

Volume 37, Number 8  
Pages 565–674  
April 16, 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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## IN THIS ISSUE:

<b>EXECUTIVE ORDERS</b> .....	569	<b>CONTRACTOR DEBARMENT LIST</b> .....	651
<b>PROPOSED RULES</b>		<b>DISSOLUTIONS</b> .....	655
<b>Department of Agriculture</b>		<b>SOURCE GUIDES</b>	
Plant Industries .....	571	<b>RULE CHANGES SINCE UPDATE</b> .....	658
State Milk Board .....	573	<b>EMERGENCY RULES IN EFFECT</b> .....	663
<b>Department of Conservation</b>		<b>EXECUTIVE ORDERS</b> .....	665
Conservation Commission .....	582	<b>REGISTER INDEX</b> .....	667
<b>Department of Health and Senior Services</b>			
Division of Regulation and Licensure .....	585		
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
Missouri Dental Board .....	604		
<b>ORDERS OF RULEMAKING</b>			
<b>Department of Mental Health</b>			
Director, Department of Mental Health .....	607		
<b>Department of Natural Resources</b>			
Air Conservation Commission .....	608		
<b>Department of Insurance, Financial Institutions and Professional Registration</b>			
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects ..	615		
Missouri Board of Geologist Registration .....	616		
<b>Missouri Consolidated Health Care Plan</b>			
Health Care Plan .....	616		

<b>Register Filing Deadlines</b>	<b>Register Publication Date</b>	<b>Code Publication Date</b>	<b>Code Effective Date</b>
December 1, 2011 December 15, 2011	<b>January 3, 2012</b> <b>January 17, 2012</b>	January 30, 2012 January 30, 2012	February 29, 2012 February 29, 2012
January 3, 2012 January 17, 2012	<b>February 1, 2012</b> <b>February 15, 2012</b>	February 29, 2012 February 29, 2012	March 30, 2012 March 30, 2012
February 1, 2012 February 15, 2012	<b>March 1, 2012</b> <b>March 15, 2012</b>	March 31, 2012 March 31, 2012	April 30, 2012 April 30, 2012
March 1, 2012 March 15, 2012	<b>April 2, 2012</b> <b>April 16, 2012</b>	April 30, 2012 April 30, 2012	May 30, 2012 May 30, 2012
April 2, 2012 April 16, 2012	<b>May 1, 2012</b> <b>May 15, 2012</b>	May 31, 2012 May 31, 2012	June 30, 2012 June 30, 2012
May 1, 2012 May 15, 2012	<b>June 1, 2012</b> <b>June 15, 2012</b>	June 30, 2012 June 30, 2012	July 30, 2012 July 30, 2012
June 1, 2012 June 15, 2012	<b>July 2, 2012</b> <b>July 16, 2012</b>	July 31, 2012 July 31, 2012	August 30, 2012 August 30, 2012
July 2, 2012 July 16, 2012	<b>August 1, 2012</b> <b>August 15, 2012</b>	August 31, 2012 August 31, 2012	September 30, 2012 September 30, 2012
August 1, 2012 August 15, 2012	<b>September 4, 2012</b> <b>September 17, 2012</b>	September 30, 2012 September 30, 2012	October 30, 2012 October 30, 2012
September 4, 2012 September 17, 2012	<b>October 1, 2012</b> <b>October 15, 2012</b>	October 31, 2012 October 31, 2012	November 30, 2012 November 30, 2012

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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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2011), are available in the listed participating libraries, as selected by the Missouri State Library:

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Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
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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 12-05

WHEREAS, a State of Emergency was declared on April 22, 2011, pursuant to Executive Order 11-06 and extended by Executive Order 11-09, Executive Order 11-19, Executive Order 11-23 and Executive Order 11-25; and

WHEREAS, the tornadoes, floods and severe storms that have impacted the State have caused catastrophic damage and significant loss of life and continue to cause distress and hazards to citizens and communities; and

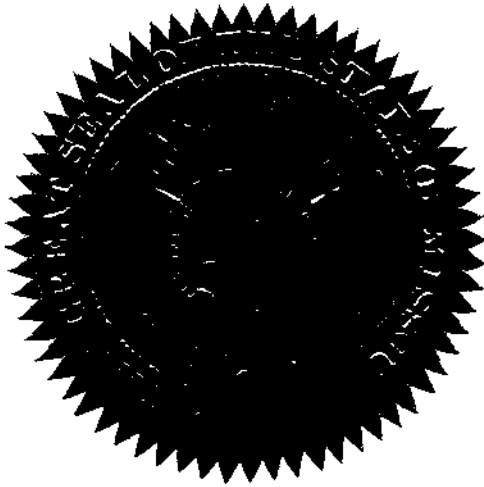
WHEREAS, the magnitude of recovery efforts exceeds the capabilities of local jurisdictions and other established agencies and necessitate the continued assistance of state emergency resources, including the Missouri National Guard; and

WHEREAS, on February 28-29, 2012, tornadoes and severe storms again impacted the State of Missouri causing significant damage and loss of life and required implementation of the Missouri State Emergency Operations Plan and activation of the Missouri National Guard; and

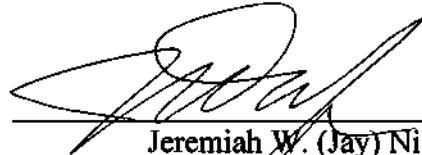
WHEREAS, several executive orders have been issued pursuant to the emergency powers contained in Chapter 44, RSMo, to aid in the response to these disasters and relieve the distress and hardship experienced by the affected citizens and communities.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by the power vested in me by the Constitution and law of the State of Missouri, including Chapter 44, RSMo, do hereby extend the declaration of emergency contained in Executive Order 11-06 (as extended by Executive Orders 11-09, 11-19, 11-23 and 11-25) and Executive Order 12-03 until June 1, 2012 unless extended in whole or in part by subsequent order.


It is further ordered that Executive Order 11-07, Executive Order 11-11, Executive Order 11-14 and Executive Order 12-04 be extended until June 1, 2012 unless extended in whole or in part 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 13<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
\_\_\_\_\_  
Robin Carnahan  
Secretary of State

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

**E**ntirely new rules are printed without any special symbology 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.

*material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.]*

(1) Commercial applicators must use one (1) of the following methods for providing evidence of financial responsibility:

(A) Acceptable insurance or bond forms will be provided by the Bureau of Pesticide Control, Missouri Department of Agriculture, P[O]. Box 630, Jefferson City, MO 65102. These forms must be completed and signed by an insurance company representative or a bonding agent. *[Acceptable certificates of insurance must affirm that the insured's policy meets the requirements of section 281.065, RSMo (1986).]* Acceptable bonds must have power of attorney, or authority to bind surety, attached;

(B) Certificates of insurance provided by insurance companies shall include:

1. Applicator's name, business name, and business address;
2. Policy number;
3. Effective and expiration dates;
4. Limits of liability; **and**
5. Insurance company representative's signature[s]; *[and] or [6. A signed statement from the insurance representative affirming that the insured's policy meets requirements of section 281.065, RSMo (Supp. 1988); or]*

(C) Complete insurance policies which meet the requirements of section 281.065, RSMo [(1986)].

*AUTHORITY: section 281.065, RSMo [Supp. 1989] 2000. Original rule filed July 8, 1977, effective Oct. 14, 1977. Amended: Filed Aug. 14, 1989, effective Jan. 1, 1990. Amended: Filed March 8, 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 OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 4:00 p.m., May 16, 2012, Missouri Department of Agriculture 2nd Floor Boardroom, 1616 Missouri Blvd., Jefferson City, Missouri.*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 25—Pesticides**

**PROPOSED AMENDMENT**

**2 CSR 70-25.065 Acceptable Insurance and Bond Forms for Commercial Applicators.** The director is amending subsections (1)(A), (B), and (C) and deleting the Editor's Note.

*PURPOSE: This amendment changes commercial applicator insurance requirements to meet current Department of Insurance, Financial Institutions and Professional Registration requirements.*

*[Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 70—Plant Industries  
Chapter 30—Feeds**

**PROPOSED AMENDMENT**

**2 CSR 70-30.110 Assessment of Administrative Penalties.** The director is amending sections (1), (3), and (5), deleting section (4), and renumbering section (5).

*PURPOSE: This amendment clarifies procedural requirements in the administrative penalty process.*

(1) *[An] The director may assess an administrative penalty, not to exceed one thousand dollars (\$1,000) for each serious violation, [can be assessed for serious violations by the director] upon a [violation] person under authority of section 266.212, RSMo. An*

order assessing the administrative penalty [will] shall state the statute under which the penalty is being sought, the manner of collection, and the right of appeal.

(3) [Upon determination of a serious violation, an official compliance letter will be sent with—

- (A) A description of the serious violation;
- (B) The suggested corrective action to be taken;
- (C) A notice of the right to an informal hearing; and
- (D) A notification that if the violation has not been corrected at the end of a ninety (90)-day compliance period, an order assessing an administrative penalty will be issued.]

Upon determination of a serious violation, an official compliance letter shall be sent to the person containing a description of the serious violation and a notification that if the violation has not been corrected within the ninety- (90-) day compliance period, an order assessing an administrative penalty may be issued.

[(4) The official compliance letter will not be written until the following courses of action have been taken by the director:

(A) An official "Withdrawal from Distribution Order" has been sent, with description of the violation each time that the product(s) has failed to meet labeling guarantees;

(B) Warning letters will be sent to the labeler with an outline of the repeated failures of product(s) to meet labeling guarantees;

(C) A follow-up inspection will be made by the inspector if the labeler is within the state after each warning letter for an official sampling and label review to determine if the violating product is meeting labeling guarantees. If the labeler is out-of-state, telephone contact will be made after each warning letter to the violator;

(D) If cooperation is not obtained from the feed manufacturer, guarantor, or distributor to correct the violation(s) of labeling guarantees during the courses of action, as outlined in subsection (4)(A)–(C), the violation(s) will be classified as a "serious violation," and an official letter of compliance will be sent;

(E) The warning letters and follow-up inspections, as outlined in subsections (4)(A)–(D), will not be sent or made when a determination of adulteration or misbranding, within the meaning of sections 266.175 and 266.180, RSMo has been found to be hazardous to the health and well being of animals and/or humans. An official compliance letter will be sent and an investigation will be made immediately; and

(F) Warning letters and follow-up inspections, as outlined in subsections (4)(A)–(D), will not be sent or made when it is found that commercial feed has been knowingly removed, sold, or distributed while placed under a "Withdrawal from Distribution Order" by the director or an authorized representative. An official compliance letter will be sent immediately.]

[(5)](4) An administrative penalty, not to exceed one thousand (\$1,000) dollars per serious violation, will be ordered by the director[,] based on[–] the following factors:

(A) [Determination of t]The level of adulteration or misbranding, within the meaning of sections 266.175 and 266.180, RSMo[, and];

(B) [t]The degree of resulting physical injury, loss of health, or death to animals and/or humans; [or]

[(B) Determination of] (C) [t]The degree of [the] adverse economic impact to the purchaser caused by the violation; and/or

[(C)](D) The overall compliance record of the [commercial feed labeler] person.

*AUTHORITY:* section 266.195, RSMo [Cum. Supp. 1997] 2000. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended:

Filed March 8, 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 Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 30—Feeds

### PROPOSED AMENDMENT

**2 CSR 70-30.115 Processed Animal Waste Products as Animal Feed Ingredients.** The director is amending subsections (2)(A) and (B).

*PURPOSE:* This amendment corrects acid detergent fiber guarantee requirements and typographical errors.

(2) The following definitions apply to recycled animal waste products manufactured, labeled, and distributed only in the state of Missouri:

(A) Dried poultry waste, high ash—means a processed animal waste product composed primarily of feces from commercial poultry, which has been thermally dehydrated to a moisture content not in excess of fifteen percent (15%). It shall contain not less than eighteen percent (18%) crude protein, and not more than seventeen percent (17%) crude fiber, forty-five percent (45%) ash, and one percent (1%) feathers on a dry matter basis. Percentage guarantees for [minimum] maximum acid detergent fiber and maximum ash must be given on the feed label, plus feeding directions. The feeding directions [must] shall limit the inclusion of the animal waste to contributing not more than ten percent (10%) ash in the [animals] animal's final diet by weight on a dry matter basis. If total digestible nutrients (TDN) or calorie[s] contents are claimed, the factors for determining them must be those established by rule and such claims must be limited to the ingredient only; and

(B) Dried poultry litter, high ash—means a processed animal waste product composed of a processed combination of feces from commercial poultry together with litter that was present in the floor production of poultry, which has been dehydrated to a moisture content not in excess of fifteen percent (15%). It shall contain not less than eighteen percent (18%) crude protein, and not more than twenty-eight percent (28%) crude fiber, twenty-nine percent (29%) ash, and four percent (4%) feathers on a dry matter basis. Percentage guarantees for [minimum] maximum acid detergent fiber and maximum ash shall be given on the label, plus feeding directions. The feeding directions shall limit the inclusion of the animal waste to contributing not more than ten percent (10%) ash in the animal's final diet by weight on a dry matter basis. If TDN or calorie[s] contents are claimed, the factors for determining them must be those established by rule and such claims must be limited to the ingredient only.

