

Volume 44, Number 6  
Pages 893–1006  
March 15, 2019

SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 2016. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or “official” without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

**SECRETARY OF STATE**

**JOHN R. ASHCROFT**

Administrative Rules Division  
James C. Kirkpatrick State Information Center  
600 W. Main  
Jefferson City, MO 65101  
(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•

MANAGING EDITOR

AMANDA MCKAY

•

EDITOR

VONNE KILBOURN

•

ASSOCIATE EDITOR

MARTY SPANN

•

PUBLICATION SPECIALIST

JACQUELINE D. WHITE

•

ADMINISTRATIVE AIDE

TAMMY WINKELMAN

•

READER

THOMAS HUBER

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO  
Subscription fee: \$72.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

**MISSOURI REGISTER**  
Office of the Secretary of State  
Administrative Rules Division  
PO Box 1767  
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are available on the Internet. The Register address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg) and the CSR is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr). These websites contain rulemakings and regulations as they appear in the paper copies of the Registers and CSR. The Administrative Rules Division may be contacted by email at [rules@sos.mo.gov](mailto:rules@sos.mo.gov).

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



## IN THIS ISSUE:

### EMERGENCY RULES

**Elected Officials**  
 Secretary of State . . . . .897

**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . .897

### PROPOSED RULES

**Department of Public Safety**  
 Missouri State Water Patrol . . . . .915

**Elected Officials**  
 Secretary of State . . . . .921

**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . .925

**Department of Insurance, Financial Institutions  
 and Professional Registration**  
 Real Estate Appraisers . . . . .951  
 State Committee for Social Workers . . . . .956

### ORDERS OF RULEMAKING

**Department of Conservation**  
 Conservation Commission . . . . .958

**Department of Revenue**  
 Director of Revenue . . . . .959

**Department of Social Services**  
 Children’s Division . . . . .960

**Department of Health and Senior Services**  
 Division of Regulation and Licensure . . . . .962

### Department of Insurance, Financial Institutions and Professional Registration

Insurer Conduct . . . . .967  
 Insurance Solvency and Company Regulation . . . . .967  
 Life, Annuities and Health . . . . .971  
 Property and Casualty . . . . .972  
 Administrative Procedures under the Insurance Laws . . . .972  
 State Board of Chiropractic Examiners . . . . .973  
 State Board of Nursing . . . . .973  
 Missouri State Committee of Interpreters . . . . .973

### IN ADDITIONS

**Department of Health and Senior Services**  
 Missouri Health Facilities Review Committee . . . . .974

### DISSOLUTIONS . . . . .975

### SOURCE GUIDES

**RULE CHANGES SINCE UPDATE** . . . . .978  
**EMERGENCY RULES IN EFFECT** . . . . .989  
**EXECUTIVE ORDERS** . . . . .992  
**REGISTER INDEX** . . . . .993

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
November 1, 2018 November 15, 2018	<b>December 3, 2018</b> <b>December 17, 2018</b>	December 31, 2018 December 31, 2018	January 30, 2019 January 30, 2019
December 3, 2018 December 17, 2018	<b>January 2, 2019</b> <b>January 15, 2019</b>	January 29, 2019 January 29, 2019	February 28, 2019 February 28, 2019
January 2, 2019 January 15, 2019	<b>February 1, 2019</b> <b>February 15, 2019</b>	February 28, 2019 February 28, 2019	March 30, 2019 March 30, 2019
February 1, 2019 February 15, 2019	<b>March 1, 2019</b> <b>March 15, 2019</b>	March 31, 2019 March 31, 2019	April 30, 2019 April 30, 2019
March 1, 2019 March 15, 2019	<b>April 1, 2019</b> <b>April 15, 2019</b>	April 30, 2019 April 30, 2019	May 30, 2019 May 30, 2019
April 1, 2019 April 15, 2019	<b>May 1, 2019</b> <b>May 15, 2019</b>	May 31, 2019 May 31, 2019	June 30, 2019 June 30, 2019
May 1, 2019 May 15, 2019	<b>June 3, 2019</b> <b>June 17, 2019</b>	June 30, 2019 June 30, 2019	July 30, 2019 July 30, 2019

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year’s schedule, please check out the website at [www.sos.mo.gov/adrules/pubsched](http://www.sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

<b>Title</b>		<b>Division</b>	<b>Chapter</b>	<b>Rule</b>
3	CSR	10-	4	.115
Department	<i>Code of State Regulations</i>	Agency Division	General area regulated	Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [www.sos.mo.gov/adrules/csr/csr](http://www.sos.mo.gov/adrules/csr/csr)

The *Register* address is [www.sos.mo.gov/adrules/moreg/moreg](http://www.sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2016. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**EMERGENCY RULE**

**15 CSR 30-200.025 Application and Payment Procedures for Appropriations or Grants**

*PURPOSE:* This rule establishes the application and payment procedures followed by the state library for appropriations and grants.

*EMERGENCY STATEMENT:* The secretary of state determined that this emergency rule is necessary to preserve a compelling government interest.

This emergency rule is necessary to ensure that particular application and payment procedures are in place before at least two (2) major federal grants are administered and disbursed in May 2019 and July 2019, respectively. These two (2) grants alone account for over four hundred fifty thousand dollars (\$450,000.00) of federal funds. Without this emergency rule, there is a risk that grants, especially federally-funded grants, may be arbitrarily administered and disbursed, which could have a negative impact on the libraries of Missouri. As a result, this emergency rule is necessary to ensure that funds of the federal government are properly managed and subsequently disbursed via proper application and payment procedures.

The secretary of state needs this emergency rule to ensure that at least two (2) federally-funded grants are administered and disbursed

via optimal application and payment procedures. This emergency rule establishes the application and payment procedures followed by the state library for appropriations and grants.

The secretary of state finds there is a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The secretary of state believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 7, 2019, becomes effective February 17, 2019, and expires August 15, 2019.

(1) For appropriations or grants which designate a directed distribution of funds to libraries which meet specific eligibility criteria (such as meeting the definition of an academic library, institutional library, library consortium, public library, school library, or special library, as defined in 15 CSR 30-200.010), the state library shall request information from the institutions to determine which ones are eligible for participation. In some instances, additional published data from various sources, including state and federal agencies, may be used to determine eligibility.

(2) For appropriations or grants with funds awarded on a competitive basis, the following application process will be used:

(A) Applications must be submitted in the form and manner prescribed by the state library and must include all required signatures;

(B) Additional information may be requested by the state library as appropriate to the type of applications;

(C) All applications will be examined by state library staff for completeness, compliance with regulations and eligibility criteria, and adherence to instructions, but meeting these elements does not obligate the state librarian or secretary of state to award any grant; and

(D) The state librarian shall review the applications and provide the secretary of state with recommendations for grant awards. The secretary of state shall make the final decision on approving, in whole or in part, or denying a grant.

*AUTHORITY:* sections 181.021, 181.060, and 182.812(3), RSMo 2016. Emergency rule filed Feb. 7, 2019, effective Feb. 17, 2019, expires Aug. 15, 2019. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 20—Hospitals**

**EMERGENCY RULE**

**19 CSR 30-20.013 Incorporation of Medicare Conditions of Participation**

*PURPOSE:* This rule incorporates the Medicare Conditions of Participation into the hospital regulations.

*EMERGENCY STATEMENT:* This emergency rule incorporates by reference 42 CFR Part 485 (2017), Medicare Conditions of Participation: Critical Access Hospitals, 42 CFR Part 482 (2017), Medicare Conditions of Participation: Hospitals, 42 CFR Part 482 (2017), Medicare Conditions of Participation: Psychiatric Hospitals, which is authorized by subsection (4) of section 536.031, RSMo, as part of HB 2183, ninety-ninth General Assembly, Second Regular

*Session (2018), that became effective August 28, 2018, and section 197.297, RSMo. (2018). Subsection (4) of section 536.031, RSMo, allows the department to enforce hospital licensure requirements which were removed by section 197.005, RSMo, as part of CCS for SB 50 Ninety-ninth General Assembly, First Regular Session (2017), that became effective August 28, 2017. At this time the department is without any power to suspend, revoke, or deny a hospital license for substantial noncompliance or immediate jeopardy, where the health and safety of individuals are at risk, due to a violation of any Centers for Medicare & Medicaid Services Rule, which the department administers in Missouri. The department finds that in order to protect the health and safety of patients in hospitals that are in violation of the federal rules, which the department administers, there is a compelling governmental interest that requires this emergency action. A proposed rule covering this same material is published in this issue of the Missouri Register. 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 department believes this emergency amendment is fair to all interested persons and parties under the circumstances. The interested persons and parties include the state hospital and health care associations, facility owners, and any patient of a hospital. This emergency rule was filed February 14, 2019, becomes effective February 24, 2019, and expires August 22, 2019.*

**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.*

(1) State Licensure Requirements.

(A) This rule incorporates by reference 42 CFR Part 485 (2017), Medicare Conditions of Participation: Critical Access Hospitals, for Missouri licensed critical access hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 485 (2017). Missouri licensed critical access hospitals shall strictly meet the Medicare Conditions of Participation, and surveys performed for state licensure will be conducted per Medicare standards.

(B) This rule incorporates by reference 42 CFR Part 482 (2017), Medicare Conditions of Participation: Hospitals, for Missouri licensed hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 482 (2017). Missouri licensed hospitals shall strictly meet the Medicare Conditions of Participation and surveys performed for state licensure will be conducted per Medicare standards.

(C) This rule incorporates by reference 42 CFR Part 482 (2017), Medicare Conditions of Participation: Psychiatric Hospitals, for Missouri licensed psychiatric hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 482 (2017). Missouri licensed psychiatric hospitals shall strictly meet the Medicare Conditions of Participation and surveys performed for state licensure will be conducted per Medicare standards.

**AUTHORITY:** *section 197.297, RSMo Supp. 2018. Emergency rule filed Feb. 14, 2019, effective Feb. 24, 2019, expires Aug. 22, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 60—License-Exempt Child Care Facilities**

**EMERGENCY AMENDMENT**

**19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures.** The department is deleting section (5), renumbering as necessary, and adding a new section (7).

**PURPOSE:** *This amendment adds background screening language to comply with section 210.1080, RSMo. This amendment adds the Notice of Parental Responsibility required by section 210.254, RSMo which requires a child care facility operated by a religious organization to provide notice to parents of certain aspects of the program, including the conducting of background screenings.*

**EMERGENCY STATEMENT:** *The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for license-exempt regulated child care programs. There are approximately four hundred seventy-seven (477) license-exempt child care programs in Missouri. Approximately thirty-four percent (34%) of license-exempt child care programs serve CCDF families. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

*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.*

*[(5) The facility director shall request a child abuse/neglect screening from the Department of Social Services for each employee who may come into contact with children during child care hours. The request shall be made within ten (10) days of employment. The results of the screenings shall be maintained in the facility's files.]*

*[(6)](5) If there is a change of ownership of the facility, the new owner(s) or the facility director shall request a fire safety inspection and a health and sanitation inspection.*

*[(7)](6) Inspections of child care facilities operated by religious organizations and nursery schools not operated by religious organizations will be phased in over a one- (1-)/-/ year period following the effective date of this rule. During the phase-in period, necessary action will be taken by the Department of Health in any situations posing a threat of imminent bodily harm to children.*

**(7) Notice of Parental Responsibility.**

**(A) Child care facilities operated by religious organizations shall keep on file a notice of parental responsibility, as required by section 210.254, RSMo at least five (5) days prior to starting operation.**

**(B) A child care facility operated by a religious organization shall use the Notice of Parental Responsibility form, revised 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions.**

**(C) A child care facility operated by a religious organization shall provide the parent or guardian enrolling the child two (2) copies of the Notice of Parental Responsibility form for the enrolling parent to acknowledge, by signature, having read and accepted the information. One (1) copy shall be kept by the parent or guardian and the other copy shall be retained in the child's record at the facility.**

**(D) A child care facility operated by a religious organization shall file the Notice of Parental Responsibility form with the department annually during the month of August.**

*AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2016, and sections 210.254 and 210.1080, RSMo Supp. [1999] 2018. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 60—License-Exempt Child Care Facilities**

**EMERGENCY AMENDMENT**

**19 CSR 30-60.050 Staffing Requirements.** The department is adding new sections (5), (6), (7), (8), and (9).

*PURPOSE: This amendment adds background screening language requirements to comply with 210.1080, RSMo.*

*EMERGENCY STATEMENT: The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately four hundred seventy-seven (477) license-exempt child care programs in Missouri. Approximately thirty-four percent (34%) of license-exempt child care programs serve CCDF families. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

**(5) Nursery schools shall have on file qualifying background**

screening results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(6) Facilities operated by a religious organization and that receive federal funds for providing care for children shall have on file qualifying background screening results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(7) Child care staff members of nursery schools or facilities operated by a religious organization and that receive federal funds for providing care for children, with disqualifying background screening results are prohibited from being on the premises during child care hours in accordance with 19 CSR 30-63.020 General Requirements.

(8) Criminal background checks shall be completed every five (5) years for child care staff members of nursery schools and facilities operated by a religious organization and that receive federal funds for providing care for children in accordance with 19 CSR 30-63.020 General Requirements.

(9) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and made available for review when requested by the department.

*AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2016, and section 210.1080, RSMo Supp. [1999] 2018. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

## 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 30-61.025 Organization and Administration.** The department is amending section (2).

*PURPOSE: This amendment removes child abuse and neglect language in an effort to not conflict with section 210.1080, RSMo Supp. 2018.*

*EMERGENCY STATEMENT: The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their chil-*

*dren do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends, noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately nine hundred fifty-three (953) licensed family child care homes in Missouri. Approximately forty percent (40%) of licensed family child care homes serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

(2) If a family day care home is incorporated, the corporation shall designate one (1) of the officers of the corporation to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. When the responsibility for the operation of a family day care home rests with a board of directors, the Child Care Licensing Unit shall be notified immediately if there is a change of the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. [References and child abuse/neglect screening information shall be provided as required by 19 CSR 40-61.045 Initial Licensing Information.]

*AUTHORITY: section 210.221.1(3), RSMo [Supp. 1993] 2016. This rule previously filed as 13 CSR 40-61.060, 13 CSR 40-61.025 and 19 CSR 40-61.025. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.025, effective Dec. 9, 1993. Changed to 19 CSR 30-61.025 July 30, 1998. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.*



**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 30-61.045 Initial Licensing Information.** The department is amending subsections (3)(F) and (3)(G).

*PURPOSE:* This amendment adds background screening requirements to comply with section 210.1080, RSMo Supp. 2018.

*EMERGENCY STATEMENT:* The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately nine hundred fifty-three (953) licensed family child care homes in Missouri. Approximately forty percent (40%) of licensed family child care homes serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(3) Licensing Process.

(F) *[Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review (CRR) from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.]* The facility owner(s), board president, or chairperson, and all members of an LLC, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license.

1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Information received by the provider shall be retained in the individual's file in a confidential manner.]

(G) *[The child care provider, other household members and other child care personnel shall be screened for child abuse/neglect prior to initial issuance of the license.]* Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license. Background screening information received by the provider shall be retained in the individual's file at the home in a confidential manner and available for review by the department.

*AUTHORITY:* section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045, and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.045, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-61.045 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**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 30-61.055 License Renewal.** The department is amending sections (1), (2), and (3).

**PURPOSE:** This amendment adds background screening requirements to comply with section 210.1080, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the Child Care and Development Block Grant (CCDBG) Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately nine hundred fifty-three (953) licensed family child care homes in Missouri. Approximately forty percent (40%) of licensed family child care homes serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) An application for license renewal shall be filed at least sixty (60) days prior to expiration of the license. In addition, the following information is required:

(A) Evidence of compliance with a fire and safety inspection as

conducted by the State Fire Marshal or his/her designee;

(B) If incorporated, a copy of the current Annual Registration Report filed with the Missouri secretary of state;

(C) Medical examination reports on file at the home as required by 19 CSR 40-61.125 Medical Examination Reports;

(D) A health report on file at the home for each school-age child in care as required by 19 CSR 40-61.125 Medical Examination Reports;

(E) Enrollment information on file at the home for each child in care as required by 19 CSR 40-61.135 Admission Policies and Procedures;

(F) Identifying information on file at the home regarding each child in care who is related to the provider and not living in the home as required by 19 CSR 40-61.135 Admission Policies and Procedures;

(G) A current list of available equipment; *[and]*

(H) Materials and information which have changed since the previous licensing period*[/i]; and*

**(I) A listing of household members.**

(2) *[The child care provider, other personnel and other household members shall be screened for child abuse/neglect prior to renewal of the license.]* **The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within sixty (60) days prior to the expiration of the license.**

(3) *[After the child care provider applies for renewal of the license, the child care provider shall request the results of a criminal record review (CRR) from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.]* **Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.**

*[(A) When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.*

*[(B) Information received by the provider shall be retained in the individual's file in a confidential manner.]*

(4) Upon determination of the applicant's continued compliance with state statutes and licensing rules for family day care homes, an official license shall be granted for up to two (2) years.

**AUTHORITY:** section 210.221.1(3), **RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018.** This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055, and 19 CSR 40-61.055.

Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

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

**EMERGENCY AMENDMENT**

**19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel.** The department is amending section (1).

*PURPOSE:* This amendment adds background screening requirements to comply with section 210.1080, RSMo.

*EMERGENCY STATEMENT:* The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check.

Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately nine hundred fifty-three (953) licensed family child care homes in Missouri. Approximately forty percent (40%) of licensed family child care homes serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence

on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) General Requirements.

[(K) The provider, other household members, and other child care personnel shall be screened for child abuse/neglect. Any investigated allegation of child abuse or neglect involving these persons in which the investigator finds reasonable cause to believe that this person is the alleged perpetrator of child abuse or neglect shall be evaluated by the department. After review, the department may prohibit this person from being present in the home during child care hours.

(L) The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-61.045 Initial Licensing Information and 19 CSR 30-61.055 License Renewal. This shall include the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.

