



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 73—Child Placing Agencies

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Title 13—DEPARTMENT OF SOCIAL SERVICES

Division 35—Children's Division Chapter 73—Child Placing Agencies

13 CSR 35-73.017 Hearings and Judicial Review

PURPOSE: This rule addresses the procedures for license denial, revocation, suspension, or suspension of intake and the right for an administrative hearing and judicial review for an agency aggrieved by a final decision of the director.

(1) License Denial, or Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, and Chapter 453, RSMo if licensed as an adoption agency, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. Permits abuse or neglect of children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and fails to take corrective action acceptable to the division to ensure the safety of children;

5. Employs persons who abuse or neglect children, or are the subjects of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of probable cause to suspect child abuse or neglect and the agency fails to take corrective action acceptable to the division to ensure the safety of children;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served.

(B) The division shall provide written notice within ten (10) days of denial or revo-

cation of licensure to the agency, which shall include the reason(s) for the denial or revocation. Upon receipt of the notice of denial or revocation, the agency shall cease operation within five (5) working days unless the denial or revocation is stayed by an appropriate administrative or judicial order.

(C) The agency may appeal the decision of the division to deny or revoke the license by filing a request for appeal with the division within ten (10) days after receipt of the notice of denial or revocation.

(D) Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or his/her designee as provided by section 210.526, RSMo.

(E) An agency shall not reapply for licensure within one (1) year from the date of denial or revocation.

(2) License Suspension and Suspension of Intake.

(A) The division shall have the authority to suspend the license of an agency when necessary to protect the health, safety and welfare of children.

(B) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(C) The division shall have the authority to suspend the intake of children into placement during prescribed time periods in order to assure the health, safety and welfare of children.

(D) The division shall have the authority to suspend the intake of birth parents and prospective adoptive parents during prescribed time periods in order to assure the health, safety and welfare of clients.

(E) The division shall provide written notice within ten (10) days of the suspension of license and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review.

(F) In the event that intake only is suspended, the division shall provide written notice within ten (10) days of the suspension and the reasons for the suspension, including time frames and limitations on intake.

(G) When the division suspends the license or the intake of an agency, the suspension shall be for a period not to exceed thirty (30) calendar days, or until there is an administrative review and decision by the director, whichever is first. The director can extend the suspension for an additional thirty (30)

calendar days if the agency has failed to rectify the problem(s).

*AUTHORITY: sections 210.481–210.536, RSMo (1994) and (Cum. Supp. 1996). * This rule originally filed as 13 CSR 40-73.017. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.017, effective June 30, 2018.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 35-73.020 Organization and Administration

PURPOSE: This rule sets forth the requirements for the incorporation, administration and financing of the agency.

(1) Legal Basis for Operation. Agencies which are incorporated in the state of Missouri shall submit to the division their Articles of Incorporation and Certificate of Incorporation.

(2) An agency shall have a governing board, advisory board or designated individual responsible for establishing its policies, determining its programs, guiding its development and providing its leadership. The governing board, advisory board or designated individual shall be responsible for—

(A) Developing and maintaining a program of orientation and training for all new members of the governing board or advisory board;

(B) Developing, maintaining and incorporating provisions for amending a set of bylaws regulating the size, method of selection, structure, function, organization, decision making and authority of the governing board or advisory board;

(C) Keeping minutes of each meeting of the governing board or advisory board which shall reflect its official actions;

(D) Meeting as often as necessary, but at least four (4) times a year to conduct the business of the agency;

(E) Continuing compliance with all applicable federal, state or local laws, or regulations governing the operation and services of the agency;

(F) Assuring that an agency's standards of practice be professional, ethical and responsive to client's needs;

(G) Appointing the administrator and delegating responsibility to that person to administer the agency in all of its activities, functions and services;

(H) Performing and retaining a written evaluation of the administrator on an annual



basis;

(I) Providing the division a written statement which sets forth the kind and extent of authority delegated to the administrator;

