

Emergency Rules

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 61—Licensing Rules for Family Day
Care Homes**

EMERGENCY AMENDMENT

19 CSR 30-61.175 Child Care Program. The department is amending subsections (1)(A) and (2)(C).

PURPOSE: This amendment implements safe sleep recommendations from the American Academy of Pediatrics (AAP) Task Force on Sudden Infant Death Syndrome for a safe infant sleeping environment and section 210.223, RSMo.

EMERGENCY STATEMENT: According to the Centers for Disease Control and Prevention, Sudden Infant Death Syndrome (SIDS) was the fourth leading cause of death for infants in 2013. Infants are at an increased risk of SIDS if they are placed on their stomachs to sleep and are placed in an unsafe sleep environment. The American Academy of Pediatrics (AAP) Task Force on SIDS has made safe sleep recommendations for infants to help reduce the risk of SIDS. Section 210.223.6, RSMo (HCS for SCS for SB 341, 98th General Assembly, First Regular Session (2015)) requires licensed child care facilities that provide care to children less than one (1) year of age to implement and maintain AAP safe sleep recommendations, which includes placing infants on their backs to sleep, providing supervised tummy time, and requires written instructions from a licensed health care provider for alternative sleep positions or special sleep arrangements. This emergency amendment will impact approximately one thousand one hundred (1,100) licensed family child care homes in Missouri. At the time of this publishing, family child care homes have a capacity to care for approximately ten thousand nine hundred (10,900) children at any given time. Approximately ninety-six percent (96%) of family child care homes are licensed to care for children less than one (1) year of age. Section 210.223, RSMo, authorizes the Department of Health and Senior Services (DHSS) to promulgate emergency rules to implement these recommendations. This emergency amendment is necessary to protect the health of children in child care settings, particularly related to reducing the risk of SIDS by ensuring a safe sleep environment for children less than one (1) year of age. As a result, the DHSS finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The DHSS believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed November 10, 2015, becomes effective November 20, 2015, and expires May 17, 2016.

(1) Care of the Child.

(A) General Requirements.

1. Child care providers shall not leave any child without competent adult supervision.

2. The provider or an assistant personally shall admit each child upon arrival and personally shall dismiss each child upon departure. Children shall be dismissed only to the parent(s), guardian, legal custodian, or to the individual(s) approved by the parent(s), guardian, or legal custodian.

3. Caregivers shall provide frequent, direct contact so children are not routinely left unobserved on the premises.

4. Children under three (3) shall be supervised and assisted while in the bathroom.

5. Caregivers shall check on the children frequently during napping or sleeping and shall remain in close enough proximity to the children to be able to hear them if they have difficulty during napping or when they awaken. **Home monitors or commercial devices marketed to reduce the risk of Sudden Infant Death Syndrome (SIDS) shall not be used in place of supervision while children are napping or sleeping.**

6. If children are napped with no caregiver in the room, the door to the room cannot be closed.

7. All children shall nap on the same floor and a caregiver shall remain on the floor where children are napping at all times.

8. Preschool children who do not sleep shall rest on sleeping equipment at least thirty (30) minutes, but shall not be forced to remain on the sleeping equipment longer than one (1) hour. They shall then be permitted to leave the napping area to engage in quiet play.

9. The provider shall ensure that special attention is given on an individual basis to new children having problems adjusting, distressed children, etc. Children shall be encouraged, but not forced, to participate in group activities.

10. Children shall not be subjected to child abuse/neglect as defined by section 210.110, RSMo.

(2) Daily Activities for Children.

(C) Daily activities for infants and toddlers shall include:

1. Developmental and exploratory play experiences and free choices of play appropriate to the interests, needs, and desires of infants and toddlers;

2. Regular snack and meal times according to each infant's individual feeding schedule, as stated by the parent(s);

3. Supervised "tummy time" for children under one (1) year of age to promote healthy development;

[3.J4. A supervised nap period that meets the child's individual needs/. Unless a written exception from a child's physician is on file at the facility, a] shall meet the following requirements:

A. A child under twelve (12) months of age shall be placed on his/her back to sleep[.];

B. An infant's head and face shall remain uncovered during sleep[.];

C. Infants unable to roll from their stomachs to their backs and from their backs to their stomachs shall be placed on their backs when found face down. When infants can easily turn from their stomachs to their backs and from their backs to their stomachs, they shall be initially placed on their backs, but shall be allowed to adopt whatever positions they prefer for sleep;

D. An infant shall not be overdressed when sleeping, to avoid overheating. Infants should be dressed appropriately for the environment, with no more than one (1) layer more than an adult would wear to be comfortable in that environment;

E. When, in the opinion of the infant's licensed health care provider, an infant requires alternative sleep positions or special sleeping arrangements that differ from those set forth in this rule, the provider shall have on file at the facility written instructions, signed by the infant's licensed health care provider, detailing the alternative sleep positions or special sleeping arrangements for such infant. The provider and the assistant(s) shall put the infant to sleep in accordance with such written instructions;

F. Pacifiers, if used, shall not be hung around the infant's neck. Pacifier mechanisms or pacifiers that attach to infant clothing shall not be used with sleeping infants;

G. After awakening, an infant may remain in the crib as long as s/he is content, but never for periods longer than thirty (30) minutes[.]; and

H. Toddlers shall be taken out of bed for other activities when they awaken;

Emergency Rules

[4.]5. Individual attention and play with adults, including holding, cuddling, talking, and singing;

[5.]6. Opportunities for sensory stimulation which includes visual stimulation through pictures, books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games, and the like; and tactile stimulation through surfaces, fabrics, toys, games, and the like;

[6.]7. Encouragement in the development of motor skills by providing opportunities for **supervised “tummy time,”** reaching, grasping, pulling up, creeping, crawling, and walking; and

[7.]8. Opportunity for outdoor play when weather permits.

AUTHORITY: sections 210.221 and 210.223, RSMo [2000] Supp. 2015. This rule previously filed as 13 CSR 40-61.160, 13 CSR 40-61.175, and 19 CSR 40-61.175. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expires May 17, 2016. An emergency amendment and a proposed amendment covering this same material will be published in the December 15, 2015, issue of the Missouri Register.