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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI
REGISTER

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JASON KANDER

Administrative Rules Division

James C. Kirkpatrick State Information Center
600 W. Main
Jefferson City, MO 65101
(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

DELANE JACQUIN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2012), are available in the listed participating libraries, as selected by the Missouri State Library:

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	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

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

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

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

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

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

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

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

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

EMERGENCY AMENDMENT

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

PURPOSE: The advisory committee is statutorily obligated to enforce and administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.481, RSMo, the Missouri State Board of Chiropractic Examiners upon recommendation of the Acupuncturist Advisory Committee shall set fees necessary to administer the provisions of sections 324.475–324.499, RSMo. The advisory committee is proposing to decrease the acupuncturist renewal fee.

EMERGENCY STATEMENT: The Missouri State Board of Chiropractic Examiners upon the recommendation of the Acupuncturist Advisory Committee is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.481, RSMo, the advisory committee shall by regulation set the amount of fees authorized by sections 324.475–324.499, RSMo, to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 324.475–324.499, RSMo. Therefore, the

board upon recommendation by the advisory committee is proposing to decrease the biennial renewal fee from three hundred dollars (\$300) to two hundred dollars (\$200).

The acupuncturist licenses expire on June 30, 2013. The renewal notices for acupuncturists will be mailed in April 2013 and any acupuncturist wishing to reinstate or renew their license beginning April 2013 will be assessed the decreased renewal fee. Without this emergency amendment the decreased fee requirement will not be effective in time for the renewal notice and the advisory committee will collect more revenue than it is statutorily authorized to collect.

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the committee has determined that the fee decrease is necessary for the 2013 renewal period to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 324.481.6, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The committee believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 8, 2013, becomes effective April 18, 2013, and expires January 28, 2014.

(3) The fees are established as follows:

(B) Acupuncturist Biennial Renewal Fee ~~/\$300.00/~~ **\$200.00**

AUTHORITY: sections 324.481 and 324.487, RSMo Supp. [2010] 2012, and sections 324.490 and 324.493, RSMo 2000. This rule originally filed as 4 CSR 15-1.030. Original rule filed July 24, 2001, effective Feb. 28, 2002. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 8, 2013, effective April 18, 2013, expires Jan. 28, 2014. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules**

EMERGENCY AMENDMENT

20 CSR 2095-1.020 Fees. The committee is proposing to amend subsection (1)(D).

PURPOSE: This amendment lowers the biennial renewal fee.

EMERGENCY STATEMENT: The Committee for Professional Counselors is statutorily obligated to enforce and administer the provisions of sections 337.500–337.540, RSMo. Pursuant to section 337.507, RSMo, the committee shall by rule and regulation set the amount of fees authorized by sections 337.500–337.540, RSMo, to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.500–337.540, RSMo. The committee is proposing to decrease the biennial renewal fee from one hundred fifty dollars (\$150) to one hundred twenty-five dollars (\$125).

The licensed professional counselor (LPC) licenses expire on June 30, 2013. The renewal notices for LPCs will be mailed in April 2013

and any LPC wishing to reinstate or renew their license beginning April 2013 will be assessed the decreased renewal fee. Without this emergency amendment the decreased fee requirement will not be effective in time for the renewal notice and the committee will collect more revenue than it is statutorily authorized to collect.

The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. In developing this emergency amendment, the committee has determined that the fee decrease is necessary to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 337.507.5, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The committee believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed April 8, 2013, becomes effective April 18, 2013, and expires January 28, 2014.

(1) The following fees are established by the Committee for Professional Counselors and are payable in the form of a cashier's check, personal check, or money order:

(D) Biennial Renewal	[\$150.00] \$125.00
1. Renewal received 1–60 days late	\$ 50.00
2. Renewal received 61 days–2 years late	\$100.00

AUTHORITY: section 337.507, RSMo Supp. [2010] 2012, and section 337.520.1(2), RSMo 2000. This rule originally filed as 4 CSR 95-1.020. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed April 8, 2013, effective April 18, 2013, expires Jan. 28, 2014. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2012.