1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the department may prohibit such person from being present on the premises of the family day care home during child care hours.

3. Information received by the provider shall be retained in the individual's file in a confidential manner.]

(K) The department shall evaluate any information received that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children. In addition to those individuals automatically disqualified from presence at a child care facility by 19 CSR 30-63.020 General Provisions, the department may also prohibit the presence of any person on the premises of the family day care home during child care hours that has

a criminal history that the department determines to be evidence that said person poses a threat to the safety and welfare of children.

(L) The provider shall request the results of a criminal background check for child care staff members as required by 19 CSR 30-63.020 General Requirements.

(M) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements.

(N) Child care staff members with disqualifying background screening results as defined in 19 CSR 30-63.020 General Requirements, shall be prohibited from being present on the premises of the facility during child care hours.

(O) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(P) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.

[(M)](Q) If an employee reports licensing deficiencies in the home, the child care provider shall not take any action against the employee because of the report that would adversely affect his/her employment or terms or conditions of employment.

[(N)](R) The provider shall have documentation on file at the home of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification approved by the department. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. First aid/CPR training may count toward the annual clock hour training requirement.

*AUTHORITY: sections 210.221 and 210.223, RSMo 2016, and section 210.1080, RSMo Supp. [2015] 2018. 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. Changed to 19 CSR 40-61.105, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.105 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

## 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 30-61.210 Records and Reports.** The department is adding a new section (14); and renumbering sections accordingly.

*PURPOSE: This amendment adds background screening record retention requirements to comply with section 210.1080, RSMo.*

*EMERGENCY STATEMENT: The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.*

*Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately nine hundred fifty-three (953) licensed family child care homes in Missouri. Approximately forty percent (40%) of licensed family child care homes serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

**(14) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by 19 CSR 30-63.020 General Requirements.**

[(14)](15) All records of children shall be confidential, protected from unauthorized examination and available to parents upon request.

[(15)](16) All records shall be available in the home for inspection

by the department upon request.

[(16)](17) Reports to the department shall be submitted as required.

**AUTHORITY:** section 210.221.1(3), **RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018.** This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210, and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.210, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.210 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers**

**EMERGENCY AMENDMENT**

**19 CSR 30-62.032 Organization and Administration.** The department is amending sections (2) and (3).

**PURPOSE:** This amendment removes child abuse and neglect language in an effort to not conflict with section 210.1080, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results,

2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately two thousand thirteen (2,013) licensed group child care homes and child care centers in Missouri.

Approximately sixty-two percent (62%) of licensed group child care homes and child care centers serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(2) If a group day care home is incorporated, the corporation shall designate one (1) of the officers of the corporation to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. When the responsibility for the operation of a group day care home rests with a board of directors, the Child Care Licensing Unit shall be notified immediately if there is a change of the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. [References and child abuse/neglect screening information shall be provided as required by 19 CSR 40-62.042 Initial Licensing Information.]

(3) When the responsibility for the operation of a facility rests with a board of directors, the Child Care Licensing Unit shall be notified immediately if there is a change of the board president or chairperson. [Child abuse/neglect screening information shall be provided as required by 19 CSR 40-62.042 Initial Licensing Information.]

**AUTHORITY:** section 210.221.1(3), **RSMo [Supp. 1993] 2016.** This rule previously filed as 13 CSR 40-62.061, 13 CSR 40-62.032, and 19 CSR 40-62.032. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.032, effective Dec. 9, 1993. Changed to 19 [CRS] CSR 30-62.032 July 30, 1998. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers**

**EMERGENCY AMENDMENT**

**19 CSR 30-62.042 Initial Licensing Information.** The department is amending sections (3)(J)-(L).

**PURPOSE:** This amendment adds background screening requirements to comply with section 210.1080, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November

19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately two thousand thirteen (2,013) licensed group child care homes and child care centers in Missouri.

Approximately sixty-two percent (62%) of licensed group child care homes and child care centers serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

### (3) Licensing Process.

(J) [The facility owner(s), board president or chairperson and the center director or group day care home provider, shall be screened for child abuse/neglect prior to initial issuance of the license.] The facility owner(s), board president, or chairperson, all members of an LLC, and the center director or group day care home provider, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license.

(K) [The child abuse/neglect screening request form shall be submitted to the department for all personnel employed during child care hours, with a copy on file at the facility.] Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license.

(L) [Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, the owner(s), board president or chairperson, the center director or group day care home provider, all persons employed by the child care provider, and all volunteers counted in staff/child ratios. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.

[1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Information received by the provider shall be retained in the individual's file in a confidential manner.]

**AUTHORITY:** section 210.221.1(3), **RSMo 2016**, and section **210.1080**, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042, and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.042, effective Dec. 9, 1992. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-62.042 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers

#### EMERGENCY AMENDMENT

**19 CSR 30-62.052 License Renewal.** The department is amending sections (2) and (3), adding a new section (4), and renumbering



thereafter.

**PURPOSE:** This amendment adds background screening requirements to comply with section 210.1080, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check.

Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately two thousand thirteen (2,013) licensed group child care homes and child care centers in Missouri. Approximately sixty-two percent (62%) of licensed group child care homes and child care centers serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(2) [The facility owner(s), board president or chairperson, and the center director or group day care home provider shall be screened for child abuse/neglect prior to renewal of the license.] The child care provider shall conduct a Family Care

Safety Registry check for all child care staff members within sixty (60) days prior to the expiration of the license.

(3) [After the child care provider applies for renewal of the license, the provider shall request the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, the owner(s), board president or chairperson, the center director or group day care home provider, all persons employed by the child care provider, and all volunteers counted in staff/child ratios. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] The facility owner(s), board president, or chairperson, and the center director or group day care home provider, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.

[(A) When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

(B) Information received by the provider shall be retained in the individual's file in a confidential manner.]

(4) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.

[(4)](5) Upon determination of the applicant's continued compliance with state statutes and licensing rules for group day care homes and day care centers, an official license shall be granted for up to two (2) years.

**AUTHORITY:** section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-62.031, 13 CSR 40-62.052, and 19 CSR 40-62.052. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.052, effective Dec. 9, 1993. Changed to 19 CSR 30-62.052 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care Homes and Child Care Centers**

**EMERGENCY AMENDMENT**

19 CSR 30-62.102 Personnel. The department is amending section

(1).

**PURPOSE:** This amendment adds background screening requirements to comply with section 210.1080, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check.

Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies. Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately two thousand thirteen (2,013) licensed group child care homes and child care centers in Missouri. Approximately sixty-two percent (62%) of licensed group child care homes and child care centers serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) General Staff Requirements.

(K) [Volunteers counted in staff/child ratios, caregivers,

and other personnel shall be screened for child abuse/neglect. The screening shall be requested by the provider within ten (10) days of any individual beginning employment or volunteering in the facility. Any investigated allegation of child abuse or neglect involving these persons in which the investigator finds reasonable cause to believe that the individual is the alleged perpetrator of child abuse or neglect shall be evaluated by the department. After review, the department may prohibit the person from being present in the facility during child care hours. A copy of the screening request and the response shall be filed in the employee's record.] **The provider shall request the results of a criminal background check for child care staff members as required by 19 CSR 30-63.020 General Requirements.**

(L) [The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-62.042 Initial Licensing Information and 19 CSR 30-62.052 License Renewal. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] **Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements.**

[1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the department may prohibit such person from being present on the premises of the facility during child care hours.

3. Information received by the provider shall be retained in the individual's file in a confidential manner.]

(N) **Child care staff members with disqualifying background screening results as defined in 19 CSR 30-63.020 General Requirements, shall be prohibited from being present on the premises of the facility during child care hours.**

(O) **A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.**

(P) **Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.**

[(N)](Q) **If an employee reports licensing deficiencies in the facility, the child care provider shall not take any action against the**



employee because of the report that would adversely affect his/her employment, or terms or conditions of employment.

*[(O)](R)* The licensee shall have documentation on file at the facility of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training for a sufficient number of child care staff to ensure that there is one (1) caregiver at the facility for every twenty (20) children in the licensed capacity. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification and approved by the department. First aid/CPR training may count toward the annual clock hour training requirement.

*AUTHORITY: sections 210.221 and 210.223, RSMo 2016, and section 210.1080, RSMo Supp. [2015] 2018. This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102, and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.102, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.102 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers**

**EMERGENCY AMENDMENT**

**19 CSR 30-62.222 Records and Reports.** The department is deleting sections (12) and (13), adding a new section (12), and renumbering thereafter.

*PURPOSE: This amendment changes background screening record retention requirements to comply with section 210.1080, RSMo.*

*EMERGENCY STATEMENT: The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.*

*This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were*

*required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.*

*Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately two thousand thirteen (2,013) licensed group child care homes and child care centers in Missouri.*

*Approximately sixty-two percent (62%) of licensed group child care homes and child care centers serve CCDF families. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency amendment is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that 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 Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

*[(12)] A copy of the child abuse/neglect screening request form and response, as required by 19 CSR 40-62.102 Personnel, shall be on file in each employee's record.]*

*[(13)] The child care provider shall have the results of criminal record reviews as provided in 19 CSR 30-62.042 Initial Licensing Information, 19 CSR 30-62.052 License Renewal, and 19 CSR 30-62.102 Personnel on file at the facility.]*

**(12) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by 19 CSR 30-63.020 General Requirements.**

*[(14)](13) Staff training records, as required by 19 CSR 30-62.102 Personnel, shall be on file.*

*[(15)](14) All records of children shall be confidential, protected from unauthorized examination, and available to the parent(s) upon request.*

*[(16)](15) All records shall be available in the facility for inspection by the department upon request.*

*[(17)](16) Reports to the department shall be submitted as required.*

*AUTHORITY: section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13*

CSR 40-62.190, 13 CSR 40-62.222, and 19 CSR 40-62.222. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.222, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.222 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**EMERGENCY RULE**

**19 CSR 30-63.010 Definitions**

*PURPOSE:* This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-63.

*EMERGENCY STATEMENT:* The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately three thousand four hundred forty-three (3,443) licensed and license-exempt child care programs in Missouri. The DHSS estimates approximately twenty-six thousand four hundred

forty-eight (26,448) individuals will need fingerprinting, based on staff:child ratio requirements. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) Child care provider, group day care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, or person(s) exempted by section 210.1080.9(1), RSMo, in order to establish, conduct, or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the department:

- (A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and
- (B) Ultimate financial control of the operation of the facility.

(2) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen (17) years of age and older.

(3) Criminal background check includes the following:

- (A) A Federal Bureau of Investigation fingerprint check;
- (B) A search of the National Crime Information Center's National Sex Offender Registry; and
- (C) A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:

- 1. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;
- 2. The state sex offender registry or repository; and
- 3. The state-based child abuse and neglect registry and database.

(4) Director is the director of the Missouri Department of Health and Senior Services.

(5) Department is the Missouri Department of Health and Senior Services.

*AUTHORITY:* section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**EMERGENCY RULE**

**19 CSR 30-63.020 General Requirements**

*PURPOSE:* This rule requires child care staff members to complete criminal background screening and have a qualifying result pursuant to section 210.1080, RSMo.

*EMERGENCY STATEMENT:* The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately three thousand four hundred forty-three (3,443) licensed and license-exempt child care programs in Missouri. The DHSS estimates approximately twenty-six thousand four hundred forty-eight (26,448) individuals will need fingerprints based on staff:child ratio requirements. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that requires this emergency action. The scope of this emergency rule is

limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center or license-exempt facility not exempted by section 210.1080.9(1), RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

(2) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(3) Child care providers shall request the results of a criminal background check for all child care staff members, unless the requirements of section (4) of this rule are met by the child care provider and proof is submitted to the department.

(4) A child care provider shall not be required to submit a request for a criminal background check for a child care staff member if—

(A) The staff member received a criminal background check within five (5) years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(B) The first provider received a qualifying criminal background check result, consistent with this chapter, for the staff member; and

(C) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty (180) consecutive days.

(5) Criminal background checks shall be completed for each child care staff member every five (5) years.

*AUTHORITY:* section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**EMERGENCY RULE**

**19 CSR 30-63.030 Criminal Background Screening Cost**

*PURPOSE:* This rule establishes who is responsible for the cost of the criminal background check.

*EMERGENCY STATEMENT:* The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a

child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately three thousand four hundred forty-three (3,443) licensed and license-exempt child care programs in Missouri. The DHSS estimates approximately twenty-six thousand four hundred forty-eight (26,448) individuals will need fingerprinting based on staff:child ratio requirements. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) The costs of the criminal background check shall be the responsibility of the child care staff member, but may be paid or reimbursed by the child care provider at the provider's discretion.

**AUTHORITY:** section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed rule covering this same material is published in this issue of the **Missouri Register**.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**EMERGENCY RULE**

**19 CSR 30-63.040 Background Screening Findings**

**PURPOSE:** This rule establishes who is ineligible for employment and who cannot be present at a family child care home, group child care home, child care center, or license-exempt facility not subject to 210.1080.9, RSMo.

**EMERGENCY STATEMENT:** The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children.

This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.

Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately three thousand four hundred forty-three (3,443) licensed and license-exempt child care programs in Missouri. The DHSS estimates approximately twenty-six thousand four hundred forty-eight (26,448) individuals will need fingerprinting based on staff: child ratio requirements. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that requires this emergency action. The

scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.9(1), RSMo if such person—

(A) Refuses to consent to the criminal background check as required by section 210.1080, RSMo;

(B) Knowingly makes a materially false statement in connection with the criminal background check as required by section 210.1080, RSMo;

(C) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(D) Has a finding of child abuse or neglect under section 210.145 or 210.152, RSMo or any other finding of child abuse or neglect based on any other state's registry or database;

(E) Has been convicted of a felony consisting of—

1. Murder, as described in 18 U.S.C. Section 1111;
2. Child abuse or neglect;
3. A crime against children, including child pornography;
4. Spousal abuse;
5. A crime involving rape or sexual assault;
6. Kidnapping;
7. Arson;
8. Physical assault or battery; or
9. A drug-related offense committed during the preceding five

(5) years;

(F) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or

(G) Has been convicted of any similar crime in any federal, state, municipal, or other court.

(2) Adult household members seventeen (17) years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one (1) or more of the provisions of section (1) of this rule applies to them.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed rule covering this same material is published in this issue of the Missouri Register.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**EMERGENCY RULE**

**19 CSR 30-63.050 Process for Appeal Required in Section 210.1080, RSMo**

*PURPOSE: This rule sets forth the process for the appeal required in section 210.1080, RSMo.*

*EMERGENCY STATEMENT: The Child Care and Development Block*

*Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one (1) year waiver, which expired September 30, 2018. After the one (1) year waiver ends noncompliant states are subject to losing five percent (5%) of their total CCDF monies.*

*Missouri may be at risk of losing \$5.4 million in federal funding. As a result, the Missouri legislature enacted section 210.1080, RSMo, as a part of HB 1350, Ninety-ninth General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for regulated child care programs. There are approximately three thousand four hundred forty-three (3,443) licensed and license-exempt child care programs in Missouri. The DHSS estimates approximately twenty-six thousand four hundred forty-eight (26,448) individuals will need fingerprinting, based on staff:child ratio requirements. This law defines who is a child care staff member; requires criminal background checks for child care staff members; identifies the registries, repositories, and databases that are to be searched; specifies cost responsibility; who is ineligible to maintain a presence on the premise; requires a criminal background check every five (5) years and states the appeal rights of caregivers. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. There is a compelling governmental interest that requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed February 15, 2019, becomes effective February 25, 2019, and expires August 23, 2019.*

(1) The prospective child care staff member or child care staff member may appeal in writing to the department to challenge the accuracy or completeness of the information contained in his or her criminal background check, or to offer information mitigating the results and explaining why an eligibility exception should be granted.

(2) The appeal shall be filed within ten (10) days from the mailing of the notice of ineligibility.

(3) The written appeal shall include the child care staff member's full name, Social Security number, date of birth, e-mail address, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 80—Missouri State Water Patrol Chapter 1—General Organization

### PROPOSED RESCISSION

**11 CSR 80-1.010 Organization and Methods of Operation.** This rule described the organization and methods of operation of the Missouri State Water Patrol.

*PURPOSE: The rule is being rescinded as the Missouri State Water Patrol was merged into a division of the Missouri State Highway Patrol. The general organization of the Water Patrol Division is set forth in section 43.390, RSMo.*

*AUTHORITY: sections 306.161, RSMo 1994 and 536.023(3), RSMo Supp. 1999. Original rule filed Dec. 30, 1975, effective Jan. 9, 1976. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Rescinded:*

*Filed Feb. 7, 2019.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division [80] 50—Missouri State [Water] Highway Patrol Chapter [2] 5—Diver's Flag Regulations

### PROPOSED AMENDMENT

*[11 CSR 80-2.010] 11 CSR 50-5.010 Diver's Flag.* The department is amending section (1), deleting sections (2)–(5), renumbering as necessary, and amending newly numbered sections (2) and (3).

*PURPOSE: The amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo.*

*(1) [The flag shall] A diver's flag is to be rectangular and a minimum of twelve inches by sixteen inches (12" x 16"). The flag [shall] will be red in color except for a two-inch (2") white diagonal stripe running from top left to lower right corner.*

*[(2) All diving shall be within a fifty (50)-yard radius of the flag.]*

*(3) No boat operator shall knowingly operate within fifty (50) yards of the flag.*

*(4) No diving flag shall be placed so as to impede the normal flow of motorboat traffic unless by special permission of the Missouri State Water Patrol. Special permission may be obtained by writing to the Missouri State Water Patrol, P.O. Box 1368, Jefferson City, MO 65102-1368, fifteen (15) days before the water activity.*

*(5) Any diver not complying with this law or any boat operator within fifty (50) yards of the diver flag shall be guilty of a misdemeanor and upon conviction shall be punished by law as provided by section 306.217 (4), RSMo 1986.]*

*[(6)](2) Flags [must] should be displayed so that the top of the flag shall be a minimum of three feet (3') above the water if they are displayed on any type of buoyant device with the exception of a boat or a raft; then displayed so as to be visible at a three hundred sixty degree (360°) angle.*

*[(7)](3) The flag [shall] may be exhibited only during diving operation.*

*AUTHORITY: section 306.217, RSMo [1994] 2016. Original rule filed March 8, 1973, effective March 18, 1973. Amended: Filed Dec.*



16, 1999, effective July 30, 2000. Amended: Filed Feb. 7, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division [80] 50—Missouri State [Water] Highway Patrol  
Chapter [3] 6—Skiing Standards**

**PROPOSED AMENDMENT**

[11 CSR 80-3.010] **11 CSR 50-6.010 Ski Mirror.** This amendment updates the numbering of the rule due to being relocated to the appropriate division within the *Code of State Regulations*.