*AUTHORITY:* section 266.195, RSMo [Cum. Supp. 1997] 2000. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed March 8, 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 Missouri Department of Agriculture, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 1—Organization and Description**

**PROPOSED AMENDMENT**

**2 CSR 80-1.010 General Organization.** The board is amending sections (5) and (6).

*PURPOSE:* This proposed amendment is being updated to current location and phone number.

(5) The board is directed by section 196.939, RSMo [(1986)] **2000** to adopt regulations for the control of Grade A milk sanitation.

(6) The board is located at [909] **1616** Missouri Boulevard, Jefferson City, Missouri, telephone [(314)] **(573)** 751-3830. The board is assigned the responsibility for the administration of state milk inspection. State milk inspection is the service of inspection, regulation, grading, and program evaluation of fluid milk and fluid milk products.

*AUTHORITY:* section 196.939, RSMo [1986] **2000**. Original rule filed April 5, 1976, effective Oct. 11, 1976. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.020 Sale of Adulterated, Misbranded Milk, or Milk Products.** The board is amending the purpose and section (2).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule provides for the control of adulterated, misbranded Grade A milk or milk products, or any combination of these. This rule corresponds with [Part II,] Section 2 of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)]*.

(2) Any adulterated or misbranded milk or milk product may be impounded under proper authority by the regulatory agency and disposed of in accordance with applicable laws or regulations. The [2009 edition of the] *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision* is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food Safety (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO)*.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.030 Permits.** The board is amending the purpose and section (5).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule provides for the issuance of permits to persons involved in the production, transporting, and processing of Grade A milk and milk products. This rule corresponds with [Part II,] Section 3 of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)]*.

(5) Upon repeated violation(s), the regulatory agency may revoke the permit following reasonable notice to the permit holder and an opportunity for a hearing. This rule is not intended to preclude the institution of court action as provided in 2 CSR 80-2.050 (Section 5 of the PMO) and 2 CSR 80-2.060 (Section 6 of the PMO). The [2009 edition of the] *Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures]* (PMO), 2011 Revision is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food Safety (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.040 Labeling.** The board is amending the purpose and section (1).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade "A" Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule provides regulations for the proper labeling of Grade A milk or milk products. This rule corresponds with [Part II,] Section 4 of the *Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations]* (PMO), 2011 Revision of the *United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) All bottles, containers, and packages enclosing milk or milk products defined in 2 CSR 80-2.010 (Section 1 of the PMO) of these rules shall be labeled in substantial compliance with the applicable requirements of the Federal Food, Drug and Cosmetic Act, the Fair Packaging and Labeling Act, and regulations developed thereunder and in addition shall comply with the applicable requirements of this rule as follows. The [2009 edition of the] *Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures]* (PMO), 2011 Revision is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public**

**Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food Safety (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 not cost the 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.050 Inspection Frequency and Procedure.** The board is amending the purpose and section (4).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade "A" Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule is for the purpose of providing requirements concerning inspection frequency and procedures. This rule corresponds with [Part II,] Section 5 of the *Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations]* (PMO), 2011 Revision of the *United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(4) It shall be unlawful for any person who, in an official capacity, obtains any information, which is entitled to protection as a trade secret (including information as to quantity, quality, source, or disposition of milk or milk products, or results of inspections or tests of milk or milk products), under the provisions of these rules, to use this information to his/her own advantage or to reveal it to any unauthorized person. The [2009 edition of the] *Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures]* (PMO), 2011 Revision is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1,

1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.060 The Examination of Milk and Milk Products.** The board is amending the purpose and section (6).

**PURPOSE:** This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

**PURPOSE:** This rule specifies sampling frequency and required chemical and bacteriological tests to be conducted both on raw and pasteurized Grade A dairy products. This rule corresponds with [Part II,] Section 6 of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].**

(6) Samples shall be analyzed at an official or appropriate officially-designated laboratory. All sampling procedures and required laboratory examinations shall be in substantial compliance with the current edition of *Standard Methods for the Examination of Dairy Products of the American Public Health Association*, and the current edition of *Official Methods of Analysis of the Association of Official Analytical Chemists*. These procedures, including the certification of sample collectors and examinations shall be evaluated in accordance with [2005/2011 *Evaluation of Milk Laboratories, Recommendations of the [U.S.] United States Department of Human and Health Services, Public Health Service/Food and Drug Administration*. Examinations and tests to detect adulterants, including pesticides, shall be conducted as the regulatory agency requires. Assays of milk and milk products to which vitamin(s) A, D, or both have been added, shall be made at least annually in a laboratory acceptable to the regulatory agency. The [2009 edition of the] **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**AUTHORITY:** section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed

March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.070 Standards for Milk and Milk Products.** The board is amending the purpose and sections (1) and (2).

**PURPOSE:** This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

**PURPOSE:** This rule provides standards which Grade A raw or pasteurized milk or milk products must meet with regard to cooling temperatures, bacterial limits, somatic cell counts, antibiotics, coliform limits, phosphatase determinations, and sanitation requirements for dairy farms, milk haulers, transfer stations, receiving stations, and milk plants. This rule corresponds with [Part II,] Section 7 of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].**

(1) All Grade A raw milk for pasteurization and all Grade A pasteurized milk and milk products shall be produced, processed, and pasteurized to conform with the following chemical, bacteriological, and temperature standards and the sanitation requirements of this rule. The [2009 edition of the] **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316)**, 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

(2) No process or manipulation other than pasteurization, processing methods integral to pasteurization, and appropriate refrigeration shall be applied to milk and milk products for the purpose of removing or deactivating microorganisms. Provided that in the bulk shipment of raw cream, skim milk, or lowfat milk, the heating of the raw milk to temperatures no greater than one hundred twenty-five degrees Fahrenheit (125 °F) (**fifty-two degrees Celsius (52 °C)**) for separation purposes is permitted when the resulting bulk shipments of cream, skim milk, and lowfat milk are labeled heat-treated.

Table 1—Chemical, Bacteriological, and Temperature Standards

Grade A raw milk for pasteurization	Temperature	Cooled to 45 °F (7 °C) or less within two (2) hours after milking, provided that the blend temperature first and subsequent milkings does not exceed 50 °F (10 °C).
	Bacterial limits	Individual producer milk not to exceed 100,000 per milliliter (ml) prior to commingling with other producer milk.  Not to exceed 300,000 per ml as commingled milk prior to pasteurization.
	Antibiotics	Tests and methodology as required by the <i>[2009] 2011 Grade A Pasteurized Milk Ordinance</i> .  Commingled milk: Tests and methodology as required by the <i>[2009] 2011 Grade A Pasteurized Milk Ordinance</i> .
	Somatic cell count	Individual producer milk: Not to exceed 750,000 per ml
Grade A pasteurized milk and milk products	Temperature	Cooled to 45 °F (7 °C) or less and maintained thereat.
	Bacterial limits*	20,000 per ml
	Coliform	Not to exceed 10 per ml: Provided that, in case of bulk milk transport tank shipments, shall not exceed 100 per ml
	Phosphatase	Less than one (1) microgram per ml by the Scharrer Rapid Method or Methods approved in the <i>[2009] 2011 [edition of the] Grade "A" Pasteurized Milk Ordinance</i> .
	Antibiotics	Test and methodology required by the <i>[2009] 2011 Grade "A" Pasteurized Milk Ordinance</i> .

\*Not applicable to cultured products.

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.080 Animal Health.** The board is amending the purpose and section (3).

*PURPOSE:* This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

*PURPOSE:* This rule provides requirements regarding animal health for Grade A dairy farms. This rule corresponds with [Part II,] Section 8 of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].**

(3) For diseases other than brucellosis and tuberculosis, the regulatory agency shall require physical, chemical, or bacteriological tests as it deems necessary. The diagnosis of other diseases in dairy cattle shall be based upon the findings of a licensed veterinarian or a veterinarian in the employ of an official agency. Any diseased animal disclosed by these test(s) shall be disposed of as the regulatory agency directs. The [2009 edition of the] **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 13, 2012.

*PUBLIC COST:* This proposed amendment will not cost state agen-

cies 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.091 Milk and Milk Products Which May Be Sold.** The board is amending the purpose and section (1).

*PURPOSE:* This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

*PURPOSE:* This rule specifies milk and milk products which may be sold. This rule corresponds with [Part II,] Section 9 of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].**

(1) From and after the date on which this rule is adopted, except as provided by law (section 196.935, RSMo), only Grade A pasteurized milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments. Provided that in an emergency, the sale of pasteurized milk and milk products which have not been graded or the grade of which is unknown, may be authorized by the regulatory agency; in which case, the milk and milk products shall be labeled ungraded. The [2009 edition of the] **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State

Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.101 Transferring; Delivery Containers; Cooling.** The board is amending the purpose and section (3).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule provides standards relating to transferring; delivery containers; and cooling of milk, milk products, or both. This rule corresponds with [Part II,] Section 10 of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Service, Public Health Service/Food and Drug Administration [(PMO)].*

(3) It shall be unlawful to sell or serve any pasteurized milk or milk products which have not been maintained at the temperature set forth in 2 CSR 80-2.070. If containers of pasteurized milk or milk products are stored in ice, the storage container shall be properly drained. The [2009 edition of the] *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision* is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO).*

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.110 Milk and Milk Products from Points Beyond the Limits of Routine Inspection.** The board is amending the purpose and section (1).

*PURPOSE:* This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE:* This rule provides for requirements for milk and milk products from points beyond the limits of routine inspection. This rule corresponds with [Part II,] Section II of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) Milk and milk products from points beyond the limits of routine inspection of the State Milk Board of Missouri or its jurisdiction may be sold in Missouri or its jurisdiction provided they are produced, pasteurized, or both, under rules which are substantially equivalent to the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health of Human Services, [U. S.] Public Health Service/Food and Drug Administration* and have been awarded an acceptable milk sanitation compliance and enforcement rating made by a state milk sanitation rating officer certified by the Food and Drug Administration. The [2009 edition of the] *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision* is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the *Pasteurized Milk Ordinance (PMO).*

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.121 Future Dairy Farms and Milk Plants.** The board is amending the purpose and section (1).

*PURPOSE: This proposed amendment is being updated to correspond with the new Grade "A" Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides requirements for construction or reconstruction of future dairy farms and milk plants. This rule corresponds with [Part II,] Section 12 of the Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) Properly prepared plans shall be submitted to the regulatory agency for written approval before work is begun on all milkhouses, milking barns, stables and parlors, transfer stations, receiving stations, and milk plants regulated under these rules which are constructed, reconstructed, or extensively altered after July 1, 1980. The [2009 edition of the] Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.130 Personnel Health.** The board is amending the purpose and section (1).

*PURPOSE: This proposed amendment is being updated to correspond with the new Grade "A" Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule establishes requirements relating to personnel health. This rule corresponds with [Part II,] Section 13 of the Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) No person affected with any disease in a communicable form, or

while a carrier of that disease, shall work at any dairy farm or milk plant in any capacity which brings him/her into contact with the production, handling, storage, or transportation of milk, milk products, containers, equipment, and utensils; and no dairy farm or milk plant operator shall employ in any capacity any person or any person suspected of having any disease in a communicable form or of being a carrier of disease. Any producer or distributor of milk or milk products, upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease in a communicable form, or has become a carrier of the disease, shall notify the regulatory agency immediately. The [2009 edition of the] Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

*AUTHORITY: section 196.939, RSMo 2000. Original rule filed April 20, 1973, effective April 30, 1973. Rescinded and readopted: Filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.141 Procedure When Infection is Suspected.** The board is amending the purpose and subsection (1)(C).

*PURPOSE: This proposed amendment is being updated to correspond with the new Grade "A" Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

*PURPOSE: This rule provides the procedure to follow when infection is suspected. This rule corresponds with [Part II,] Section 14 of the Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) When reasonable cause exists to suspect the possibility of transmission of infection from any person concerned with the handling of milk, milk products, or both, the regulatory agency is authorized to require any of the following measures:

(C) Adequate medical and bacteriological examination of the person, his/her associates, and of his/her and their body discharges. The [2009 edition of the] Grade "A" Pasteurized Milk Ordinance

[with Administrative Procedures] (PMO), 2011 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**AUTHORITY:** section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.151 Enforcement.** The board is amending the purpose and section (1).

**PURPOSE:** This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

**PURPOSE:** This rule provides for regulatory enforcement methods. This rule corresponds with [Part II,] Section 15 of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) These rules shall be enforced by the regulatory agency in accordance with the *Grade A Pasteurized Milk Ordinance [with Administrative Procedures—Recommendations] (PMO), 2011 Revision* of the United States Public Health Service/Food and Drug Administration, a copy of which shall be on file at the State Milk Board office. Where the mandatory compliance with provisions of the appendices is specified, provisions shall be deemed a requirement of these rules. The [2009 edition of the] *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**AUTHORITY:** section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30,

2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 2—Grade A Pasteurized Milk Regulations

### PROPOSED AMENDMENT

**2 CSR 80-2.161 Penalty.** The board is amending the purpose and section (1).

**PURPOSE:** This proposed amendment is being updated to correspond with the new *Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.*

**PURPOSE:** This rule provides for the penalty for violation of any of the provisions of these rules. This rule corresponds with [Part II,] Section 16 of the *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].*

(1) Any person(s) who shall violate any of the provisions of these rules shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than that established by the statutes of Missouri, or the person(s) may be enjoined from continuing the violations, or both. Each day upon which the violations occur shall constitute a separate violation. The [2009 edition of the] *Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision* is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**AUTHORITY:** section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Filed Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.170 Separability Clause.** The board is amending the purpose and section (1).