EXECUTIVE ORDER

13-06

WHEREAS, I have been advised by the State Emergency Management Agency that a severe storm system has caused damage associated with high winds and tornadoes impacting communities in the state of Missouri; and

WHEREAS, the severe weather that began on April 10, 2013, and is continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, interruptions of public services are occurring, or anticipated to occur, as a result of this severe weather event; and

WHEREAS, the State will continue to be proactive where the health and safety of the citizens of Missouri are concerned; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

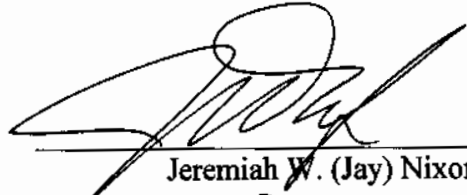
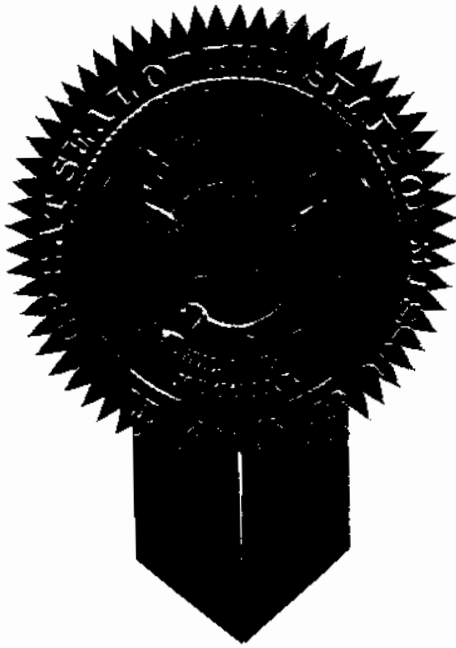
WHEREAS, an invocation of the provisions of Sections 44.100 and 44.110, RSMo, will be required to ensure the protection of the safety and welfare of the citizens of Missouri.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

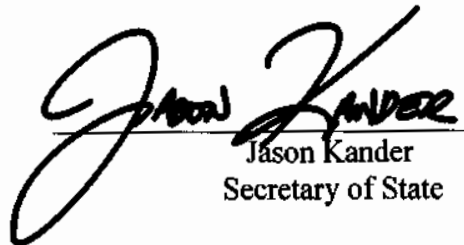
I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on May 10, 2013, unless extended in whole or in part.

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 10th day of April, 2013.



Jeremiah W. (Jay) Nixon
Governor



Jason Kander
Secretary of State

Under 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."

Entirely new rules are printed without any special symbology under the heading of 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.

An 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.

If 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*.

An 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.

If 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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 3—Higher Educational Residency Determination

PROPOSED AMENDMENT

6 CSR 10-3.010 Determination of Student Residency. The Commissioner of Higher Education is amending section (9).

PURPOSE: This amendment clarifies the requirements for establishing proof of domicile.

(9) Determination of Resident Status.

(C) In determining resident status for the state of Missouri, either of the following shall be sufficient proof of domicile of a person and his/her unemancipated minor or dependent children within the state of Missouri:

1. Presence within the state of Missouri for a minimum of the

twelve (12) immediate past, consecutive months coupled with proof of intent to make the state of Missouri a permanent home for an indefinite period; or

2. Presence within the state of Missouri for the *[primary]* purpose of retirement, full-time employment, full-time professional practice, or to conduct a business full-time **coupled with proof of intent to make the state of Missouri a permanent home for an indefinite period.**

AUTHORITY: section 173.005.2[(5)](7), RSMo Supp. [2008] 2012. Original rule filed Aug. 7, 1978, effective March 17, 1979. Rescinded and readopted: Filed July 3, 1985, effective Aug. 1, 1986. Amended: Filed Dec. 16, 1988, effective April 1, 1989. Amended: Filed June 15, 2009, effective Dec. 30, 2009. Amended: Filed April 9, 2013.