**PURPOSE:** The amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo.

(1) Ski mirrors, affixed to a boat or vessel, shall be of a type that recurves and reflects one hundred eighty degrees (180°) of vision. The reflecting portion of the mirror shall be no less than three inches (3") in width and eight inches (8") in length.

**AUTHORITY:** section 306.120, RSMo [1994] 2016. Original rule filed July 18, 1975, effective July 28, 1975. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Amended: Filed Feb. 7, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 80—Missouri State Water Patrol  
Chapter 3—Skiing Standards**

**PROPOSED RESCISSION**

**11 CSR 80-3.020 Ski Jump.** This rule described the procedure for receiving permission from the Missouri State Water Patrol for placing a ski jump on the waters of the state.

**PURPOSE:** The rule is being rescinded due to no applications being

received for ski jumps in over ten (10) years. If any requests were to be received by the Water Patrol Division going forward, the person would be told the ski jump must be attended and removed while unattended or at night. Permission is not required under those circumstances.

**AUTHORITY:** section 306.124, RSMo 1994. Original rule filed June 19, 1975, effective June 29, 1975. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Rescinded: Filed Feb. 7, 2019.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division [80] 50—Missouri State [Water] Highway Patrol  
Chapter [4] 7—Identification Numbers for Boats and  
Vessels**

**PROPOSED AMENDMENT**

[11 CSR 80-4.010] **11 CSR 50-7.010 Display of Identification Numbers.** The department is moving the rule and amending sections (1)–(3).

**PURPOSE:** The amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo.

(1) The identification number awarded to a boat or vessel *[shall]* **is to be** painted on or attached to each side of the forward half of the vessel in a position to provide clear legibility, that is, dark numbers on a light background or light numbers on a dark background providing a sharp contrast in color.

(2) The identification numbers shall read from left to right and shall be in block characters of good proportions not less than three inches (3") in height. The numbers *[must]* **are to be** divided into parts *[.]* **with** *[The]* **the** letters, prefix and suffix, *[shall be]* separated from the numbers by *[two (2)-inch] two-inch (2")* spaces. A hyphen may be placed within the *[two (2)-inch] two-inch (2")* space.

(3) No number other than the identification number awarded to a boat or vessel or granted reciprocity *[shall]* **may** be painted, attached, or otherwise displayed on either side of the bow of the boat or vessel.

**AUTHORITY:** section 306.030, RSMo [Supp. 1999] 2016. Original rule filed May 22, 1975, effective June 1, 1975. Amended: Filed March 25, 1980, effective July 11, 1980. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Amended: Filed Feb. 7, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.



*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division [80] 50—Missouri State [Water] Highway Patrol**  
**Chapter [5] 3—Water Patrol Division**

**PROPOSED AMENDMENT**

[11 CSR 80-5.010] 11 CSR 50-3.010 [Approval of] Aids to Navigation and Regulatory Markers. The department is moving the rule and amending sections (1)–(5), (11), and (13).

*PURPOSE:* The amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo. and the amendment to section 306.125, RSMo. requiring the Department of Public Safety to create a new rule.

(1) All persons requesting permission to place or have placed an aid to navigation or regulatory marker as defined in section 306.124, RSMo. on the waterways of the state of Missouri *[must] may* submit a completed application form supplied by the Missouri State [Water] Highway Patrol, Water Patrol Division. *[, PO Box 1368, Jefferson City, MO 65102-1368. All applications must be submitted to the Missouri State Water Patrol General Headquarters in Jefferson City at least thirty (30) days before the date permission is requested]* Applications are due forty-five (45) days prior to the hearing date. The application will be reviewed by the [Missouri State Water Patrol,] Water Patrol Division, at a public hearing after notice of the hearing has been published in the county paper at least ten (10) days before the hearing. *[Hearings will be conducted only once per month during the months of September, November, January, March, and May. The commissioner of the Missouri State Water Patrol, or his/her designated representative, shall approve or disapprove all applications within a reasonable length of time after the conclusion of the hearing.]*

(2) Applications for buoys one hundred feet (100') from a dock are as follows:

(A) Applications must include a copy of the applicant's dock permit (section 306.903, RSMo.).

*[(B) The application must include a diagram of the cove indicating the distance between the most lakeward portion of the applicant's dock and the dock(s) or shoreline on the opposite side of the cove;]*

*[(C)](B) [The application must show] Applications should indicate the proposed placement of the buoy(s) requested in relationship to the applicant's dock[;]. The preferred placement of individual buoys is one hundred feet (100') from the dock and centered;*

*[(D) Docks that are within two hundred feet (200') of the applicant's dock must be indicated on the diagram;]*

*[(E)](C) "No wake-idle speed" buoys [will not be approved] are impermissible for docks that are less than three hundred feet (300') from a dock on the opposite side of the [cove] waterway due to restriction and increased potential for accidents. If no dock is present, the measurement from the applicant's dock to the opposite shoreline would be utilized;*

*[(F)](D) Generally, [private docks will only be permitted for one "no wake-idle speed" buoy unless other circumstances exist; and] a buoy permit will not be issued if a dock within three hundred feet (300') of the applicant's dock is already permitted a buoy. Exceptions due to the contour of the shoreline and/or the positioning of docks may be allowed when boating safety in the area is enhanced by the placement of a buoy.*

*[(G) Buoy placement will be centered one hundred feet (100') out from the most lake ward portion of the applicant's dock unless extenuating circumstances determined by the Missouri State Water Patrol dictate otherwise. Placement of buoys(s) must comply with the approved permit.]*

(3) Applications to buoy the full width of a cove~~—~~ includes:

*[(A) All applications, including appeals, to regulate boating traffic for the full width of any portion of a cove shall be heard at the Missouri State Water Patrol Headquarters in Jefferson City;]*

(A) Applications to buoy the full width of a cove may be approved only after a public hearing;

(B) The width of the waterway is determined by the distance between docks on the opposing shorelines, unless no docks are present. This method of measurement represents the actual navigational width of the proposed area;

*[(B)](C) If the width of the [cove] waterway is such that the distance between docks on opposite sides of the [cove] waterway [is in excess of] exceeds four hundred feet (400'), the [cove] waterway [shall] may [not] be buoyed [unless in the opinion of officials of the Missouri State Water Patrol] if the volume of boating traffic is significantly disproportionate to similar [coves] areas on the same body of water, or [traffic] boating accident data support the need for "no wake-idle speed" buoys. If the distance between opposing docks is disputed, the applicant, at his/her expense, [shall] may have an official survey conducted by a Missouri registered surveyor to determine the exact distance;*

*[(C)](D) Applications to buoy [coves that have a distance of four hundred feet (400') or less between docks on opposite sides of the cove] the full width of any portion of a waterway, [must] should include a plot map of the [cove] area with all affected owner/s] names on their plot;*

*[(D)](E) The applicant is responsible for submitting proof of property ownership [and documentation that seventy-five percent (75%) or more of property owners in the affected area are in agreement by including with the application a petition signed by at least seventy-five percent (75%) of property owners and a photocopy of each property owner's dock permit or personal property tax receipt] and signed petitions which document that seventy-five percent (75%) or more of property owners in the affected area are in favor of the proposal. A sample petition may be requested from the Water Patrol Division;*

(F) Property ownership by those in the affected area is determined by submission of a copy of the property owner's dock permit, or if no dock is present, a copy of the property owner's real estate property tax receipt;

*[(E)](G) For individually owned real property bordering the affected waterway, [There] there [will] is to be a one (1) property, one (1) vote rule applied[, to be determined by property tax receipts or official dock permit. Individuals who own more than one (1) property in the affected area are only to be counted as one (1) vote regardless of the number of lots owned]; however, owners with multiple properties within the affected area may cast only one (1) vote. Marinas are considered the same as individually owned real property. Property easements bordering the waterway are considered one (1) eligible vote if there is a permitted dock associated with the easement. As with all eligible voters, proof of ownership is necessary;*

*[(F) Second tier homeowners may sign the petition if they*

own a dock and must prove dock ownership by dock permit or personal property tax receipt. Condominium owners may sign the petition only if they own or lease a slip within the condominium dock. Condominium owners must prove voting rights by submitting a personal property tax receipt or leasing agreement for a dock slip;

(H) For real property containing multi-family housing, such as condominiums, a one (1) boat dock, one (1) vote rule applies, with a maximum of five (5) eligible votes. Multi-family housing property ownership is determined by providing a copy of each dock permit. The vote(s) are to be cast by the association or entity possessing authority to do so;

(I) For all other community docks, a one (1) boat dock, one (1) vote rule applies, with a maximum of five (5) eligible votes per community. Community dock(s) ownership is determined by providing a copy of each dock permit. The vote(s) are to be cast by the association or entity possessing authority to do so;

(J) Final determination on voting eligibility will be made by the Water Patrol Division when circumstances exist which are not clearly defined by buoy guidelines;

[(G)] (K) Placement of buoys in a diagonal pattern[,] across a no wake cove or no wake zone, rather than a straight line, may be permitted if the shoreline and situation necessitate such a pattern;

[(H)](L) If there are permitted buoys within the affected area [that is to be controlled], the permit number of the existing buoys [must] should be submitted with the application. If the [new] application is approved, all existing buoy permits within the [new controlled] affected area [will] may be [cancelled] revoked, [and the previously permitted buoys removed] unless the [officials of the Missouri State Water Patrol] Water Patrol Division determines [that] it is in the interest of public safety to retain some or all existing permitted buoys;

[(I)](M) Owners of property within a permitted [area] no wake cove, no wake zone, or otherwise restricted area may, by [petition] signed petitions, request a revocation of [permitted buoys] the permit. Revocation [will] may only be considered, however, if twenty-six percent (26%) or more of property owners [sign the petition requesting revocation. The one (1) property, one (1) vote rule applies] favor the revocation. Eligible votes and proof of property ownership are determined in the same manner as the process used for new applications;

[(J)](N) [Approved buoys for a "no wake-idle speed" cove shall be placed one hundred feet (100') below or prior to the first dock affected, unless it would extend the buoys into the main channel] Generally, the buoy line for a no wake cove or no wake zone consists of a minimum of three (3) buoys. Depending on the width of the waterway and volume of boating traffic, a floating sign(s) conforming to prescribed markings may be permitted in conjunction with buoys. The buoy line is to be installed in accordance with the approved permit. The buoy line generally will not be approved to be placed more than one hundred feet (100') out from the location of measurement used to determine the width of the waterway. [Owners] Agreement is to be reached in writing with the owner of [docks] any dock located at [both ends of] the proposed buoy line and the owner of any dock located within one hundred feet (100') outside of the proposed buoy line [must agree in writing to] regarding the placement[,] of the proposed buoys; and

[(K) If a cove is such that it has a bottleneck effect within the cove and then opens up in excess of four hundred feet (400') between docks on opposite sides, the property owners may petition for "no wake-idle speed" buoys to control speed within the bottleneck and one hundred feet (100') on each side. The permit holder shall be required to place a four foot by six foot (4' x 6') sign conforming to prescribed markings on a dock or approved structure at each end of the zone. The sign must face boaters when entering the controlled zone from either side;

(L) Applications for "no-anchor" designation on all or any portion of a cove may be approved if in the opinion of the officials of the Missouri State Water Patrol the anchoring of boats unnecessarily impedes the normal flow of traffic, interferes with a dock owner's ability to navigate from or to his/her property or if electric cables, gas lines or similar utilities could be vulnerable to damage as a result of anchoring;

(M) Lighted signs and flashing lights on buoys will be discouraged unless seventy-five percent (75%) of the property owners in the affected cove agree to the application for lights. All property owners within two hundred feet (200') of proposed lighted signs on buoys must agree to the placement of the lights. If lighted signs or buoys are approved, affected property owners may, by petition, request to have the lights removed. The Missouri State Water Patrol Buoy Committee may not consider removal of permitted lights unless the petition to remove the lights bears the validated signatures of twenty-six percent (26%) or more of the current property owners in the permitted area. Shoreline property owners within two hundred feet (200') of the permitted area may be included in the revocation petition. Lighted signs and flashing lights may be required by the Missouri State Water Patrol in some instances if deemed necessary for safe navigation; and

(N) Approved or required lights on buoys shall be solar white flashing lights. Approved or required lights on signs shall be solar amber flashing lights.

(O) Applications may be submitted by property owners located on a waterway narrowing to less than eight hundred feet (800') in width to restrict vessels forty feet (40') in length or greater to no wake. To ensure uniformity, the eight hundred feet (800') width eligibility applies to coves or main channel areas. Waterways eight hundred feet (800') or greater in width will not be considered for this restriction unless the volume of boating traffic is significantly disproportionate to similar areas on the same body of water, or boating traffic accident data support the need for the restriction. This restriction may be indicated by buoy markers, signage on docks, or signage on the shoreline, as specified in the permit by the Water Patrol Division. Applications where signage is a requirement on docks or shoreline property, are to include proof of ownership and written consent from each owner where signs will be posted. Applications under this clause will be heard by the Water Patrol Division at a public hearing. Petitions from property owners in the affected area are unnecessary for this limited no wake restriction. Approval is based on the enhancement of public safety in the proposed area and testimony provided at the hearing. If approved, the permit holder is responsible for maintaining the buoys and/or signage as indicated in the permit.

(4) Displaying of buoy permit number includes:

(A) A buoy's permit number is to be displayed legibly on the side of the buoy and within three inches (3") of the top of the buoy;

(B) A sign's permit number is to be displayed legibly on the upper left corner of the sign, as facing the sign, and within three inches (3") of the top of the sign; and

(C) Permit numbers will be a minimum of one inch (1") block style, black numbers, and hyphenated as indicated on the permit.

(5) Display of lighting on buoys and signs includes:

(A) Flashing lights for permitted buoys may be approved only if deemed necessary for safe navigation. Flashing lights for buoys will be solar, white flashing lights, fifteen flashes per minute (15FPM); and

(B) Flashing lights for permitted signs will be solar, amber flashing lights, fifteen flashes per minute (15FPM). Each sign is to display a minimum of two (2) lights.

[(4)](6) Modification(s) to an existing buoy permit must be approved by the [Missouri State Water Patrol] Water Patrol Division. A request to modify an existing permit may require a new application and public hearing if the modification would have a significant effect on boating traffic in the immediate area as determined by the [Missouri State Water Patrol] Water Patrol Division. [The Missouri State Water Patrol shall determine if a permit modification requires a public hearing. New applications must conform to the above rules. Modifications of an existing permit for name or ownership change only, does not require a new hearing.] Permit holders are [required] to notify the [Missouri State Water Patrol] Water Patrol Division if they have a change of mailing address or transfer of property ownership.

(7) Buoy permits for individual docks are non-transferrable. New property owners may re-apply for a buoy based on current buoy guidelines.

[(5)](8) Buoy applications for the same general area [will] may be considered not more than two (2) times within any twelve (12) consecutive month period.

[(6)](9) [All rejected buoy applications shall be granted one (1) appeal for the same location. Appeal hearings will normally be held at Missouri State Water Patrol General Headquarters in Jefferson City. Either the commissioner or the field services commander will serve on the appeal board.] Applicants who have been rejected twice within a twelve (12) month period for the same general area may submit a letter of appeal to the superintendent of the Missouri State Highway Patrol.

[(7) A personal watercraft is by statutory definition a vessel, which requires their operation to be in compliance with all regulatory markers.]

[(8)](10) Temporary buoy permits for regattas, construction sites, etc., [will] are to each be considered on their own merits.

[(9)](11) It [will be] is the responsibility of the permit holder to purchase, install, and maintain all approved buoys and signs. All approved buoys and signs [must] are to be installed and in place from [May 1] April 1 through [Labor Day] October 1 each year. Permitted buoys and signs may remain installed [or removed] the remainder of the year, if they are maintained according to the permit. Buoys and signs approved for new applications during the May hearings [must] are to be installed within thirty (30) days of the approval date. [The permit holder shall mark each permitted buoy and sign with the permit number assigned by the Missouri State Water Patrol. The permit number must be placed on each buoy or sign by a method that is both durable and legible. Buoys and signs that cannot be identified by visible permit number are subject to removal.] All buoys and signs [must] are to be reflective and [conform to] compatible with the Uniform State Waterway Marking System as established by the United States Coast Guard. The [commissioner] director of the [Missouri State Water Patrol] Water Patrol Division may revoke the permit of any permit holder upon failure to abide by these rules. [Upon fourteen (14) days written notice, the commissioner of the Missouri State Water Patrol may revoke any permit if the permit holder fails to maintain buoys, signs, markers, and/or lights in proper placement or in a well-maintained and legible condition. Buoys that have shifted in position because of water level, boat waves or some force of nature and the buoy still performs the purpose set forth in the application shall remain a legal navigation marker unless determined otherwise by the commissioner.]

(12) An existing permit may be revoked, if in the opinion of the Water Patrol Division, the permit or placement of the buoy(s) is no longer necessary or warranted due to modifications in development of the affected area, or boat traffic no longer warrants such a permit.