(J) Assuring that all facilities are maintained, staffed and equipped to implement the agency’s program effectively;

(K) Evaluating the written policies, program, procedures, and fee structures annually to determine that the interests of children and families are being served, and submitting the evaluation in writing to the division;

(L) Meeting with division staff when requested;

(M) Providing written notification to the division within five (5) working days when there is a change of administrator, governing board president or the organizational structure of the agency;

(N) Adequately protecting the legal rights of children served by the agency;

(O) Informing the division in writing of any legal action brought against the agency which affects any child or children in care, personnel, or conduct of the agency; and

(P) Maintaining a written list of the names, addresses, and title of each member of the governing board or advisory board which shall be provided upon request.

(3) The agency shall be responsible for financial management.

(A) The agency shall approve an annual budget which shall be on file at the agency and submitted to the licensing unit.

(B) The agency shall monitor the financial affairs of the agency and establish an accounting system capable of tracking income and expenditures.

(C) The agency shall be audited biennially by an independent certified public accountant and a copy shall be submitted to the division.

(D) The treasurer and all other persons authorized to handle funds of an agency shall furnish the agency fidelity bonds in amounts to be determined by the governing board. The expense of such bonds shall be borne by the agency.

(E) The agency shall develop written policy on management and security of client fees.

(4) The agency shall have a written policy covering conflict of interest, which shall include at a minimum the following provisions:

(A) Governing board members shall exempt themselves from voting on, or participating in, decisions that have or could have a monetary benefit or a benefit of any other nature upon them or their immediate family;

(B) The agency shall not use any business that is owned or operated by a governing board member or in which a governing board

member has a financial interest, or shall not use the services of a governing board member unless the governing board can document that the goods or services were obtained at a competitive price;

(C) Governing board members seeking foster care or adoptive placement services from the agency shall resign from the governing board during the period(s) when such services are received. The requirements shall also apply when a person from a governing board member’s immediate family seeks agency services;

(D) The agency shall not require clients to use the consultant services of a governing board member or of a governing board member’s family;

(E) A governing board member shall not use a governing board position for personal benefit or for the benefit of family or friends who are seeking services from the governing board member’s agency;

(F) While employees or their spouses can be members of the governing board, such membership shall not comprise more than forty percent (40%) of the composition of the governing board; and

(G) Any potential conflict of interest shall be declared by a governing board member and the minutes shall record declaration and abstention from the vote when a conflict exists.

(5) Agency Ethics.

(A) Agencies must not make or facilitate financial payments or offer other incentives for referrals.

(B) Agencies shall not influence decisions of clients by offering financial or other incentives.

(C) Agencies shall not coerce clients in any manner.

(D) All professional agency staff shall maintain the ethical codes of their respective professions.

*AUTHORITY sections 210.481–210.536, (1994) and (Cum. Supp. 1996). * This rule originally filed as 13 CSR 40-73.020. Original rule filed Sept. 18, 1956, effective Sept. 28, 1956. Refiled: March 12, 1976. Amended: Filed Nov. 6, 1981, effective Feb. 11, 1982. Rescinded: Filed Jan. 14, 1997, effective July 30, 1997. Readopted: Filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.020, effective June 30, 2018.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

13 CSR 35-73.055 Health Care

PURPOSE: This rule sets forth the procedures for health care, emergency medical care, dental care, psychiatric and psychological care, and medicine and drugs.

(1) Health Care Procedure.

(A) The agency shall have a written health care plan which shall address preventive medical, eye, hearing and dental care for any child(ren) in the custody of the agency.

(B) The agency’s health care plan shall include examinations upon entering agency care, subsequent examinations, nursing care, first-aid procedures, dispensing of medicine and basic remedial treatment and the training of basic principles of communicable disease prevention.

(C) The agency shall obtain written authorization for each child from the parent(s), guardian or legal custodian for emergency medical care, emergency surgical care, necessary immunizations and general medical care upon entering care.