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 Higher Education, William R. Thornton, General Counsel, PO Box 1469, Jefferson City, MO 65102-1469. 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 6—DEPARTMENT OF HIGHER EDUCATION Division 10—Commissioner of Higher Education Chapter 10—Out-of-State Public Institutions

PROPOSED AMENDMENT

6 CSR 10-10.010 Out-of-State Public Institutions. The secretary is amending sections (1), (2), (3), (6), and (7) and adding sections (8) and (9).

PURPOSE: This amendment change allows the Missouri Department of Higher Education to charge and collect fees from out-of-state public institutions to cover the costs of reviewing and assuring the quality of programs offered by out-of-state public institutions. This amendment is intended to update the rule accordingly as well as provide additional guidance concerning the statutorily revised regulatory requirements.

[(1) Definitions.

(A) *CBHE:* The Coordinating Board for Higher Education created by section 173.005(2), RSMo.

(B) *MDHE:* The Missouri Department of Higher Education created by section 173.005(1), RSMo.

(C) *Out-of-state public institution:* An educational institution as defined by section 173.005.11(a), RSMo.

(D) *Course:* A defined and unique educational offering with discrete objectives and requirements in support of a program, whether conducted in person, by mail, or through any telecommunication medium.

(E) *Program:* A complete academic or vocational educational offering that fulfills the requirements for the awarding of a certificate or a degree. A program may consist of one (1) or more courses and shall, upon satisfactory completion, fulfill an academic, occupational, or other training objective.

(F) Offer: To enroll or seek to enroll anyone residing in the state of Missouri in a course or program beyond the high school level.]

(1) Definitions.

(A) Board or Coordinating Board or CBHE: The Coordinating Board for Higher Education created by section 173.005.2, RSMo.

(B) Branch campus or branch: A geographically separate and permanent instructional facility that is derived from and controlled by its main campus. A branch campus may provide complete and distinct programs and employ unique or shared instructional and administrative personnel. A branch may produce and maintain its own institutional and student records.

(C) Certificate: Any award, including a diploma that does not have a degree designation.

(D) Course: A defined and unique educational offering with discrete objectives and requirements in support of a program, whether conducted in person, by mail, or through any telecommunication medium.

(E) Degree: Any award, earned or honorary, conferred with the designation of associate, baccalaureate, master, professional or professional development, specialist, or doctorate.

(F) Distance education: Those education opportunities provided for credit by public out-of-state postsecondary institutions through online education services, as well as those opportunities provided for credit that postsecondary institutions provide outside their primary campus in multiple states. General term for any type of educational activity in which the participants are at a distance from each other—in other words, are separated in space. They may or may not be separated in time (asynchronous vs. synchronous).

(G) Main campus: The primary instructional facility of a school, as so designated by the school. For accredited schools, the main campus is the one to which accreditation is directly conferred and from which other campus locations derive their accreditation.

(H) MDHE or the department: The Missouri Department of Higher Education created by section 173.005.1, RSMo.

(I) Offer: To enroll or seek to enroll anyone residing in the state of Missouri in a course or program beyond the high school level.

(J) Online course: Any course offered over the Internet.

(K) Online course provider: An organization that provides courses that are offered over the Internet.

(L) Online education: A type of learning in which instruction and content are delivered primarily over the Internet. The term does not include printed-based correspondence education, broadcast television or radio, videocassettes, and stand-alone educational software programs that do not have a significant Internet-based instructional component. Used interchangeably with Virtual learning, Cyber learning, e-learning.

(M) Out-of-state public institution of higher education: An educational institution as defined by section 173.005.2(12)(a), RSMo.

(N) Physical presence: Any person or location within the state of Missouri where, from, or through which a school operates for the purpose of conducting an activity relating to postsecondary education, including the granting of certificates or degrees. Location is defined to include any address, physical site, electronic device, or telephone number within or originating from within the boundaries of the state of Missouri. Physical presence shall also mean a formally scheduled instructional interaction organized by or through a school taking place between two (2) or more students and/or instructors within the state of Missouri.

(O) Program or program of instruction: A complete academic or vocational educational offering which fulfills the requirements for the awarding of a certificate or degree. A program may consist of one (1) or multiple courses, and shall, upon satisfactory

completion, fulfill an academic, occupational, or other training objective.