[(10)](13) The [Missouri State Water Patrol] Water Patrol Division retains, pursuant to section 306.124, RSMo, sole discretion to provide for the uniform marking of the waterways of this state through the placement of aids to navigation and regulatory markers. The [Missouri State Water Patrol] Water Patrol Division may approve or revoke regulatory markers and navigational aids on any area of the waterways of this state when [, in the opinion of officials of the Missouri State Water Patrol,] public safety [will be] is enhanced by the regulation or deregulation of boating traffic. The [Missouri State Water Patrol shall] Water Patrol Division may consider [traffic] boating density, traffic patterns, accident data, and other pertinent criteria prior to approval of an application or revocation of a permit.

[(11)](14) Nothing in this rule [shall] may be construed to create in any other party any right or entitlement to the privilege of placing such aids or markers [or any legal duty] on behalf of the [Missouri State Water Patrol] Water Patrol Division. [to approve or disapprove any request to place such aids or markers.]

AUTHORITY: section 306.124, RSMo [Supp. 2003] 2016, and section 306.125, RSMo Supp. 2018. Original rule filed Dec. 18, 1975, effective Dec. 28, 1975. Amended: Filed Aug. 25, 1977, effective Jan. 13, 1978. Amended: Filed Sept. 13, 1983, effective Jan. 13, 1984. Amended: Filed May 31, 1984, effective Sept. 14, 1984. Amended: Filed Oct. 29, 1999, effective April 30, 2000. Amended: Filed Nov. 7, 2003, effective April 30, 2004. Amended: Filed Feb. 7, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## Title 11—DEPARTMENT OF PUBLIC SAFETY Division 80—Missouri State Water Patrol Chapter 6—Boating Accident Reports

### PROPOSED RESCISSION

11 CSR 80-6.010 Reporting Requirements. This rule described the procedure for the public to file in writing a United States Coast Guard Boat Accident Report (BAR) form to the Missouri State Water Patrol.

PURPOSE: The rule is being rescinded due to the discontinuation of the Missouri State Water Patrol's usage of the BAR form. The form has not been distributed to the boating public involved in boating accidents by marine officers in over twenty (20) years. The information on the BAR form was duplicating information gathered by marine officers and recorded on the agency boat accident report.

*AUTHORITY:* section 306.140(2), RSMo 1994. Original rule filed Feb. 10, 1977, effective May 12, 1977. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Rescinded: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division [80] 50—Missouri State [Water] Highway Patrol  
Chapter 7—Expiration (Renewal) Stickers for Boats and  
Vessels**

**PROPOSED AMENDMENT**

[11 CSR 80-7.010] 11 CSR 50-7.020 **Display of Expiration (Renewal) Stickers.** The department is moving the rule.

*PURPOSE:* The amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo.

(1) The expiration (renewal) stickers awarded to a boat or vessel shall be attached to each side of the forward half of the vessel directly below the identification number.

*AUTHORITY:* section 306.030, RSMo [Supp. 1999] 2016. Original rule filed March 25, 1980, effective July 11, 1980. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Amended: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 80—Missouri State Water Patrol  
Chapter 8—Water Event Permit**

**PROPOSED RESCISSION**

**11 CSR 80-8.010 Reporting a Cancellation or Change in Permit.** This rule required that the Missouri State Water Patrol be notified in regard to a cancellation or any change in a water event permit.

*PURPOSE:* The rule is being rescinded as the Missouri State Water Patrol was merged into a division of the Missouri State Highway Patrol, and the rule is no longer beneficial in the administration of water event permits by the Water Patrol Division.

*AUTHORITY:* section 306.130, RSMo 1994. Original rule filed Oct. 23, 1981, effective Feb. 11, 1982. Amended: Filed Dec. 16, 1999, effective July 30, 2000. Rescinded: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division [80] 50—Missouri State [Water] Highway Patrol  
Chapter [9] 4—Mandatory Boater Safety Education  
Program**

**PROPOSED AMENDMENT**

[11 CSR 80-9.010] 11 CSR 50-4.010 **Mandatory Boater Safety Education Program.** The department is moving the rule and amending section (3).

*PURPOSE:* This amendment is necessary due to the merger of the Missouri State Water Patrol into a division of the Missouri State Highway Patrol as authorized by section 43.390, RSMo.

(1) The minimum standards for certified boater education shall be the standards established by the National Association of State Boating Law Administrators (NASBLA).

[12] Beginning January 1, 2005, any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.127, 306.132 or 306.141, RSMo must complete and pass a certified boater education course even if such person completed a certified boater safety education course prior to January 1, 2005.

(3) Any person convicted of an offense pursuant to section 306.110, 306.111, 306.112, 306.127, 306.132 or 306.141, RSMo shall not operate a vessel until he or she possesses a certification card issued by the Missouri State Water Patrol.]

[4](2) It [shall] is the responsibility of the person to whom a boater education certification card is issued to notify the Missouri State [Water] Highway Patrol of name and address changes. Upon notification, the Missouri State [Water] Highway Patrol [shall] may issue a replacement certification card for a fee that does not substantially exceed the administrative and production costs of the certification cards.

[5] Every boat operator required to carry a boating safety education certification card pursuant to section 306.127 or 306.128, RSMo shall also have in his or her possession

some form of valid state or school issued identification with a photograph of the certification card holder.]

[(6)](3) As used in section 306.127, RSMo, subsection 4, paragraph 8, the term “previously” means prior to January 1, 2005, but does not exempt the boat operator from the requirement to carry the certification card.

[(7) Every non-resident boat operator pursuant to section 306.127 or 306.128, RSMo shall possess a boating safety certification card from their home state, the United States Coast Guard Auxiliary, U.S. Power Squadron, or the Missouri State Water Patrol.

(8) Every resident boat operator pursuant to section 306.127 or 306.128, RSMo shall possess a certification card issued by the Missouri State Water Patrol.]

(4) As indicated in section 306.127, RSMo, subsection 7, the Missouri State Highway Patrol’s Water Patrol Division will develop a boating safety checklist which will be used by any participating business in the temporary boater identification card program. The checklist must be completed by the applicant in the presence of the owner or an employee of the business issuing the temporary permit. The applicant will acknowledge understanding of the checklist prior to the issuance of the temporary permit. The checklist will consist of state boating law requirements and other operator responsibilities associated with boating safety. The checklist may be modified by the Water Patrol Division to reflect boating safety trends identified from boat accident data.

*AUTHORITY:* section 306.129, RSMo [Supp. 2003] 2016. Original rule filed Nov. 26, 2003, effective May 30, 2004. Amended: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 80—Missouri State Water Patrol  
Chapter 9—Mandatory Boater Safety Education  
Program**

**PROPOSED RESCISSION**

**11 CSR 80-9.020 Temporary Nonresident Rental Vessel Operator Permits.** This rule described the process for obtaining a temporary boater permit.

*PURPOSE:* The rule is being rescinded due to the revision of statute RSMo 306.127. Relevant information regarding the process for obtaining a temporary boater permit is contained within section 306.127, RSMo; therefore, a rule is not necessary.

*AUTHORITY:* section 306.127(7), RSMo Supp. 2004. Original rule

filed Feb. 8, 2005, effective Aug. 30, 2005. Rescinded: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission to the Missouri State Highway Patrol, Water Patrol Division, PO Box 568, Jefferson City, MO 65102-0568, or by email to [boatinfo@mshp.dps.mo.gov](mailto:boatinfo@mshp.dps.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**PROPOSED AMENDMENT**

**15 CSR 30-200.010 State and Federal Grants—Definitions.** The secretary of state is adding new subsections (B) and (C), re-lettering as necessary, and amending the newly lettered (J).

*PURPOSE:* This rule is being amended to add two new definitions and to update a current definition to include electronic signatures.

(1) As used in 15 CSR 30-200.010 to 15 CSR 30-200.1030/100, the following terms shall mean:

**(B) Appropriation is state or federal funding specifically set aside for the state library;**

**(C) Grant is a non-repayable fund distributed by the state or federal government, a public or private corporation, a public or private foundation, or a trust;**

[(B)](D) Institutional library is a library that serves the residents of an institution supported with state funds. These institutions include, but are not limited to, correctional, youth, veteran, and health organizations;

[(C)](E) Library consortium is any local, statewide, regional, interstate, or international cooperative association of library entities which provides for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers and for improved services for the clientele of such library entities;

[(D)](F) Public library is a library established and maintained under the provisions of the library laws or other laws of the state related to libraries, primarily supported by public funds and designed to serve the general public;

[(E)](G) School library is a library controlled and operated by elementary or secondary schools, either publicly supported or private, and designated to serve faculty and students of that school;

[(F)](H) Secretary is the Missouri secretary of state;

[(G)](I) Secretary’s Council on Library Development is a committee established by the secretary of state made up of representatives from all areas of the state which may include legislators, public library trustees, citizens, and librarians from all types of libraries. This committee advises the state librarian and the secretary of state on statewide library concerns, federal grant programs, state aid to public libraries, and all matters that relate to Missouri libraries and library service to Missouri citizens; recommends policy and programs; and communicates the value of libraries to people in the state and to those responsible for libraries;

*[(H)](J)* Signature, for purposes of *[federal and state]* **appropriations and grants** and the paperwork associated with them, may include an **electronic signature**, electronic facsimile of the original signed document, or a pdf of the original signed document which shall be *prima facie* evidence for all purposes that the document actually was signed by the person whose signature appears on the **page**, facsimile, or pdf document. An electronic facsimile of a signature that is attached to an electronic file shall also be considered a signature under this definition;

*[(I)](K)* Special library is a library established by an organization and designed to serve the special needs of its employees or clientele; and

*[(J)](L)* State aid to public libraries is a sum appropriated by the legislature for distribution among the public libraries of the state as specified in section 181.060, RSMo.

*AUTHORITY:* sections 28.700, 181.021, and 181.060, RSMo [Supp. 2013] **2016**. Emergency rule filed Nov. 18, 1996, effective Nov. 28, 1996, expired May 26, 1997. Original rule filed Nov. 18, 1996, effective May 30, 1997. Amended: Filed Oct. 31, 2011, effective April 30, 2012. Amended: Filed Nov. 13, 2015, effective April 30, 2016. Amended: Filed Feb. 7, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, PO Box 387, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 15—ELECTED OFFICIALS Division 30—Secretary of State Chapter 200—State Library

### PROPOSED AMENDMENT

**15 CSR 30-200.020 State and Other Grants-in-Aid.** The secretary of state is removing subsections (4)(C), (4)(D), and (4)(E), and editing subsection (5)(B).

*PURPOSE:* This rule is being amended to update its language and content.

(4) Other Grants of State Aid To Public Libraries Under Section 181.060, RSMo.

*[(C)]* For appropriations which designate a directed distribution of funds to libraries which meet specific eligibility criteria, the state library will solicit information from the libraries to determine which ones are eligible for participation. Alternatively, eligibility may be determined by using published data from various sources including state and federal agencies.

*[(D)]* For appropriations for which the funds are awarded on a competitive basis, the following application process will be used:

1. Applications must be submitted in the form and manner prescribed by the state library and must include all required signatures;

2. Applications shall include the following information, at a minimum. Additional information and supporting docu-

mentation may be requested as appropriate to the type of applications:

A. Description of the project that includes the benefit to be provided to users of the library, project goals, action plan, and a schedule of implementation;

B. Staffing level and expertise sufficient to accomplish the project;

C. Project budget, including specification of any required local matching funds;

D. Indication that the project can be completed within the specified grant period; and

E. Plan for the evaluation of the project;

3. All applications will be examined by state library staff for completeness, compliance with regulations and eligibility criteria, and adherence to instructions. Applications may also be examined by a review committee composed of representatives from libraries and other appropriate institutions or agencies. Requests to the applying library for additional information or verification of information must be responded to within the time frames specified by state library staff. Completeness, compliance with regulations and eligibility criteria do not obligate the state librarian or the secretary of state to award any grant. However, applications that are incomplete, substantively inaccurate, or received after the deadline shall be rejected; and

4. The state librarian shall review the applications and provide the secretary of state with recommendations for grant awards. The secretary of state shall make the final ruling on funding of specific applications. Applications may be granted in whole or in part.

*[(E)]* Grant Period and Payment Schedule.

1. The grant period and payment schedule are specified in the award packet. Grant moneys may take longer to issue than the official grant packet. While the grantee cannot charge expenses incurred before the grant period begins, appropriate charges incurred after the grant period begins but before the moneys are available, are allowed.]

(5) Audit Requirements.

(B) Specific accounting requirements for competitive grants awarded under the *[state aid to public libraries and state grants-in-aid programs]* **administration of the state library** are—

1. Grant money must be deposited in an auditable account. When grant funds are deposited in an interest-bearing account, all interest over one hundred dollars (\$100) must be applied to the project;

2. Grant work will be monitored in progress. State library staff may visit the project site(s) for review at any time during the grant cycle;

3. The grantee must submit report(s) on the grant project, by the date and using the form(s) provided by the state library. The report shall indicate the work completed, and include a financial status report;

4. Any items or services purchased by the grantee must conform to the competitive bid requirements of section 34.040, RSMo. Proof of bid solicitation on all such items must be submitted with the financial reports;

5. Projects using in-kind contributions as local matches will need to include appropriate proof (for example, records of hours worked) with the financial reports;

6. Requests for extension of the grant period, budget changes, or other modifications to the project shall be made in writing to the state library no later than three (3) weeks prior to the end of the grant period. The state librarian may, at his or her discretion, allow an amendment subject to the appropriation and availability of funds;

7. In the event of default on the grant project by the grantee, the grant will be revoked and all funds must be returned to the state library. The grantee will be notified by letter by the state library and

will receive thirty (30) days written notice of noncompliance before the grant is revoked; and

8. The grantee shall prepare a final report on the grant project. Forms will be provided for both segments of the final report, 1) project summary and evaluation and 2) final financial report.

*AUTHORITY: sections 181.021, 181.060, [and] 182.802, [RSMo Supp. 2011,] and [section] 182.812(3), RSMo [2000] 2016. Emergency rule filed Nov. 18, 1996, effective Nov. 28, 1996, expired May 26, 1997. Original rule filed Nov. 18, 1996, effective May 30, 1997. Amended: Filed Oct. 31, 2011, effective April 30, 2012. Amended: Filed Feb. 7, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, PO Box 387, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**PROPOSED RULE**

**15 CSR 30-200.025 Application and Payment Procedures for Appropriations or Grants**

*PURPOSE: This rule establishes the application and payment procedures followed by the state library for appropriations and grants.*

(1) For appropriations or grants which designate a directed distribution of funds to libraries which meet specific eligibility criteria (such as meeting the definition of an academic library, institutional library, library consortium, public library, school library, or special library, as defined in 15 CSR 30-200.010), the state library shall request information from the institutions to determine which ones are eligible for participation. In some instances, additional published data from various sources, including state and federal agencies, may be used to determine eligibility.

(2) For appropriations or grants with funds awarded on a competitive basis, the following application process will be used:

(A) Applications must be submitted in the form and manner prescribed by the state library and must include all required signatures;

(B) Additional information may be requested by the state library as appropriate to the type of applications;

(C) All applications will be examined by state library staff for completeness, compliance with regulations and eligibility criteria, and adherence to instructions, but meeting these elements does not obligate the state librarian or secretary of state to award any grant; and

(D) The state librarian shall review the applications and provide the secretary of state with recommendations for grant awards. The secretary of state shall make the final decision on approving, in whole or in part, or denying a grant.

*AUTHORITY: sections 181.021, 181.060, and 182.812(3), RSMo 2016. Emergency rule filed Feb. 7, 2019, effective Feb. 17, 2019,*

*expires Aug. 15, 2019. Original rule filed Feb. 7, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Office of the Secretary of State, PO Box 387, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**PROPOSED AMENDMENT**

**15 CSR 30-200.030 Public Access Computers in Public Libraries.**  
The secretary of state is editing subsection (4)(A) and removing section (7).

*PURPOSE: This rule is being amended to update its language and content and to clarify the "Certification of Compliance" process.*

(4) Certification of Compliance.

(A) In order to be found in compliance with the state library's rule, a public library must certify itself to be in compliance:—

1. By filing a certification form, designated by the state library and posted on the state library's website [<http://www.sos.state.mo.us/library/>], with the state librarian or his/her designee; and by demonstrating at least one (1) of the following:

[2. One or the other of the following:]

A. [Attaching a copy of the library's Internet usage policy;] **The Library has an Internet usage policy in accordance with section 182.827.3(2), RSMo; or**

B. [Naming the filtering software to be used.] **The Library uses filtering software on its public access computers.**

[[7] Public libraries filing certification should include in their filing a signed and dated copy of the appropriate compliance form as well as all required paperwork which includes the following—

(A) Compliance form available on the state library's website <http://www.sos.state.mo.us/library/>;

(B) Copy of:

1. Library's Internet Usage Policy; or  
2. Name of the Internet filtering software in place on public access computers in the library.]

*AUTHORITY: sections 182.825 and 182.827, RSMo [Supp. 2002] 2016. Emergency rule filed Nov. 13, 2002, effective Nov. 23, 2002, expired April 29, 2003. Original rule filed Nov. 13, 2002, effective April 30, 2003. Amended: Filed Feb. 7, 2019*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*



*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, PO Box 387, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 15—ELECTED OFFICIALS  
Division 30—Secretary of State  
Chapter 200—State Library**

**PROPOSED AMENDMENT**

**15 CSR 30-200.100 State Publications Access Program.** The secretary of state is removing the Publisher's Note along with sections (1) and (2), and subsequently adding a new section (1).

