 2014. Cost to all private entities for FY 2013 is estimated to be one thousand five hundred dollars (\$1,500).*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Attn.: Laura Vedenhaupt, PO Box 1469, Jefferson City, MO 65102, by submitting comments electronically via the department website at [www.dhe.mo.gov/psc/propcertfeedback.php](http://www.dhe.mo.gov/psc/propcertfeedback.php), or by faxing comments to (573) 751-6635. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*



FISCAL NOTE  
PRIVATE COST

**I. RULE NUMBER**

Department Title: Title 6 - Department of Higher Education  
Division Title: 10 - Commissioner of Higher Education  
Chapter Title: 5 - Regulation of Proprietary Schools

Rule Number and Name: 6 CSR 10-5.010 Rules for Certification of Proprietary Schools
Type of Rulemaking: Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT (FY 2013)**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
150	Certified private career colleges and schools	\$1,200
5	Schools seeking exemption from certification standards	\$250
5	Former students seeking verification of student records	\$50
		<b>\$1,500</b>

**SUMMARY OF FISCAL IMPACT (FY 2014 and beyond)**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
150	Certified private career colleges and schools	\$213,200
20	Schools seeking exemption from certification standards	\$1,000
20	Former students seeking verification of student records	\$200
		<b>\$214,400</b>

**III. Worksheet**

FY 2013	
Additional cost due to certification fee increase	\$1,000
Additional cost for new fees	\$500
Total Impact	\$1,500
FY 2014 and beyond	
Additional cost due to certification fee increase	\$123,600
Additional cost for new fees.	\$90,800
Total Impact	\$214,400

**IV. Assumptions**

1. It is assumed currently certified proprietary schools will maintain certification subsequent to the fee change and that past change trends will continue.
2. It is assumed requests for applications and program reviews/approvals will decrease by 50 percent due to the addition of related fees.

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 24—Driver License Bureau Rules**

**PROPOSED RESCISSION**

**12 CSR 10-24.462 Prohibit Release of Information on Peace Officers and Their Immediate Family.** This rule defined the term “immediate family” and established the form used to request confidentiality of motor vehicle and driver record information pursuant to section 32.056, RSMo.

*PURPOSE:* This rule is being rescinded because it is obsolete.

*AUTHORITY:* sections 32.056 and 590.100, RSMo Supp. 2001. Original rule filed Sept. 27, 2001, effective March 30, 2002. Rescinded: Filed Sept. 17, 2012.

*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 Department of Revenue, Legal Services Division, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS  
Division 20—Missouri Local Government Employees’  
Retirement System (LAGERS)  
Chapter 2—Administrative Rules**

**PROPOSED RULE**

**16 CSR 20-2.048 Definitive Break in Service to Determine Eligibility for Benefits**

*PURPOSE:* This rule sets forth the factors that will determine when a member has established a definitive break in service, thereby becoming eligible to file an application for retirement or application for payments due a former member. It is imperative that all members establish such definitive break in service to be eligible to receive such benefits.

(1) When filing an “application for retirement” the member or former member shall not be reported as a full-time employee, receiving membership service in accordance with section 70.600(15), RSMo, for the month such retirement is to be effective. All credited service will be determined based upon administrative rule 16 CSR 20-2.010(2). In addition, the member or former member shall have a minimum calendar month break from employment termination date or retirement effective date, whichever is later. (Examples of how the minimum calendar month break from employment is calculated follows for a February 1 retirement effective date. In the situation where the applicable later date is the retirement effective date, then the calendar month date is satisfied on March 1. In the situation where the applicable later date is the employment termination date, and such termination date is February 10, then the minimum calendar month break is satisfied on March 10.)

(2) When filing an “application for payments due a former member” such former member shall not be reportable as a full-time employee

as of the application date. In addition, the former member shall have a minimum of one (1) month with no reported service credit following termination of employment in accordance with administrative rule 16 CSR 20-2.010(2).

*AUTHORITY:* sections 70.605.16 and 70.605.21, RSMo Supp. 2011. Original rule filed Sept. 17, 2012.

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

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

*NOTICE TO SUBMIT COMMENTS:* Any interested person or entity may submit written comments in support of or in opposition to the proposed rule. Comments should be directed to the Missouri Local Government Employees Retirement System (LAGERS), ATTN: Robert Franson, Chief Counsel, PO Box 1665, Jefferson City, MO 65102-1665. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**16 CSR 50-2.120 Benefits Upon Participant’s Death.** The board is amending section (1) and adding subsection (1)(C).

*PURPOSE:* This amendment provides for a return of contributions to certain non-vested active members upon death.

(1) Lump Sum Death Benefit. A death benefit of ten thousand dollars (\$10,000) and, in the case of an active participant who dies after December 31, 2002, and before becoming vested, an amount equal to the amount of the participant’s accumulated contributions standing to his or her credit in the fund shall be paid to the beneficiary of every active participant upon his or her death or, if the participant fails to designate a beneficiary, then to the participant’s surviving spouse or, if there is no spouse, then in equal shares to the participant’s surviving children. If there is neither a surviving spouse nor surviving children, then the benefit shall be paid to the active participant’s estate. Payment of any such amounts shall be subject to the terms and conditions herein.

(C) Any death benefit that may become payable in accordance with section (1), and any refund of a participant’s accumulated contributions in the case of an active participant who dies after December 31, 2002, and before becoming vested in accordance with section (1), shall be made after the receipt by the board or its designee of a notice of death from such participant’s employer or such other form of proof acceptable to the board. Such death benefit and any refund, as applicable, shall be made in a single sum as soon as administratively feasible following receipt of the notice of death by the board or its designee. For purposes of this section, it shall not be administratively feasible for the board or its designee to disburse a death benefit or refund until the board or its designee also receives proper verification and reconciled contribution information from the employer.

