
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 30-61.105 The Day Care Provider and Other Day Care Personnel. The department is adding a new section (5).

PURPOSE: This amendment adds requirements for caregiver training to include training concerning the safe sleep recommendations of the American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome for a safe infant sleeping environment.

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). This bill requires all caregivers who work in a licensed family child care home caring for children under one (1) year of age to receive safe sleep training based on the American Academy of Pediatrics (AAP) safe sleep recommendations and authorizes the Department of Health and Senior Services (DHSS) to promulgate emergency rules to implement these recommendations. The training will explain the AAP safe sleep recommendations and explain ways to comply with them, such as laying an infant on its back to sleep, creating a sleep environment free of blankets, toys, bumper pads, or other items that could cause suffocation, and reducing the risk of a child overheating while it is asleep. There are approximately one thousand one hundred (1,100) licensed family child care homes in Missouri, each with at least one (1) approved assistant caregiver. Approximately two thousand two hundred (2,200) individuals would need to receive the safe sleep training. The training is necessary to ensure caregivers are aware of safe sleep practices to protect the health and safety of infants in child care settings. 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.

(5) Safe Sleep Training. Every three (3) years the provider and assistant(s) in a family child care home licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the

American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: expansion of recommendations for a safe infant sleeping environment, by Moon RY, which is incorporated by reference in this rule and published in PEDIATRICS Volume 128, No. 5, November 1, 2011, and available from the University of Vermont College of Medicine, Given Building S261, 89 Beaumont Avenue, Burlington, Vermont 05405-0068, telephone number 802-656-2505, fax number 802-656-4844, or at www.pediatrics.aapublications.org/content/128/5/1030.full. This rule does not incorporate any subsequent amendments or additions.

(A) The training shall be documented and maintained as described in subsection (4)(B) of this rule.

(B) The provider and assistant(s) in a family child care home licensed prior to the effective date of this rule shall complete the safe sleep training described in section (5) of this rule within three (3) months of the effective date of this rule.

(C) The provider and assistant(s) in a family child care home licensed after the effective date of this rule shall complete the safe sleep training described in section (5) of this rule prior to licensure.

(D) The provider and any assistant hired or volunteering at the facility after initial licensure shall complete the safe sleep training described in section (5) of this rule within thirty (30) days of employment or volunteering at the facility.

AUTHORITY: sections 210.221 and 210.223, RSMo [2000] Supp. 2015. This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105, and 19 CSR 40-61.105. 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.