*PURPOSE: This rule is being amended to update its language and content and to streamline the "State Publications Access Program."*

*[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.]*

*[(1) State Agencies.*

*(A) Each state agency shall submit to the Missouri State Library an electronic copy, in one (1) file, of each publication created for general distribution. The electronic formats and their preferred order are:*

- 1. Hypertext Markup Language (HTML);*
- 2. Portable Document Format (PDF); or*
- 3. Extensible Markup Language (XML).*

*(B) An electronic version must be submitted to the Office of the Secretary of State, Missouri State Library via one (1) of the following delivery mechanisms:*

- 1. File Transfer Protocol (FTP);*
- 2. E-mail;*
- 3. Optical storage media; or*
- 4. Upload and submission facility to be provided by the Office of the Secretary of State.*

*(C) Each state agency producing publications for distribution to the public in paper shall submit five (5) paper copies, to the Missouri State Library, of each publication which is produced in paper.*

*(D) Each state agency digitizing older publications previously issued in paper must provide an electronic copy to the Missouri State Library.*

*(E) The director of each state agency shall assign a designee or designees as a contact for this program. Designee information shall be forward to the Missouri State Library by July 1 each year via the "Agency Designee Form" on the secretary of state's website at <http://www.sos.mo.gov/library/reference/statepubs/designee/>. The form shall include the following information: the name of the agency, the name of the agency director, the director's office telephone number and e-mail address, the name of the division, the name of the division designee for this program, the designee's office telephone number and e-mail address.*

*(F) It shall be the responsibility of the designees to send*

*the five (5) paper copies and the single electronic file for each publication to the Missouri State Library.*

*(2) Participating Libraries.*

*(A) An entity shall meet the following criteria to be designated as a Participating Library for this program:*

*1. The entity shall be recognized as a library by the Missouri State Library, as defined in the Missouri Five-Year State Plan 2003–2008 Library Services and Technology Act, as incorporated by reference and published by the Office of the Secretary of State, Missouri State Library, 600 W. Main St., Jefferson City, MO 65101, November 2002. This reference does not include any later amendments or additions to this plan;*

*2. The library shall employ staff qualified to provide patrons with assistance in using state publications;*

*3. The library shall provide high-bandwidth electronic access to the publications in the secure, trusted repository;*

*4. The library shall require at least one (1) staff member to attend training in the use of state publications, when offered by the Missouri State Library;*

*5. The library shall require trained staff members to provide training for other libraries;*

*6. The library shall include the bibliographic record created by the Missouri State Library, on Online Computer Library Center (OCLC), in the library's online catalog, including links to the electronic version of the publication;*

*7. The library shall accept and house publications which are still produced in paper, if required by the secretary of state; and*

*8. The library shall maintain a historical collection of paper state publications distributed prior to January 1, 2005 for a minimum of five (5) years which, shall include:*

- A. Annual reports of agencies;*
- B. Statistical reports of agencies;*
- C. Policy reports of agencies; and*
- D. Strategic plans for agencies.*

*(B) The director of a library wishing to have the designation of Participating Library in the State Publications Access Program shall complete the Participating Library form on the secretary of state's website <http://www.sos.mo.gov/library/reference/statepubs/library/>. This application shall include, but not be limited to, the following information: the name of the institution, the name of the library, the mailing address of the library, the type of library, the name of library director, director's office telephone number and e-mail address.*

*(C) The secretary of state reserves the right to approve candidates for the designation of Participating Library to provide statewide geographic coverage.]*

**(1) State Agencies.**

**(A) The director of each state agency shall assign a designee or designees as a contact for this program. Designee information shall be updated annually by the agencies to the Missouri State Library via the designee form provided by the Missouri State Library. The form shall include the following information: the name of the agency, the name of the agency director, the director's office telephone number and e-mail address, the name of the division, the name of the division designee for this program, and the designee's office telephone number and e-mail address.**

**(B) It shall be the responsibility of the designees and agencies to—**

**1. Submit a single digital file for each requested publication to the Missouri State Library;**

**2. Submit five (5) paper copies, of those publications still produced in paper, for each requested publication to the Missouri State Library, free of charge;**



3. Submit requested publications to the Missouri State Library in an accessible format chosen by the Missouri State Library and within forty-five (45) days of publication;

4. Review the list of requested publications and update the Missouri State Library with information about new publications, discontinued publications, and other relevant publication information;

5. Inform the Missouri State Library of any designee changes, and promptly assign a new designee within thirty (30) days when the designee needs replacement; and

6. Contact the Missouri State Library for further guidance in submission procedures and policies.

(C) Each state agency digitizing older publications previously issued in paper shall provide a digital copy to the Missouri State Library.

*AUTHORITY: section 181.110, RSMo Supp. [2005] 2018. Original rule filed Feb. 16, 2006, effective Sept. 30, 2006. Amended: Filed Feb. 7, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Secretary of State, PO Box 387, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 20—Hospitals**

**PROPOSED RULE**

**19 CSR 30-20.013 Incorporation of Medicare Conditions of Participation**

*PURPOSE: This rule incorporates the Medicare Conditions of Participation into the hospital regulations.*

*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.*

(1) State Licensure Requirements.

(A) This rule incorporates by reference 42 CFR Part 485 (2017), Medicare Conditions of Participation: Critical Access Hospitals, for Missouri licensed critical access hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 485 (2017). Missouri licensed critical access hospitals shall strictly meet the Medicare Conditions of Participation, and surveys performed for state licensure will be conducted per Medicare standards.

(B) This rule incorporates by reference 42 CFR Part 482 (2017),

Medicare Conditions of Participation: Hospitals, for Missouri licensed hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 482 (2017). Missouri licensed hospitals shall strictly meet the Medicare Conditions of Participation and surveys performed for state licensure will be conducted per Medicare standards.

(C) This rule incorporates by reference 42 CFR Part 482 (2017), Medicare Conditions of Participation: Psychiatric Hospitals, for Missouri licensed psychiatric hospitals. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to <https://bookstore.gpo.gov/>. The address is: U.S. Government Publishing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This rule incorporates later amendments and additions to 42 CFR Part 482 (2017). Missouri licensed psychiatric hospitals shall strictly meet the Medicare Conditions of Participation and surveys performed for state licensure will be conducted per Medicare standards.

*AUTHORITY: section 197.297, RSMo Supp. 2018. Emergency rule filed Feb. 14, 2019, effective Feb. 24, 2019, expires Aug. 22, 2019. Original rule filed Feb. 14, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Regulation and Licensure, Dean Linneman, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 60—License-Exempt Child Care Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures.** The department is deleting sections (5) and (7), amending section (1), and adding a new section (6).

*PURPOSE: This amendment changes the Department of Health to the Department of Health and Senior Services and removes the "or officials of a local fire district" and the child abuse/neglect screening requirement. This amendment also adds background screening language to comply with section 210.1080, RSMo. This amendment adds the Notice of Parental Responsibility required by section 210.254, RSMo which requires child care facility operated by a religious organization to provide notice to parents of certain aspects of the program, including the conducting of background screenings.*

*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.

(1) The director of each facility shall apply to the [Department of Health] Department of Health and Senior Services for an annual fire safety inspection by the state fire marshal[,] or his/her designee [or officials of a local fire district], and for a health and sanitation inspection by the department or officials of a local health department. Religious organization academic preschools are not required to apply for annual fire and safety inspections or the health and sanitation inspections.

[(6)](5) The facility director shall request a child abuse/neglect screening from the Department of Social Services for each employee who may come into contact with children during child care hours. The request shall be made within ten (10) days of employment. The results of the screenings shall be maintained in the facility's files.]

[(6)](5) If there is a change of ownership of the facility, the new owner(s) or the facility director shall request a fire safety inspection and a health and sanitation inspection.

[(7) Inspections of child care facilities operated by religious organizations and nursery schools not operated by religious organizations will be phased in over a one (1)-year period following the effective date of this rule. During the phase-in period, necessary action will be taken by the Department of Health in any situations posing a threat of imminent bodily harm to children.]

**(6) Notice of Parental Responsibility.**

(A) Child care facilities operated by a religious organization shall keep on file a notice of parental responsibility, as required by section 210.254, RSMo, at least five (5) days prior to starting operation.

(B) A child care facility operated by a religious organization shall use the Notice of Parental Responsibility form, revised 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions.

(C) A child care facility operated by a religious organization shall provide the parent or guardian enrolling the child two (2) copies of the Notice of Parental Responsibility form for the enrolling parent to acknowledge, by signature, having read and accepted the information. One (1) copy shall be kept by the parent or guardian and the other copy shall be retained in the child's record at the facility.

(D) A child care facility operated by a religious organization shall file the Notice of Parental Responsibility form with the department annually during the month of August.

*AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2016, and sections 210.254 and 210.1080, RSMo Supp. [1999] 2018. This rule was previously filed as 19 CSR 40-60.020. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.020 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private enti-*

*ties more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at [Sue.Porting@health.mo.gov](mailto:Sue.Porting@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 60—License-Exempt Child Care Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-60.050 Staffing Requirements.** The department is amending section (1), deleting sections (2) through (4), and adding new sections (2) through (8).

*PURPOSE: This amendment removes rule language that the Department of Health and Senior Services has no statutory authority to enforce and adds background screening language requirements to comply with 210.1080, RSMo.*

(1) Supervision and basic care shall be provided at all license-exempt facilities.

[(A) Caregivers shall provide care conducive to the health and safety of children and shall be capable of handling emergencies;

(B) Caregivers and other personnel, including volunteers, shall not be under the influence of alcohol or illegal drugs while on the premises and shall not be impaired by the use of medications;

(C) Prior to starting work, all caregivers shall read the rules of this chapter and sign a statement that they have read the rules. The statements shall be maintained on file at the facility;

(D) No person shall be present during child care hours who is a threat to the health or safety of children; and

(E) A caregiver shall be in charge at all times child care is provided.

(2) Nursery schools not operated by religious organizations shall meet the following requirements for staff/child ratios:

(A) Staff/child ratios in subsections (2)(B)-(H) of this rule shall be maintained at all times;

(B) Groups composed of mixed ages birth through two (2) years shall have no less than one (1) adult caregiver to four (4) children;

(C) Groups composed solely of two (2)-year-old children shall have no less than one (1) adult caregiver to eight (8) children;

(D) Groups composed solely of three (3)- and four (4)-year-old children shall have no less than one (1) adult caregiver to ten (10) children;

(E) Groups composed solely of five (5)-year-old children and older shall have no less than one (1) adult caregiver to sixteen (16) children;

(F) Groups composed of mixed ages of children two (2) years of age and older shall have no less than one (1) adult caregiver to ten (10) children with a maximum of four (4) two- (2) year-olds. Groups composed of more than four (4) two (2) year-old children in a mixed group shall have no less than one (1) adult caregiver to eight (8) children;

(G) If a facility has an attendance of more than fifty (50) children, the caregiver in charge shall not be included in

staff/child ratios except during naptime; and

(H) Caregivers shall be eighteen (18) years of age or older in order to be counted in meeting staff/child ratios. Persons sixteen (16) and seventeen (17) years of age who assist with children may be counted in staff/child ratios only if they are physically supervised by an adult who is present with the children.

(3) Nursery schools not operated by religious organizations shall meet the following requirements for facility directors:

(A) The facility director shall be responsible for planning, monitoring and managing the daily program;

(B) Directors shall have a high school diploma or General Education Development (GED) certificate, and directors shall have at least thirty (30) college semester hours with six (6) college semester hours in child-related courses; or twelve months' (12) experience with six (6) college semester hours in child-related courses; or a child development associate (CDA) credential; and

(C) All experience counted toward director qualifications shall be responsible, supervised, full-time (a minimum of thirty-five (35) hours per week) paid experience working with children in a child care setting. Part-time experience may be prorated to a full-time equivalent. Each month of full-time experience may be substituted for two (2) college semester hours in unspecified courses, but not for the required child-related courses.

(4) Nursery schools not operated by religious organizations shall meet the following requirements for child care-related training:

(A) The director and other caregivers counted in staff/child ratios shall obtain at least twelve (12) clock hours of child care-related training during each year of employment in training approved by the department in health, safety, nutrition, guidance and discipline, appropriate activities and learning experiences for children, positive communication and interaction with parents, planning and setting up an appropriate environment for children, professional and administrative practices, or other child-related areas; and

(B) All training shall be documented with the dates, the number of hours of training completed, the subject and the name of the person(s) who conducted the training. This information shall be on file at the facility and available for review.]

(2) All caregivers shall review the rules of this chapter.

(3) Nursery schools shall have on file qualifying background screening results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(4) Facilities operated by a religious organization and that receive federal funds for providing care for children shall have on file qualifying background screening results for child care staff members in accordance with 19 CSR 30-63.020 General Requirements.

(5) Child care staff members of nursery schools or facilities operated by a religious organization and that receive federal funds for providing care for children with disqualifying background screening results are prohibited from being on the premises during child care hours in accordance with 19 CSR 30-63.020 General Requirements.

(6) Criminal background checks shall be completed every five (5) years for child care staff members of nursery schools and facilities operated by a religious organization and that receive federal funds for providing care for children in accordance with 19 CSR

### 30-63.020 General Requirements.

(7) A check of the Family Care Safety Registry shall be conducted for all child care staff members of nursery schools every two (2) years.

(8) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and made available for review when requested by the department.

*AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo 2016, and section 210.1080, RSMo Supp. [1999] 2018. This rule was previously filed as 19 CSR 40-60.050. Original rule filed Dec. 1, 1994, effective July 30, 1995. Changed to 19 CSR 30-60.050 July 30, 1998. Emergency amendment filed March 1, 2000, effective March 11, 2000, expired Sept. 6, 2000. Amended: Filed March 1, 2000, effective Aug. 30, 2000. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

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

### PROPOSED AMENDMENT

**19 CSR 30-61.025 Organization and Administration.** The department is amending sections (1), (2) and (3), and adding section (4).

*PURPOSE: This amendment specifies that policies and procedures are to be written, changes references of Child Care Licensing Unit to the department, and includes language to accommodate legal entities. This amendment also removes child abuse and neglect language in an effort to not conflict with section 210.1080, RSMo Supp. 2018.*

(1) Each family day care home shall be organized according to written policies and procedures which clearly establish job responsibilities and lines of administrative authority.

(2) If a family day care home is [incorporated, the corporation] owned by a legal entity, the legal entity shall designate [one (1) of the officers of the corporation] a person to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. [When the responsibility for the operation of a family day care home rests with a board of directors, the Child Care Licensing Unit] The department shall be notified in writing immediately if there is a change of the [officer] person designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. [References

and child abuse/neglect screening information shall be provided as required by 19 CSR 40-61.045 Initial Licensing Information.]

(3) The person(s) [operating] or legal entity who owns a family day care home shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for family day care homes.

(4) When the responsibility for the operation of a family day care home rests with a board of directors, the department shall be notified in writing immediately if there is a change of the board president or chairperson.

*AUTHORITY:* section 210.221.1(3), RSMo [Supp. 1993] 2016. This rule previously filed as 13 CSR 40-61.060, 13 CSR 40-61.025 and 19 CSR 40-61.025. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.025, effective Dec. 9, 1993. Changed to 19 CSR 30-61.025 July 30, 1998. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

### Division 30—Division of Regulation and Licensure

#### Chapter 61—Licensing Rules for Family Day Care Homes

#### PROPOSED AMENDMENT

**19 CSR 30-61.045 Initial Licensing Information.** The department is deleting section (1), renumbering thereafter, and amending previous sections (2) and (3).

*PURPOSE:* This amendment corrects obsolete references to 19 CSR 40, the Application Form with Department of Social Services letterhead, and Child Care Licensing unit to the current 19 CSR 30, the current form, and the department. This amendment also adds background screening requirements to comply with section 210.1080, RSMo. A statement has been added to show that an application will be provided by the department upon orientation completion. Language was added requiring providers to submit a Safety Plan form when a sex offender resides within a one thousand (1,000) feet of the facility. Changes of ownership requirements were added. This amendment deletes language about the sixty (60) day temporary license and adds language regarding a short-term license.

*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.

[(1) Licensing Authority.

(A) According to section 210.221(3), RSMo, the department has the authority to issue uniform rules deemed necessary and proper to establish standards of service and care to be rendered by the provider. To implement the rules, the department shall be responsible for inspecting, evaluating and licensing all family day care homes.

(B) The department or any other agency of Missouri that the department asks to assist it, is authorized to make an inspection and investigation of any proposed or operating family day care home, and of any personnel connected with that home to the extent that this inspection and investigation is required to determine if the family day care home will be, or is being, operated in accordance with state statutes and licensing rules for family day care homes. ]

[(2)](1) Persons Subject to Licensure.

(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.

(B) Licensing rules shall not apply to children related to the provider as defined in [19 CSR 40-61.010(18)] section 210.211 RSMo. In order to document the exemption for related children, identifying information shall be on file at the home on related children as required by [19 CSR 40-61.135 Admission Policies and Procedures] 19 CSR 30-61.135 Admission Policies and Procedures.

(C) In [an incorporated] a family day care home owned by a legal entity the exemption for related children [does not] shall apply [as a corporation and cannot have relatives]. If more than one (1) member of the legal entity is responsible for the daily operation of the family day care home, the exemption for related children shall only be granted for children who are related to one (1) of the members.

[(3)](2) Licensing Process.

(A) Upon receipt of an inquiry regarding day care licensing, [an interview shall be held to discuss the licensing rules and the licensing process] an applicant shall complete the inquiry orientation available on the department's website to learn about the licensing process and rules. An application for licensure shall be provided by the department upon documentation of completion of the inquiry orientation.

(B) Upon receipt of a completed [application for license, on the form provided by the department] Application For License To Operate Child Care Home form, a licensing [investigation] inspection shall be made. See Application For License To Operate Child Care Home form, promulgated as of 2017, incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.

(C) The licensing [investigation] process shall include an inspection of the entire premises of the day care home by the licensing representative.