*PURPOSE:* This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

*PURPOSE:* This rule provides a separability clause. This rule corresponds with [Part II,] Section [17] 18 of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—2009 Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].**

(1) Should any section, paragraph, sentence, clause, or phrase of these rules be declared unconstitutional or invalid for any reason, the remainder of these rules shall not be affected. The [2009 edition of the] **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures] (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, [Milk Safety Branch (HFS-626)] Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the **Pasteurized Milk Ordinance (PMO).**

*AUTHORITY:* section 196.939, RSMo 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Amended: Feb. 15, 2007, effective July 30, 2007. Amended: Filed Aug. 3, 2009, effective Jan. 30, 2010. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 2—Grade A Pasteurized Milk Regulations**

**PROPOSED AMENDMENT**

**2 CSR 80-2.180 Adoption of the Grade A Pasteurized Milk Ordinance [with Administrative Procedures—Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)].** The board is amending the title of the rule, purpose, and section (1).

*PURPOSE:* This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration.**

*PURPOSE:* This rule provides for the adoption of the **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)]** which is the recommended ordinance for adoption by state and local governments for the sanitary control of Grade A milk and milk products.

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

(1) The **Grade “A” Pasteurized Milk Ordinance [with Administrative Procedures—Recommendations] (PMO), 2011 Revision of the United States Department of Health and Human Services, Public Health Service/Food and Drug Administration [(PMO)]** establishes minimum standards which must be complied with for satisfactorily producing and for processing Grade A raw milk for pasteurization and Grade A pasteurized milk and milk products in Missouri. The document further contains administrative procedures which provide information as to satisfactory compliance with the required items of sanitation. **The Grade “A” Pasteurized Milk Ordinance (PMO), 2011 Revision** is hereby incorporated by reference as published by the **United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835.** This rule does not incorporate any subsequent amendments or additions to the **Pasteurized Milk Ordinance (PMO).**

*AUTHORITY:* section 196.939, RSMo [1994] 2000. Original rule filed March 11, 1980, effective July 1, 1980. Amended: Filed Feb. 1, 1990, effective April 26, 1990. Emergency amendment filed Oct. 25, 1999, effective Nov. 4, 1999, expired May 1, 2000. Amended: Filed Nov. 1, 1999, effective April 30, 2000. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register.** No public hearing is scheduled.

**Title 2—DEPARTMENT OF AGRICULTURE  
Division 80—State Milk Board  
Chapter 4—Grade A Raw Milk for Pasteurization and  
Grade A Milk or Milk Products from Points Beyond  
the Limits of Routine Inspection**

**PROPOSED AMENDMENT**

**2 CSR 80-4.010 Rules for Import Milk.** The board is amending section (1) and adding section (3).

*PURPOSE:* This proposed amendment is being updated to correspond with the new **Grade “A” Pasteurized Milk Ordinance (PMO)—2011 Revision of the United States Department of Health and Human**

*Services, Public Health Service, Food and Drug Administration.*

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

(1) The following regulations shall apply to section 196.949, RSMo [(1986)] **Supp. 2011** and [all section 8 and 11 requirements of] the Grade "A" Pasteurized Milk Ordinance [with Administrative Procedures—1978 Recommendations] (PMO), 2011 Revision of the [U.S.] United States Department of Health and Human Services, Public Health Service/Food and Drug Administration shall apply; except that in addition to these requirements, the following shall also apply:

(C) Fees established annually by the [Missouri] State Milk Board to cover the cost of sample collection and analysis along with administration of the program shall be paid on a monthly basis to the State Milk Board by the owner or manager of the milk source by the twentieth of each month for the preceding calendar month;

(D) All imported Grade A milk supplies shall be accepted in Missouri only after the source has been permitted [jointly] by the [Missouri Division of Health, State Department of Agriculture and the] State Milk Board[;] and it's authorized representative; and

(3) The Grade "A" Pasteurized Milk Ordinance (PMO), 2011 Revision is hereby incorporated by reference as published by the United States Department of Health and Human Services, Public Health Service, Food and Drug Administration, Division of Plant and Dairy Food (HFS-316), 5100 Paint Branch Parkway, College Park, MD 20740-3835. This rule does not incorporate any subsequent amendments or additions to the Pasteurized Milk Ordinance (PMO).

**AUTHORITY:** *section 196.949, RSMo [1986] Supp. 2011. Original rule filed May 3, 1976, effective Sept. 11, 1976. Amended: Filed Aug. 25, 1981, effective Jan. 14, 1982. Amended: Filed March 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 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 State Milk Board, 1616 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**PROPOSED AMENDMENT**

**3 CSR 10-6.415 Restricted Zones.** The commission proposes to amend section (6) of this rule.

**PURPOSE:** *This amendment clarifies ownership of areas where the use of shoes, boots, or waders with porous soles are prohibited.*

(6) The use of shoes, boots, or waders with porous soles incorporating or having felt, matted, or woven fibrous materials is prohibited on the following [department] areas:

**AUTHORITY:** *sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.120 Pets and Hunting Dogs.** The commission proposes to delete paragraph (1)(A)5. and renumber subsequent paragraphs of this rule.

**PURPOSE:** *This amendment eliminates the prohibition of pets and hunting dogs at Rockwoods Reservation.*

(1) Pets and hunting dogs are permitted but must be on a leash or confined at all times, except as otherwise provided by signs, area brochures, or this chapter.

(A) Pets and hunting dogs are prohibited on the following department areas:

1. Burr Oak Woods Conservation Area;
2. Cape Girardeau Conservation Campus Nature Center;
3. Engelmann Woods Natural Area;
4. Powder Valley Conservation Nature Center;
- [5. Rockwoods Reservation;]
- [6.]5. Runge Conservation Nature Center;
- [7.]6. Springfield Conservation Nature Center; and
- [8.]7. White Alloe Creek Conservation Area.

**AUTHORITY:** *sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 11—Wildlife Code: Special Regulations for  
Department Areas**

**PROPOSED AMENDMENT**

**3 CSR 10-11.180 Hunting, General Provisions and Seasons.** The commission proposes to add subsection (20)(B) and re-letter subsequent subsections of this rule.

*PURPOSE:* This amendment restricts hunting methods allowed at Horton Farm Conservation Area.

(20) Firearms firing single projectiles larger than twenty-two (.22) caliber rimfire are prohibited on the following areas:

- (B) Horton Farm Conservation Area**
- [(B)](C) Montrose Conservation Area*
- [(C)](D) Guy B. Park Conservation Area*
- [(D)](E) Platte Falls Conservation Area*

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.109 Closed Hours.** The commission proposes to delete subsections (1)(E), (1)(F), and (1)(H); add subsections (1)(D), (1)(E), and (1)(K); and re-letter subsequent subsections of this rule.

*PURPOSE:* This amendment removes Higbee (City Waterworks Lake) from the list of areas closed from 10:00 p.m. to 4:00 a.m. daily for certain uses and adds Cameron Reservoirs Nos. 1, 2, and 3 to the list. An ordering issue is also corrected.

(1) Closed Hours. The following areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats, and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this chapter.

- (D) Cameron (Reservoirs Nos. 1, 2, and 3, and Grindstone**

- Reservoir)**
- (E) Department of Mental Health (Marshall Habilitation Center Lake)**
- [(D)](F) Empire District Electric Company (Ozark Beach Recreation Area)*
- [(E) Department of Mental Health (Marshall Habilitation Center Lake)]*
- [(F) Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8)]*
- [(H) Higbee (City Waterworks Lake)]*
- [(I)](H) Kirksville (Hazel Creek Lake, Spur Pond)*
- [(J)](I) Lancaster (City Lake, Paul Bloch Memorial Pond)*
- [(K)](J) LaPlata City Lake*
- (K) Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8)**

*AUTHORITY:* sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed June 1, 2001, effective Oct. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 12—Wildlife Code: Special Regulations for  
Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.110 Use of Boats and Motors.** The commission proposes to amend section (5), delete subsections (5)(A) and (B), re-letter the remaining subsection, add subsection (6)(A), and re-letter subsequent subsections of this rule.

*PURPOSE:* This amendment removes Bethany (North Bethany City Reservoir) and Fayette (D.C. Rogers Lake, Peters Lake) from the list of areas where outboard motors not in excess of ten (10) horsepower may be used and adds Bethany (North Bethany City Reservoir) to the list of areas where outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed.

(5) Outboard motors not in excess of ten (10) horsepower may be used on the following area[s]:

- [(A) Bethany (North Bethany City Reservoir)]*
- [(B) Fayette (D.C. Rogers Lake, Peters Lake)]*
- [(C)](A) Springfield City Utilities (Lake Springfield)*

(6) Outboard motors in excess of ten (10) horsepower may be used but must be operated at slow, no-wake speed on the following areas:

- (A) Bethany (North Bethany City Reservoir)**
- [(A)](B) Brookfield City Lake*
- [(B)](C) Cameron (Grindstone Reservoir)*
- [(C)](D) Fayette (D.C. Rogers Lake, Peters Lake)*
- [(D)](E) Fredericktown City Lake*

*[(E)](F)* Green City Lake  
*[(F)](G)* Little River Drainage District (Headwaters Diversion Channel)  
*[(G)](H)* Higginsville City Lake  
*[(H)](I)* Holden City Lake  
*[(I)](J)* Iron Mountain City Lake  
*[(J)](K)* La Plata City Lake  
*[(K)](L)* Macon City Lake  
*[(L)](M)* Marceline (Marceline City Lake, Old Marceline City Reservoir)  
*[(M)](N)* Mark Twain National Forest (Council Bluff Lake, Palmer Lake)  
*[(N)](O)* Maysville (Willow Brook Lake)  
*[(O)](P)* Memphis (Lake Showme)  
*[(P)](Q)* Milan (Elmwood Lake)  
*[(Q)](R)* Moberly (Rothwell Park Lake, Sugar Creek Lake, and Water Works Lake)  
*[(R)](S)* Monroe City (Route J Reservoir)  
*[(S)](T)* Unionville (Lake Mahoney)  
*[(T)](U)* Wakonda State Park (Agate Lake and Wakonda Lake)  
*[(U)](V)* Watkins Woolen Mill State Park and Historic Site (Williams Creek Lake)

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. 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 3—DEPARTMENT OF CONSERVATION**  
**Division 10—Conservation Commission**  
**Chapter 12—Wildlife Code: Special Regulations for**  
**Areas Owned by Other Entities**

**PROPOSED AMENDMENT**

**3 CSR 10-12.125 Hunting and Trapping.** The commission proposes to delete paragraph (1)(B)16. and renumber subsequent paragraphs of this rule.

*PURPOSE: This amendment removes Jamesport City Lake from the this rule.*

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet published in August and annual *Spring Turkey Hunting Regulations and Information* booklet published in March, which are incorporated in this *Code* by reference. A printed copy of these booklets can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and are also available online at [www.missouriconservation.org](http://www.missouriconservation.org). This rule does not incorporate any

subsequent amendments or additions.

(B) Hunting is prohibited on the following areas:

1. Thomas S. Baskett Wildlife Research and Education Center;
2. Bethany (Old Bethany City Reservoir);
3. Buchanan County (Gasper Landing);
4. California (Proctor Park Lake);
5. Carthage (Kellogg Lake);
6. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lake);
7. Dexter City Lake;
8. Farmington (Giessing Lake, Hager Lake, Thomas Lake);
9. Fenton (Preslar Lake, Upper Fabick Lake, Westside Lake);
10. Fulton (Morningside Lake, Truman Lake, Veterans Park Lake);
11. Hamilton City Lake;
12. Harrisonville (North Lake);
13. Jackson (Rotary Lake);
14. Jackson County (Alex George Lake, Bergan Lake, Bowlin Road Pond, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
15. James Foundation (Scioto Lake);
- [16.]16.* Jamesport City Lake;
- [17.]16.* Kirksville (Spur Pond);
- [18.]17.* Lawson City Lake;
- [19.]18.* Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
- [20.]19.* Macon County (Fairgrounds Lake);
- [21.]20.* Mexico (Lakeview Lake, Kiwanis Lake);
- [22.]21.* Mineral Area College (Quarry Pond);
- [23.]22.* Moberly (Rothwell Park Lake, Water Works Lake);
- [24.]23.* Mount Vernon (Williams Creek Park Lake);
- [25.]24.* Odessa (Lake Venita);
- [26.]25.* Overland (Wild Acres Park Lake);
- [27.]26.* Potosi (Roger Bilderback Lake);
- [28.]27.* Rolla (Schuman Park Lake);
- [29.]28.* St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
- [30.]29.* St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake);
- [31.]30.* Savannah City Lake;
- [32.]31.* Sedalia (Clover Dell Park Lake);
- [33.]32.* Sedalia Water Department (Spring Fork Lake);
- [34.]33.* Springfield City Utilities (Lake Springfield);
- [35.]34.* Warrensburg (Lions Lake);
- [36.]35.* Watershed Committee of the Ozarks (Valley Water Mill Lake); and
- [37.]36.* Windsor (Farrington Park Lake).