(P) Transcript or transcript record: A student's permanent educational record.

(2) No out-of-state public institution shall offer programs or courses in Missouri without receiving prior approval of the CBHE to do so. This includes programs or courses offered face-to-face at locations within Missouri (including secondary schools) and through distance education. Failure to seek and receive approval prior to the delivery of instruction and/or the enrollment of students shall be sufficient cause to deny approval to offer courses or programs. Out-of-state public institutions shall be held to standards no lower than the standards established by the coordinating board for program approval and the policy guidelines of the coordinating board for data collection, cooperation, and resolution of disputes between Missouri institutions of higher education under this section.

(3) Approval from the CBHE to offer programs or courses at locations within the state of Missouri shall be valid for a period of no more than three (3) years. During the period [of approval] in which an institution is approved to offer programs or courses within the state of Missouri, [the] out-of-state public institutions must provide an annual data report[s] concerning their operations in Missouri as specified by the MDHE. Authorization from the CBHE to offer programs or courses through distance education shall be valid for a period of one (1) year. During the period in which an institution is approved to offer distance education in Missouri, out-of-state public institutions must provide an annual data report concerning their operations in Missouri as specified by the MDHE.

(6) In order to be approved to offer courses or programs at locations within the state of Missouri, the applicant institution must[:]-

[/7) Nothing in this regulation shall be construed or interpreted so that students attending an out-of-state public institution of higher education are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.]

(7) In order to be authorized to offer distance education in the state of Missouri, the applicant institution must—

(A) Provide documentation that the courses and programs offered by the institution in Missouri are included within the scope of accreditation currently granted by the institution's recognized accrediting body and any applicable programmatic accrediting agency; and

(B) Affirm in writing its compliance with the MDHE Principles of Good Practice for Distance Learning and Web-Based Course. (See <http://www.dhe.mo.gov/files/policies/policyforreview.pdf>)

(8) Fees.

(A) Certification Fee. No certificate of approval to operate shall be issued except upon payment of the prescribed certification fee.

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

2. The certification fee for a school upon initial certification to operate shall be computed on the basis of the estimate given in

the application of the net tuition income for the first year of operation, except that the fee shall not be less than the minimum of five hundred dollars (\$500). The full initial certification fee shall be assessed whether the initial certification is for an entire or partial certification year.

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

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

(B) Security Deposit. Each institution must file a security deposit with coverage consistent with the statutory requirements of section 173.612, RSMo.

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

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

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

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

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

6. Any school that operates two (2) or more main campuses in the state may combine, or report separately, gross tuition for all locations for the purpose of determining the annual security deposit requirement. However, if the combined gross tuition calculates a security deposit requirement in excess of the one hundred thousand dollars (\$100,000) maximum, the gross tuition shall be reported separately, and the requirement calculated separately. The security deposit requirement for a branch campus operated in Missouri by an out-of-state school shall be computed solely on the basis of applicable tuition and fee income at the Missouri branch campus.

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

(D) All fees are non-refundable.

(E) The following fees shall be paid:

1. Initial Application for Certification (to be credited toward the certification fee)	\$200
2. Initial Application for Exemption	\$ 50
3. Application to Establish a Branch Campus	\$100
4. Application to Establish an Extension Site	\$ 50
5. New Program Review (Certificate)	\$100
6. New Program Review (Associate)	\$200
7. New Program Review (Bachelor and Graduate)	\$500
8. Substantive Change Review (Certificate)	\$ 50

9. Substantive Change Review (Associate)	\$100
10. Substantive Change Review (Bachelor and Graduate)	\$250
11. Change of Ownership, Name, Location	\$100
12. Student Record Verification (per copy)	\$ 10
13. Late Fee (per day)	\$ 10

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

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

(9) Nothing in this regulation shall be construed or interpreted so that students attending an out-of-state public institution of higher education are considered to be attending a Missouri public institution of higher education for purposes of obtaining student financial assistance.

AUTHORITY: section 173.005, RSMo Supp. [2007] 2012. Original rule filed Dec. 17, 2007, effective June 30, 2008. Amended: Filed April 15, 2013.