(D) Prior to the granting of a license, the following shall be submitted by the applicant:

1. A sketch or diagram of the home showing the arrangement of the rooms, including the location of toilet and handwashing facilities,

the kitchen and the doors. The licensing representative and the applicant shall measure the home jointly;

2. A sketch or diagram of the outdoor play area and placement of equipment, indicating if the area is fenced. The licensing representative and the applicant shall measure the area jointly;

3. Written policies pertaining to the program goals, admission, care, and discharge of children;

4. A schedule of daily activities for children;

5. A sample weekly menu;

6. An itemized list of available materials and equipment to be used by children;

7. *[A statement of discipline and guidance policies;]* **A written narrative description of child care practices and concepts, including discipline and guidance policies;**

8. *[The names and addresses of two (2) references not related to the applicant who have knowledge of the applicant's character, experience and ability;]* **Written policies and procedures which clearly establish job responsibilities and lines of administrative authority;**

9. *[If a day care home is as incorporated, the names and addresses of two (2) references for the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the child care provider. The references shall not be related to the officer designated by the corporation;]* **Listing of all household members;**

10. Sample forms used, other than those supplied by the department;

11. *[Evidence of compliance, if applicable, with local or state requirements, or both, any nonpublic water supply or sewage disposal system]* **Evidence of compliance with local or state, or both, sanitation requirements;**

12. *[If the family day care home is incorporated, Articles of Incorporation, Certificate of Incorporation and the Annual Registration Report (if applicable) as issued by the Missouri Secretary of State;]* **Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a family day care home is owned by a legal entity;**

13. Required information for assistants; *[and]*

14. *[Other information required by the department to make a determination regarding licensure of the family day care home.]* **A written disaster emergency plan;**

15. **A written safe sleep policy, if licensed to care for children under twelve (12) months of age;**

16. **A completed Safety Plan form, if a sex offender resides within one thousand (1,000) feet of the family day care home. See Safety Plan form, promulgated as of 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions; and**

17. **Other information required by the department to make a determination regarding licensure of the family day care home.**

(E) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-61.086 Fire Safety.

(F) *[Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review (CRR) from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pend-*

*ing criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.]* **The facility owner(s), board president, or chairperson, and all members of an LLC, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirement, prior to initial issuance of the license.**

*[1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.*

*2. Information received by the provider shall be retained in the individual's file in a confidential manner.]*

(G) *[The child care provider, other household members and other child care personnel shall be screened for child abuse/neglect prior to initial issuance of the license.]* **Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to initial issuance of the license. Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.**

(H) Medical examination reports for the provider and child care assistants as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.

(I) Medical examination reports shall be on file at the home within thirty (30) days following the admission of each infant, toddler, or preschool child as required by 19 CSR 30-61.125 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-61.125.

(J) Enrollment information for each child shall be on file at the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.

(K) Identifying information shall be on file at the home for each child to be cared for who is related to the provider and not living in the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.

(L) The child care provider shall not provide care for more than four (4) unrelated children until the home is in compliance with state statutes and licensing rules for family day care homes.

*[(M) After approval by a licensing representative and a licensing supervisor, a temporary license may be granted by the department for a period not to exceed sixty (60) days.]*

*[(N)](M) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and [reinvestigation] inspection. [Until the official license is received, the temporary license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit. Thereafter, the]* **The official license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit.**

*[(O) The address and telephone number of the Child Care Licensing Unit shall be posted near the license.*

*(P) The granting of a license shall be denied by the director upon failure of the applicant to comply with state statutes and licensing rules for family day care homes.]*

*[(Q)](N) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.*

*[(R)](O) [If there is a change of ownership of a family day care home, the new owner(s) shall meet the requirements of*

the current licensing rules. A licensing investigation shall be made as required by 19 CSR 30-61.045 Initial Licensing Information.] A change of ownership occurs when the facility is sold to a new owner, the owner changes legal entity status, or the ownership is transferred to another legal entity. The licensee shall notify the department prior to the date the ownership changes.

(P) The department may grant a short-term license to the new owner, if required documentation for licensure has been submitted to the department. The new owner shall submit the following in advance of the change of ownership:

1. An application for licensure;
2. Statement of intent signed by the previous owner(s) and new owner(s) that documents the date the change of ownership is expected to occur;
3. Listing of all household members;
4. A document indicating the organizational structure of the facility's operation; and
5. Qualifying background screening results for facility owner(s), board president, or chairperson, all members of an LLC, and child care staff members, on file as required by 19 CSR 30-63.020 General Requirements.

(Q) If there is a change of ownership of a family day care home, the new owner(s) shall meet the requirements of the current licensing rules. A licensing inspection shall be made as required by 19 CSR 30-61.045 Initial Licensing Information.

[(S)](R) The license shall be the property of the department and shall be subject to revocation by the director upon failure of the provider to comply with state statutes and licensing rules for family day care homes. The license shall be returned to the department if revoked, [or] not renewed, or if the owner closes the facility.

[(T)](S) If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial or within twelve (12) months after all appeal rights have been exhausted, whichever is later.

[(U)](T) The number and ages of children a family day care home is authorized to have in care at any one time shall be specified on the license and shall not be exceeded except as permitted within these rules.

[(V)](U) All day care provided on the premises of a licensed family day care home shall be in compliance with the licensing rules and the conditions specified on the license.

[(W)](V) Upon issuance of the license, a licensing representative shall visit the family day care home throughout the licensing period for supervision and consultation. Both announced and unannounced visits shall be made. Visits shall be at varying times during the hours child care is provided, with the entire premises subject to inspection.

(X) Upon the department's receipt of a complaint regarding the facility, a complaint investigation shall be made as determined necessary by the department.]

[(Y)](V) The provider shall permit the department access to the facility, premises, and records during all [visits] inspections.

[(Z)] (W) A licensed child care provider shall not deny a child admission to, or the benefits of, any program provided by the family day care home on the basis of race, sex, religion, or national origin.

[(AA) Licensing records are public records and may be reviewed by appointment with the Child Care Licensing Unit as authorized in sections 610.010–610.150, RSMo.]

**AUTHORITY:** section 210.221.1(3), *RSMo 2016*, and section 210.1080, *RSMo Supp. [1998] 2018*. This rule previously filed as 13 CSR 40-61.020, 13 CSR 40-61.045, and 19 CSR 40-61.045. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.045, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993.

Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-61.045 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**19 CSR 30-61.055 License Renewal.** The department is amending sections (1), (2), and (3).

**PURPOSE:** This amendment requires evidence of compliance with sanitation requirements, corrects references of rescinded 19 CSR 40 to current 19 CSR 30, and requires legal entities to submit documentation required by the Missouri Secretary of State and state law to the department. Language was added requiring providers to submit a Safety Plan form when a sex offender resides within a one thousand (1,000) feet of the facility. This amendment also adds background screening requirements to comply with section 210.1080, 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.

(1) An application for license renewal shall be filed at least sixty (60) days prior to expiration of the license. In addition, the following information is required:

(A) Evidence of compliance with a fire and safety inspection as conducted by the State Fire Marshal or his/her designee;

(B) [If incorporated, a copy of the current Annual Registration Report filed with the Missouri secretary of state;] Evidence of compliance with local, state, or both, sanitation requirements;

(C) Medical examination reports on file at the home as required by [19 CSR 40- 61.125]19 CSR 30-61.125 Medical Examination Reports;

(D) A health report on file at the home for each school-age child in care as required by [19 CSR 40-61.125]19 CSR 30-61.125 Medical Examination Reports;



(E) Enrollment information on file at the home for each child in care as required by [19 CSR 40-61.135/19 CSR 30-61.135 Admission Policies and Procedures;

(F) Identifying information on file at the home regarding each child in care who is related to the provider and not living in the home as required by [19 CSR 40-61.135/19 CSR 30-61.135 Admission Policies and Procedures;

(G) A current list of available equipment; [and]

(H) Materials and information which have changed since the previous licensing period./;]

(I) Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a family day care home is owned by a legal entity;

(J) A completed *Safety Plan* form if a sex offender resides within 1,000 feet of the facility. See *Safety Plan* form, promulgated as of 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendments or additions. If the provider has an existing safety plan a new form is not required. This rule does not incorporate any subsequent amendments or additions; and

(K) A listing of household members.

(2) [The child care provider, other personnel and other household members shall be screened for child abuse/neglect prior to renewal of the license.] The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within sixty (60) days prior to the expiration of the license.

(3) [After the child care provider applies for renewal of the license, the child care provider shall request the results of a criminal record review (CRR) from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.

[(A) When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

[(B) Information received by the provider shall be retained in the individual's file in a confidential manner.]

(4) Upon determination of the applicant's continued compliance with state statutes and licensing rules for family day care homes, an official license shall be granted for up to two (2) years.

*AUTHORITY:* section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055, and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at [Sue.Porting@health.mo.gov](mailto:Sue.Porting@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**PROPOSED AMENDMENT**

**19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel.** The department is amending sections (1), (3), (4), and (5).

*PURPOSE:* This amendment changes references of 19 CSR 40 to 19 CSR 30, updates child abuse and neglect reporting options, specifies facility orientation requirements, clarifies training requirements, and requires electronic record keeping of clock-hour trainings in the Missouri Professional Development System (MOPD). This amendment also adds background screening requirements to comply with section 210.1080, 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.

(1) General Requirements.

(I) [All child care providers and assistants shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Division of Family Service at the toll free number, 1-800-392-3738.] The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver. The

facility orientation shall include:

1. A tour of the facility, indoors and outdoors; and
2. A review of the following:
  - A. Licensing rules;
  - B. The facility's license and its limitations, if any;
  - C. The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;
  - D. The daily schedule;
  - E. The assigned duties and responsibilities of staff;
  - F. The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional or developmental needs;
  - G. The location of children's records;
  - H. The facility's safe sleep policy, if applicable;
  - I. The facility's disaster emergency plan and the location of emergency information; and
  - J. The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

(J) The provider, assistant(s), volunteers or others in the home shall not be under the influence of alcohol or illegal drugs while child care is being provided or in any vehicles used by the program. The child care provider or other child care personnel shall not be in a state of impaired ability due to use of medication while providing child care.

*[(K) The provider, other household members, and other child care personnel shall be screened for child abuse/neglect. Any investigated allegation of child abuse or neglect involving these persons in which the investigator finds reasonable cause to believe that this person is the alleged perpetrator of child abuse or neglect shall be evaluated by the department. After review, the department may prohibit this person from being present in the home during child care hours.]*

*(L) The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-61.045 Initial Licensing Information and 19 CSR 30-61.055 License Renewal. This shall include the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.*

*1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.*

*2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated*

*by the department. After review, the department may prohibit such person from being present on the premises of the family day care home during child care hours.*

*3. Information received by the provider shall be retained in the individual's file in a confidential manner.]*

*(K) The department shall evaluate any information received that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children. In addition to those individuals automatically disqualified from presence at a child care facility by 19 CSR 30-63.020 General Provisions, the department may also prohibit the presence of any person on the premises of the family day care home during child care hours that has a criminal history that the department determines to be evidence that said person poses a threat to the safety and welfare of children.*

*(L) The provider shall request the results of a criminal background check for child care staff members as required by 19 CSR 30-63.020 General Requirements.*

*(M) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements.*

*(N) Child care staff members with disqualifying background screenings results as defined in 19 CSR 30-63.020 General Requirements, shall be prohibited from being present on the premises of the facility during child care hours.*

*(O) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five years.*

*(P) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.*

*[(M)](Q) If an employee reports licensing deficiencies in the home, the child care provider shall not take any action against the employee because of the report that would adversely affect his/her employment or terms or conditions of employment.*

*[(N)](R) The provider shall have documentation on file at the home of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification, include an in-person skills assessment, and be approved by the department. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. First aid/CPR training may count toward the annual clock hour training requirement.*

(3) Assistants.

(A) An approved assistant shall be available. If there is a change of assistants, the provider shall notify the *[Child Care Licensing Unit] department* immediately.

(B) All assistants shall submit to the department the names and addresses of two (2) references not related to them who have knowledge of their character, experience, and ability.

(C) All assistants shall be screened for child abuse/neglect.

(D) An assistant who is employed or volunteers more than five (5) hours per week shall provide a medical examination report according to *[19 CSR 40-61.125 Medical Examination Reports] 19 CSR 30-61.125 Medical Examination Reports*.

(E) The names, addresses, and telephone numbers of all assistants shall be posted with other emergency numbers in the home.

(F) Parents shall be notified of any absence of the provider and informed of the name of the assistant on duty.

(4) Child Care Training.



(A) The provider shall obtain at least twelve (12) clock hours of child care-related training during *[each year of employment in training] each calendar year. [which is approved by the department in health, safety, nutrition, guidance and discipline, appropriate activities and learning experiences for children, positive communication and interaction with parents, planning and setting up an appropriate environment for children, professional and administrative practices, or other child-related areas.]* Any assistant working more than five (5) hours per week shall meet the same training requirements. **Clock hour training shall be approved by the department.**

(B) *[All training for the provider and assistants shall be documented with the dates, the number of hours of training completed, the subject, and the name of the individual(s) who conducted the training. This information shall be on file at the home and available for review.]* A clock hour shall be a minimum of one (1) hour.

(C) Caregivers who were employed less than the full year shall obtain one (1) clock of hour training for each one (1) month of employment, regardless of the date employment began.

(D) The clock hour training shall meet a least one (1) of the eight (8) Content Areas of the *Core Competencies for Early Childhood and Youth Development Professionals (Kansas and Missouri)* (2011) published by Child Care Aware® Of Kansas/OPEN Initiative/Missouri AfterSchool Network/Kansas Enrichment Network. Copies may be obtained by contacting: OPEN Initiative at 573-884-3373 or [OPENInitiative@missouri.edu](mailto:OPENInitiative@missouri.edu) or [www.OPENInitiative.org](http://www.OPENInitiative.org). This rule does not incorporate any later amendments or additions. The eight (8) Content Areas are as follows: I. Child and Youth Growth and Development; II. Learning Environment and Curriculum; III. Observation and Assessment; IV. Families and Communities; V. Health and Safety; VI. Interactions with Children and Youth; VII. Program Planning and Development; and VIII. Professional Development and Leadership.

(E) Training shall be documented with the dates, the individual participant's name, the number of hours of training completed, the title of the training, training approval identification code, and the name of the trainer(s).

1. Caregivers shall obtain a Missouri Professional Development Identification (MOPD ID) number at [www.OPENInitiative.org](http://www.OPENInitiative.org).

2. All clock hour training records shall be recorded in the Missouri Professional Development Registry (MOPD Registry) at [www.OPENInitiative.org](http://www.OPENInitiative.org). A summary of training from the MOPD System will serve as documentation of training hours completed.

3. Child-related college courses from an accredited college or university as identified by the U.S. Department of Education's Office of Post-Secondary Education (<http://ope.ed.gov/accreditation/>) may be counted as clock hour training. Child-related college courses shall meet the following guidelines:

A. College coursework accepted for clock hours must be child-related;

B. One (1) college credit is equal to fifteen (15) clock hours;

C. College credit is only applicable to the calendar year in which the course is successfully completed;

D. College coursework does not include clock hour training or Continuing Education Units (CEUs) taken from a college. Clock hour training provided through colleges, such as a continuing education program or an extension office, must follow the procedures for clock hour training approval; and

E. College coursework shall be documented by a transcript from an accredited college.

(F) Completing a Child Development Associate (CDA) or Youth Development Credential (YDC) shall count for twelve (12) clock hours for the year the credential was awarded.

(G) Caregivers shall not receive clock hours for duplicate training taken within the same calendar year.

(H) Clock hours obtained in excess of the twelve (12) training clock hours for the current year shall not be carried over into the next calendar year.

(I) Clock hours earned to complete the previous year's requirements shall not be applied to the current year's clock hour requirements. Caregivers shall submit the *Clock Hour Training Credit Reassignment* form, promulgated as of July 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>, to the OPEN Initiative to assign clock hours to the appropriate year.

(J) Clock hour training taken prior to beginning employment or becoming licensed at the family child care home may be counted as long as it occurred within that calendar year.

(K) High school coursework shall not be approved for clock hours.

(L) Trainers shall not be awarded clock hours for training sessions which they conducted.

(M) Caregivers shall not be counted in ratio when obtaining clock hour training.

(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 as 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 http://www.pediatrics.aapublications.org/content/128/5/1030.full American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at http://pediatrics.aapublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf]*. This rule does not incorporate any subsequent amendments or additions.

(A) The training shall be documented and maintained as described in *[subsection (4)(B)] paragraph (4)(E)2.* 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)](B)* 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)](C)* 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 2016, and section 210.1080, RSMo Supp. [2015] 2018. 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. Changed*

to 19 CSR 40-61.105, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.105 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

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

**19 CSR 30-61.210 Records and Reports.** The department is amending section (4); deleting sections (3), (9), (10), (11), (12) and (13); adding a new section (9) and renumbering sections accordingly.

**PURPOSE:** This amendment changes references of rescinded 19 CSR 40 to current 19 CSR 30 and removes obsolete and duplicate rules. This amendment also adds background screening record retention requirements to comply with section 210.1080, RSMo.

[(3)] Records on related children, as required by 19 CSR 40-61.135 Admission Policies and Procedures shall be on file.]

[(4)](3) Health information shall be retained in each child's individual file and shall include:

(A) A medical examination report for each infant, toddler, or preschool child or a health report for each school-age child as required by [19 CSR 40-61.125 Medical Examination Reports] **19 CSR 30-61.125 Medical Examination Reports;**

(B) [Parental] **Written parental** authorization for medications and a record of medications administered;

(C) Information concerning any accident or injury to the child while at the family day care home or any emergency medical care; and

(D) Any significant information learned from observing the child.

[(5)](4) Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

[(6)](5) Daily child attendance records shall be maintained and kept on file a minimum of one (1) year.

[(7)](6) Daily attendance records for all caregivers shall be maintained and kept on file a minimum of one (1) year.

[(8)](7) All enrollment records, medical examination records, and

attendance records shall be filed in a place known to caregivers and shall be accessible at all times. Records shall not be in a locked area or removed from the home during the hours the home is open and operating.

[(9)] *Emergency school closing records, as required by 19 CSR 40-61.165 Emergency School Closings shall be on file.]*

[(10)](8) The provider shall maintain [the following information on file] **a written record at the facility for fire, tornado, and other disaster drills** as required by 19 CSR 30-61.086 Fire Safety[:].