*AUTHORITY:* section 50.1032, RSMo 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Sept. 5, 2007, effective March 30, 2008. Amended: Filed Sept. 8, 2008, effective March 30,

2009. Amended: Filed Jan. 25, 2010, effective July 30, 2010. Amended: Filed Sept. 5, 2012.

**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 16—RETIREMENT SYSTEMS

### Division 50—The County Employees' Retirement Fund Chapter 10—County Employees' Defined Contribution Plan

#### PROPOSED AMENDMENT

**16 CSR 50-10.030 Contributions.** The board is amending section (7).

**PURPOSE:** This amendment clarifies certain limitations.

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

(7) 415 Limitation. As of the close of a Plan Year, the Board shall determine whether contributions to the Plan have been made, which exceed the limitations of Code section 415(c). **Such code section is incorporated by reference and the Plan will at all times comply with the final regulations under Code section 415. All terms and provisions of section 415 of the Internal Revenue Code of 1986, as amended 2012, are incorporated herein by reference. Publisher: Thomson Reuters/RIA, 195 Broadway, New York, NY 10007. This rule does not incorporate any later amendments or additions to Code section 415.** The Board shall use compensation within the meaning of Code section 415(c)(3) (i.e., amounts reported in Box 1 of Form W-2, plus amounts that would have been received and includible in gross income but for an election under Code section 125(a), 132(f)(4), 402(e)(3), 402(h)(1)(B), 402(k), or 457(b)), but not in excess of \$230,000 (as adjusted in accordance with section 401(a)(17)(B) of the Code) for any Plan Year, limitation year, or calendar year, as applicable, in making this determination. Such remuneration shall not include any severance pay, whether paid before or after an Employee's termination of employment. In addition, such amount shall not include other compensation paid after an individual's termination of employment; provided that, to the extent that the following amounts are otherwise included in the definition of remuneration and are paid no later than the date which is two and one-half (2 1/2) months after termination of employment, or, if later, the end of the limitation year in which such termination occurs, such amounts paid after an Employee's termination of employment shall be deemed remuneration: i) regular pay, including compensation for services during regular working hours, overtime, shift differential, commissions, bonuses, or other similar payments; and ii) payment

for unused accrued sick, vacation, or other leave, but only if the Employee would have been able to use the leave if employment had continued, and payment received pursuant to a nonqualified, unfunded deferred compensation plan sponsored by the Employer, but only if the Employee would have received the payment at the same time if employment had continued and only to the extent the payment is includible in the Employee's gross income. The exclusions provided for in this paragraph with respect to post-employment payments shall not apply to payments to an individual who does not currently perform services for the Employer by reason of qualified military service, to the extent such payments do not exceed the compensation such individual would have received from the Employer if he or she had continued to perform services for the Employer. **Effective for limitation years beginning before July 1, 2007, [If] if**, as a result of the allocation for forfeitures or a reasonable error in estimating a Participant's annual compensation, the annual addition to a Participant's Account exceeds the maximum permitted, i) Board matching contributions constituting excess annual additions (and any gains on those contributions) shall first be forfeited and applied to reduce the Board matching contribution obligation for the Plan Year in which the forfeiture occurs, and ii) if necessary, Employer matching contributions constituting excess annual additions (and any gains on those contributions) shall then be forfeited and applied to reduce the Employer matching contribution obligation for such Employer for the Plan Year in which the forfeiture occurs.

**AUTHORITY:** sections 50.1220 and 50.1260, RSMo 2000, and sections 50.1230 and 50.1250, RSMo Supp. [2010] 2011. Original rule filed May 9, 2000, effective Jan. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 5, 2012.

**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 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 adding subsection (5)(G) to the rule.

**PURPOSE:** This amendment provides the good faith amendment to reflect the Plan's compliance with the Worker, Retiree and Employer Recovery Act of 2008.

(5) Compliance with Code Section 401(a)(9). Notwithstanding anything to the contrary contained in the Plan, the entire interest of a Participant will be distributed in accordance with a reasonable and good faith interpretation of Code section 401(a)(9) and the regulations thereunder beginning no later than the participant's required beginning date. The provisions of this section will apply for purposes of determining required minimum distributions in accordance with

a reasonable and good faith interpretation. Notwithstanding the other provisions of this section, distributions may be made under a designation made before January 1, 1984, in accordance with section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to section 242(b)(2) of TEFRA.

(G) A Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of section 401(a)(9)(H) of the Code (2009 RMDs), and who would have satisfied that requirement by receiving distributions that are 1) equal to the 2009 RMDs or 2) one (1) or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated Beneficiary, or for a period of at least ten (10) years, will receive those distributions for 2009 unless the Participant or Beneficiary chooses not to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to stop receiving the distributions described in the preceding sentence. Solely for purposes of applying the direct rollover provisions of the Plan, 2009 RMDs will be treated as eligible rollover distributions.

*AUTHORITY:* section 50.1250, RSMo Supp. [2009] 2011, 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 Sept. 5, 2012.

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

**PROPOSED AMENDMENT**

**16 CSR 50-10.080 Plan Administration.** The board is adding subsection (3)(E) to the rule.

*PURPOSE:* This amendment clarifies the exclusive benefit.

(3) Trust Fund.

(E) Exclusive Benefit. All contributions under this Plan shall be paid to the Trustee and deposited in the Trust Fund. All assets of the Trust Fund, including investment income, shall be held for the exclusive benefit of Participants and Beneficiaries and shall be used to pay benefits to such persons or to pay administrative expenses of the Plan and Trust Fund and shall not be diverted to or used for any other purposes or revert to or inure to the benefit of the Employer, except as otherwise permitted or required by law.

*AUTHORITY:* section 50.1010, RSMo Supp. [2010] 2011, and section 50.1240, RSMo 2000. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed Dec. 20, 2010, effective June 30, 2011. Amended: Filed Sept. 5, 2012.

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

**PROPOSED AMENDMENT**

**16 CSR 50-10.090 Miscellaneous Defined Contribution Plan Rules.** The board is adding section (7) to the rule.

*PURPOSE:* This amendment clarifies the Plan's status as a governmental plan.

(7) Satisfaction of Code section 401(a). The Plan intends to satisfy Code section 401(a) by meeting the requirements of Code section 414(d), applicable to a governmental plan.

*AUTHORITY:* sections 50.1010, RSMo [1994] Supp. 2011, and 50.1210–50.1260, RSMo 2000 and Supp. [1999] 2011. Original rule filed May 9, 2000, effective Jan. 30, 2001. Amended: Filed Sept. 5, 2012.