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 Higher Education, Attn.: Amy Werner, PO Box 1469, Jefferson City, MO 65102, by submitting comments electronically via the department website at www.dhe.mo.gov, or by faxing comments to (573) 751-6635. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED AMENDMENT

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

PURPOSE: The advisory committee is statutorily obligated to enforce and administer the provisions of sections 324.475–324.499, RSMo. Pursuant to section 324.481, RSMo, the Missouri State Board of Chiropractic Examiners upon recommendation of the Acupuncturist Advisory Committee shall set fees necessary to administer the provisions of sections 324.475–324.499, RSMo. The advisory committee is proposing to decrease the acupuncturist renewal fee.

(3) The fees are established as follows:

(B) Acupuncturist Biennial Renewal Fee	[\$300.00] \$200.00
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AUTHORITY: sections 324.481 and 324.487, RSMo Supp. [2010] 2012, and sections 324.490 and 324.493, RSMo 2000. This rule originally filed as 4 CSR 15-1.030. Original rule filed July 24, 2001, effective Feb. 28, 2002. For intervening history, please consult the

Code of State Regulations. Emergency amendment filed April 8, 2013, effective April 18, 2013, expires Jan. 28, 2014. Amended: Filed April 8, 2013.

PUBLIC COST: This proposed amendment will cost state agencies ten thousand dollars (\$10,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately ten thousand dollars (\$10,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Acupuncturist Advisory Committee, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-0735, or via email at acupuncture@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

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

Division 2015 - Acupuncturist Advisory Committee

Chapter 1 - General Rules

Proposed Amendment to 20 CSR 2015-1.030 Fees

Prepared February 19, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimated Fiscal Impact

Affected Agency or Political Subdivision	Estimated Revenue	
Acupuncturist Advisory Committee	(\$10,000)	
	Estimated Loss of Revenue Biennially for the Life of the Rule	(\$10,000)

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this amendment.
2. The committee utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the committee voted on a \$100 reduction in renewal fees.
3. It is anticipated that the total decrease in revenue will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2015 - Acupuncturist Advisory Committee****Chapter 1 - General Rules****Proposed Amendment to 20 CSR 2015-1.030 Fees**

Prepared February 19, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
100	Acupuncturist Biennial Renewal Fee (Decrease @ \$100)	\$10,000
	Estimated Biennial Cost Savings for the Life of the Rule	\$10,000

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on FY13-17 projections which are based on FY2012 actuals.
2. It is anticipated that the total fiscal savings will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2030—Missouri Board for Architects,
Professional Engineers, Professional Land Surveyors,
and Landscape Architects
Chapter 6—Fees**

PROPOSED AMENDMENT

20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees. The board is proposing to amend subsections (1)(Q)–(1)(T).

PURPOSE: The board is statutorily obligated to enforce and administer the provisions of sections 327.011–327.635, RSMo. Pursuant to section 327.431, RSMo, the board shall set the amount of the fees at a level to produce revenue which shall not substantially exceed the cost and expense of administering this chapter. The board is proposing to decrease the corporate application fee, corporate renewal fee, corporate reinstatement fee, and corporate reauthorization fee.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

(Q) Corporate Application Fee	\$/300 /200
(R) Corporate Renewal Fee	\$/200 /100
(S) Corporate Reinstatement Fee	\$/250 /150
(T) Corporate Reauthorization Fee	\$/300 /200

AUTHORITY: sections 324.008 and 327.041, RSMo Supp. 2012. This rule originally filed as 4 CSR 30-6.015. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed April 8, 2013.