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed March 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 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 Tom A. Draper, Deputy Director, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180. To be considered, comments must be*

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 85—Intermediate Care and Skilled Nursing Facility**

**PROPOSED AMENDMENT**

**19 CSR 30-85.022 Fire Safety and Emergency Preparedness Standards for New and Existing Intermediate Care and Skilled Nursing Facilities.** The department is amending the title of the rule, the purpose statement, the second publisher's note, sections (1), (5), (8), (10), (11), (13), (21), (33), (39), (40), and (41); deleting section (12); adding new section (14); and renumbering sections (13) and (14).

*PURPOSE: This amendment adds emergency preparedness requirements, updates and clarifies fire alarm system and sprinkler system requirements, and removes redundancy and archaic language.*

*PURPOSE: This rule establishes fire-safety and emergency preparedness requirements for new and existing intermediate care and skilled nursing facilities.*

*[PUBLISHER'S] AGENCY NOTE: All rules relating to long-term care facilities licensed by the [Division of Aging] Department of Health and Senior Services are followed by a Roman Numeral notation which refers to the class (either class I, II, or III) of standard as designated in section 198.085[. 1], RSMo [1994] 2000.*

(1) Definitions. For the purpose of this rule, the following definitions shall apply:

(A) Accessible spaces—shall include all rooms, halls, storage areas, basements, attics, lofts, closets, elevator shafts, enclosed stairways, dumbwaiter shafts, and chutes;

(B) Area of refuge—a space located in or immediately adjacent to a path of travel leading to an exit that is protected from the effects of fire, either by means of separation from other spaces in the same building or its location, permitting a delay in evacuation. An area of refuge may be temporarily used as a staging area that provides some relative safety to its occupants while potential emergencies are assessed, decisions are made, and if applicable, evacuation has begun; *[and]*

(C) Major renovation—shall include the following:

1. Addition of any room(s), accessible by residents, that either exceeds fifty percent (50%) of the total square footage of the facility or exceeds four thousand five hundred (4,500) square feet; *[or]*

2. Repairs, remodeling, or renovations that involve more than fifty percent (50%) of the building; *[or]*

3. Repairs, remodeling, or renovations that involve more than four thousand five hundred (4,500) square feet of a smoke section.; *[and]*

4. If the addition is separated by two- (2-)/[-] hour fire-resistant construction, only the addition portion shall meet the requirements for an NFPA 13, 1999 edition, sprinkler system, unless the facility is otherwise required to meet NFPA 13, 1999 edition.; *[and]*

(D) Concealed spaces—shall include areas within the building that cannot be occupied or used for storage.

(5) The *[department prohibits the]* storage of any unnecessary combustible materials in any part of a building in which a licensed facility is located is **prohibited**. No section of the building shall present a fire hazard. I/II

(8) Fire Extinguishers.

(D) All fire extinguishers shall bear the label of the *[Underwriters' Laboratories (UL)]* or the *[Factory Mutual (FM)]* Laboratories and shall be installed and maintained in accordance with NFPA 10, 1998 edition. This includes the documentation and dating of a monthly pressure check. II/III

(10) Complete Fire Alarm Systems.

(A) Facilities shall have a complete fire alarm system installed in accordance with NFPA 101, Section 18.3.4, 2000 edition. The complete fire alarm system shall automatically transmit to the fire department, dispatching agency, or central monitoring company. The complete fire alarm system shall include visual signals and audible alarms that can be heard throughout the building and a main panel that interconnects all alarm-activating devices and audible signals in accordance with NFPA 72, 1999 edition. *[At a minimum, the complete fire alarm system shall consist of m/Manual pull stations shall be installed at or near each required nurse/attendant's station and each required exit. [and s/Smoke detectors shall be interconnected to the complete fire alarm system. Specific minimum requirements relating to the interconnected smoke detectors are found in subsections (10)(I) and (10)(J) of this rule. I/II*

(G) Upon discovery of a fault with the complete fire alarm system, the facility shall *[promptly]* correct the fault. I/II

(I) *[Facilities that have a sprinkler system in accordance with NFPA 13, 1999 edition,]* All facilities shall have smoke detectors interconnected to the complete fire alarm system in all corridors and spaces open to *[the]* corridors. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. I/II

(J) Facilities that *[do not have a sprinkler system in accordance with NFPA 13, 1999 edition,]* have a sprinkler system exemption shall have smoke detectors interconnected to the complete fire alarm system in all accessible spaces within the facility as required by NFPA 72, 1999 edition. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. Smoke detectors shall not be installed in areas where environmental influences may cause nuisance alarms. Such areas include, but are not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. In these areas, heat detectors interconnected to the complete fire alarm system shall be installed. Bathrooms not exceeding fifty-five (55) square feet and clothes closets, linen closets, and pantries not exceeding twenty-four (24) square feet are exempt from having any detection device if the walls and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. Concealed spaces of noncombustible or limited-combustible construction are not required to have detection devices. These spaces may have limited access but cannot be occupied or used for storage. I/II

(K) For each facility not having a sprinkler system exemption, each resident room or any room designated for sleeping shall be equipped with at least one (1) battery-powered smoke alarm installed, tested, and maintained in accordance with manufacturer's specifications. In addition, the facility shall be equipped with interconnected heat detectors installed, tested, and maintained in accordance with NFPA 72, 1999 edition, with detectors in all areas subject to nuisance alarms, including, but not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. I/II

1. The facility shall maintain a written record of the monthly testing and battery changes. The written records shall be retained for one (1) year. I/II

2. Upon discovery of a fault with any detector or alarm, the facility shall correct the fault. I/II

(11) Sprinkler System.

(B) All facilities licensed prior to August 28, 2007, that *[do not]*

were not required to have a complete sprinkler system in accordance with NFPA 13 shall have until December 31, 2012, to comply with NFPA 13, 1999 edition. I/II *[Exceptions shall be granted to this requirement if the following conditions are met:]*

1. *[The water supply for an NFPA 13 sprinkler system is unavailable, and the department receives a statement in writing from a licensed engineer or a certified sprinkler representative documenting the unavailability of water; or]* Exemptions shall be granted if the facility presents evidence in writing from a certified sprinkler system representative or licensed engineer that the facility is unable to install an approved NFPA 13, 1999 edition, system due to the unavailability of the water supply. I/II

2. *The facility meets Chapter 33 of NFPA 101, Life Safety Code, 2000 edition, and the evacuation capability of residents meets the standards in NFPA 101A, Guide to Alternative Approaches to Life Safety, 2001 edition. I/II]*

(C) Facilities that have sprinkler systems installed prior to August 28, 2007, shall inspect, maintain, and test these systems in accordance with *[NFPA 13, 1999 edition, and NFPA 25, 1998 edition]* the requirements in effect for such facilities licensed on August 27, 2007. I/II

(D) Facilities licensed on or after August 28, 2007, or any section of a facility *[performing]* in which a major renovation/s to the facility has been completed on or after August 28, 2007, shall *[have]* install and maintain a complete sprinkler system *[installed]* in accordance with NFPA 13, 1999 edition. I/II

(E) When a sprinkler system is to be out-of-service for more than four (4) hours in a twenty-four- (24-)/- hour period, the facility shall immediately notify the department and the local fire authority and implement an approved fire watch in accordance with NFPA 101, 2000 edition, until the sprinkler system has returned to full service. I/II

*[(12) All facilities shall submit, by July 1, 2008, a plan for compliance to the state fire marshal showing how the facility meets the requirements of sections (10), (11), (28), and (29) of this rule. If the facility's plan for compliance does not meet the requirements of sections (10), (11), (28), and (29) of this rule, the facility shall provide the state fire marshal with a written plan to include, at a minimum, an explanation of how the requirements of sections (10), (11), (28), and (29) will be met, when they will be met, and contact information in the event the plan does not evidence compliance with these requirements. II]*

*(A) To qualify for a sprinkler system exception, the facility shall present evidence to the state fire marshal in writing from a certified sprinkler system representative or licensed engineer that the facility is unable to install an approved National Fire Protection Association 13 system due to the unavailability of water supply requirements associated with this system or the facility meets the safety requirements of Chapter 33 of existing residential board and care occupancies of NFPA 101, Life Safety Code. II]*

*[(13)](12) Each floor of an existing licensed facility shall have at least two (2) unobstructed exits remote from each other. One (1) of the required exits in an existing multi-story facility must be an outside stairway or an enclosed stair that is separated by one- (1-)/- hour construction from each floor and has an exit leading directly outside at grade level. One (1) exit may lead to a lobby with exit facilities to the ground level outside instead of leading directly to the outside. The lobby shall have at least a one- (1-)/- hour fire-rated separation from the remainder of the exiting floor. I/II]*

*[(14)](13) If facilities have outside stairways, they shall be substantially constructed to support residents during evacuation. These stairways shall be protected or cleared of ice and snow. [Fire escapes*

*added to existing buildings, whether interior or exterior, shall have at least a minimum thirty-six-inch (36") width, eight-inch (8") maximum risers, a nine-inch (9") minimum tread, no winders, a maximum height between landings of twelve feet (12'), minimum landing dimensions of forty-four inches (44"), landings at each exit door, and handrails on both sides.] Stairways shall be of sturdy construction using at least two-inch (2") lumber and shall be continuous to ground level. [Exit(s) to fire escapes shall be at least thirty-six inches (36") wide, and the fire-escape door shall swing outward.] All treads and risers shall be of the same height and width throughout the entire stairway, not including landings. II/III]*

**(14) Fire escapes added to existing buildings, whether interior or exterior, shall have at least a minimum thirty-six-inch (36") width, eight-inch (8") maximum risers, a nine-inch (9") minimum tread, no winders, a maximum height between landings of twelve feet (12'), minimum landing dimensions of forty-four inches (44"), landings at each exit door, and handrails on both sides. Exit(s) to fire escapes shall be at least thirty-six inches (36") wide, and the fire-escape door shall swing outward. All treads and risers shall be of the same height and width throughout the entire stairway, not including landings. II/III**

(21) Facilities shall maintain corridors to be free of obstruction, *[or]* equipment, or supplies not in use. Doors to resident rooms shall not swing into the corridor. II/III

**(33) Fire Drills and [Evacuation Plans.] Emergency Preparedness.**

(A) All facilities shall *[develop]* have a written plan *[for fire drills and other emergencies and evacuation]* to meet potential emergencies or disasters and shall request consultation and assistance annually from a local fire unit for review of fire and evacuation plans. If the consultation cannot be obtained, the facility shall inform the state fire marshal *[immediately]* in writing and request assistance in review of the plan. **An up-to-date copy of the facility's entire plan shall be provided to the local jurisdiction's emergency management director. II/III**

(B) The plan shall include, but is not limited to—

1. A phased response ranging from relocation of residents to an immediate area within the facility; *[to]* relocation to an area of refuge, if applicable*[,];* or to total building evacuation. This phased response part of the plan shall be consistent with the direction of the local fire unit or state fire marshal and shall be appropriate for the fire or emergency;

2. Written instructions for evacuation of each floor including evacuation to areas of refuge, if applicable, and floor plan showing the location of exits, fire alarm pull stations, fire extinguishers, and any areas of refuge;

3. Evacuating residents, if necessary, from an area of refuge to a point of safety outside the building;

4. The location of any additional water sources on the property such as cisterns, wells, lagoons, ponds, or creeks;

5. Procedures for the safety and comfort of residents evacuated;

6. Staffing assignments;

7. Instructions for staff to call the fire department or other outside emergency services;

8. Instructions for staff to call alternative resource(s) for housing residents, if necessary;

9. Administrative staff responsibilities; and

10. Designation of a staff member to be responsible for accounting for all residents' whereabouts. II/III

**(39) All new floor covering installed [shall be Class I in non-sprinklered buildings and Class II in sprinklered] in buildings that do not have a sprinkler system shall be Class I in accordance with NFPA 253, 2000 edition. II/III**

(40) Trash and Rubbish Disposal Requirements.

(A) Only metal or UL- or [Factory Mutual (FM)-] FM-approved wastebaskets shall be used for the collection of trash. II

(41) Minimum [s]Staffing for [s]Safety and [p]Protective [o]Oversight to [r]Residents [shall be—].

(A) In a [fire-resistant or sprinklered] building[—] that is of fire-resistant construction or a building with a sprinkler system, minimum staffing shall be the following:

Time	Personnel	Residents
7 a.m. to 3 p.m. (Day)	1	3-10*
3 p.m. to 11 p.m. (Evening)	1	3-15*
11 p.m. to 7 a.m. (Night)	1	3-20*

\*One (1) additional staff person for every fraction after that[;]. I/II [or]

(B) In a [nonfire-resistant, nonsprinklered] building[—] that is of nonfire-resistant construction or a building that has a sprinkler system exemption, minimum staffing shall be the following:

Time	Personnel	Residents
7 a.m. to 3 p.m. (Day)	1	3-10*
3 p.m. to 11 p.m. (Evening)	1	3-15*
11 p.m. to 7 a.m. (Night)	1	3-15*

\*One (1) additional staff person for every fraction after that. I/II

*AUTHORITY: sections 198.074 and 198.079, RSMo Supp. [2008] 2011. This rule originally filed as 13 CSR 15-14.022. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2012.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions five hundred seventy-seven dollars and eighty cents (\$577.80) annually in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities seven thousand nine hundred twenty-eight dollars and seventy cents (\$7,928.70) annually in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. 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  
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services  
Division Title: Division of Regulation and Licensure  
Chapter Title: Chapter 85**

<b>Rule Number and Title:</b>	19 CSR 30-85.022 Fire Safety and Emergency Preparedness Standards for New and Existing Intermediate Care and Skilled Nursing Facilities
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Provide the local jurisdiction's emergency management director with an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan – 36 Intermediate Care Facilities and Skilled Nursing Facilities</b>	<b>\$577.80</b>

**III. WORKSHEET**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This proposed amendment requires all intermediate care and skilled nursing facilities to have a written plan to meet potential emergencies or disasters and submit an up to date copy of the plans to their local jurisdiction's emergency management director.

