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Missouri State Auditor

August 20, 2020

Honorable Mike Parson, Governor

and

Members of the General Assembly

The State Auditor's Office reviewed state agency compliance with Section 536.175, RSMo. We determined that the Department of Commerce and Insurance and the Missouri Consolidated Health Care Plan met the requirements of Section 536.175, RSMo. These requirements include each agency reviewing its existing rules, completing and filing the periodic rule review report with the Joint Committee on Administrative Rules (JCAR), and ensuring the report is available on the agency's website.

Section 536.175, RSMo, requires a 5 year rolling review by all state agencies of their existing rules. The first group of agencies (Title 1 through 6 of the Code of State Regulations [CSR]) were required to begin their rule review no later than July 1, 2015, and to complete it by June 30, 2016. The second group of agencies (Title 7 through 10 of the CSR) were required to begin their rule review no later than July 1, 2016, and to complete it by June 30, 2017. The third group of agencies (Title 11 through 14 of the CSR) were required to begin their rule review no later than July 1, 2017, and complete it by July 30, 2018. The fourth group of agencies (Title 15 through 19 of the CSR) were required to begin their rule review no later than July 1, 2018, and complete it by July 30, 2019. The final group of agencies (Title 20 through 22 of the CSR) were required to begin their rule review no later than July 1, 2019, and complete it by June 30, 2020. Each agency must repeat this process every 5 years, and the first group of agencies began their second review process no later than July 1, 2020.

The JCAR publishes in the Missouri Register a notification of which rules are subject to review and the process for this review, including who the public may submit comments to at each agency. Each agency must prepare a report of the results of the agency's rule review with an attached appendix summarizing comments received and the agency's response. The agency must file the report and appendix electronically with the JCAR and the small business regulatory fairness board no later than June 30th after the JCAR publishes the notice. These reports also must be made available on the state agency's website.

Any rule not included in the agency review and report may become null and void. There is a process in place before nullification of a rule, including the ability of the agency to request an extension from the JCAR and a notice and opportunity for the agency to correct the delinquency.

On July 1, 2019, the JCAR published in the Missouri Register the notification of the agency rules (Title 20 and 22¹) subject to review and the process, as required by Section 536.175.2, RSMo.² The following agencies began their rule review on July 1, 2019, and completed the review process by June 30, 2020:

¹ Title 21 of the CSR has been rescinded.

² 44 Mo Reg. 1957 (July 1, 2019).

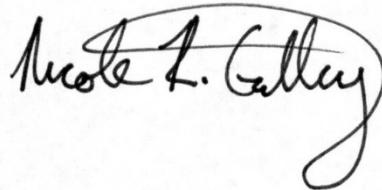
Title 20 - Department of Commerce and Insurance
Title 22 - Missouri Consolidated Health Care Plan

Based on a review of the JCAR's website, each agency timely completed and filed its periodic rule review report by June 30, 2020. These reports are available on that website. Each agency also posts its report on the agency's website.

On July 29, 2020, my office sent a letter to each agency to confirm the information from this review. Each agency provided a response. The table below provides a summary of the information determined from this review.

Department	Number of Rules Reviewed	Number of Comments Received	Rule Report Filed with the JCAR	Rule Report Available on Agency Website
Department of Commerce and Insurance	1,840	2	Yes	Yes
Missouri Consolidated Health Care Plan	47	0	Yes	Yes

Based on this review, these agencies timely completed their rule review process and report as required under Section 536.175, RSMo; and, no further action is necessary.



Nicole R. Galloway, CPA
State Auditor

cc: Waylene Hiles, Director, Joint Committee on Administrative Rules
Christie Kincannon, Deputy Director & General Counsel, Department of Commerce and Insurance
Jennifer Stilabower, Deputy Director & General Counsel, Missouri Consolidated Health Care Plan