*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 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 20—County Employees' Deferred Compensation Plan**

**PROPOSED AMENDMENT**

**16 CSR 50-20.120 Additional Provisions.** The board is amending subsection (4)(H) by adding a new paragraph at the end thereof.

*PURPOSE: This amendment provides the good faith amendment to reflect the Plan's compliance with Worker, Retiree and Employer Recovery Act of 2008.*

(4) Benefit distributions shall be in accordance with the following:

(H) Latest Distribution Date. In no event shall any distribution under this section (4) begin later than the later of:

1. April 1 of the year following the calendar year in which the Participant attains age seventy and one-half (70 1/2); or

2. April 1 of the year following the year in which the Participant retires or otherwise has a Severance from Employment. If distributions commence in the calendar year following the later of the calendar year in which the Participant attains age seventy and one-half (70 1/2) or the calendar year in which the Severance from Employment occurs, the distribution on the date that distribution commences must be equal to the annual installment payment for the year that the Participant has a Severance from Employment determined under subsection (4)(C) and an amount equal to the annual installment payment for the year after Severance from Employment determined under subsection (4)(C) must also be paid before the end of the calendar year of commencement.

**A Participant or Beneficiary who would have been required to receive required minimum distributions hereunder for 2009 but for the enactment of section 401(a)(9)(H) of the Code (2009 RMDs), and who would have satisfied that requirement by receiving distributions that are 1) equal to the 2009 RMDs or 2) one (1) or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated Beneficiary, or for a period of at least ten (10) years, will receive those distributions for 2009 unless the Participant or Beneficiary chooses not to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to stop receiving the distributions described in the preceding sentence. Solely for purposes of applying the direct rollover provisions of the Plan, 2009 RMDs will be treated as eligible rollover distributions.**

*AUTHORITY: section 50.1300, RSMo 2000. Original rule filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Dec. 22, 2008, effective July 30, 2009. Amended: Filed Jan. 25, 2010, effective July 30, 2010. Amended: Filed Sept. 5, 2012.*

*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.*

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

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

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.247, and 324.265, RSMo Supp. 2011, and sections 324.250, 324.252, and 324.267, RSMo 2000, the board amends a rule as follows:

**20 CSR 2197-1.040 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2012 (37 MoReg 1089-1092). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 60—Attorney General  
Chapter 13—Missouri No-Call**

**ORDER OF RULEMAKING**

By the authority vested in the attorney general under section 407.145, RSMo 2000, the attorney general amends a rule as follows:

**15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1008-1009). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2197—Board of Therapeutic Massage  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 86—Residential Care Facilities and Assisted  
Living Facilities**

**IN ADDITION**

**19 CSR 30-86.022 Fire Safety and Emergency Preparedness  
Standards for Residential Care Facilities and Assisted Living  
Facilities**

A proposed amendment, 19 CSR 30-86.022, was published in the *Missouri Register* on April 16, 2012 (37 MoReg 592-601), and a final order of rulemaking was published in the *Missouri Register* on September 15, 2012 (32 MoReg 1411-1413). Changes were made in section (17). However, when the order of rulemaking was published in the *Missouri Register*, the Roman Numeral class designation was inadvertently omitted from this section. Consequently, this designation was also omitted in the September 30, 2012, update to the *Code of State Regulations*. This has been corrected as indicated below, and the rule with this class designation will appear correctly in the October 31, 2012, update to the *Code of State Regulations*.

(17) Oxygen storage shall be in accordance with NFPA 99, 1999 Edition. II/III



## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. In addition, this list includes contractor(s) that have agreed to placement on the list maintained by the Secretary of State pursuant to Section 290.330 as a part of the resolution of criminal charges of violating the Missouri Prevailing Wage Law. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State.


### Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp. Case No. 0916-CR03145 (Jackson County Cir. Ct.)		4212 SE Saddlebrook Cir Lee's Summit, MO 64082	7/13/11	7/13/11 to 7/13/12

### Contractors Agreeing to Placement on the Public Works Debarment List as Part of an Agreement Relating to Criminal Pleas

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp.		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12
Gerald Chevalier		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12

Dated this 2 day of August 2011.

  
Carla Buschfest, Director

**ADDITION TO STATUTORY LIST OF CONTRACTORS  
BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Larry G. McElroy, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Larry G. McElroy including Blackhawk or (3) to any other simulation of Mr. Larry G. McElroy or of Blackhawk Electric for a period of one year, or until December 27, 2012.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Larry G. McElroy DBA Blackhawk Electric Case No. 11CG-CR01157 Cape Girardeau County Cir. Ct.		254 E. Lake Dr., PO Box 248 Cape Girardeau, MO 63701	12/27/2011	12/27/2011-12/27/2012

Dated this 26 day of January, 2012.



Carla Buschjost, Director

**ADDITION TO STATUTORY LIST OF CONTRACTORS  
BARRED FROM PUBLIC WORKS PROJECTS**

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Norman Bass, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Norman Bass including Municipal Construction Incorporated or (3) to any other simulation of Mr. Norman Bass or of Municipal Construction Incorporated for a period of one year, or until February 1, 2013.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Norman Bass DBA Municipal Construction Incorporated Case No. 12SO-CR00103 Scott County Cir. Ct.		10150 Hawthorne Ridge Goodrich, MI 48438	2/01/12	2/01/2012-2/01/2013

Dated this 17 day of February, 2012.

  
Carla Buschjost, Director

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to [dissolutions@sos.mo.gov](mailto:dissolutions@sos.mo.gov).

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST FIELD TURF MID-AMERICA LLC.**

On August 27, 2012, Field Turf Mid-America LLC, a Missouri limited liability company (the "Company") filed its Notice of Winding Up and Articles of Termination with the Missouri Secretary of State. The Company requests that claimants against the Company present claims in writing to: Tim Hegeman, 11475 R Lackland, St. Louis, MO 63146. All claims must include 1. the name, address and telephone number of the claimant; 2. the amount of the claim; 3. the basis of the claim; 4. the date on which the claim arose; and 5. documentation supporting the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Dissolution of Limited Liability Company to All Creditors of and Claimants Against HBIS, L.L.C.**

On June 18, 2012, HBIS, L.L.C., ("the Company"), a Missouri limited liability company, filed an Articles of Termination for Limited Liability Company with the Missouri Secretary of State, effective on June 18, 2012.