**IV. ASSUMPTIONS**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This fiscal note is an estimated cost to print and certify mail a copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.

The section utilized the January 18, 2007 version of the Disaster Preparedness Plan *Template for use in Long Term Care Facilities* as a guide for the plans. The template is a 58 page document and the estimate is based on printing one-side of 8 ½ by 11 inch paper.

A. Print and certify mail an emergency or disaster plan, fire and evacuation plan.

1. The cost to print the 58 page template is **\$6.00**. Cost to certify mail the 58 page template in a United States Postal Service small flat rate box (up to four (4) lbs)) with a return receipt is **\$10.05**.



2. The cost to print (**\$6.00**) + cost to certify mail (**\$10.05**) = Total cost for one (1) facility to certify mail an up to date copy of the emergency or disaster plan and fire and evacuation plan (**\$16.05**).
3. Total cost to mail an up to date copy of the plans (**\$16.05**) x total number of facilities (**36**) = Total annual estimated cost in the aggregate for public facilities (**\$577.80**).

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services  
Division Title: Division of Regulation and Licensure  
Chapter Title: Chapter 85**

<b>Rule Number and Title:</b>	19 CSR 30-85.022 Fire Safety and Emergency Preparedness Standards for New and Existing Intermediate Care and Skilled Nursing Facilities
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>Provide the local jurisdiction's emergency management director with an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan – 494 Intermediate Care Facilities and Skilled Nursing Facilities</b>	Intermediate Care Facilities and Skilled Nursing Facilities	<b>\$7,928.70</b>

**III. WORKSHEET**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This proposed amendment requires all intermediate care and skilled nursing facilities to have a written plan to meet potential emergencies or disasters and submit an up to date copy of the plans to their local jurisdiction's emergency management director.

**IV. ASSUMPTIONS**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This fiscal note is an estimated cost to print and certify mail a copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.

The section utilized the January 18, 2007 version of the Disaster Preparedness Plan *Template for use in Long Term Care Facilities* as a guide for the plans. The template is a 58 page document and the estimate is based on printing one-side of 8 ½ by 11 inch paper.

- A. Print and certify mail an emergency or disaster plan, fire and evacuation plan.
1. The cost to print the 58 page template is **\$6.00**. Cost to certify mail the 58 page template in a United States Postal Service small flat rate box (up to four (4) lbs)) with a return receipt is **\$10.05**.
  2. The cost to print (**\$6.00**) + cost to certify mail (**\$10.05**) = Total cost for one (1) facility to certify mail an up to date copy of the emergency or disaster plan and fire and evacuation plan (**\$16.05**).
  3. Total cost to mail an up to date copy of the plans (**\$16.05**) x total number of facilities (**494**) = Total annual estimated cost in the aggregate for private facilities (**\$7,928.70**).

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

**PROPOSED AMENDMENT**

**19 CSR 30-86.022 Fire Safety and Emergency Preparedness Standards for Residential Care Facilities and Assisted Living Facilities.** The department is amending the title of the rule, the purpose statement, editor's note, and sections (1), (5), (7), (9), (10), (11), (12), and (13); deleting section (12); adding section (17); and renumbering sections throughout.

*PURPOSE: This amendment adds emergency preparedness requirements, updates and clarifies fire alarm system and sprinkler system requirements, and removes redundancy and archaic language.*

*PURPOSE: This rule establishes fire safety and emergency preparedness standards for residential care facilities and assisted living facilities.*

*[Editor's Note] AGENCY NOTE: All rules relating to long-term care facilities licensed by the [d]Department of Health and Senior Services are followed by a Roman Numeral notation which refers to the class (either class I, II, or III) of standard as designated in section 198.085[. 1], RSMo [Supp 1999] 2000.*

(1) Definitions. For the purpose of this rule, the following definitions shall apply:

(A) Accessible spaces—shall include all rooms, halls, storage areas, basements, attics, lofts, closets, elevator shafts, enclosed stairways, dumbwaiter shafts, and chutes[.];

(B) Area of refuge—a space located in or immediately adjacent to a path of travel leading to an exit that is protected from the effects of fire, either by means of separation from other spaces in the same building or its location, permitting a delay in evacuation. An area of refuge may be temporarily used as a staging area that provides some relative safety to its occupants while potential emergencies are assessed, decisions are made, and, if applicable, evacuation has begun[.];

(C) Major renovation—shall include the following:

1. Addition of any room(s), accessible by residents, that either exceeds fifty percent (50%) of the total square footage of the facility or exceeds four thousand five hundred (4,500) square feet; *or*

2. Repairs, remodeling, or renovations that involve structural changes to more than fifty percent (50%) of the building; *or*

3. Repairs, remodeling, or renovations that involve structural changes to more than four thousand five hundred (4,500) square feet of a smoke section; *or*

4. If the addition is separated by two- (2-)/- hour fire-resistant construction, only the addition portion shall meet the requirements for NFPA 13, 1999 edition, sprinkler system, unless the facility is otherwise required to meet NFPA 13, 1999 edition[.];

(D) Fire-resistant construction—type of construction in residential care and assisted living facilities in which bearing walls, columns, and floors are of noncombustible material in accordance with NFPA 101, 2000 edition. All load-bearing walls, floors, and roofs shall have a minimum of a one- (1-)/- hour fire-resistant rating[.]; **and**

(E) **Concealed spaces—shall include areas within the building that cannot be occupied or used for storage.**

(5) Fire Drills and *[Evacuation Plans]* **Emergency Preparedness.**

(A) All facilities shall *[develop]* have a written plan *[for fire drills and other emergencies and evacuation]* to meet potential emergencies or disasters and shall request consultation and assistance annually from a local fire unit **for review of fire and evacua-**

**tion plans.** If the consultation cannot be obtained, the facility shall inform the state fire marshal in writing and request assistance in review of the plan. **An up-to-date copy of the facility's entire plan shall be provided to the local jurisdiction's emergency management director.** II/III

(B) The plan shall include, but is not limited to, the following:

1. A phased response ranging from relocation of residents **to an immediate area** within the facility; *[to]* relocation to an area of refuge, if applicable[.]; **or** to total **building** evacuation. This phased response part of the plan shall be consistent with the direction of the local fire unit or state fire marshal and appropriate for the fire or emergency;

2. Written instructions for evacuation of each floor including evacuation to areas of refuge, if applicable, and a floor plan showing the location of exits, fire alarm pull stations, fire extinguishers, and any areas of refuge;

3. Evacuating residents, if necessary, from an area of refuge to a point of safety outside the building;

4. The location of any additional water sources on the property such as cisterns, wells, lagoons, ponds, or creeks;

5. Procedures for the safety and comfort of residents evacuated;

6. Staffing assignments;

7. Instructions for staff to call the fire department or other outside emergency services;

8. Instructions for staff to call alternative resource(s) for housing residents, if necessary;

9. Administrative staff responsibilities; and

10. Designation of a staff member to be responsible for accounting for all residents' whereabouts. II/III

(7) Exits, Stairways, and Fire Escapes.

(A) Each floor of a facility shall have at least two (2) unobstructed exits remote from each other. I/II

1. For a facility whose plans were approved on or before December 31, 1987, or a facility licensed for twenty (20) or fewer *[residents]* **beds**, one (1) of the required exits from a multi-story facility shall be an outside stairway or an enclosed stairway that is separated by one- (1-)/- hour rated construction from each floor with an exit leading directly to the outside at grade level. Existing plaster or gypsum board of at least one-half inch (1/2") thickness may be considered equivalent to one- (1-)/- hour rated construction. The other required exit may be an interior stairway leading through corridors or passageways to outside or to a two- (2-)/- hour rated horizontal exit as defined by paragraph 3.3.61 of the 2000 edition NFPA 101. Neither of the required exits shall lead through a furnace or boiler room. Neither of the required exits shall be through a resident's bedroom, unless the bedroom door cannot be locked. I/II

2. For a facility whose plans were approved after December 31, 1987, for more than twenty (20) *[residents]* **beds**, the required exits shall be doors leading directly outside, one- (1-)/- hour enclosed stairs or outside stairs or a two- (2-)/- hour rated horizontal exit as defined by paragraph 3.3.61 of 2000 edition NFPA 101. The one (1)-hour enclosed stairs shall exit directly outside at grade. Access to these shall not be through a resident bedroom or a hazardous area. I/II

3. Only one (1) of the required exits may be a two- (2-)/- hour rated horizontal exit. I/II

(C) In residential care facilities and facilities formerly licensed as residential care facilities II, floors housing residents who require the use of a walker, wheelchair, or other assistive devices or aids, or who are blind, must have two (2) accessible exits to grade or such residents must be housed near accessible exits as specified in 19 CSR 30-86.042(33) for residential care facilities and 19 CSR 30-86.043(31) for facilities formerly licensed as residential care facilities II unless otherwise prohibited by 19 CSR 30-86.045 or 19 CSR 30-86.047, facilities equipped with a complete sprinkler system, in accordance with NFPA 13 or NFPA 13R, 1999 edition, with sprinkler*[ed]* **coverage** in attics, and smoke partitions, as defined by subsection (10)(I) of

this rule, may house such residents on floors that do not have accessible exits to grade if each required exit is equipped with an area of refuge as defined and described in subsections (1)(B) and (7)(D) of this rule. I/II

(D) An "area of refuge" shall have:—

1. An area separated by one- (1-)/- hour rated smoke walls, from the remainder of the building. This area must have direct access to the exit stairway or access the stair through a section of the corridor that is separated by smoke walls from the remainder of the building. This area may include no more than two (2) resident rooms;

2. A two- (2-)/- way communication or intercom system with both visible and audible signals between the area of refuge and the bottom landing of the exit stairway, attendants' work area, or other primary location as designated in the written plan for fire drills and evacuation;

3. Instructions on the use of the area during emergency conditions that are located in the area of refuge and conspicuously posted adjoining the communication or intercom system;

4. A sign at the entrance to the room that states "AREA OF REFUGE IN CASE OF FIRE" and displays the international symbol of accessibility;

5. An entry or exit door that is at least a one and three-fourths inch (1 3/4") solid core wood door or has a fire protection rating of not less than twenty (20) minutes with smoke seals and positive latching hardware. These doors shall not be lockable;

6. A sign conspicuously posted at the bottom of the exit stairway with a diagram showing each location of the areas of refuge;

7. Emergency lighting for the area of refuge; and

8. The total area of the areas of refuge on a floor shall equal at least twenty (20) square feet for each resident who is blind or requires the use of wheelchair or walker housed on the floor. II

(9) Complete Fire Alarm Systems.

(A) All [F]facilities [that did not have a complete fire alarm system prior to August 28, 2007,] shall have a complete fire alarm system installed in accordance with NFPA 101, Section 18.3.4, 2000 edition. The complete fire alarm shall automatically transmit to the fire department, dispatching agency, or central monitoring company. The complete fire alarm system shall include visual signals and audible alarms that can be heard throughout the building and a main panel that interconnects all alarm-activating devices and audible signals. [At a minimum, the complete fire alarm system shall consist of a m]Manual pull stations shall be installed at or near each required attendant's station and each required exit [in accordance with NFPA 72, 1999 edition and the following]. I/II[:]

1. For facilities with a sprinkler system in accordance with NFPA 13, 1999 edition, smoke detectors interconnected to the complete fire alarm system shall be installed in all corridors and spaces open to [the] corridors. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. I/II

**A. In facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable if the distance is within the manufacturer's specifications. I/II**

2. For facilities with a sprinkler system in accordance with NFPA 13R, 1999 edition, smoke detectors interconnected to the complete fire alarm system shall be installed in all corridors, spaces open to [the] corridors, and in accessible spaces **not protected by the sprinkler system**, as required by NFPA 72, 1999 edition, [not protected by the sprinkler system]. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. Smoke detectors shall not be installed in areas where environmental influences may cause nuisance alarms. Such areas include, but are not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. In these areas, heat detectors interconnected to the complete fire alarm system shall be installed. Bathrooms not exceeding

fifty-five (55) square feet and clothes closets, linen closets, and pantries not exceeding twenty-four (24) square feet are exempt from having any detection device if the walls and ceilings are surfaced with limited-combustible or non-combustible material as defined in NFPA 101, 2000 edition. Concealed spaces of noncombustible or limited combustible construction are not required to have detection devices. These spaces may have limited access but cannot be occupied or used for storage. I/II

**A. In facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable if the distance is within the manufacturer's specifications. I/II**

3. For facilities [without an approved sprinkler system] **that are not required to have a sprinkler system**, smoke detectors interconnected to the complete fire alarm system shall be installed in all accessible spaces, as required by NFPA 72, 1999 edition, within the facility. Smoke detectors shall be no more than thirty feet (30') apart with no point on the ceiling more than twenty-one feet (21') from a smoke detector. Smoke detectors shall not be installed in areas where environmental influences may cause nuisance alarms. Such areas include, but are not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. In these areas, heat detectors interconnected to the fire alarm system shall be installed. Bathrooms not exceeding fifty-five (55) square feet and clothes closets, linen closets, and pantries not exceeding twenty-four (24) square feet are exempt from having any detection device if the walls and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. Concealed spaces of noncombustible or limited combustible construction are not required to have detection devices. These spaces may have limited access but cannot be occupied or used for storage. I/II