(D) A complete physical examination by a licensed physician, a certified nurse practitioner, advanced practice nurse in a collaborative agreement with a licensed physician or a registered nurse who is under the supervision of a licensed physician shall be given to each child under the age of three (3) within seventy-two (72) hours after entering care, unless being discharged directly from a medical facility. For any child over age three (3) the physical examination shall be given within thirty (30) days prior to placement, or within seventy-two (72) hours after entering care. The findings of the examination shall be recorded on a form prescribed by the division, or one containing the equivalent information. Children shall otherwise receive medical examinations in accordance to the periodicity of the Missouri Medicaid Healthy Children and Youth Schedule for Physical and Developmental Examinations available through the division.

(E) If a child shows overt signs of highly infectious disease or other evidence of ill health, the agency shall make arrangements for an immediate examination by a licensed physician.

(F) Any child who has not received primary immunizations prior to placement shall be immunized according to the Department of Health’s current guidelines.

(G) A current immunization history shall be maintained for each child.

(H) Booster shots shall be administered to children as needed, and at time intervals recommended by the agency physician or by the Department of Health’s current guidelines.



(I) Each child under twelve (12) years of age shall be given an annual eye examination. Children twelve (12) years of age and older shall be given an eye examination on an as-needed basis. Corrective treatment shall be provided as prescribed.

(J) Upon discharge, a copy or summary of the child's health and dental records shall be provided to the person or agency responsible for the future planning or care of the child.

(2) Emergency Medical Procedure.

(A) At least one (1) foster care provider shall be qualified/certified to administer first aid, including cardiopulmonary resuscitation (CPR).

(B) A first-aid kit shall be readily available.

(C) Authorization for nonemergency surgery, even though provided before admission, shall be used only when the parent(s), guardian or legal custodian is unavailable to reaffirm the authorization.

(D) An agency shall contact a child's parent(s), guardian or legal custodian within twenty-four (24) hours when a serious illness, a serious injury or hospitalization of the child occurs.

(E) In the event of the death of a child, the parent(s), guardian or legal custodian and the division shall be notified immediately.

(3) Dental Care.

(A) An agency shall provide for annual dental examinations, and for reexaminations and treatment, as necessary.

(B) Upon transfer of the child, a copy or summary of the child's dental record shall be provided to the person or agency responsible for the future planning for the child.

(4) Psychiatric and Psychological Care.

(A) When the agency's service plan for a child indicates a need for professional care by a psychiatrist or a psychologist, the specialized treatment shall be provided, or arranged for, by the agency.

(B) Psychiatrists and psychologists shall be appropriately qualified, certified and/or licensed as appropriate to the nature of the service.

(5) Medicine and Drugs.

(A) All medication shall be prescribed by a licensed physician.

(B) All medicine and drugs shall be kept in a safe place and shall only be accessible to and dispensed by the care giver.

(C) All medication shall be labeled to indicate the name of the child, the type and dosage of medication and shall be dated.

(D) Medication prescribed for one (1)

child shall not be administered to another.

(E) No child shall self-administer medication unless the practice is approved by a licensed physician, or a registered nurse with approval of a licensed physician, and the administrator. The approval shall be documented in the child's medication record and social service plan.

(F) When medications which are approved by a physician's order are prescribed, continued, discontinued or changed, an entry shall be made in the child's records. Entries shall be evaluated at least every sixty (60) days to determine if medication shall be continued, discontinued or changed.

(G) When medications are discontinued, they shall be destroyed.

(H) Upon transfer of a child, medications which are prescribed shall be provided to the person responsible for the future planning or care of the child.

(6) All dietary changes for children under one (1) year should be approved by a licensed physician.

*AUTHORITY: sections 210.481-210.536, RSMo (1994) and (Cum. Supp. 1996). * This rule originally filed as 13 CSR 40-73.055. Original rule filed Feb. 6, 1997, effective July 30, 1997. Moved to 13 CSR 35-73.055, effective June 30, 2018.*

**Original authority: Please see the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*