Any claims against the Company may be sent to: Andrew E. White, L.L.C., P.O. Box 1255, Camdenton, Missouri 65020. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

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

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST THE RETINA INSTITUTE, L.L.C.**

On September 6, 2012, The Retina Institute, L.L.C., a Missouri limited liability company (the "Company") filed its Notice of Winding Up and Articles of Termination with the Missouri Secretary of State. The Company requests that claimants against the Company present claims in writing to: Randy S. Gerber, Esq., c/o Polsinelli Shughart PC, 100 S. 4<sup>th</sup> Street, St. Louis, MO 63102. All claims must include (1) the name, address and telephone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Winding Up and Dissolution For Limited Liability Company**

**To All Creditors and Claimants of Optimo Consulting Group LLC**

On September 10th, 2012, Optimo Consulting Group LLC, a Missouri limited liability company (hereinafter the "Company") filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective upon filing.

Any claims against the company must be sent to Ana Beatriz H. Thomas at 315 Tall Timbers Meadow Drive, Ballwin, MO, 63021. Each claim must include the following information: the name, address and phone number of the claimant; amount claimed; the date on which the claim arose; the basis for the claim; and any documentation for the claim.

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

**NOTICE OF DISSOLUTION**  
**TO ALL CREDITORS OF AND CLAIMANTS AGAINST**  
**FOUNDATION**

On August 6, 2012, PMJ FOUNDATION, a Missouri non-profit corporation, was dissolved upon the filing of Articles of Voluntary Dissolution with the Secretary of State.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to: Matthew G. Perlow, President, 190 Carondelet Plaza, Ste. 600, St. Louis, Missouri 63105. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

**ANY CLAIMS AGAINST PMJ FOUNDATION WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.**

**NOTICE OF DISSOLUTION OF PERMACEL ST. LOUIS, INC.**

Pursuant to Mo. Rev. Stat. § 351.482, the purpose of this notice is to notify all unknown claimants of the dissolution of Permacel St. Louis, Inc. Persons with claims against Permacel St. Louis, Inc. must notify its registered agent at CSC – Lawyers Incorporating Service Company; 221 Bolivar; Jefferson City, Missouri 65101. Claimants must provide, in writing, the address and telephone number of the claimant and the claimant's attorney, a description of the claim, and any documents supporting the claim. Claims against Permacel St. Louis, Inc. will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of this notice.