**A. In facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable if the distance is within the manufacturer's specifications. I/II**

(B) [Facilities that had a complete fire alarm system prior to August 28, 2007, shall have a complete fire alarm system, in accordance with the applicable edition of NFPA 72, that at a minimum contains the following components: interconnected smoke detectors throughout the facility, automatic transmission to the fire department, dispatching agency, or central monitoring company, manual pull stations at each required exit and attendant's station, heat detectors, and audible and visual alarm indicators. I/II

1. Smoke detectors interconnected to the complete fire alarm system shall be located no more than thirty feet (30') apart in the corridors or passageways with no point in the corridor or passageway more than fifteen feet (15') from a detector and no point in the building more than thirty feet (30') from a detector. In facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable. I/II

A. Facilities without an approved sprinkler system shall have one (1) or more individual home-type smoke detectors per resident-use room. The individual home-type smoke detectors shall be UL-approved battery-powered detectors which sense smoke and automatically sound an alarm which can be heard throughout the facility. I/II

B. Individual home-type detectors shall be tested monthly and batteries shall be changed as needed. Any fault with any detector shall be corrected immediately upon discovery. A record shall be kept of the dates of testing and the changing of batteries. II/III

2. Heat detectors, interconnected to the fire alarm system, shall be installed in areas where environmental influences may cause nuisance alarms, unless the area is protected by an approved sprinkler system. Such areas include, but are not limited to kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. Bathrooms not exceeding fifty-five (55) square feet are exempt from

having a heat detector if the wall and ceilings are surfaced with limited-combustible or noncombustible material as defined in NFPA 101, 2000 edition. I/II] Facilities that are required to install a sprinkler system in accordance with section (11) of this rule shall comply with the following requirements:

1. Until the required sprinkler system is installed, each resident room or any room designated for sleeping shall be equipped with at least one (1) battery-powered smoke alarm installed, tested, and maintained in accordance with manufacturer's specifications. In addition, the facility shall be equipped with interconnected heat detectors installed, tested, and maintained in accordance with NFPA 72, 1999 edition, with detectors in all areas subject to nuisance alarms, including, but not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. I/II

A. The facility shall maintain a written record of the monthly testing and battery changes. The written records shall be retained for one (1) year. I/II

B. Upon discovery of a fault with any detector or alarm, the facility shall correct the fault. I/II

(G) Upon discovery of a fault with the complete fire alarm system, the facility shall *[promptly]* correct the fault. I/II

(H) When a complete fire alarm system is to be out-of-service for more than four (4) hours in a twenty-four- (24-)/- hour period, the facility shall immediately notify the department and the local fire authority and implement an approved fire watch in accordance with NFPA 101, 2000 edition, until the complete fire alarm system has returned to full service. I/II

(10) Protection from Hazards.

(A) In assisted living facilities and residential care facilities licensed on or after November 13, 1980, for more than twelve (12) *[residents] beds*, hazardous areas shall be separated by construction of at least a one- (1-)/- hour fire-resistant rating. In facilities equipped with a complete fire alarm system, the one- (1-)/- hour fire separation is required only for furnace or boiler rooms. Hazardous areas equipped with a complete sprinkler system are not required to have this one- (1-)/- hour fire separation. Doors to hazardous areas shall be self-closing and shall be kept closed unless an electromagnetic hold-open device is used which is interconnected with the fire alarm system. When the sprinkler option is chosen, the areas shall be separated from other spaces by smoke-resistant partitions and doors. The doors shall be self-closing or automatic-closing. Facilities formerly licensed as residential care facility I or II, and existing prior to November 13, 1980, shall be exempt from this requirement. II

(D) In facilities that are required to comply with the requirements of 19 CSR 30-86.043 and were formerly licensed as residential care facilities II on or after November 13, 1980, each floor shall be separated by construction of at least a one- (1-)/- hour fire-resistant rating. Buildings equipped with a complete sprinkler system may have a nonrated smoke separation barrier between floors. Doors between floors shall be a minimum of one and three-fourths inches (1 3/4") thick and be solid core wood doors or metal doors with an equivalent fire rating. II

(F) Atriums open between floors will be permitted if resident room corridors are separated from the atrium by one- (1-)/- hour rated smoke walls. These corridors must have access to at least one (1) of the required exits without traversing any space opened to the atrium. II

(I) In facilities whose plans were approved or which were initially licensed after December 31, 1987, for more than twenty (20) *[residents] beds* and all facilities licensed after August 28, 2007, each smoke section shall be separated by one- (1-)/- hour fire-rated smoke partitions. The smoke partitions shall be continuous from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. All doors in this wall shall be at least twenty- (20-)/- minute fire-rated or its equivalent, self-closing, and may be held open only if the door closes automatically upon activation of the complete fire

alarm system. II

(J) In all facilities that were initially licensed on or prior to December 31, 1987, and all facilities licensed for twenty (20) or fewer beds prior to August 28, 2007, each smoke section shall be separated by a one- (1-)/- hour fire-rated smoke partition that extends from the inside portion of an exterior wall to the inside portion of an exterior wall and from the floor to the underside of the floor or roof deck above, through any concealed spaces, such as those above suspended ceilings, and through interstitial structural and mechanical spaces. Smoke partitions shall be permitted to terminate at the underside of a monolithic or suspending ceiling system where the following conditions are met: The ceiling system forms a continuous membrane, a smoketight joint is provided between the top of the smoke partition and the bottom of the suspended ceiling and the space above the ceiling is not used as a plenum. Smoke partition doors shall be at least twenty- (20-)/- minute fire-rated or its equivalent, self-closing, and may be held open only if the door closes automatically upon activation of the complete fire alarm system. II

(K) Facilities whose plans were approved or which were initially licensed after December 31, 1987, for more than twenty (20) *[residents and] beds* which *[are unsprinklered]* do not have a sprinkler system, shall have one- (1-)/- hour rated corridor walls with one and three-quarters inch (1 3/4") solid core wood doors or metal doors with an equivalent fire rating. II

(L) If two (2) or more levels of long-term care or two (2) different businesses are located in the same building, the entire building shall meet either the most strict construction and fire safety standards for the combined facility or the facilities shall be separated from the other(s) by two- (2-)/- hour fire-resistant construction. In buildings equipped with a complete sprinkler system in accordance with NFPA 13 or NFPA 13R, 1999 edition, this separation may be rated at one (1) hour. II

(11) Sprinkler Systems.

(A) Facilities licensed on or after August 28, 2007, or any section of a facility *[performing]* in which a major renovation/s to the facility has been completed on or after August 28, 2007, shall *[have]* install and maintain a complete sprinkler system *[installed]* in accordance with NFPA 13, 1999 edition. I/II

(B) Facilities that have sprinkler systems installed prior to August 28, 2007, shall *[operate]* inspect, maintain, and test these systems in accordance with *[NFPA 13, 1999 edition, or NFPA 13R, 1999 edition, and NFPA 25, 1998 edition]* the requirements that were in effect for such facilities licensed on August 27, 2007. I/II

(C) All residential care facilities, and assisted living facilities that do not admit or retain a resident with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance, that were licensed prior to August 28, 2007, with more than twenty (20) residents, and do not have an approved sprinkler system in accordance with NFPA 13, 1999 edition, or NFPA 13R, 1999 edition, shall have until December 31, 2012, to install an approved sprinkler system in accordance with NFPA 13 or 13R, 1999 edition. I/II *[The department shall grant exceptions to this requirement if the facility meets Chapter 33 of NFPA 101, 2000 edition, and the evacuation capability of the facility meets the standards required in NFPA 101A, Guide to Alternative Approaches to Life Safety, 2001 edition. I/II]*

1. The department shall grant exceptions to this requirement if the facility meets Chapter 33 of NFPA 101, 2000 edition, and the evacuation capability of the facility meets the standards required in NFPA 101A, Guide to Alternative Approaches to Life Safety, 2001 edition. I/II

(G) When a sprinkler system is to be out-of-service for more than four (4) hours in a twenty-four- (24-)/- hour period, the facility shall immediately notify the department and implement an approved fire watch in accordance with NFPA 101, 2000 edition, until the sprinkler system has been returned to full service. I/II

*[(12)]* All facilities shall submit, by July 1, 2008, a plan for compliance to the state fire marshal showing how the facility meets the requirements of sections (9) and (11) and subsections (10)(H) and (10)(I) of this rule. If the facility's plan for compliance does not meet the requirements of sections (9) and (11) and subsections (10)(H) and (10)(I) of this rule, the facility shall provide the state fire marshal with a written plan to include at a minimum an explanation of how the requirements of sections (9) and (11) and subsections (10)(H) and (10)(I) will be met, when they will be met, and contact information in the event the plan does not evidence compliance with these requirements. II

(A) To qualify for a sprinkler system exception, the facility shall present evidence to the state fire marshal in writing that the facility meets the safety requirements of Chapter 33 of existing residential board and care occupancies of NFPA 101 Life Safety Code. II]

*[(13)](12)* Emergency Lighting.

(A) Emergency lighting of sufficient intensity shall be provided for exits, stairs, resident corridors, and **required** attendants' station. II

(B) The lighting shall be supplied by an emergency service, an automatic emergency generator, or battery-operated lighting system. This emergency lighting system shall be equipped with an automatic transfer switch. II

(C) If battery-powered lights are used, they shall be capable of operating the light for at least one and one-half (1 1/2) hours. II

*[(14)](13)* Interior Finish and Furnishings.

(A) In a facility licensed on or after November 13, 1980, for more than twelve (12) *[residents] beds*, wall and ceiling surfaces of all occupied rooms and all exitways shall be classified either Class A or B interior finish as defined in NFPA 101, 2000 edition. II

(B) In facilities licensed prior to November 13, 1980, all wall and ceiling surfaces shall be smooth and free of highly combustible materials. II

(C) In *[a] facility/ies* licensed *[on or after November 13, 1980,]* for more than twelve (12) *[residents] beds*, the new or replacement floor covering and carpeting *[shall be Class I interior floor finish]* in *[nonsprinklered]* buildings *[and Class II interior floor finish in sprinklered buildings as defined]* that do not have a sprinkler system shall be Class I in accordance with NFPA *[101] 253*, 2000 edition. II/III

(D) All *[new or replacement]* curtains and drapes in a licensed facility shall be certified or treated to be flame-resistant as defined in NFPA 101, 2000 edition. II

*[(15)](14)* Smoking.

(A) Smoking shall be permitted in designated areas only. Areas where smoking is permitted shall be designated as such and shall be supervised either directly or by a resident informing an employee of the facility that the area is being used for smoking. II/III

(B) Ashtrays shall be made of noncombustible material and safe design and shall be provided in all areas where smoking is permitted. II/III

(C) The contents of ashtrays shall be disposed of properly in receptacles made of noncombustible material. II/III

*[(16)](15)* Trash and Rubbish Disposal.

(A) Only metal or UL- or FM-fire-resistant rated wastebaskets shall be used for trash. II

(B) Trash shall be removed from the premises as often as necessary to prevent fire hazards and public health nuisance. II

(C) No trash shall be burned within fifty feet (50') of any facility except in an approved incinerator. I/II

(D) Trash may be burned only in a masonry or metal container. II

(E) The container shall be equipped with a metal cover with openings no larger than one-half inch (1/2") in size. III

*[(17)](16)* Standards for Designated Separated Areas.

