

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

Division 2150—State Board of Registration for the Healing Arts

Chapter 2—Licensing of Physicians and Surgeons

EMERGENCY RESCISSION

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees. This rule established the fees the Missouri State Board of Registration for the Healing Arts is authorized to collect in administering Chapter 334, RSMo. Pursuant to Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorizes not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002 – 334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.749, 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 sections 334.002-334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002 – 334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002-334.749, 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 sections 334.002-334.749, RSMo. Based on the board's five (5)-year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in rule is unnecessary; and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

*A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission 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 rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 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 334.090.2, RSMo. Pursuant to section 324.001.10,*

RSMo, a compelling governmental interest is to 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 rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016 becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. Amended: Filed April 14, 2000, effective Oct. 30, 2000. Amended: Filed Sept. 15, 2000, effective March 30, 2001. Amended: Filed June 16, 2003, effective Dec. 30, 2003. Moved to 20 CSR 2150-3.170, effective Aug. 28, 2006. Amended: Filed March 30, 2009, effective Nov. 30, 2009. Emergency rescission was filed September 1, 2016 becomes effective September 11, 2016, and expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the **Missouri Register**.*