[(A)] A written record at the facility for fire, tornado and other disaster drills;

(B) Documentation verifying that fresh-cut Christmas trees are treated with a flame resistant material;

(C) Documentation verifying that all gas-fired appliances were checked by a repair company and are in safe working order after an elevated carbon monoxide level was determined during a fire inspection;

(D) Documentation of the inspection and approval of fire extinguishers;

(E) Documentation verifying the inspection and approval of automatic fire sprinkler systems; and

(F) A copy of the membership or receipt for membership documenting that facilities served by a volunteer or membership fire department are a member in good standing with the fire department.

[(11)] Medical examination reports, as required by 19 CSR 40-61.125 Medical Examination Reports shall be on file.

[(12)] Training records for the provider and assistants, as required by 19 CSR 40-61.105 The Day Care Provider and Other Day Care Personnel shall be on file.

[(13)] The child care provider shall have the results of criminal record reviews as provided in 19 CSR 30-61.045 Initial Licensing Information, 19 CSR 30-61.055 License Renewal, and 19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel on file at the family day care home.]

**(9) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by 19 CSR 30-63.020 General Requirements.**

[(14)](10) All records of children shall be confidential, protected from unauthorized examination and available to parents upon request.

[(15)](11) All records shall be available in the home for inspection by the department upon request.

[(16)](12) Reports to the department shall be submitted as required.

**AUTHORITY:** section 210.221.1(3), **RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018.** This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210, and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.210, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.210 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.032 Organization and Administration.** The department is amending sections (2), (3), and (4).

*PURPOSE:* This amendment changes references of Child Care Licensing Unit to the department and includes language to accommodate legal entities. This amendment also removes child abuse and neglect language in an effort to not conflict with section 210.1080, RSMo.

(2) If a group day care home [is incorporated, the corporation] is owned by a legal entity, the legal entity shall designate [one (1) of the officers of the corporation] a person to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. [When the responsibility for the operation of a group day care home rests with a board of directors, the Child Care Licensing Unit] The department shall be notified in writing immediately if there is a change of the [officer] person designated to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. [References and child abuse/neglect screening information shall be provided as required by 19 CSR 40-62.042 Initial Licensing Information.]

(3) When the responsibility for the operation of a facility rests with a board of directors, the [Child Care Licensing Unit] department shall be notified in writing immediately if there is a change of the board president or chairperson. [Child abuse/neglect screening information shall be provided as required by 19 CSR 40-62.042 Initial Licensing Information.]

(4) The person(s) or legal entity [operating] who owns a day care facility shall be responsible for meeting all debts and obligations incurred by the facility and for maintaining compliance with all licensing rules for group day care homes and day care centers.

*AUTHORITY:* section 210.221.1(3), RSMo [Supp. 1993] 2016. This rule previously filed as 13 CSR 40-62.061, 13 CSR 40-62.032, and 19 CSR 40-62.032. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.032, effective Dec. 9, 1993. Changed to 19 [CRS] CSR 30-62.032 July 30, 1998. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agen-

cies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care Homes and Day Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.042 Initial Licensing Information.** The department is deleting section (1), renumbering thereafter, and amending previous sections (2) and (3).

*PURPOSE:* This amendment changes references of 19 CSR 40 to 19 CSR 30. It deletes the outdated application form from the Department of Social Services. A statement has been added to show that an application will be provided by the department upon the completion of an inquiry orientation. Language has been updated to change references of the Child Care Licensing Unit to the department. This amendment deletes references to the Day-Care Licensing Review Board as this entity no longer exists. This amendment also adds background screening requirements to comply with section 210.1080, RSMo. Changes of ownership requirements were added. This amendment deletes language about the sixty- (60-) day temporary license and adds language regarding a short-term license.

*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.

[(1) Licensing Authority.

(A) According to section 210.221, RSMo, the department has the authority to issue uniform rules deemed necessary and proper to establish standards of service and care to be rendered by the provider. To implement the rules, the department shall be responsible for inspecting, evaluating and licensing all group day care homes and child day care centers.

(B) The department or any other agency of Missouri that the department asks to assist it is authorized to make an inspection and investigation of any proposed or operating child care facility, and of any personnel connected with that facility to the extent that this inspection and investigation is required to determine if the facility will be, or is being, operated in accordance with state statutes and licensing rules for group day care homes and day care centers.]

[(2)](1) Persons Subject to Licensure.

(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.

(B) Group day care homes shall meet all the requirements of these rules unless otherwise indicated in these rules.

(C) Licensing rules shall not apply to children related to the owner(s) of the facility as defined in [19 CSR 40-62.010(17)]. **section 210.211, RSMo.** In order to document the exemption for related children, identifying information shall be on file at the facility on related children as required by [19 CSR 40-62.132 Admission Policies and Procedures] **19 CSR 30-62.132 Admission Policies and Procedures.**

(D) In an incorporated facility, the exemption for related children does not apply since a corporation cannot have relatives.

**[(3)](2) Licensing Process.**

(A) Upon receipt of an inquiry regarding day care licensing, *[an interview shall be held to discuss the licensing rules and the licensing process.]* **an applicant shall complete the inquiry orientation available on the department's website to learn about the licensing process and rules. An application for licensure shall be provided by the department upon documentation of completion of the inquiry orientation.**

(B) Upon receipt of a completed *[application for license on the form provided by the department]* **Application for License to Operate Group Child Care Home and Child Care Center form**, a licensing *[investigation]* inspection shall be made. See *Application for License to Operate Group Child Care Home and Child Care Center form, promulgated as of 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This rule does not incorporate any subsequent amendment or additions. If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.*

(C) The licensing *[investigation]* process shall include an inspection of the entire premises of the facility by the licensing representative.

(D) Prior to the granting of a license, the following shall be submitted by the applicant:

1. A sketch or diagram of the facility showing the arrangement of the rooms, including the location of toilet and handwashing facilities, the kitchen, the office, and the doors. The licensing representative and the applicant shall measure the facility jointly;

2. A sketch or diagram of the outdoor play area and placement of equipment. The licensing representative and the applicant shall measure the area jointly;

3. Written policies pertaining to the program goals, admission, care, and discharge of children;

4. A schedule of daily activities for each age group in care (infant/toddler, preschool, and school-age);

5. A sample weekly menu;

6. An itemized list of available materials and equipment to be used by children;

7. A written narrative description of child care practices and concepts, including discipline and guidance policies;

8. A staff sheet;

9. *[If a facility is not incorporated, the names and addresses of two (2) references not related to the applicant who have knowledge of the applicant's character, experience and ability;]* **A written disaster and emergency plan;**

10. *[If a group day care home is incorporated, the names and addresses of two (2) references for the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the group day care home*

*provider. The references shall not be related to the officer designated by the corporation;]* **Lines of administrative authority;**

11. Sample forms used, other than those supplied by the department;

12. Evidence of compliance with local or state, or both, sanitation requirements;

13. Evidence of compliance, if applicable, with local building and zoning requirements;

14. *[If the facility is incorporated, Articles of Incorporation, Certificate of Incorporation and the Annual Registration Report (if applicable) as issued by the Missouri secretary of state]* **Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a group child care home or child care center is owned by a legal entity;**

15. Written policies and procedures which clearly establish job responsibilities and lines of administrative authority. This shall include a statement of the kind and extent of authority and the duties delegated to the director employed to carry out the program;

16. Official verification of the center director or group day care home provider's education and experience;*[ and]*

17. **A written safe sleep policy, if the facility's application includes children under twelve (12) months of age in the requested age range; and**

*[17.]18.* Other information required by the department to make a determination regarding licensure of the facility.

(E) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-62.087 Fire Safety.

(F) Medical examination reports for all adults working in the facility, as required by 19 CSR 30-62.122 Medical Examination Reports, shall be on file at the facility and available for review.

(G) Medical examination reports shall be on file at the facility within thirty (30) days following the admission of each infant, toddler or preschool child as required by 19 CSR 30-62.122 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-62.122.

(H) Enrollment information for each child shall be on file at the facility as required by 19 CSR 30-62.132 Admission Policies and Procedures.

(I) Identifying information shall be on file at the facility for each child to be cared for who is related to the facility owner(s) as required by 19 CSR 30-62.132 Admission Policies and Procedures.

(J) *[The facility owner(s), board president or chairperson and the center director or group day care home provider, shall be screened for child abuse/neglect prior to initial issuance of the license.]* **The facility owner(s), board president, or chairperson, all members of an LLC, and the center director or group day care home provider, shall have qualifying background screening results on file as required by 19 CSR 63.020 General Requirements, prior to initial issuance of the license.**

(K) *[The child abuse/neglect screening request form shall be submitted to the department for all personnel employed during child care hours, with a copy on file at the facility.]* **Child care staff members, as defined in section 210.1080.1(1), RSMo shall have qualifying background screening results on file as required by 19 CSR 63.020 General Requirements, prior to initial issuance of the license.**

(L) *[Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, the owner(s), board president or chairperson, the center director or group day care home provider, all persons employed by the child care provider, and all volunteers counted in staff/child ratios. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care*

home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] **Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.**

[1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Information received by the provider shall be retained in the individual's file in a confidential manner.]

(M) The facility shall not provide care for more than four (4) unrelated children until it is in compliance with state statutes and licensing rules for group day care homes and day care centers.

[(N) After approval by a licensing representative and a licensing supervisor, a temporary license may be granted by the department for a period not to exceed sixty (60) days.]

[(O)](N) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and [reinvestigation] inspection. [Until the official license is received, the temporary license shall be posted near the entrance of the facility where it may be seen easily by parents or others who visit. Thereafter, the] **The official license shall be posted near the entrance of the facility where it may be seen easily by parents or others who visit.**

[(P) The address and telephone number of the Child Care Licensing Unit shall be posted near the license.

(Q) The granting of a license shall be denied by the director upon failure of the applicant to comply with state statutes and licensing rules for group day care homes and day care centers.]

[(R)](O) The name(s), address(es), and telephone number(s) of the facility owner(s), or the board president or chairperson, **members of an LLC**, or his/her designee shall be posted prominently near the license.

[(S)](P) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

[(T)](Q) [If there is a change of ownership of the facility, the new owner(s) shall meet the requirements of the current licensing rules. A licensing investigation shall be made as required by 19 CSR 30-62.042 Initial Licensing Information.] **A change of ownership occurs when the facility is sold to a new owner, the owner changes legal entity status, or the ownership is transferred to another legal entity. The licensee shall notify the department prior to the change in ownership.**

(R) The department may grant a short-term license to the new owner to allow for continuity of care, if required documentation for licensure has been submitted to the department. The new owner shall submit the following in advance of the change in ownership:

1. An application for licensure;
2. A statement of intent signed by the buyer(s) and seller(s) that documents the date the change of ownership is expected to

occur;

3. Lines of administrative authority;
4. A staff sheet;
5. A document indicating the organizational structure of the facility's operation; and
6. Qualifying background screening results for facility owner(s), board president, or chairperson, all members of an LLC, and child care staff members on file as required by 19 CSR 30-63.020 General Requirements.

(S) If there is a change of ownership of a group day care home or child care center, the new owner(s) shall meet the requirements of the current licensing rules. A licensing inspection shall be made as required by 19 CSR 30-62.042 Initial Licensing Information.

[(U)](T) The license shall be the property of the department and shall be subject to revocation by the [director] department upon failure of the provider to comply with state statutes and licensing rules for group day care homes and day care centers. The license shall be returned to the department if revoked, [or]not renewed, **or if the owner closes the facility.**

[(V)](U) If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial, or within twelve (12) months after all appeal rights have been exhausted, whichever is later. [Any subsequent application shall be reviewed by the Day-Care Licensing Review Board prior to a decision being made to grant a license.]

[(W)](V) The number and ages of children the facility is authorized to have in care at any one (1) time shall be specified on the license and shall not be exceeded except as permitted within these rules.

[(X)](W) All day care provided on the premises of a licensed facility shall be in compliance with the licensing rules and the conditions specified on the license.

[(Y) Upon issuance of the license, a licensing representative shall visit the facility throughout the licensing period for supervision and consultation. Both announced and unannounced visits shall be made. Visits shall be at varying times during the hours child care is provided, with the entire premises subject to inspection.]

[(Z) Upon the department's receipt of a complaint regarding the facility, a complaint investigation shall be made as determined necessary by the department.]

[(AA)](X) The provider shall permit the department access to the facility, premises and records during all [visits] **inspections and complaint investigations.**

[(BB)](Y) A child care provider shall not deny a child admission to, or the benefits of, any program provided by the facility on the basis of race, sex, religion, or national origin.

[(CC) Licensing records are public records and may be reviewed by appointment with the Child Care Licensing Unit as authorized by section 610.010-610.150, RSMo.]

*AUTHORITY: section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042, and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.042, effective Dec. 9, 1992. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-62.042 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.*

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care  
Homes and Day Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.052 License Renewal.** The department is amending sections (1), (2), and (3), adding a new section (4), and renumbering thereafter.

*PURPOSE:* This amendment changes references from rescinded 19 CSR 40 to current 19 CSR 30 and requires legal entities to submit documentation required by the Missouri Secretary of State and state law to the department. This amendment also adds background screening requirements to comply with section 210.1080, RSMo.

(1) An application for license renewal shall be filed at least sixty (60) days prior to expiration of the license. In addition, the following information is required:

(D) *If incorporated, a copy of the current Annual Registration Report filed with the Missouri secretary of state;* **Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a group child care home or child care center is owned by a legal entity;**

(E) Medical examination reports on file at the facility as required by [19 CSR 40-62.122 Medical Examination Reports] **19 CSR 30-62.122 Medical Examination Reports;**

(F) A health report on file at the facility for each school-age child in care as required by [19 CSR 40-62.122 Medical Examination Reports] **19 CSR 30-62.122 Medical Examination Reports;**

(G) Enrollment information on file at the facility for each child in care as required by [19 CSR 40-62.132 Admission Policies and Procedures] **19 CSR 30-62.132 Admission Policies and Procedures;**

(H) Identifying information on file at the facility regarding children who are related to the center owner(s) or group day care home provider as required by [19 CSR 40-62.132 Admission Policies and Procedures] **19 CSR 30-62.132 Admission Policies and Procedures;**

(2) *[The facility owner(s), board president or chairperson, and the center director or group day care home provider shall be screened for child abuse/neglect prior to renewal of the license.]* **The child care provider shall conduct a Family Care Safety Registry check for all child care staff members no more than sixty (60) days prior to the expiration of the license.**

(3) *[After the child care provider applies for renewal of the*

*license, the provider shall request the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, the owner(s), board president or chairperson, the center director or group day care home provider, all persons employed by the child care provider, and all volunteers counted in staff/child ratios. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.]* **The facility owner(s), board president, or chairperson, and the center director or group day care home provider, shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.**

*[(A) When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider or for any person seeking issuance or renewal of a license as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.*

*(B) Information received by the provider shall be retained in the individual's file in a confidential manner.]*

**(4) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.**

*[(4)](5) Upon determination of the applicant's continued compliance with state statutes and licensing rules for group day care homes and day care centers, an official license shall be granted for up to two (2) years.*

*AUTHORITY:* sections 210.221.1(3) and 210.252.5, RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-62.031, 13 CSR 40-62.052, and 19 CSR 40-62.052. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.052, effective Dec. 9, 1993. Changed to 19 CSR 30-62.052 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be



considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care  
Homes and Child Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.102 Personnel.** The department is amending sections (1), (2), (3), and (4).

*PURPOSE:* This amendment changes references of rescinded 19 CSR 40 to current 19 CSR 30, updates child abuse and neglect reporting options, specifies facility orientation requirements, clarifies training requirements, and requires electronic record keeping of clock-hour training in the Missouri Professional Development System (MOPD). This amendment also adds background screening requirements to comply with section 210.1080, 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.

(1) General Staff Requirements.

(G) Caregivers, **directors**, other personnel, or volunteers shall not be under the influence of alcohol or illegal drugs, while on the premises or in any vehicles used by the program. These individuals shall not be in a state of impaired ability due to use of medication while on the premises.

(J) [All staff shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Division of Family Services at the toll free number, 1-800-392-3738.] The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver. The facility orientation shall include:

1. A tour of the facility, indoors and outdoors; and
2. A review of the following:
  - A. Licensing rules;
  - B. The facility's license and its limitations, if any;
  - C. The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;
  - D. The daily schedule;
  - E. The assigned duties and responsibilities of staff;
  - F. The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional, or developmental needs;
  - G. The location of children's records;
  - H. The facility's safe sleep policy, if applicable;
  - I. The facility's disaster emergency plan and the location of emergency information; and

J. The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at

<https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

(K) [Volunteers counted in staff/child ratios, caregivers, and other personnel shall be screened for child abuse/neglect. The screening shall be requested by the provider within ten (10) days of any individual beginning employment or volunteering in the facility. Any investigated allegation of child abuse or neglect involving these persons in which the investigator finds reasonable cause to believe that the individual is the alleged perpetrator of child abuse or neglect shall be evaluated by the department. After review, the department may prohibit the person from being present in the facility during child care hours. A copy of the screening request and the response shall be filed in the employee's record.] The child care provider shall ensure that documentation of caregiver completion of the facility orientation is maintained and on file for review by the department.

(L) [The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-62.042 Initial Licensing Information and 19 CSR 30-62.052 License Renewal. The child care provider shall request a criminal record review within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway Patrol for any adult present in the facility when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.] The provider shall request the results of a criminal background check for child care staff members as required by 19 CSR 30-63.020 General Requirements.

[1. When the department determines that a nationwide check is warranted, the department may request a criminal record review from the Missouri State Highway Patrol for classification and search of fingerprints for any person seeking employment with the provider as provided in sections 43.530 and 43.543, RSMo. Requests for criminal record reviews shall be made on a form provided by the highway patrol that shall be signed by the subject of the request. The provider shall submit the signed form to the department with two (2) sets of fingerprints for each person who is the subject of a criminal record review.