(A) When a resident resides among the entire general population of the facility, the facility shall take necessary measures to provide such residents with the opportunity to explore the facility and, if appropriate, its grounds. When a resident resides within a designated, separated area that is secured by limited access, the facility shall take necessary measures to provide such residents with the opportunity to explore the separated area and, if appropriate, its grounds. If enclosed or fenced courtyards are provided, residents shall have reasonable access to such courtyards. Enclosed or fenced courtyards that are accessible through a required exit door shall be large enough to provide an area of refuge for fire safety at least thirty feet (30') from the building. Enclosed or fenced courtyards that are accessible through a door other than a required exit shall have no size requirements. II

(B) The facility shall provide freedom of movement for the residents to common areas and to their personal spaces. The facility shall not lock residents out of or inside their rooms. I/II

(C) The facility may allow resident room doors to be locked providing the residents request to lock their doors. Any lock on a resident room door shall not require the use of a key, tool, special knowledge, or effort to lock or unlock the door from inside the resident's room. Only one (1) lock shall be permitted on each door. The facility shall ensure that facility staff has the means or mechanisms necessary to open resident room doors in case of an emergency. I/II

(D) The facility may provide a designated, separated area where residents, who are mentally incapable of negotiating a pathway to safety, reside and receive services and which is secured by limited access if the following conditions are met:

1. Dining rooms, living rooms, activity rooms, and other such common areas shall be provided within the designated, separated area. The total area for common areas within the designated, separated area shall be equal to at least forty (40) square feet per resident; II/III

2. Doors separating the designated, separated area from the remainder of the facility or building shall not be equipped with locks that require a key to open; I/II

3. If locking devices are used on exit doors egressing the facility or on doors accessing the designated, separated area, delayed egress magnetic locks shall be used. These delayed egress devices shall comply with the following:

A. The lock must unlock when the fire alarm is activated;

B. The lock must unlock when the power fails;

C. The lock must unlock within thirty (30) seconds after the release device has been pushed for at least three (3) seconds, and an alarm must sound adjacent to the door;

D. The lock must be manually reset and cannot automatically reset; and

E. A sign shall be posted on the door that reads: PUSH UNTIL ALARM SOUNDS, DOOR CAN BE OPENED IN 30 SECONDS. I/II

4. The delayed egress magnetic locks may also be released by a key pad located adjacent to the door for routine use by staff. I/II

**(17) Oxygen usage and storage shall be in accordance with Chapter 8, of NFPA 99, 1999 edition. Oxygen storage rooms exceeding three thousand (3,000) cubic feet shall be separated by one- (1-) hour fire-resistant construction, be equipped with a self-closing door(s), and be mechanically vented to the outside. II/III**

*AUTHORITY: sections 198.073, 198.074, and 198.076, RSMo Supp. [2008] 2011. This rule originally filed as 13 CSR 15-15.022. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 2012.*

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

*in the aggregate. There is a one-time cost to state agencies or political subdivisions of two hundred seventy-two dollars and eighty-five cents (\$272.85).*

*PRIVATE COST: This proposed amendment will cost private entities nine thousand three hundred eighty-nine dollars and twenty-five cents (\$9,389.25) in the aggregate, to provide the local jurisdiction's emergency management director with an up-to-date copy of the facility's emergency or disaster plan and fire and evacuation plan and twenty thousand six hundred twenty-two dollars and eighty cents (\$20,622.80) in the aggregate to have all curtains and drapes treated to be flame-resistant.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. 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  
PUBLIC COST**

- I. Department Title: Department of Health and Senior Services  
Division Title: Division of Regulation and Licensure  
Chapter Title: Chapter 86**

<b>Rule Number and Title:</b>	19 CSR 30-86.022 Fire Safety and Emergency Preparedness Standards for Residential Care Facilities and Assisted Living Facilities
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Provide the local jurisdiction's emergency management director with an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan—</b> 17 Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's and Assisted Living Facilities	<b>\$272.85</b> This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.
<b>All curtains and drapes in a licensed facility shall be certified to be flame-resistant as defined in NFPA 101, 2000 Edition –</b> 17 Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's and Assisted Living Facilities	This proposed amendment does not create a new standard for facilities licensed after July 11, 1980.
<b>All curtains and drapes in a licensed facility shall be treated to be flame-resistant as defined in NFPA 101, 2000 Edition –</b> 17 Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's and Assisted Living Facilities	This proposed amendment does not create a new standard for facilities licensed after July 11, 1980.

**III. WORKSHEET**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This proposed amendment requires all residential care and assisted living facilities to have a written plan to meet potential emergencies or disasters and submit an up to date copy of the plans to their local jurisdiction's emergency management director.

**All curtains and drapes shall be certified or treated to be flame-resistant.**

- A. On July 11, 1980 regulation 13- CSR 15-15.031 subsection (17) (E) became effective. The regulation required newly constructed or facilities licensed after July 11, 1980 to have their curtains or drapes certified as flame-resistant. On June 7, 1982 the same regulation was revised to allow the choice to install certified curtains or drapes or treat these items with a flame-resistant chemical. There are no public facilities that were licensed prior to July 11, 1980. This proposed amendment does not create a new standard for facilities licensed after July 11, 1980.

#### IV. ASSUMPTIONS

**Provide up-to-date copy of the emergency or disaster plan and fire and evacuation plan to the local jurisdiction's emergency management director.**

The fiscal note for these facilities is based on the cost to print and certify mail a copy of the facility's emergency or disaster plan and fire and evacuation plan to the local jurisdiction's emergency management director. The section utilized the January 18, 2007 version of the Disaster Preparedness Plan Template (for use in long term care facilities) to estimate facility cost. The template is a 58 page document and the estimate is based on printing one-side of 8 ½ by 11 inch paper.

**A. Print and mail emergency or disaster plan and fire and evacuation plan.**

1. Cost to print the 58 page template is **\$6.00**. Cost to certify mail the 58 page template in a United States Postal Service small flat rate box (up to four (4) lbs)) with a return receipt is **\$10.05**.
2. The cost to print (**\$6.00**) + cost to certify mail (**\$10.05**) = Total cost for one (1) facility to certify mail an up to date copy of the emergency or disaster plan and fire and evacuation plan (**\$16.05**).
3. Total cost to mail an up to date copy of the plans (**\$16.05**) x total number of facilities (**17**) = Total estimated cost in the aggregate for public facilities (**\$272.85**). **This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.**

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Department of Health and Senior Services  
Division Title: Division of Regulation and Licensure  
Chapter Title: Chapter 86**

<b>Rule Number and Title:</b>	19 CSR 30-86.022 Fire Safety and Emergency Preparedness Standards for Residential Care Facilities and Assisted Living Facilities
<b>Type of Rulemaking:</b>	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
<b>Provide the local jurisdiction's emergency management director with an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan</b> — 585 Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's and Assisted Living Facilities	Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's and Assisted Living Facilities	<b>\$9,389.25</b>
<b>All curtains and drapes in a licensed facility shall be treated to be flame-resistant as defined in NFPA 101, 2000 Edition</b> – 107 Residential Care Facilities, Facilities formerly licensed as Residential Care Facility II's, Assisted Living Facilities	Residential Care Facilities Facilities formerly licensed as Residential Care Facility II's Assisted Living Facilities	<b>\$20,622.80</b>

**III. WORKSHEET**

**Provide an up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

This proposed amendment requires all residential care and assisted living facilities to have a written plan to meet potential emergencies or disasters and submit an up to date copy of the plans to their local jurisdiction's emergency management director.

**All curtains and drapes shall be certified or treated to be flame-resistant.**

The proposed amendment requires all residential care and assisted living facilities to have curtains and drapes that are certified as flame-resistant or treated with an approved flame resistant substance.

On July 11, 1980 regulation 13- CSR 15-15.031 subsection (17) (E) became effective. The regulation required newly constructed or facilities licensed after July 11, 1980 to have their curtains or drapes certified as flame-resistant. If new curtains or drapes were installed in a facility that was licensed prior to July 11, 1980 these items would have to be certified as flame-resistant. On June 7, 1982 the same regulation was revised to allow the choice to install certified curtains or drapes or treat these items with a flame-resistant chemical. There are 107 facilities that were licensed prior to July 11, 1980. This fiscal note is based on the assumption that none of these facilities have installed certified or treated their curtains or drapes in 27 - 29 years.

#### IV. ASSUMPTIONS

##### **Provide up-to-date copy of the facility's emergency or disaster plan, fire and evacuation plan to the local jurisdiction's emergency management director.**

The fiscal note for these facilities is based on the cost to print and certify mail a copy of the facility's emergency or disaster plan and fire and evacuation plan to the local jurisdiction's emergency management director. The section utilized the January 18, 2007 version of the Disaster Preparedness Plan Template (for use in long term care facilities) to estimate facility cost. The template is a 58 page document and the estimate is based on printing one-side of 8 ½ by 11 inch paper.

##### A. Print and mail emergency or disaster plan and fire and evacuation plan.

1. Cost to print the 58 page template is **\$6.00**. Cost to certify mail the 58 page template in a United States Postal Service small flat rate box (up to four (4) lbs)) with a return receipt is **\$10.05**.
2. The cost to print (**\$6.00**) + cost to certify mail (**\$10.05**) = Total cost for one (1) facility to certify mail an up to date copy of the emergency or disaster plan and fire and evacuation plan (**\$16.05**).
3. Total cost to mail an up to date copy of the plans (**\$16.05**) x total number of facilities (**585**) = Total estimated cost in the aggregate for private facilities (**\$9,389.25**).

##### **All curtains and drapes shall be certified or treated to be flame-resistant.**

The fiscal note for these facilities is based on the cost for treating curtains or drapes. The following formulas have been used to estimate the cost:

##### A. Treated curtains or drapes

1. The formula for determining the amount of windows is one (1) window per resident. The one (1) window per resident formula has been converted into one (1) resident per one (1) bed. We utilized the number of beds to determine the amount of windows. The total number of beds in private facilities licensed prior to July 11, 1980 is **3,782**.

2. The amount of fabric to cover a 36"x 60" window (**3 yards**) x total number of private facility beds (**3,782**) = Total amount of fabric to cover the windows (**11,346 yards**).
3. The amount of flame-resistant chemical coverage per gallon is 300 sq ft per gallon (**33 yards**).
4. The total amount of fabric to cover the windows (**11,346 yards**)/the amount of flame-resistant chemical coverage per gallon (**33 yards**) = Total gallons of flame-resistant chemicals (**344**).
5. The total gallons of flame-resistant chemicals (**344**) x price per gallon (**\$59.95**) = Total estimated cost in the aggregate for private facilities (**\$20,622.80**).

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 88—Resident's Rights and Handling Resident  
Funds and Property in Long-Term Care Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-88.020 [Resident's] Residents' Funds and Property.** The department is amending the rule title, the editor's note, purpose statement, and sections (1)–(4), (6)–(14), (16), and (17).

*PURPOSE: This amendment updates, clarifies, and adds requirements for handling residents' personal funds and property in long-term care facilities. The amendment also removes redundancy, archaic language, and revises grammar and punctuation throughout.*

*PURPOSE: This rule establishes standards for protecting [resident's] residents' personal funds and property in all types of licensed long-term care facilities.*

*[Editor's Note] AGENCY NOTE: All rules relating to long-term care facilities licensed by the [Division of Aging] Department of Health and Senior Services are followed by a Roman Numeral notation which refers to the class (either Class I, II, or III) of standard as designated in section 198.085[. 1], RSMo.*

(1) No operator *[shall be]* is required by this rule or by section 198.090, RSMo, to hold, manage, safeguard, or account for any personal funds or money in trust unless some other governmental agency placing residents in the facility makes this a requirement. The record keeping and other requirements of this section apply only to those personal possessions and funds which the facility accepts to hold in trust for the resident as provided in the facility's policy *[and does not apply to other possessions residents have in their rooms or bring into the facility].*

(2) The *[administrator,]* operator or other designated person*[, or both,]* shall use the personal funds of the resident exclusively for the use of the resident and*[,]* only when authorized in writing by the resident, his/her designee *[or legal]*, guardian and conservator, or conservator. A designee shall not be the administrator or an employee of the facility. **With written authorization, the operator may purchase a burial policy for the resident.** II/III

(3) When a resident is admitted, *[s/he and his/her]* the resident, his/her designee *[or]*, guardian and conservator, or conservator shall be provided with a statement explaining the facility's policies and resident's rights regarding personal funds. If the facility handles *[resident's] residents'* funds, this statement shall include an explanation of the procedure for deposit or withdrawals of funds from any source to the resident or to the resident's account. The facility shall allow the residents access to their personal possessions and funds during regular business hours, Monday through Friday*[.], excluding banking holidays.* III

(4) The separate account(s) required to be maintained by section 198.090.1.(3), RSMo, shall be maintained in a bank or savings and loan association and if any interest is accrued it shall be credited to each resident's account at least *[annually] monthly.* *[With written authorization from the resident, the operator may purchase a burial policy for the purpose of burying the resident.]* III  
II/III

(6) A written account for each resident, showing receipts to and disbursements from the personal funds of each resident, shall be maintained. *[These may be kept in one (1) ledger or record or they may be kept individually.]* If the facility policy provides, *[and if appropriate]* or if required by another governmental agency, *[two*

*(2)] multiple* personal funds accounts may be kept for residents~~—one (1) for clothing allowance and one (1) for spending money].~~ III

(7) Receipt of a resident's funds or personal possessions held in trust shall be acknowledged by a written receipt or cancelled check~~[s]~~. III

(8) Receipts for any purchases made by the operator and paid for from the resident's personal funds shall be kept **pursuant to sections (15) and (16) of this rule** and be available to the resident, his/her designee *[or legal]*, guardian and conservator, or conservator. III

(9) All written accounts of the *[resident's] residents'* funds shall be *[brought current] reconciled* monthly and a written statement showing the current balance and all transactions shall be given to the resident, his/her designee *[or legal]*, guardian and conservator, or conservator on a quarterly basis. II/III

(10) *[The operator shall have a receipt for the funds and possessions returned to the resident, designee or guardian.]* Within five (5) calendar days of the discharge of a resident, the resident *[or]*, his/her designee *[or]*, guardian and conservator, or conservator shall be given an up-to-date accounting of the resident's personal funds and the balance of the funds and all personal possessions shall be returned to the resident. **This requirement shall not apply for residents discharged due to death, or for residents discharged to hospitals when those residents are expected to return to the facility. The operator shall have a receipt for all funds and possessions returned to the resident, his/her designee, guardian and conservator, or conservator.** II/III

(11) Upon the death of a resident, the operator *[of the facility]* shall *[submit in writing on form MO 886-3103, a complete account of all the resident's remaining personal funds and the name and address of the resident's guardian, conservator, fiduciary of the resident's estate or the individual who was designated to receive the quarterly accounting of all financial transactions made. Personal funds for the purpose of this regulation shall include all the resident's remaining funds with the facility, in any account, with whatever title the account(s) may be known. The complete account of funds shall be submitted within sixty (60) days from the date of the resident's death to the Department of Social Services, Division of Medical Services, TPL Unit, PNA Recovery, P.O. Box 6500, Jefferson City, MO 65102-6500]* contact the Department of Social Services (DSS), MO HealthNet Division to determine if the deceased resident is a MO HealthNet participant or has been a recipient of aid, assistance, care, services, or if the resident has had moneys expended on his/her behalf by DSS. The facility shall document the contact(s) with and response(s) from DSS. II/III