# Rule Changes Since Update to Code of State Regulations

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

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	<b>OFFICE OF ADMINISTRATION</b> State Officials' Salary Compensation Schedule				35 MoReg 1815
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.020	Animal Health		37 MoReg 907		
2 CSR 70-10.025	Plant Industries		37 MoReg 1141		
2 CSR 70-10.075	Plant Industries		37 MoReg 1141		
2 CSR 80-3.010	State Milk Board		37 MoReg 1296		
2 CSR 80-3.020	State Milk Board		37 MoReg 1296		
2 CSR 80-3.030	State Milk Board		37 MoReg 1297		
2 CSR 80-3.040	State Milk Board		37 MoReg 1297		
2 CSR 80-3.050	State Milk Board		37 MoReg 1297		
2 CSR 80-3.060	State Milk Board		37 MoReg 1298		
2 CSR 80-3.070	State Milk Board		37 MoReg 1298		
2 CSR 80-3.080	State Milk Board		37 MoReg 1300		
2 CSR 80-3.090	State Milk Board		37 MoReg 1300		
2 CSR 80-3.100	State Milk Board		37 MoReg 1301		
2 CSR 80-3.110	State Milk Board		37 MoReg 1301		
2 CSR 80-3.120	State Milk Board		37 MoReg 1301		
2 CSR 80-3.130	State Milk Board		37 MoReg 1302		
2 CSR 80-5.010	State Milk Board		37 MoReg 1089		
2 CSR 80-6.011	State Milk Board		37 MoReg 1302		
2 CSR 80-6.021	State Milk Board		37 MoReg 1303		
2 CSR 80-6.041	State Milk Board		37 MoReg 1303		
2 CSR 90-10	Weights and Measures				37 MoReg 1197
2 CSR 90-10.001	Weights and Measures		37 MoReg 1143		
2 CSR 90-10.011	Weights and Measures		37 MoReg 1143		
2 CSR 90-10.012	Weights and Measures		37 MoReg 1144		
2 CSR 90-10.013	Weights and Measures		37 MoReg 1144		
2 CSR 90-10.014	Weights and Measures		37 MoReg 1145		
2 CSR 90-10.020	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.040	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.090	Weights and Measures		37 MoReg 1148		
2 CSR 90-10.120	Weights and Measures		37 MoReg 1149		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.110	Conservation Commission		37 MoReg 1005	37 MoReg 1404	
3 CSR 10-5.222	Conservation Commission		37 MoReg 1005	37 MoReg 1404	
3 CSR 10-7.431	Conservation Commission		37 MoReg 1006	37 MoReg 1404	
3 CSR 10-7.433	Conservation Commission		37 MoReg 1149	37 MoReg 1486	
3 CSR 10-7.440	Conservation Commission		N.A.	37 MoReg 1486	
3 CSR 10-7.455	Conservation Commission		37 MoReg 1006	37 MoReg 1404	37 MoReg 118
3 CSR 10-8.510	Conservation Commission		37 MoReg 1393		
3 CSR 10-9.350	Conservation Commission		37 MoReg 1449		
3 CSR 10-9.560	Conservation Commission		37 MoReg 1449		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 240-31.010	Public Service Commission	37 MoReg 1003	37 MoReg 1007		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 20-400.150	Division of Learning Services		37 MoReg 509	37 MoReg 1359	
5 CSR 20-400.160	Division of Learning Services		37 MoReg 509	37 MoReg 1359	
5 CSR 20-400.170	Division of Learning Services		37 MoReg 510	37 MoReg 1359	
5 CSR 20-400.180	Division of Learning Services		37 MoReg 510	37 MoReg 1359	
5 CSR 20-400.190	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.200	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.250	Division of Learning Services		37 MoReg 511	37 MoReg 1360	
5 CSR 20-400.260	Division of Learning Services		37 MoReg 512	37 MoReg 1360	
5 CSR 20-400.280	Division of Learning Services		37 MoReg 512	37 MoReg 1360	
5 CSR 20-400.310	Division of Learning Services		37 MoReg 1450		
5 CSR 20-400.340	Division of Learning Services		37 MoReg 1453R		
5 CSR 20-400.350	Division of Learning Services		37 MoReg 1453R		
5 CSR 20-400.420	Division of Learning Services		37 MoReg 1453R		
5 CSR 20-400.440	Division of Learning Services		37 MoReg 1453		
5 CSR 20-500.330	Division of Learning Services		37 MoReg 908		
5 CSR 20-600.130	Division of Learning Services		37 MoReg 1457		
5 CSR 30-261.025	Division of Financial and Administrative Services		37 MoReg 912		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-5.010	Commissioner of Higher Education		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-16.035	Missouri Highways and Transportation Commission				37 MoReg 1414
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 30-3.060	Division of Labor Standards		37 MoReg 1393		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-5.381	Air Conservation Commission		37 MoReg 955		
10 CSR 10-6.020	Air Conservation Commission		37 MoReg 1222		
10 CSR 10-6.070	Air Conservation Commission		37 MoReg 966		
10 CSR 10-6.075	Air Conservation Commission		37 MoReg 968		
10 CSR 10-6.080	Air Conservation Commission		37 MoReg 971		
10 CSR 10-6.191	Air Conservation Commission		37 MoReg 1460		
10 CSR 10-6.368	Air Conservation Commission		37 MoReg 1460R		
10 CSR 20-6.100	Clean Water Commission		36 MoReg 2906R 36 MoReg 2906 37 MoReg 393R 37 MoReg 394	37 MoReg 1405R 37 MoReg 1405	
10 CSR 100-2.010	Petroleum Storage Tank Insurance Fund Board of Trustees		37 MoReg 1395		
10 CSR 100-4.010	Petroleum Storage Tank Insurance Fund Board of Trustees		37 MoReg 1395		
10 CSR 100-4.020	Petroleum Storage Tank Insurance Fund Board of Trustees		37 MoReg 1397		
10 CSR 140-2	Division of Energy				37 MoReg 1062
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 45-4.050	Missouri Gaming Commission		37 MoReg 1461R		
11 CSR 45-4.055	Missouri Gaming Commission		37 MoReg 1461		
11 CSR 45-4.190	Missouri Gaming Commission		37 MoReg 1462		
11 CSR 45-4.205	Missouri Gaming Commission		37 MoReg 1462		
11 CSR 45-4.240	Missouri Gaming Commission		37 MoReg 1462		
11 CSR 45-4.250	Missouri Gaming Commission		37 MoReg 1463		
11 CSR 45-4.260	Missouri Gaming Commission		37 MoReg 1463		
11 CSR 45-4.380	Missouri Gaming Commission		37 MoReg 1463		
11 CSR 45-4.390	Missouri Gaming Commission		37 MoReg 1464		
11 CSR 45-5.181	Missouri Gaming Commission		37 MoReg 679	37 MoReg 1487	
11 CSR 45-5.184	Missouri Gaming Commission		37 MoReg 1464		
11 CSR 45-8.130	Missouri Gaming Commission		37 MoReg 1466		
11 CSR 45-9.020	Missouri Gaming Commission		37 MoReg 912		
11 CSR 45-9.114	Missouri Gaming Commission		37 MoReg 680	37 MoReg 1488	
11 CSR 50-3.010	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-1.010)</i>		37 MoReg 1467		
11 CSR 50-3.020	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-2.010)</i>		37 MoReg 1467		
11 CSR 50-3.030	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-3.010)</i>		37 MoReg 1468		
11 CSR 50-3.040	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-4.010)</i>		37 MoReg 1468		
11 CSR 50-3.050	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-7.010)</i>		37 MoReg 1468		
11 CSR 50-3.060	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-5.010)</i>		37 MoReg 1469		
11 CSR 50-3.070	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-6.010)</i>		37 MoReg 1470		
11 CSR 50-3.080	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-8.010)</i>		37 MoReg 1471		
11 CSR 50-3.090	Missouri State Highway Patrol <i>(Changed from 11 CSR 80-9.010)</i>		37 MoReg 1471		
11 CSR 50-3.100	Missouri State Highway Patrol	37 MoReg 1439	37 MoReg 1472		
11 CSR 80-1.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.010)</i>		37 MoReg 1467		
11 CSR 80-2.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.020)</i>		37 MoReg 1467		
11 CSR 80-3.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.030)</i>		37 MoReg 1468		
11 CSR 80-4.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.040)</i>		37 MoReg 1468		
11 CSR 80-5.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.060)</i>		37 MoReg 1469		
11 CSR 80-6.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.070)</i>		37 MoReg 1470		
11 CSR 80-7.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.050)</i>		37 MoReg 1468		
11 CSR 80-8.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.080)</i>		37 MoReg 1471		
11 CSR 80-9.010	Missouri State Water Patrol <i>(Changed to 11 CSR 50-3.090)</i>		37 MoReg 1471		
11 CSR 80-9.020	Missouri State Water Patrol		37 MoReg 1472R		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-24.462	Director of Revenue		This IssueR		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 30-2.015	State Tax Commission		37 MoReg 1473		
12 CSR 30-3.010	State Tax Commission		37 MoReg 1473		
12 CSR 30-3.065	State Tax Commission		37 MoReg 1473		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 40-2.395	Family Support Division		37 MoReg 517	37 MoReg 1361	
13 CSR 40-2.400	Family Support Division		37 MoReg 1149		
13 CSR 40-2.410	Family Support Division		37 MoReg 1150		
13 CSR 40-2.420	Family Support Division		37 MoReg 1154		
13 CSR 40-2.430	Family Support Division		37 MoReg 1157		
13 CSR 40-2.440	Family Support Division		37 MoReg 1159		
13 CSR 40-2.450	Family Support Division		37 MoReg 1163		
13 CSR 70-10.016	MO HealthNet Division		37 MoReg 1164		
13 CSR 70-10.110	MO HealthNet Division	37 MoReg 1131	37 MoReg 1167		
13 CSR 70-15.010	MO HealthNet Division	37 MoReg 1131	37 MoReg 1172		
13 CSR 70-15.110	MO HealthNet Division	37 MoReg 1132	37 MoReg 1174		
13 CSR 70-15.160	MO HealthNet Division	37 MoReg 1134	37 MoReg 1178		
13 CSR 70-15.220	MO HealthNet Division	37 MoReg 1135	37 MoReg 681	37 MoReg 1365	
<b>ELECTED OFFICIALS</b>					
15 CSR 30-51.100	Secretary of State		37 MoReg 912	37 MoReg 1406	
15 CSR 30-51.180	Secretary of State		37 MoReg 913	37 MoReg 1407	
15 CSR 50-4.030	Treasurer	37 MoReg 731	37 MoReg 733	37 MoReg 1407	
15 CSR 60-13.060	Attorney General		37 MoReg 1008	This Issue	
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-3.020	The Public School Retirement System of Missouri		37 MoReg 914	37 MoReg 1407	
16 CSR 10-4.012	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-5.010	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-6.030	The Public School Retirement System of Missouri		37 MoReg 915	37 MoReg 1407	
16 CSR 10-6.045	The Public School Retirement System of Missouri		37 MoReg 1181		
16 CSR 10-6.060	The Public School Retirement System of Missouri		37 MoReg 1182		
16 CSR 20-2.048	Missouri Local Government Employees' Retirement System (LAGERS)		This Issue		
16 CSR 20-2.083	Missouri Local Government Employees' Retirement System (LAGERS)		37 MoReg 915R	37 MoReg 1408R	
16 CSR 50-2.120	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.030	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.050	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.080	The County Employees' Retirement Fund		This Issue		
16 CSR 50-10.090	The County Employees' Retirement Fund		This Issue		
16 CSR 50-20.120	The County Employees' Retirement Fund		This Issue		
<b>BOARDS OF POLICE COMMISSIONERS</b>					
17 CSR 20-2.015	St. Louis Board of Police Commissioners		37 MoReg 915	37 MoReg 1408	
17 CSR 20-2.025	St. Louis Board of Police Commissioners		37 MoReg 916	37 MoReg 1408	
17 CSR 20-2.035	St. Louis Board of Police Commissioners		37 MoReg 916	37 MoReg 1408	
17 CSR 20-2.055	St. Louis Board of Police Commissioners		37 MoReg 917	37 MoReg 1408	
17 CSR 20-2.065	St. Louis Board of Police Commissioners		37 MoReg 918	37 MoReg 1408	
17 CSR 20-2.085	St. Louis Board of Police Commissioners		37 MoReg 918	37 MoReg 1409	
17 CSR 20-2.105	St. Louis Board of Police Commissioners		37 MoReg 919	37 MoReg 1409	
17 CSR 20-2.125	St. Louis Board of Police Commissioners		37 MoReg 920	37 MoReg 1409	
17 CSR 20-3.015	St. Louis Board of Police Commissioners		37 MoReg 921	37 MoReg 1409	
17 CSR 20-3.025	St. Louis Board of Police Commissioners		37 MoReg 922	37 MoReg 1409	
17 CSR 20-3.055	St. Louis Board of Police Commissioners		37 MoReg 922	37 MoReg 1409	
17 CSR 20-3.085	St. Louis Board of Police Commissioners		37 MoReg 923	37 MoReg 1409	
17 CSR 20-3.105	St. Louis Board of Police Commissioners		37 MoReg 923	37 MoReg 1410	
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 20-26.030	Division of Community and Public Health		37 MoReg 519R	37 MoReg 1366R	
19 CSR 20-26.040	Division of Community and Public Health		37 MoReg 519	37 MoReg 1366	
19 CSR 25-30.011	State Public Health Laboratory		37 MoReg 1009		
19 CSR 25-30.021	State Public Health Laboratory		37 MoReg 1010		
19 CSR 25-30.031	State Public Health Laboratory		37 MoReg 1015		
19 CSR 25-30.041	State Public Health Laboratory		37 MoReg 1024		
19 CSR 25-30.050	State Public Health Laboratory		37 MoReg 1027		
19 CSR 25-30.051	State Public Health Laboratory		37 MoReg 1027		
19 CSR 25-30.060	State Public Health Laboratory		37 MoReg 1030		
19 CSR 25-30.070	State Public Health Laboratory		37 MoReg 1040		
19 CSR 25-30.080	State Public Health Laboratory		37 MoReg 1040		
19 CSR 30-84.030	Division of Regulation and Licensure		37 MoReg 684	37 MoReg 1488	
19 CSR 30-85.022	Division of Regulation and Licensure		37 MoReg 585	37 MoReg 1410	
19 CSR 30-86.022	Division of Regulation and Licensure		37 MoReg 592	37 MoReg 1411	This Issue
19 CSR 30-88.020	Division of Regulation and Licensure		37 MoReg 602	37 MoReg 1413	
19 CSR 60-50	Missouri Health Facilities Review Committee				37 MoReg 1494



