

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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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 12—DEPARTMENT OF REVENUE Division 10—Director of Revenue Chapter 26—Dealer Licensure

PROPOSED AMENDMENT

12 CSR 10-26.010 Bona Fide Established Place of Business. The department is amending subsection (1)(B).

PURPOSE: The amendment removes the telephone requirements for maintaining a bona fide established place of business.

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a "business location," for boat dealers, boat manufacturers, motor vehicle dealers other than dealers who sell only emergency vehicles, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions, trailer dealers, trailer manufacturers, powersport dealers, and wholesale motor vehi-

cle auctions—

(B) The business location must be open regular business hours during which the public and the department are able to contact the licensee. Regular business hours for purposes of this rule shall be a minimum of twenty (20) hours per week, at least four (4) of the six (6) days of Monday through Saturday each week. Only hours falling between 6 a.m. and 10 p.m. will be considered by the department in the twenty (20) hour minimum. The business hours shall be posted at the business location. *The business location must contain a working telephone (other than a mobile or cellular phone) in the licensee's name with an advertised public number that must be maintained during the entire period of licensure;*

AUTHORITY: section 301.553, RSMo [2000 and section 301.560, RSMo Supp. 2007] 2016. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003. Amended: Filed May 15, 2008, effective Nov. 30, 2008. Amended: Filed April 7, 2017.

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 Revenue, General Counsel's Office, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 65—Missouri Medicaid Audit and Compliance Chapter 3—Providers and Participants—General Provider and Participant Policies

PROPOSED RULE

13 CSR 65-3.050 Electronic Signatures for Mo HealthNet Program

PURPOSE: This rule establishes the basis on which Health Care Providers and participants under Missouri Medicaid Title XIX Programs may utilize electronic signatures when validating services rendered and received.

(1) As used in this rule, the following terms shall mean:

(A) "Electronic Medical Record" means a record from which symptoms, conditions, diagnosis, treatments, prognosis, and the identity of the patient to which these things relate can be readily discerned and verified with reasonable certainty. Electronic Medical Records may be referred to as "Electronic Health Records;"

(B) "Electronic Record" means an electronic record of health-related information on an individual, from which services rendered and the amount of reimbursement received by a provider can be readily discerned and verified with reasonable certainty;

(C) "Electronic Signature" means a computer data compilation of any symbol or series of symbols executed, adopted, or authorized by an individual with the intent to be the legally binding equivalent of the individual's handwritten signature. The use of biometrics does not constitute an electronic signature; however, biometrics may be used as part of electronic signature verification. A signature stamp does not constitute an electronic signature;

(D) "Participant" means any individual who is a participant in the

Missouri Medicaid Title XIX or Title XXI programs;

(E) “Provider” means any health care provider that participates or provides services under Title XIX and under Title XXI of the federal Social Security Act.

(2) This rule applies to any Electronic Record, Electronic Health Record or Electronic Medical Record, or Electronic Signature, as defined herein.

(3) If a law or regulation requires a record to be in writing, an electronic record shall satisfy such law for MO HealthNet purposes. If a law or regulation requires a signature to be in writing, an electronic signature shall satisfy such law for MO HealthNet purposes.

(4) An electronic signature has the same legal effect and can be enforced in the same manner as a written signature.

(5) Electronic records and electronic medical records are subject to the retention requirements set forth in 13 CSR 70-3.030 and 13 CSR 70-3.210.

(6) Nothing herein shall require a provider to conduct business electronically, but if a provider chooses to conduct business electronically, the following requirements shall apply:

(A) Only employees or agents designated by the provider may make entries in a participant’s electronic record or electronic medical record;

(B) All entries in a participant’s electronic record or electronic medical record must be authenticated with a method established to identify the author. The method utilized may include computer keys/codes or voice authentication systems that utilize a personal identification number (PIN). When computer key/code(s), voice authentication systems, or other codes are used, these methods must be under the sole control of the employee or agent using them. Providers must be able to demonstrate that adequate safeguards are maintained to protect against improper or unauthorized use of these methods;

(C) A provider shall have a process in place to deactivate and disable an employee’s or an agent’s access to electronic records and electronic medical records upon suspension or termination of an employee’s or agent’s employment or agency relationship;

(D) Providers’ electronic records and electronic medical records systems shall maintain an activity tracking system to monitor and record user activity for all documents in a participant’s record that are viewed, created, updated, or modified. The tracking system must record the following for each activity:

1. User log-in and log-out dates and times;
2. User identification;
3. Device identification, such as a Media Assigned Control (MAC) address; and
4. Dates and times when records are viewed, created, updated, or modified; and

(E) Providers shall ensure measures are in place to assure that the signer cannot deny having signed the record.

(7) Electronic medical records shall contain the following:

(A) The name, title, and signature of the MO HealthNet enrolled provider delivering the service; and

(B) The date the signature was executed.

(8) The process of affixing an electronic signature shall require at least two (2) distinct identification components, such as an identification code and a password.

(9) When a change is made to an electronic record or electronic health record, the following requirements apply:

(A) All original records shall be maintained; and

(B) Any edits or changes to the record shall be saved, and the

record shall contain the date of the edit or change, the reason for the edit or change, and the author of the edit or change.

AUTHORITY: sections 208.159 and 660.017, RSMo 2016. Original rule filed April 6, 2017.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Rules.Comment@dss.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 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 100—Secretary of State—Notary Commissions

PROPOSED AMENDMENT

15 CSR 30-100.010 Revocation and/or Suspension of Notary Commission. The secretary of state’s office is proposing to change the title and purpose, amend section (1), and add a new section (2).

PURPOSE: This amendment clarifies how a notary’s commission may be revoked and adds suspension of a commission.

PURPOSE: This rule sets out the general nature of how a notary commission may be revoked or suspended.

(1) Before a notary’s commission may be revoked, the notary *[public]* shall receive written notice alleging why the notary’s commission should be revoked~~,~~ **and of the right to a hearing *[to prove those allegations and a formal adjudication]*. The notary may request a hearing on the revocation as provided in 15 CSR 30-100.020. If the notary fails to request a hearing as provided in 15 CSR 30-100.020, the notary thereby waives his/her right to a hearing and the revocation shall proceed.** If a notary’s commission is ordered revoked **after a hearing**, *[that person]* the notary shall have the right to appeal the revocation order.

(2) **The secretary of state’s office may immediately suspend a notary’s commission upon written notice sent to the notary by certified mail when the secretary of state’s office deems the situation has a serious unlawful effect on the general public. The notary may request a hearing on the suspension as provided in 15 CSR 30-100.015.**

AUTHORITY: section 486.385.2, RSMo [1986] 2016. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended: Filed April 17, 2017.

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 Secretary of State, Commissions, PO Box 784, Jefferson