(A) If the deceased resident is a MO HealthNet participant or has been a recipient of aid, assistance, care, services, or the resident has had moneys expended on his/her behalf by DSS, the operator shall, in accordance with DSS account balance report requirements, provide DSS with a complete account of all the resident's remaining personal funds and the name and address of the resident's designee, guardian and conservator, or conservator, fiduciary of the resident's estate or the individual who was designated to receive the quarterly accounting of all financial transactions made. Personal funds for the purpose of this regulation shall include all the resident's remaining funds with the facility, in any account, with whatever title the account(s) may be known. II/III

*[(A)](B)* None of the resident's personal funds shall be paid to an operator, fiduciary, guardian~~[, conservation]~~ and conservator, conservator, or other person until the operator has fully complied with section 198.090.1., RSMo, except that funeral expenses may be paid from a resident's personal funds held by a facility if no other

funds are available to cover the cost. If funds are used for this purpose, this fact and the amount used shall be noted on the account report submitted to [the department] DSS and documentation of payment shall be attached. II/III

*[(B)](C) [Upon receipt of the accounting of the resident's remaining personal funds on form MO 886-3103, the Department of Social Services] DSS will determine the amount of aid, care, assistance, or services paid [by the department. The Department of Social Services] and will notify the operator of the amount determined to have been paid [by the department] on behalf of the deceased recipient within sixty (60) days of receipt of the facility operator's accounting. [or within fifteen (15) working days if special request is made by the operator for expediated handling giving the reason(s) for the request, that is, need to comply with contractual or regulatory obligation of another government agency. The amount specified in the notification shall be considered as a claim upon the funds held by the operator. The operator shall pay to the Department of Social Services any remaining personal funds, in the resident's personal fund account, up to the amount determined by the department. Payment shall be made by check payable to the Department of Social Services within sixty (60) working days of the receipt of the demand for payment. Payment shall be made as instructed on the department's claim.]*

**(D) The operator may make a special request for expedited response if there is a need to comply with a contractual or regulatory obligation of another governmental agency. The amount specified in the notification shall be considered as a claim upon the funds held by the operator.**

**(E) The operator shall pay DSS any remaining personal funds in the resident's personal fund account up to the amount determined by DSS. Payment shall be made as instructed by DSS within sixty (60) working days of the receipt of the demand for payment. If additional funds are received by the facility after the initial claim has been filed, the operator shall immediately inform DSS. II/III**

*[(C)](F) [The Department of Social Services] DSS will notify in writing the resident's guardian[,] and conservator, conservator, fiduciary of the resident's estate, or the individual who was designated to receive the quarterly accounting of all financial transactions of the amount determined to have been paid by [the department] DSS on behalf of the deceased resident.*

*[(D) If there are any remaining personal funds after payment has been issued to the Department of Social Services, then the deceased resident's remaining funds shall be handled in accordance with section 98.090.1(8), RSMo and 13 CSR 15-18.020(12).*

*[(E) Failure of an operator of a facility participating in the Title XIX (Medicaid) program to submit within sixty (60) days of the death of a resident a complete accounting of the remaining personal funds of any resident who has received aid, care, assistance or services from the Department of Social Services shall be a Medicaid program violation under 13 CSR 70-3.030, if the operator had knowledge of such funds, during the sixty (60)-day period. If additional funds are received by the operator after the initial report has been filed, the department shall be immediately informed by the operator.]*

**(12) [Upon the death of a resident who, to the operator's knowledge and as confirmed by the department, has not received aid or assistance from the Department of Social Services, if personal funds or possessions are not claimed by a fiduciary within one (1) year of the resident's death, the operator is required to comply, within sixty (60) days of the one (1) year anniversary of the death of the resident, with section 198.090.1(8), RSMo.] Upon the death of a resident who has not been a recipient of aid, assistance, care, services, or**

**who has not had moneys expended on the resident's behalf by DSS or DSS has not made claim on the funds, the operator shall provide the fiduciary of resident's estate, at the fiduciary's request, a complete account of all the resident's personal funds and possessions and deliver to the fiduciary all possessions of the resident and the balance of the resident's funds. II/III**

**(A) If, after one (1) year from the date of death, no fiduciary makes claim on funds or possessions, the operator shall notify the [Division of Aging] Department of Health and Senior Services (department) in writing, Attention: [Institutional Accounting Section,] Licensure and Certification Unit, PO Box 570, Jefferson City, MO 65102-0570 that the funds remain unclaimed. This notice shall be sent by the operator within sixty (60) days [and]. The notice shall include the resident's name, Social Security number, date of death, and the amount of resident funds or possessions being held belonging to the deceased resident. II/III**

**1. If unclaimed funds in the resident's fund accounts or possessions have a value of [less than] one hundred fifty dollars (\$150) or less, [and the operator has complied with 42 CFR 483.10(c)(6), if required,] the funds or proceeds of the sale of the possessions shall be deposited [after one (1) year] in a fund for the benefit of all residents of the facility for social and educational activities. II/III**

**2. If unclaimed funds in the resident's fund accounts or possessions have a value of more than one hundred fifty dollars (\$150) [and the operator has complied with 42 CFR 483.10(c)(6), if required, for deceased residents funds, the operator shall hold the unclaimed funds for two (2) years from the date of death. These] these funds or possessions shall [then] be considered abandoned property under sections 447.500-447.585, RSMo [and shall be returned to the state of Missouri within sixty (60) days after two (2) years from the date of death. If the operator is a 501(c)(3) corporation, then it shall comply with section 447.540, RSMo]. The operator shall [contact the Office of the Treasurer, Unclaimed Property Administrator, P.O. Box 1272, Jefferson City, MO 65102-1272 for instructions and forms to return the unclaimed funds and possessions to the state of Missouri. There shall be an accounting subject to inspection and audit by the Division of Aging or its authorized agents for these unclaimed funds and possessions returned to the state of Missouri] report and return the abandoned property to the Missouri State Treasurer in accordance with sections 447.539-447.543, RSMo. II/III**

**(B) The operator shall keep an accounting of these funds with documentation and receipts and disbursements [to] of these funds which will be subject to inspection and audit by the [Division of Aging] department. II/III**

**(13) Any owner, operator, manager, employee, or affiliate of an owner or operator receiving personal property or anything with a value of ten dollars (\$10) or more from a resident shall make a written statement giving the date of receipt, estimated value, and the name of the person making the gift. These statements shall be retained by the operator and made available to the [Department of Social Services] department or Department of Mental Health as appropriate and to the resident, his/her designee, [or legal] guardian and conservator, or conservator. [In one (1) calendar year, no] No owner, operator, manager, employee, or affiliate of an owner or operator shall in one (1) calendar year receive [from resident's] any personal property or anything of value from the residents of any facility which have a total value over one hundred dollars (\$100). These requirements shall not apply to matters deemed exceptions under state law. II/III]**

**(14) The bond required by section 198.096, RSMo, for operators holding personal funds of residents shall be in a form approved by the [Division of Aging] department and shall provide that residents who allege that they have been wrongfully deprived of moneys held in trust may bring an action for recovery directly against the surety.**

The bond shall be in an amount equal to at least one and one-half (1 1/2) times the average monthly balance of the [resident's] residents' personal funds, including residents' petty cash, or the average total of the monthly balances for the preceding twelve (12) months. The average monthly balance(s) or the average total of the monthly balance(s) shall be rounded to the nearest one thousand dollars (\$1,000). One (1) bond may be used to cover the residents' funds in more than one (1) facility operated by the same operator, if the facility is a multilicensed facility on the same premises. If not on the same premises, then one (1) bond may be used if the bond specifies the amount of coverage provided for each individual facility and the coverage for each facility is a minimum of one thousand dollars (\$1,000). II/III [The director may require an operator to file a bond in an amount greater than one and one-half (1 1/2) times the average total of the balances if the division determines the increase is necessary; the operator is given sixty (60)-days' notice and opportunity for hearing prior to requiring that increase; and the director determines by the evidence presented at any such hearing that the increase is necessary.]

(16) Records related to resident funds shall be maintained in the facility or shall be available for review and copying, in their entirety, within twenty-four (24) hours of a request for access by the [Division of Aging] department or its authorized representative. Records kept for the prior seven (7) years, as required in section (15) and under section 198.090, RSMo, shall be transferred to a new operator who assumes responsibility for a facility, and if not transferred in their entirety, the [Division of Aging] department shall be notified immediately by the new operator. II/III

(17) If an operator chooses to place a cash deposit in a lending institution in lieu of a bond as referenced in section 198.096.5., RSMo, the amount must be equal to the amount of the bond required and shall be deposited with an insured lending institution pursuant to a noncancellable escrow agreement. The written agreement shall be submitted to the [division] department and shall be approved prior to license issuance. II

**AUTHORITY:** sections 198.090 and 198.009, RSMo [Supp. 1993] 2000. This rule originally filed as 13 CSR 15-18.020. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the Code of State Regulations. Amended: Filed March 15, 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 Teresa Generous, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2110-2.010 Licensure by Examination—Dentists.** The board is proposing to amend subsections (1)(E) and (2)(E).

**PURPOSE:** This amendment outlines the procedure for obtaining a dental license by examination.

(1) To qualify for licensure as set out in sections 332.131 and 332.151, RSMo, each applicant shall—

(E) Hold current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board. Board-approved courses shall meet the American Heart Association guidelines for cardiopulmonary resuscitation (CPR) and Emergency Cardiovascular Care (ECC) and provide written and manikin testing on the course material by an instructor who is physically present with the students. Online-only courses will not be accepted to satisfy the BLS requirement.

(2) To apply for a certificate of registration and a license to practice, each applicant shall submit the following:

(E) A copy of his/her current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board; and

**AUTHORITY:** sections 332.031, 332.141, and 332.151, RSMo 2000, and section 332.181, RSMo Supp. [2008] 2011. This rule originally filed as 4 CSR 110-2.010. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed March 8, 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 Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

**Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2110-2.030 Licensure by Credentials—Dentists.** The board is proposing to amend subsections (1)(F) and (2)(E).

**PURPOSE:** This amendment outlines the procedure for licensing qualified dentists coming from other states by verification of professional credentials.

(1) To qualify for licensure as set out in section 332.211, RSMo, each applicant shall—

(F) Hold a current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart



Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board. Board-approved courses shall meet the American Heart Association guidelines for cardiopulmonary resuscitation (CPR) and Emergency Cardiovascular Care (ECC) and provide written and manikin testing on the course material by an instructor who is physically present with the students. Online-only courses will not be accepted to satisfy the BLS requirement; and

(2) To apply for a certificate of registration and a license to practice, each applicant shall submit the following:

(E) A copy of his/her current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board; and

*AUTHORITY: sections 332.031 and 332.211, RSMo 2000. This rule originally filed as 4 CSR 110-2.030. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed March 8, 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 Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2110-2.050 Licensure by Examination—Dental Hygienists.** The board is proposing to amend subsections (1)(E) and (2)(E).

*PURPOSE: This amendment outlines the procedure for obtaining a dental hygienist license by examination.*

(1) To qualify for licensure as set out in sections 332.231 and 332.251, RSMo, each applicant shall—

(E) Hold current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board. Board-approved courses shall meet the American Heart Association guidelines for cardiopulmonary resuscitation (CPR) and Emergency Cardiovascular Care (ECC) and provide written and manikin testing on the course material by an instructor who is physically present with the students. Online-only courses will not be accepted to satisfy the BLS requirement.

(2) To apply for a certificate of registration and a license to practice, each applicant shall submit the following:

(E) A copy of his/her current certification in [cardiopulmonary

resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board; and

*AUTHORITY: sections 332.031, 332.231, 332.241, and 332.251, RSMo 2000, and section 332.261, RSMo Supp. [2008] 2011. This rule originally filed as 4 CSR 110-2.050. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed March 8, 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 Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2110—Missouri Dental Board  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2110-2.070 Licensure by Credentials—Dental Hygienists.** The board is proposing to amend subsections (1)(F) and (2)(E).

*PURPOSE: This amendment outlines the procedure for licensing qualified dental hygienists coming from other states by verification of professional credentials.*

(1) To qualify for licensure as set out in section 332.281, RSMo, each applicant shall—

(F) Hold a current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board. Board-approved courses shall meet the American Heart Association guidelines for cardiopulmonary resuscitation (CPR) and Emergency Cardiovascular Care (ECC) and provide written and manikin testing on the course material by an instructor who is physically present with the students. Online-only courses will not be accepted to satisfy the BLS requirement; and

(2) To apply for a certificate of registration and a license to practice, each applicant shall submit the following:

(E) A copy of his/her current certification in [cardiopulmonary resuscitation (CPR) or basic life support (BLS)] the American Heart Association's Basic Life Support for the Healthcare Provider (BLS) or an equivalent certification approved by the Missouri Dental Board; and

*AUTHORITY: sections 332.031 and 332.281, RSMo 2000, and section 332.261, RSMo Supp. [2006] 2011. This rule originally filed as 4 CSR 110-2.070. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed March 8, 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 Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at 573-751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*