

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 30-61.095 Furniture, Equipment, and Materials. The department is amending subsection (1)(B).

PURPOSE: This amendment updates the rule to reflect new federal safety guidelines for cribs and adds language to implement safe sleep recommendations from the American Academy of Pediatrics (AAP) as required by section 210.223, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

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. Approximately one hundred (100) Missouri infants die as a result of SIDS each year. In 2014, an infant in a licensed child care facility died as a result of SIDS after a weighted blanket was placed over the child's legs when he was lying face down. As a result, the Missouri legislature promulgated section 210.223.6, RSMo as part of HCS for SCS for SB 341, 98th General Assembly, First Regular Session (2015). The bill authorizes the Department of Health and Senior Services (DHSS) to promulgate emergency rules to implement safe sleep practices as recommended by the American Academy of Pediatrics (AAP) for licensed child care facilities. The AAP Task Force on SIDS has made safe sleep recommendations for infants in order to reduce the risk of SIDS. The AAP has made recommendations regarding cribs, bedding, and sleep practices to help prevent SIDS. The AAP recommends that cribs and playpens be free of soft objects, soft toys, blankets or other soft or loose bedding, and that cribs are free of bumper pads. The Consumer Product Safety Commission (CPSC) revised its standards for cribs and required all cribs manufactured and sold on or after June 28, 2011, to comply with the new standards. The AAP works in collaboration with the CPSC to ensure child safety and played a key role in the crib requirement changes. The crib requirements support both the AAP recommendations and the CPSC's safe sleep initiative. There are approximately one thousand one hundred (1,100) licensed family child care homes in Missouri. At the time of this publishing, licensed 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. As a result, this emergency amendment is necessary to protect the health of children in child care settings and to implement safe sleep practices as recommended by the AAP in family child care homes in order to reduce the risk of SIDS. 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) Indoor Furniture and Equipment.

(B) Sleeping Equipment.

1. General requirements.

A. A cot, bed, sofa, padded playpen, or crib [with an individually assigned sheet and blanket] shall be provided for each child who naps or sleeps. **An individually assigned sheet and blanket shall be provided for each child twelve (12) months and older who naps or sleeps.** Upper levels of bunk beds shall not be used.

B. If family beds are used for napping or sleeping, a clean sheet shall be spread over the family bedding.

C. If a double bed or larger is used only two (2) children may nap or sleep on it at one (1) time.

D. All bedding shall be clean with sheets laundered at least once a week. Once bedding has been used by a child, it shall not be used by another child until it has been laundered.

E. Sleeping equipment shall be arranged to provide at least a two-foot (2') aisle on one (1) long side of the equipment.

2. Infants [and toddlers].

A. A crib, portable crib, or playpen shall be provided **and used** for each infant. Stack cribs shall not be used.

B. Cribs and playpens shall [have side rail spokes not more than two and three eighths inches (2 3/8") apart. Cribs or playpens previously approved for licensed homes and which do not meet this requirement shall have bumper pads in place for children under twelve (12) months of age.] **meet the Consumer Product Safety Commission and ASTM International (formerly the American Society for Testing and Materials) safety standards for full size baby cribs as found in 16 CFR Part 1219 and for non-full size baby cribs as found in 16 CFR Part 1220. The 2014 crib safety standards found in 16 CFR Parts 1219 and 1220 are incorporated by reference as part of this rule and are published by and available at the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, D.C. 20401-0001, 202-512-1800, www.bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print. This rule does not include any later amendments or additions.**

C. The crib mattress or playpen pad shall be sized correctly to the crib or playpen, in good condition, waterproof, and kept clean and dry./, be firm and maintain its shape even when the fitted sheet designated for that model is used, such that there are no gaps between the mattress and the side of the crib or playpen. [Sheets] Only fitted sheets shall be used and [covers] shall be changed immediately when soiled or wet.

D. Soft materials or objects such as pillows, quilts, comforters, or sheepskins, even if covered by a sheet, shall not be placed under a sleeping infant. If a mattress cover to protect against wetness is used, it shall be tight fitting and thin.

E. Cribs, portable cribs, and playpens shall be free of soft objects, loose bedding, or any object that can increase the risk of entrapment, suffocation, or strangulation. Examples include bumper pads, pillows, quilts, comforters, sleep positioning devices, sheepskins, blankets, flat sheets, cloth diapers, bibs, pillow-like toys, wedges, infant positioners, special mattresses, special sleep surfaces, and other similar items.

F. Blankets or other soft or loose bedding shall not be hung on the sides of cribs or put under the fitted sheet. Only sleep clothing that is designed to keep an infant warm without the possible hazard of covering the head or face may be used during sleep or nap time.

G. Sitting devices such as car safety seats, strollers, swings, infant carriers, infant slings, and other sitting devices shall not be used for sleep/nap time. Infants who fall asleep anywhere other than a crib, portable crib, or playpen must be placed

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in the crib or playpen for the remainder of their sleep or nap time.

*AUTHORITY: sections 210.221[.1(3)] and 210.223, RSMo Supp. [1993] 2015. This rule previously filed as 13 CSR 40-61.080, 13 CSR 40-61.095 and 19 CSR 40-61.095. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.095, effective Dec. 9, 1993. Changed to 19 CSR 30-61.095 July 30, 1998. 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**.*