PUBLIC COST: This proposed amendment will cost state agencies approximately thirty thousand three hundred dollars (\$30,300) annually and two hundred eighty thousand nine hundred dollars (\$280,900) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately thirty thousand three hundred dollars (\$30,300) annually and two hundred eighty thousand nine hundred dollars (\$280,900) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, via facsimile at (573) 751-8046, or via email at moapels@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects****Chapter 6 - Fees****Proposed Amendment to 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees**

Prepared March 14, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Annually**

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	\$30,300	
	Estimated Annual Loss of Revenue for the Life of the Rule	\$30,300

Biennially

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	\$280,900	
	Estimated Biennial Loss of Revenue for the Life of the Rule	\$280,900

III. WORKSHEET

See Private Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this amendment.
2. The committee utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the committee voted on a \$100 reduction in corporate fees.
3. It is anticipated that the total decrease in revenue will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2030 - Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 6 - Fees

Proposed Amendment to 20 CSR 2030-6.015 Application, Renewal, Reinstatement, Relicensure, and Miscellaneous Fees

Prepared March 14, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Annual

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated savings of compliance with the amendment by affected entities:
18	Corporate Reinstatement Fee (Decrease @ \$100)	\$1,800
276	Corporate Application Filing Fee (Decrease @ \$100)	\$27,600
9	Corporate Reauthorization Fee (Decrease @ \$100)	\$900
	Estimated Annual Costs for the Life of the Rule	\$30,300

Biennial

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated savings of compliance with the amendment by affected entities:
2,809	Corporate Renewal Fee (Decrease @ \$100)	\$280,900
	Estimated Biennial Cost Savings for the Life of the Rule	\$280,900

III. WORKSHEET

See tables above.

IV. ASSUMPTIONS

1. The numbers reported above are based on calendar year 2012 actuals.
2. It is anticipated that the total fiscal savings will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 327, RSMo. Pursuant to section 327.431, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 327, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 327, RSMo. Therefore, the elimination of this fee will be compensated for by other fees charged by the board.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2095—Committee for Professional Counselors
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2095-1.020 Fees. The committee is proposing to amend subsection (1)(D).

PURPOSE: This amendment lowers the biennial renewal fee.

(1) The following fees are established by the Committee for Professional Counselors and are payable in the form of a cashier's check, personal check, or money order:

(D) Biennial Renewal	<i>[\$ 150.00]</i> \$125.00
1. Renewal received 1–60 days late	\$ 50.00
2. Renewal received 61 days–2 years late	\$100.00

AUTHORITY: section 337.507, RSMo Supp. [2010] 2012, and section 337.520.1(2), RSMo 2000. This rule originally filed as 4 CSR 95-1.020. Original rule filed Oct. 16, 1986, effective Jan. 30, 1987. For intervening history, please consult the Code of State Regulations. Emergency amendment filed April 8, 2013, effective April 18, 2013, expires Jan. 28, 2014. Amended: Filed April 8, 2013.

PUBLIC COST: This proposed amendment will cost state agencies approximately ninety-five thousand dollars (\$95,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will save private entities approximately ninety-five thousand dollars (\$95,000) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Committee for Professional Counselors, PO Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102-1335, by facsimile at (573) 751-0018, or via email at profcounselor@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER**Title 20 -Department of Insurance, Financial Institutions and Professional Registration****Division 2095 - Committee for Professional Counselors****Chapter 1 - General Rules****Proposed Amendment to 20 CSR 2095-1.020 Fees**

Prepared February 19, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**Estimated Fiscal Impact**

Affected Agency or Political Subdivision	Estimated Revenue	
Committee for Professional Counselors	(95,000)	
	Estimated Loss of Revenue Biennially for the Life of the Rule	(95,000)

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. The total loss of revenue is based on the cost savings reflected in the Private Entity Fiscal Note filed with this amendment.
2. The board utilizes a rolling five year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five year analysis, the board voted on a \$25 reduction in the biennial renewal fee.
3. It is anticipated that the total fiscal savings will recur for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

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

Division 2095 - Committee for Professional Counselors

Chapter 1 - General Rules

Proposed Amendment to 20 CSR 2095-1.020 Fees

Prepared February 19, 2013 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the amendment by affected entities:
3,800	Biennial Renewal (Renewal Fee Decrease @ \$25)	\$95,000
	Estimated Biennial Cost Savings for the Life of the Rule	\$95,000

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The above figures are based on FY13-FY17 projections.
2. It is anticipated that the total fiscal savings will recur biennially for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight