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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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The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



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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. 2014), are available in the listed participating libraries, as selected by the Missouri State Library:

| | | | |
|---|---|---|---|
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| Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160 | Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279 | Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325 | Lebanon-Laclede County Library 915 S. Jefferson Ave. Lebanon, MO 65536-3017 (417) 532-2148 |
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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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| St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247 | Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438 | Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359 | Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533 |
| Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494 | Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438 | School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125 | |
| Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416 | B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841 | Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279 | |

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 400—Life, Annuities and Health Chapter 11—Navigators

EMERGENCY RULE

20 CSR 400-11.140 Renewal Applications and Fees—Individual Navigators and Entity Navigators

PURPOSE: This rule prescribes the license renewal application process and fees for individual navigators and entity navigators. All forms referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

EMERGENCY STATEMENT: After sections 376.2000 through 376.2014, known as the "Health Insurance Marketplace Innovation Act" (HIMIA) became law on July 12, 2013, but before the promulgation of a rule regarding renewal requirements for individual navigators and entity navigators, the United States District Court, Western District of Missouri, issued a preliminary injunction on January 23, 2014 enjoining the statutes' enforcement by the Director of the Missouri Department of Insurance, Financial Institutions and Professional (department) of HIMIA. *St. Louis Effort for AIDS, et al. v. Director John Huff*, in his official capacity as Director of the Department, U.S.D.Ct., W.D., No. 2:13-cv-4246. On April 10, 2015,

the Eighth Circuit Court of Appeals affirmed the preliminary injunction as to enforcement of certain provisions within HIMIA, vacated the preliminary injunction regarding the enforcement of the licensure renewal statutes and rulemaking authority in HIMIA, and remanded the case to the district court. *St. Louis Effort for AIDS, et al. v. Director John M. Huff* in his official capacity as Director of the Department, 782 F.3d 1016 (8th Cir. 2015). On May 26, 2015, the district court issued its order recognizing that the Eighth Circuit Court of Appeals issued its mandate on May 6, 2015, and ordered the case to proceed. The district court's order did not enjoin the director's enforcement of the licensure renewal provisions or rulemaking authority in HIMIA. *St. Louis Effort for AIDS, et al. v. Director John Huff*, in his official capacity as Director of the Department, U.S.D.Ct., W.D., No. 2:13-cv-4246.

The department issued its first individual navigator and entity navigator licenses in September 2013. Such licenses are valid for two years and are due to be renewed, pursuant to section 376.2006, beginning September 2015. This emergency rule is required to implement section 376.2006, as authorized by section 376.2014.3, to ensure the appropriate renewal requirements are prescribed. A proposed rule that covers this same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections in the *Missouri* and *United States Constitutions*. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under these circumstances. This emergency rule was filed July 15, 2015, becomes effective July 25, 2015, and expires February 25, 2016.

(1) Renewal Application and Fees. Application for renewal of a navigator license shall include the following, as applicable:

(A) Individual Navigator.

1. A completed renewal application form, which is included herein as Exhibit 1 of this rule, or any form which substantially comports with the specified form;

2. Twenty-five dollar (\$25) application fee. If the renewal application is not received before the license expires, a late fee of ten dollars (\$10) must be added to the application fee; and

3. A completed Navigator Continuing Education Certification Summary form referenced in 20 CSR 400-11.120(1)(C); or

(B) Entity Navigator.

1. A completed renewal application form, which is included herein as Exhibit 2 of this rule, or any form which substantially comports with the specified form;

2. Fifty dollar (\$50) application fee. If the renewal application is not received before the license expires, a late fee of fifteen dollars (\$15) must be added to the application fee; and

3. List of all Missouri-licensed navigators conducting business on behalf of the entity.

EXHIBIT 1



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION
APPLICATION FOR NAVIGATOR LICENSE RENEWAL

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

| | | | | | | | | | | | |
|---|--|--|-------------------------|-----------------------------|--|-----------------------------|-----------|----------------------------|------------------------------|--------------|-------------|
| PLEASE PRINT OR TYPE | | | | | | | | | | | |
| 1. SOCIAL SECURITY NUMBER | | | | | | 2. DATE OF BIRTH | | | | | |
| 3. LAST NAME | | | JR./SR., ETC. | | | 4. FIRST NAME | | | 5. MIDDLE NAME | | |
| 8. RESIDENCE/HOME ADDRESS (PHYSICAL STREET) | | | | 7. P.O. BOX | | 8. CITY | | | 9. STATE | 10. ZIP CODE | 11. COUNTRY |
| 12. HOME TELEPHONE NUMBER | | | | 13. MOBILE TELEPHONE NUMBER | | | | 14. PERSONAL EMAIL ADDRESS | | | |
| 15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female | | 16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen? | | | | | | | | | |
| 17. BUSINESS ENTITY NAME | | | | | | | | | | | |
| 18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET) | | | | 19. P.O. BOX | | 20. CITY | | | 21. STATE | 22. ZIP CODE | 23. COUNTRY |
| 24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.) | | | 25. BUSINESS FAX NUMBER | | | 26. BUSINESS E-MAIL ADDRESS | | | 27. BUSINESS WEBSITE ADDRESS | | |
| 28. APPLICANT'S MAILING ADDRESS | | 29. P.O. BOX | | 30. CITY | | | 31. STATE | 32. ZIP CODE | 33. COUNTRY | | |
| 34. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST. | | | | | | | | | | | |

BACKGROUND INFORMATION

35. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding regarding any professional or occupational license or registration, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated; or, being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions, in your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

3. Have you failed to pay state or federal income tax, which has not been previously reported to this insurance department? YES NO
- Have you failed to comply with an administrative or court order directing payment of state or federal income tax, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement explaining the circumstances of each administrative or court order;
 - b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.);
 - c) a certified copy of each administrative or court order, judgment, and/or lien; and
 - d) a certified copy of the official document which demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).
4. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident,
 - b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
 - c) a certified copy of the official document which demonstrates the resolution of the charges and/or a final judgment.
5. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct, which has not been previously reported to this insurance department? YES NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a navigator license, and
 - b) copies of all relevant documents.
6. Do you currently have or have you had a child support obligation, which has not been previously reported to this insurance department? YES NO
- If you answer yes:
- a) are you in arrearage? YES NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? YES NO
 - e) are you in compliance with said repayment agreement? YES NO
 - f) are you the subject of a child support related subpoena/warrant? (if you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) YES NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? YES NO

EMPLOYMENT HISTORY

36. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment and full-time education.

| | | | FROM | | TO | | POSITION HELD |
|------|-------|---------|-------|------|-------|------|---------------|
| | | | MONTH | YEAR | MONTH | YEAR | |
| NAME | | | | | | | |
| CITY | STATE | COUNTRY | | | | | |
| NAME | | | | | | | |
| CITY | STATE | COUNTRY | | | | | |
| NAME | | | | | | | |
| CITY | STATE | COUNTRY | | | | | |
| NAME | | | | | | | |
| CITY | STATE | COUNTRY | | | | | |

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 35.3.
4. I further certify, under penalty of perjury, that a) I have no child-support obligation, b) I have a child-support obligation and I am currently in compliance with that obligation, or c) I have identified my child support obligation arrearage on this application.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.

ORIGINAL APPLICANT SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

DATE (MONTH/DAY/YEAR)

INSTRUCTIONS

1. All applicants must submit a \$25 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Attach Navigator Continuing Education Certification Summary (MO 375-0894) to show compliance with section 376.2006, RSMo and 20 CSR 400-11.120.
3. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

EXHIBIT 2



MISSOURI DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
LICENSING SECTION

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

APPLICATION FOR NAVIGATOR ENTITY LICENSE RENEWAL

| | | | | | |
|--|--|--|----------------------|------------------------------|----------------------------|
| PLEASE PRINT OR TYPE | | | | | |
| 1. NAVIGATOR ENTITY NAME | | 2. INCORPORATION/FORMATION DATE (MONTH/DAY/YEAR) | | 3. FEIN | |
| 4. LIST ALL NAMES UNDER WHICH YOU ARE DOING BUSINESS | | | 5. STATE OF DOMICILE | | 6. COUNTRY OF DOMICILE |
| 7. CONTACT NAME | | | | | |
| 8. BUSINESS ADDRESS | | 9. CITY | | 10. STATE | 11. ZIP OR FOREIGN COUNTRY |
| 12. TELEPHONE NUMBER | | 13. FAX NUMBER | | 14. BUSINESS WEBSITE ADDRESS | 15. BUSINESS EMAIL ADDRESS |
| 16. MAILING ADDRESS | | 17. P.O. BOX | 18. CITY | | 19. STATE |
| | | | | 19. STATE | 20. ZIP OR FOREIGN COUNTRY |

BACKGROUND INFORMATION

21. Please read the following very carefully and answer every question. All copies of documents must be certified. All written statements submitted by the Applicant must include an original signature.

1. Has the navigator entity or any owner, partner, officer or director ever been convicted of, or is the navigator entity or any owner, partner, officer or director currently charged with, committing a crime, whether or not adjudication was withheld, which has not been previously reported to this insurance department? YES NO

"Crime" includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations and juvenile offenses.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

"Whether or not adjudication was withheld" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence—sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

2. Has the navigator entity or any owner, partner, officer or director ever been involved in an administrative proceeding regarding any professional or occupational license, which has not been previously reported to this insurance department? YES NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, placed on probation or surrendering a license to resolve an administrative action. "Involved" also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You may exclude terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

3. Has the navigator entity or any owner, partner, officer or director ever been notified of any delinquent income tax obligation, which has not been previously reported to this insurance department? YES NO

If you answer yes, identify the jurisdiction(s): _____

4. Is the navigator entity or any owner, partner, officer or director a party to, or ever been found liable in any lawsuit or arbitration proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach or fiduciary duty, which has not been previously reported to this insurance department? YES NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a copy of the Petition, Complaint or other document that commenced the lawsuit or arbitration, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

APPLICANT'S CERTIFICATION AND ATTESTATION

22. The undersigned owner, partner, officer or director of the navigator entity hereby certifies, under penalties of perjury, that:
1. All of the information submitted in this application and attachments is true and complete and I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation and may subject me and the navigator entity to civil or criminal penalties.
 2. The navigator entity grants permission to the Department to verify any information supplied herein with any federal, state or local government agency.
 3. I authorize the Director to give any information concerning the navigator entity or any owner, partner, officer or director, to any federal, state or municipal agency, or any other organization and I release the Director and any person acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
 4. I acknowledge that I am familiar with the navigator laws and regulations of Missouri.
 5. If required, I have received a Certificate of Good Standing from Missouri's Secretary of State.

SIGNATURE

TYPED OR PRINTED NAME

TITLE

SOCIAL SECURITY NUMBER

ADDRESS (CITY, STATE, ZIP CODE)

NOTARY

| | | |
|---|---|-------------------------------|
| NOTARY PUBLIC EMBOSSEUR OR BLACK INK RUBBER STAMP SEAL | STATE | COUNTY (OR CITY OF ST. LOUIS) |
| | SUBSCRIBED AND SWORN BEFORE ME, THIS DAY OF _____ YEAR _____ | |
| | USE RUBBER STAMP IN CLEAR AREA BELOW. | |
| | NOTARY PUBLIC SIGNATURE | MY COMMISSION EXPIRES |
| NOTARY PUBLIC NAME (TYPED OR PRINTED) | | |

INSTRUCTIONS

- Application for initial licensure for a navigator entity shall include the following, as applicable:
1. A completed Application for Navigator Entity License Renewal.
 2. \$50 fee in the form of a check or money order, made payable to DIFP - Insurance.
 3. Attach a list of all individual navigators that are employed by or in any manner affiliated with the navigator entity. (Changes to this list shall be reported to the department within twenty days of the change.)
 4. Mail completed application packet to:
 - MO DIFP – Insurance
 - PO Box 4001
 - Jefferson City MO 65102-4001

AUTHORITY: sections 374.045, 376.2006, and 376.2014, RSMo Supp. 2013. Emergency rule filed July 15, 2015, effective July 25, 2015, expires Feb. 25, 2016. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

This rule originally filed as 4 CSR 220-4.010. Emergency rule filed July 15, 1981, effective Aug. 3, 1981, expired Nov. 11, 1981. Original rule filed Aug. 10, 1981, effective Nov. 12, 1981. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 10, 2015, effective July 20, 2015, expires Dec. 1, 2015.

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

**Division 2220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy**

EMERGENCY AMENDMENT

20 CSR 2220-4.010 General Fees. The Board of Pharmacy is proposing to add section (5).

PURPOSE: The Board of Pharmacy is statutorily obligated to enforce and administer the provisions of Chapter 338, RSMo, governing the practice of pharmacy. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce renewal fees for Missouri pharmacies and drug distributors.

EMERGENCY STATEMENT: The Board of Pharmacy is statutorily obligated to set all fees, by regulation, necessary to administer the provisions of Chapter 338, RSMo. Pursuant to section 338.070, RSMo, the board shall set the appropriate amount of fees by rule, so that the revenue produced shall not substantially exceed the cost and expense of administering the provisions of Chapter 338, RSMo. Therefore, the board is proposing to decrease 2015 renewal fees for Missouri pharmacies and drug distributors from four hundred fifty dollars (\$450) to one hundred fifty dollars (\$150). Pharmacy and drug distributor renewal notices will be mailed on August 1, 2015. Without this emergency amendment, the decreased fee requirements will not be effective prior to renewal notices being mailed, and the board will collect more revenue than it is statutorily authorized to collect. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary for the 2015 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 338.070.3, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency amendment to be fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 10, 2015, becomes effective July 20, 2015, and expires December 1, 2015.

(5) To ensure compliance with section 338.070, RSMo, the following renewal fees shall be effective from August 1, 2015, to October 31, 2015:

- (A) Pharmacy Distributor/Wholesale Drug Distributor License Renewal Fee** **\$150**
- (B) Pharmacy Permit Renewal Fee** **\$150**

AUTHORITY: sections [338.020,] 338.040, 338.060, 338.070, 338.185, 338.230, 338.270, 338.280, and 338.350, RSMo 2000, [and] sections 338.035, 338.140, [338.220,] and 338.335, RSMo Supp. 2013, and sections 338.020 and 338.220, RSMo Supp. 2014.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2014.

EXECUTIVE ORDER

15-04

WHEREAS, on June 26, 2015, the United State Supreme Court rendered its decision in Obergefell v. Hodges, 576 U.S. ____ (2015); and

WHEREAS, in Obergefell, the United States Supreme Court held that there is a fundamental right under the United States Constitution to same-sex marriage and that states cannot prohibit or invalidate such marriages; and

WHEREAS, government must ensure that this right is recognized and protected for all legally married couples irrespective of the date or place of celebration; and

WHEREAS, the Obergefell decision shall be implemented across the executive branch of state government so that all rights, privileges and obligations arising from the decision are effectuated; and

WHEREAS, all counties, municipalities and other political subdivisions should further ensure that the Obergefell decision is implemented in all applicable operations; and

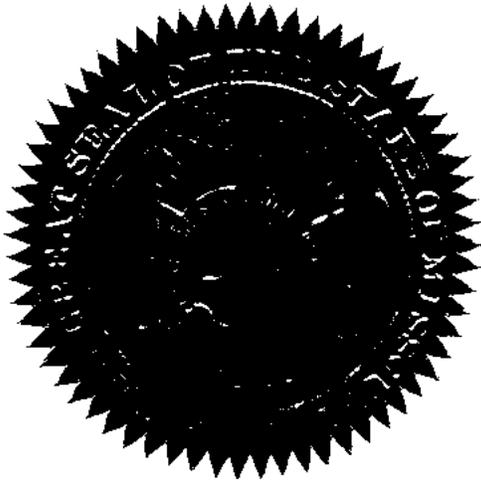
WHEREAS, on November 14, 2013, I issued Executive Order 13-14 allowing same-sex couples legally married in a state that authorized such marriages to file a combined state income tax return if they filed a joint federal income tax return; and

WHEREAS, Executive Order 13-14 is no longer necessary as same-sex marriages are now recognized and all rights, privileges and obligations applicable to married couples now apply to same-sex couples.

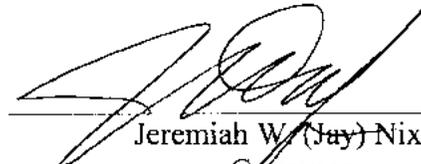
NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby Order all departments, agencies, boards and commissions in the executive branch to immediately take all necessary measures to ensure compliance with the Obergefell decision in all aspects of their operations.

Executive Order 13-14 is hereby rescinded and replaced by this Order.

This Order shall be effective immediately and shall not expire.



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 7th day of July, 2015.


Jeremiah W. (Jay) Nixon
Governor

ATTEST:


Jason Kander
Secretary of State

EXECUTIVE ORDER
15-05

WHEREAS, a State of Emergency was declared on June 18, 2015 pursuant to Executive Order 15-03; and

WHEREAS, the State of Emergency will expire on July 18, 2015; and

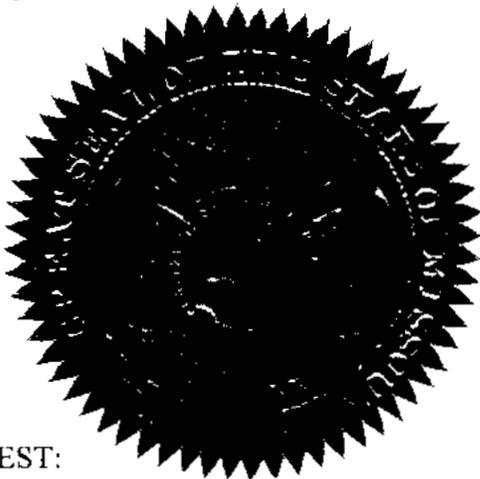
WHEREAS, the severe weather systems that have impacted the state of Missouri since May 15, 2015 have resulted in loss of life and injury as well as damaged homes, businesses, transportation infrastructure, agricultural land and other property across the state; and

WHEREAS, severe weather systems continue to impact the state of Missouri causing ongoing conditions of distress and hazard to the safety, welfare, and property of the citizens of Missouri beyond the capabilities of local jurisdictions and other established agencies; and

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

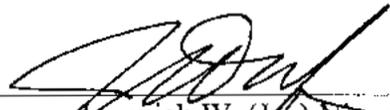
WHEREAS, the resources of the state of Missouri have been needed and will continue to be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians.

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 the Laws of the state of Missouri, including Chapter 44, RSMo, do hereby extend the declaration of emergency contained in Executive Order 15-03 until August 14, 2015 unless extended in whole or in part by subsequent order.



ATTEST:

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 14th day of July, 2015.


Jeremiah W. (Jay) Nixon
Governor


Jason Kander
Secretary of State