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20 CSR	Applied Behavior Analysis Maximum Benefit				37 MoReg 472
20 CSR	Construction Claims Binding Arbitration Cap				36 MoReg 192 37 MoReg 62
20 CSR	Sovereign Immunity Limits				37 MoReg 62
20 CSR	State Legal Expense Fund Cap				36 MoReg 192 37 MoReg 62
20 CSR 1100-2.020	Division of Credit Unions		37 MoReg 971	37 MoReg 1492	
20 CSR 1100-2.030	Division of Credit Unions		37 MoReg 972	37 MoReg 1492	
20 CSR 1100-2.070	Division of Credit Unions		37 MoReg 972	37 MoReg 1492	
20 CSR 1100-2.085	Division of Credit Unions		37 MoReg 972	37 MoReg 1492	
20 CSR 1100-2.090	Division of Credit Unions		37 MoReg 973	37 MoReg 1493	
20 CSR 1100-2.100	Division of Credit Unions		37 MoReg 973	37 MoReg 1493	
20 CSR 1100-2.170	Division of Credit Unions		37 MoReg 973	37 MoReg 1493	
20 CSR 2010-2.005	Missouri State Board of Accountancy		37 MoReg 1399		
20 CSR 2010-2.061	Missouri State Board of Accountancy		37 MoReg 1304		
20 CSR 2010-3.010	Missouri State Board of Accountancy		37 MoReg 1400		
20 CSR 2010-3.060	Missouri State Board of Accountancy		37 MoReg 1400		
20 CSR 2010-4.010	Missouri State Board of Accountancy		37 MoReg 1307		
20 CSR 2010-5.070	Missouri State Board of Accountancy		37 MoReg 1400		
20 CSR 2030-4.055	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1307		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1312		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		37 MoReg 1316		
20 CSR 2110-2.120	Missouri Dental Board		37 MoReg 1318R 37 MoReg 1318		
20 CSR 2110-2.130	Missouri Dental Board		37 MoReg 1325		
20 CSR 2110-2.170	Missouri Dental Board	37 MoReg 1291	37 MoReg 1331		
20 CSR 2110-4.010	Missouri Dental Board		37 MoReg 1336R 37 MoReg 1336		
20 CSR 2110-4.020	Missouri Dental Board		37 MoReg 1338R 37 MoReg 1338		
20 CSR 2110-4.030	Missouri Dental Board		37 MoReg 1346		
20 CSR 2110-4.040	Missouri Dental Board		37 MoReg 1349		
20 CSR 2150-2.170	State Board of Registration for the Healing Arts		37 MoReg 1401		
20 CSR 2197-1.040	Board of Therapeutic Massage		37 MoReg 1089	This Issue	
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		37 MoReg 1182		
20 CSR 2220-2.013	State Board of Pharmacy		37 MoReg 974	37 MoReg 1493	
20 CSR 2220-4.010	State Board of Pharmacy	37 MoReg 1221	37 MoReg 1244		
20 CSR 2231-1.010	Division of Professional Registration		37 MoReg 1357		
20 CSR 2231-2.010	Division of Professional Registration		37 MoReg 1357		
20 CSR 2250-2.040	Missouri Real Estate Commission		37 MoReg 1358		
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.094	Health Care Plan	37 MoReg 1440	37 MoReg 1474		
22 CSR 10-2.110	Health Care Plan	37 MoReg 1441	37 MoReg 1477		
22 CSR 10-2.120	Health Care Plan	37 MoReg 1446	37 MoReg 1484		

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<b>Department of Agriculture</b>			
<b>Plant Industries</b>			
2 CSR 70-11.070	Pine Shoot Beetle Intrastate Quarantine . . . . .	Nov. 15, 2012 Issue	Oct. 12, 2012 . . . . .April 9, 2013
<b>Department of Economic Development</b>			
<b>Public Service Commission</b>			
4 CSR 240-31.010	Definitions . . . . .	.37 MoReg 1003 . . . . .	June 1, 2012 . . . . .Feb. 28, 2013
<b>Department of Public Safety</b>			
<b>Missouri State Highway Patrol</b>			
11 CSR 50-3.100	Nonresident Temporary Boater Identification Certificate . . . . .	.37 MoReg 1439 . . . . .	Sept. 14, 2012 . . . . .March 12, 2013
<b>Department of Social Services</b>			
<b>MO HealthNet Division</b>			
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance . . . . .	.37 MoReg 1131 . . . . .	July 1, 2012 . . . . .Dec. 28, 2012
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology . . . . .	.37 MoReg 1131 . . . . .	July 1, 2012 . . . . .Dec. 28, 2012
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA) . . . . .	.37 MoReg 1132 . . . . .	July 1, 2012 . . . . .Dec. 28, 2012
13 CSR 70-15.160	Prospective Outpatient Hospital Services Reimbursement Methodology . . . . .	.37 MoReg 1134 . . . . .	July 1, 2012 . . . . .Dec. 28, 2012
13 CSR 70-15.220	Disproportionate Share Hospital Payments . . . . .	.37 MoReg 1135 . . . . .	July 1, 2012 . . . . .Dec. 28, 2012
<b>Elected Officials</b>			
<b>Treasurer</b>			
15 CSR 50-4.030	Missouri MOST 529 Matching Grant Program . . . . .	.37 MoReg 731 . . . . .	April 15, 2012 . . . . .Jan. 23, 2013
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
<b>Missouri Dental Board</b>			
20 CSR 2110-2.170	Fees . . . . .	.37 MoReg 1291 . . . . .	Aug. 5, 2012 . . . . .Feb. 28, 2013
<b>State Board of Pharmacy</b>			
20 CSR 2220-4.010	General Fees . . . . .	.37 MoReg 1221 . . . . .	July 31, 2012 . . . . .Feb. 28, 2013
<b>State Committee for Social Workers</b>			
20 CSR 2263-1.040	School Social Worker Examinations Approved by the Committee . . . . .	Next Issue . . . . .	Sept. 28, 2012 . . . . .March 26, 2013
<b>Missouri Consolidated Health Care Plan</b>			
<b>Health Care Plan</b>			
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations . . . . .	.37 MoReg 1440 . . . . .	Oct. 1, 2012 . . . . .March 29, 2013
22 CSR 10-2.110	General Foster Parent Membership Provisions . . . . .	.37 MoReg 1441 . . . . .	Oct. 1, 2012 . . . . .March 29, 2013
22 CSR 10-2.120	Wellness Program . . . . .	.37 MoReg 1446 . . . . .	Oct. 1, 2012 . . . . .March 29, 2013

Executive Orders	Subject Matter	Filed Date	Publication
<b>2012</b>			
12-09	Extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012.	Sept. 10, 2012	This Issue
12-08	Authorizes the State Soil and Water Districts Commission to implement an emergency cost-share program to address water challenges to landowners engaged in livestock or crop production due to the current drought. Additionally, it establishes the Agriculture Water Resource Technical Review Team.	July 23, 2012	37 MoReg 1294
12-07	Declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to the severe heat, dry conditions, and fire risks affecting the state.	July 23, 2012	37 MoReg 1292
12-06	Activates the Missouri State Emergency Operations Center and directs the State Emergency Management Agency, State Fire Marshall, Adjutant General, and such other agencies to coordinate with local authorities affected by fire danger due to the prolonged period of record heat and low precipitation	June 29, 2012	37 MoReg 1139
12-05	Extends Executive Orders 11-06, 12-03, 11-07, 11-11, 11-14, and 12-04 until June 1, 2012	March 13, 2012	37 MoReg 569
12-04	Activates the state militia in response to severe weather that began on February 28, 2012	Feb. 29, 2012	37 MoReg 503
12-03	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to the severe weather that began on February 28, 2012	Feb. 29, 2012	37 MoReg 501
12-02	Orders the transfer of all authority, powers, and duties of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Dept. of Health and Senior Services and the Dept. of Mental Health to the Dept. of Social Services effective Aug. 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly	Jan. 23, 2012	37 MoReg 313
12-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Jan. 23, 2012	37 MoReg 311
<b>2011</b>			
11-25	Extends the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Orders 11-09, 11-19, and 11-23) until March 15, 2012, unless extended in whole or part by subsequent order. Further Executive Orders 11-07, 11-11, and 11-14 are extended until March 15, 2012, unless extended in whole or part by subsequent order	Dec. 14, 2011	37 MoReg 95
11-24	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Nov. 18, 2011	37 MoReg 5
11-23	Extends Executive Order 11-20 until October 15, 2011, and extends Executive Orders 11-06, 11-07, 11-08, 11-11, 11-14, and 11-18 until December 18, 2011	Sept. 13, 2011	36 MoReg 2157
11-22	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	July 26, 2011	36 MoReg 1979
11-21	Authorizes the Joplin Public School system to immediately begin to retrofit, equip, and furnish various buildings to house students during the 2011-2012 school year without requiring advertisements for bids	June 17, 2011	36 MoReg 1800
11-20	Extends certain terms of Executive Order 11-12 to help Missouri citizens impacted by the Joplin tornado of April 22, 2011	June 17, 2011	36 MoReg 1798
11-19	Extends certain terms of Executive Orders 11-06, 11-07, 11-08, 11-10, 11-11, 11-13, 11-14, 11-15, 11-16, and 11-18 until September 15, 2011	June 17, 2011	36 MoReg 1796
11-18	Activates the state militia in response to flooding events occurring and threatening along the Missouri River	June 8, 2011	36 MoReg 1739
11-17	Establishes the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin in response to a tornado that struck there on May 22, 2011	June 7, 2011	36 MoReg 1737

<b>Executive Orders</b>	<b>Subject Matter</b>	<b>Filed Date</b>	<b>Publication</b>
<b>11-16</b>	Authorizes the Joplin Public Schools to immediately begin to retrofit and furnish warehouse and retail structures to house district programs displaced by the tornado and severe storms on May 22, 2011, without requiring advertisements for bids	June 3, 2011	36 MoReg 1735
<b>11-15</b>	Authorizes the Joplin Public School system to immediately rebuild, restore, and/or renovate Emerson Elementary, Kelsey Norman Elementary, Old South Middle School, and Washington Education Center without requiring advertisement for bids	June 1, 2011	36 MoReg 1594
<b>11-14</b>	Activates the state militia in response to a tornado that hit the City of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1592
<b>11-13</b>	Authorizes the Joplin Public Schools system to immediately begin rebuilding and replacing the materials for three of its buildings that were destroyed in a tornado that struck on May 22, 2011, without requiring advertisement for bids	May 26, 2011	36 MoReg 1590
<b>11-12</b>	Orders the director of the Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify any statute or regulation under his purview in order to best serve the interests of those citizens affected by the tornado that hit the city of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1587
<b>11-11</b>	Orders the director of revenue to issue duplicate or replacement license, nondriver license, certificate of motor vehicle ownership, number plate, or tabs lost or destroyed as a result of the tornado that hit the city of Joplin and to waive all state fees and charges for such duplicate or replacement	May 26, 2011	36 MoReg 1585
<b>11-10</b>	Orders the Missouri Department of Health and Senior Services and the State Board of Pharmacy to temporarily waive certain rules and regulations to allow medical practitioners and pharmacists responding to the tornado and severe storms in Joplin to best serve the interests of public health and safety	May 24, 2011	36 MoReg 1583
<b>11-09</b>	Extends Executive Orders 11-06, 11-07, and 11-08 through June 20, 2011	May 20, 2011	36 MoReg 1581
<b>11-08</b>	Activates the state militia in response to severe weather that began on April 22	April 25, 2011	36 MoReg 1449
<b>11-07</b>	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on April 22	April 25, 2011	36 MoReg 1447
<b>11-06</b>	Declares a state of emergency for the state of Missouri and activates the Missouri State Emergency Operations Plan due to severe weather that began on April 22	April 22, 2011	36 MoReg 1445
<b>11-05</b>	Orders the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfalls; and 2) continuing snow clearance exceeds their capabilities	Feb. 4, 2011	36 MoReg 883
<b>11-04</b>	Activates the state militia in response to severe weather that began on January 31, 2011	Jan. 31, 2011	36 MoReg 881
<b>11-03</b>	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	Jan. 31, 2011	36 MoReg 879
<b>11-02</b>	Extends the declaration of emergency contained in Executive Order 10-27 and the terms of Executive Order 11-01 through February 28, 2011	Jan. 28, 2011	36 MoReg 877
<b>11-01</b>	Gives the Director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe winter weather that began on December 30	Jan. 4, 2011	36 MoReg 705

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declares a state of emergency, directs the Missouri State Emergency Operations Plan be activated, and extends Executive Order 12-06 to Oct. 1, 2012, in response to severe heat, dry conditions, and fire risks affecting the state; 12-07; 9/4/12

extends Executive Order 12-08 in order to extend the deadline for completion of approved projects under the Emergency Cost-Share Program and establishes a Program Audit and Compliance Team to inspect a sample of completed projects. It also extends Executive Order 12-07 until Nov. 15, 2012; 12-09; 10/15/12

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## CERTIFICATION LETTER

Due to the passage of House Bill 45 in the 2011 legislative session, the requirement regarding small businesses in section 1.310, RSMo, was extended to small businesses with **fifty or less** employees.

The third paragraph of the certification letter for proposed rulemakings will need to be reworded to reflect this change in statute. The paragraph should be changed from “fewer than twenty-five full- or part-time employees” to “fewer than fifty full- or part-time employees” in two instances.

An updated example of the certification letter is available on our website at [www.sos.mo.gov/adrules/forms.asp](http://www.sos.mo.gov/adrules/forms.asp).