2. Any information received by the department that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children shall be evaluated by the department. After review, the department may prohibit such person from being present on the premises of the facility during child care hours.

3. Information received by the provider shall be retained in the individual's file in a confidential manner.]

(M) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements.

(N) Child care staff members with disqualifying background screenings results as defined in 19 CSR 30-63.020 General Requirements, shall be prohibited from being present on the premises of the facility during child care hours.

(O) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.



**(P) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review**

*[(M)](Q)* Any person present at the facility during the hours in which child care is provided shall not present a threat to the health, safety, or welfare of the children.

*[(N)](R)* If an employee reports licensing deficiencies in the facility, the child care provider shall not take any action against the employee because of the report that would adversely affect his/her employment, or terms or conditions of employment.

*[(O)](S)* The licensee shall have documentation on file at the facility of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training for a sufficient number of child care staff to ensure that there is one (1) caregiver at the facility for every twenty (20) children in the licensed capacity. At least one (1) caregiver with current certification in age-appropriate first aid and CPR must be on site at all times when children are present. The training shall be certified by a nationally-recognized organization, such as the American Red Cross, American Heart Association, or an equivalent certification, **include an in-person skills assessment, and be** approved by the department. *[First aid/CPR training may count toward the annual clock hour training requirement.]*

(2) Center Director or Group Day Care Home Provider.

(A) General Requirements.

1. The group day care home provider or the individual designated as the center director shall be responsible for planning, monitoring, and managing the facility's daily program.

2. Center directors and group day care home providers routinely shall be on duty during the hours of highest attendance a minimum of forty (40) hours per week. If the facility operates less than forty (40) hours per week, the center director or group day care home provider shall be on duty at least fifty percent (50%) of the operating hours.

3. The duties and responsibilities of the center director or group day care home provider shall be defined clearly in writing.

4. In the absence of the center director or group day care home provider, another responsible individual shall be designated to be in charge of the facility.

5. The center owner(s), or the board president or chairperson, shall notify the department immediately when there is a change of directors and shall submit child abuse/neglect screening information as required by *[19 CSR 40-62.042 Initial Licensing Information]* **19 CSR 30-62.042 Initial Licensing Information.**

(B) Education and Experience Requirements.

1. General requirements.

A. A *[c/Child /d/Development /a/Associate (CDA) or Youth Development Credential (YDC) [credential]* shall be considered the equivalent of twelve (12) months' experience and six (6) college semester hours in child-related courses toward meeting the educational and experience requirements for director of any size facility.

B. All experience must have been responsible, supervised, full-time (a minimum of thirty-five (35) hours per week) paid experience in working with children in a child care setting. Part-time experience, **which is less than thirty-five (35) hours per week**, may be prorated *[to a full-time equivalent]*.

C. Each month of full-time experience may be substituted for two (2) college semester hours in unspecified courses, but not for the required child-related courses.

D. All college semester hours must have been received from an accredited college or university.

E. The required courses may include child-related courses in early childhood education, elementary education, child development, child psychology, nutrition, first aid, recreation, nursing, health, marriage and family, social work, sociology, or other related areas as approved by the department.

F. Official verification of the education and experience of the

group day care home provider or center director shall be on file with the *[Child Care Licensing Unit]* department prior to beginning employment.

G. Any college transcript used for verification of education must be an official transcript bearing the seal of the college or university.

2. Group day care home provider. The group day care home provider shall have at least thirty (30) college semester hours, with six (6) of the thirty (30) hours in child-related courses; or twelve (12) months' experience and six (6) college semester hours in child-related courses; *or*, a CDA, **or a YDC [credential]**.

3. Center director.

A. Any individual approved as a qualified center director under the previous licensing rules and employed in a center in that position as of the effective date of these rules shall be exempt from these requirements for continued employment in the same center, or for employment in another center of the same or smaller licensed capacity category. If the same individual is to be employed in another center in a larger licensed capacity category, s/he shall meet the educational and experience requirements of that category.

B. Day care center directors employed after the effective date of these rules shall meet the following education or experience requirements, or both, as determined by the licensed capacity of the center in which they are to serve:

<b>Licensed Capacity of the Center</b>	<b>Education and Experience Requirements for Center Director</b>
Up to 20 Children	Thirty (30) college semester hours, with six (6) of the thirty (30) hours in child-related courses; or twelve (12) months' experience with six (6) college semester hours in child-related courses; <i>or</i> , a CDA, <i>[credential]</i> or a YDC.
21–60 Children	Sixty (60) college semester hours. Twelve (12) of the hours must be in child-related courses; or twenty-four (24) months' experience and twelve (12) college semester hours in child-related courses.
61–99 Children	Ninety (90) college semester hours. Eighteen (18) of the ninety (90) hours must be in child-related courses; or thirty-six (36) months' experience and eighteen (18) college semester hours in child-related courses.
100 or More Children	One hundred twenty (120) college semester hours. Twenty-four (24) of the one hundred twenty (120) hours must be in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in business or management; or four (4) years' experience and twenty-four (24) college semester hours in child-related courses. Six (6) of the twenty-four (24) college semester hours may include courses in business or management.

(3) Child Care Training.

(A) The center director, group day care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall obtain at least twelve (12) clock hours of child-care related training during each calendar year. *[of employment in training which is approved by the department. in—health, safety, nutrition, guidance and discipline, appropriate activities and learning experiences for children, positive communication and interaction with parents, planning and setting up an appropriate environment for children, professional and administrative practices, or other child related areas.]* Clock hour training shall be approved by the department.

(B) *[All training shall be documented with the dates, the number of hours of training completed, the title subject, and the name of the individual(s) who conducted the training. This information shall be on file at the facility and available for review.]* A clock hour shall be a minimum of one (1) hour.

(C) Caregivers who were employed after the first of the year shall obtain one (1) clock hour of training for each one (1) month of employment, regardless of the date employment began.

(D) Group day care homes and child care centers operating fewer than twelve (12) months of the year shall obtain at least twelve (12) annual clock hours. The number of training clock hours required is not prorated for any program, regardless of number of months per year or number of hours per week in operation.

(E) The clock hour training shall meet at least one (1) of the eight (8) Content Areas of the *Core Competencies for Early Childhood and Youth Development Professionals (Kansas and Missouri)* (2011) published by Child Care Aware® of Kansas/OPEN Initiative/Missouri AfterSchool Network/Kansas Enrichment Network. Copies may be obtained by contacting: OPEN Initiative at 573-884-3373 or [OPENInitiative@missouri.edu](mailto:OPENInitiative@missouri.edu) or [www.OPENInitiative.org](http://www.OPENInitiative.org). This rule does not incorporate any later amendments or additions. The eight (8) Content Areas are as follows: I. Child and Youth Growth and Development; II. Learning Environment and Curriculum; III. Observation and Assessment; IV. Families and Communities; V. Health and Safety; VI. Interactions with Children and Youth; VII. Program Planning and Development; and VIII. Professional Development and Leadership. This rule does not incorporate any subsequent amendments or additions.

(F) Training shall be documented with the dates, the individual participant's name, the number of hours of training completed, the title of the training, training approval identification code, and the name of the trainer(s).

1. Caregivers shall obtain a Missouri Professional Development Identification (MOPD ID) number at [www.OPENInitiative.org](http://www.OPENInitiative.org).

2. All clock hour training records shall be recorded in the Missouri Professional Development Registry (MOPD Registry) at [www.OPENInitiative.org](http://www.OPENInitiative.org). A summary of training from the MOPD System will serve as documentation of training hours completed.

(G) Child-related college courses from an accredited college or university as identified by the U.S. Department of Education's Office of Post-Secondary Education (<http://ope.ed.gov/accreditation/>) may be counted as clock hour training. Child-related college courses shall meet the following guidelines:

1. College coursework accepted for clock hours shall be child-related;

2. One (1) college credit is equal to fifteen (15) clock hours;

3. College credit is only applicable to the calendar year in which the course is successfully completed;

4. College courses qualifying for director approval, as stated in subsections (2)(B)1.D. and E. of this rule are approved to meet annual clock hour requirements;

5. College coursework does not include clock hour training or CEUs taken from a college. Clock hour training provided through colleges, such as a continuing education program or an extension office, shall follow the procedures for clock hour training approval; and

6. College coursework shall be documented by a transcript from an accredited college.

(H) Earning A Child Development Associate (CDA) or Youth Development Credential (YDC) shall count for twelve (12) clock hours for the year the credential was awarded.

(I) Caregivers shall not receive clock hours for duplicate training completed within the same calendar year.

(J) Clock hours obtained in excess of the twelve (12) training clock hours for the current year shall not be carried over into the next training year.

(K) Clock hours earned to complete the previous year's requirements shall not be applied to the current year's clock hour requirements. Caregivers shall submit the *Clock Hour Training Credit Reassignment* form to the OPEN Initiative to assign clock hours to the appropriate year. See *Clock Hours Training Credit Reassignment* form promulgated as of 2018 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php>. This

rule does not incorporate any subsequent amendments or additions.

(L) Clock hour training taken prior to beginning employment or becoming licensed at the family child care home may be counted if it occurred within that calendar year.

(M) High school coursework shall not be approved for clock hours.

(N) Trainers shall not be awarded clock hours for training sessions which they conduct.

(O) Caregivers shall not be counted in ratio when obtaining clock hour training.

(4) Safe Sleep Training. Every three (3) years the center director, group day care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center 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 as 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 <http://www.pediatrics.aapublications.org/content/128/5/1030.full>] American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf>. This rule does not incorporate any subsequent amendments or additions.

(A) The training shall be documented and maintained as described in [subsection (3)(B)] paragraph (3)(F)2. of this rule.

[(B) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratio in a group child care home or child care center, licensed prior to the effective date of this rule, shall complete safe sleep training described in section (4) of this rule within three (3) months of the effective date of this rule.]

[(C)(B) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios in a group child care home or child care center licensed after the effective date of this rule shall complete safe sleep training described in section (4) of this rule prior to licensure.

[(D)(C) The center director, group child care home provider, all other caregivers, and those volunteers who are counted in staff/child ratios shall complete safe sleep training described in section (4) of this rule within thirty (30) days of employment or volunteering at the facility.

**AUTHORITY:** sections 210.221 and 210.223, **RSMo 2016, and section 210.1080, RSMo Supp. [2015] 2018.** This rule previously filed as 13 CSR 40-62.091, 13 CSR 40-62.102, and 19 CSR 40-62.102. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.102, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.102 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended:

Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at [Sue.Porting@health.mo.gov](mailto:Sue.Porting@health.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 62—Licensing Rules for Group Child Care  
Homes and Day Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.222 Records and Reports.** The department is amending the new section (4), deleting old sections (3), (9), (10), (11), (12), (13), and (14); adding a new section (9), and renumbering sections accordingly.

**PURPOSE:** This amendment changes references of rescinded 19 CSR 40 to current 19 CSR 30 and removes outdated and duplicate rules. This amendment also changes background screening record retention requirements to comply with section 210.1080, RSMo.

[(3) Records on related children, as required by 19 CSR 40-62.132 Admission Policies and Procedures, shall be on file.]

[(4)](3) Health information shall be retained in each child's individual file and shall include:

(A) A medical examination report for each infant, toddler, or preschool child or a health report for each school-age child as required by [19 CSR 40-62.122 Medical Examination Reports] **19 CSR 30-62.122 Medical Examination Reports;**

(B) [Parental] **Written parental** authorization for medications and a record of medications administered;

(C) Information concerning any accident or injury to the child while at the facility or any emergency medical care; and

(D) Any significant information learned from observing the child.

[(5)](4) Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

[(6)](5) Daily child attendance records shall be maintained and kept on file a minimum of one (1) year.

[(7)](6) Daily staff and volunteer attendance records shall be maintained and kept on file a minimum of one (1) year.

[(8)](7) All enrollment records, medical examination records, and attendance records shall be filed in a place known to caregivers and shall be accessible at all times. Records shall not be in a locked area

or removed from the facility during the hours the facility is open and operating.

[(9) *Emergency school closing records, as required by 19 CSR 40-62.172 Emergency School Closings, shall be on file.*]

[(10)](8) The provider shall maintain [the following information on file as provided in 19 CSR 30-62.087 Fire Safety:] a written record at the facility for fire and disaster drills.

(A) A written record at the facility for fire and disaster drills;

(B) Documentation verifying that fresh-cut Christmas trees are treated with a flame resistant material;

(C) Documentation verifying that all gas-fired appliances were checked by a repair company and are in safe working order after an elevated carbon monoxide level was determined during a fire inspection;

(D) Documentation verifying the inspection and approval of fire extinguishers;

(E) Documentation verifying the inspection and approval of automatic fire sprinkler systems; and

(F) A copy of the membership or receipt for membership documenting that facilities served by a volunteer or membership fire department are a member in good standing with the fire department.

(11) *Medical examination reports for staff, as required by 19 CSR 40-62.122 Medical Examination Reports, shall be on file.*

(12) *A copy of the child abuse/neglect screening request form and response, as required by 19 CSR 40-62.102 Personnel, shall be on file in each employee's record.*

(13) *The child care provider shall have the results of criminal record reviews as provided in 19 CSR 30-62.042 Initial Licensing Information, 19 CSR 30-62.052 License Renewal, and 19 CSR 30-62.102 Personnel on file at the facility.*

(14) *Staff training records, as required by 19 CSR 30-62.102 Personnel, shall be on file.*

**(9) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by 19 CSR 30-63.020 General Requirements.**

[(15)](10) All records of children shall be confidential, protected from unauthorized examination, and available to the parent(s) upon request.

[(16)](11) All records shall be available in the facility for inspection by the department upon request.

[(17)](12) Reports to the department shall be submitted as required.

*AUTHORITY: section 210.221.1(3), RSMo 2016, and section 210.1080, RSMo Supp. [1998] 2018. This rule previously filed as 13 CSR 40-62.190, 13 CSR 40-62.222, and 19 CSR 40-62.222. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.222, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-62.222 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Amended: Filed Feb. 15, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background Screening**

**PROPOSED RULE**

**19 CSR 30-63.010 Definitions**

*PURPOSE: This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-63.*

(1) Child care provider, group day care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, or person(s) exempted by section 210.1080.9(1), RSMo, in order to establish, conduct, or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the department:

(A) Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and

(B) Ultimate financial control of the operation of the facility.

(2) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen (17) years of age and older.

(3) Criminal background check includes the following:

(A) A Federal Bureau of Investigation fingerprint check;

(B) A search of the National Crime Information Center's National Sex Offender Registry; and

(C) A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:

1. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;

2. The state sex offender registry or repository; and

3. The state-based child abuse and neglect registry and database.

(4) Director is the director of the Missouri Department of Health and Senior Services.

(5) Department is the Missouri Department of Health and Senior Services.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Original rule filed Feb. 15, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Sue Porting, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**PROPOSED RULE**

**19 CSR 30-63.020 General Requirements**

*PURPOSE: This rule requires child care staff members to complete criminal background screening and have a qualifying result pursuant to section 210.1080, RSMo.*

(1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center or license-exempt facility not exempted by section 210.1080.9(1), RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

(2) A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(3) Child care providers shall request the results of a criminal background check for all child care staff members, unless the requirements of section (4) of this rule are met by the child care provider and proof is submitted to the department.

(4) A child care provider shall not be required to submit a request for a criminal background check for a child care staff member if—

(A) The staff member received a criminal background check within five (5) years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(B) The first provider received a qualifying criminal background check result, consistent with this chapter, for the staff member; and

(C) The staff member is employed by a child care provider within

Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty (180) consecutive days.

(5) Criminal background checks shall be completed for each child care staff member every five (5) years.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Original rule filed Feb. 15, 2019.*

*PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions approximately six hundred eighty-three thousand three hundred ninety-two dollars (\$683,392) in the aggregate.*

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$1,448,028 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Sue Porting, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

- I. Department Title:** Title 19 - Department of Health and Senior Services  
**Division Title:** Division 30 - Division of Regulation and Licensure  
**Chapter Title:** Chapter 63 - Child Care Comprehensive Background Screening

<b>Rule Number and Name:</b>	19 CSR 30-63.020 General Requirements
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services, Division of Regulation and Licensure, Section for Child Care Regulation	\$683,392

**III. WORKSHEET**

<b>Federal Monies – Child Care Development Fund (CCDF)</b>			
Costs - DISS (\$210.1080)	FY 2019 (10 Mo.)	FY 2020	FY 2021
Personal service	(\$233,237)	(\$282,683)	(\$285,510)
Fringe benefits	(\$141,191)	(\$170,261)	(\$171,100)
Equipment and expense	(\$118,695)	(\$64,165)	(\$65,769)
Computer system updates	\$190,269)	(\$0)	(\$0)
<b>Total Costs - DISS</b>	(Up to \$683,392)	(Up to \$517,109)	(Up to \$522,379)
FTE Change - DISS	8 FTE	8 FTE	8 FTE
<b>ESTIMATED NET EFFECT ON CCDF FUNDS</b>	<b>(\$683,392)</b>	<b>(\$517,109)</b>	<b>(\$522,379)</b>
Estimated Net FTE Change on CCDF Funds	8 FTE	8 FTE	8 FTE

**IV. ASSUMPTIONS**

The Child Care Development Block Grant (CCDBG) Reauthorization Act of 2014 Section 658H set out requirements for comprehensive criminal background checks. States were required to have policies and procedures in place by September 30, 2017. Missouri has been approved for a one year waiver, which expired September 30, 2018. After the one year waiver ends noncompliant states are subject to losing 5% of their total Child Care Development Fund (CCDF) monies. Missouri is in partial compliance, but will not be fully compliant with CCDBG until its rules are promulgated.

This rule requires child care staff members, which includes all regulated (licensed and license-exempt) child care providers, persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are age seventeen (17) and older to undergo criminal background checks and every five (5) years thereafter and an annual check of the central registry for child abuse in order to qualify for receipt of state or federal funds for providing child-care services. DHSS estimates an additional 26,488 child care staff members will need a background check based on the capacities of regulated facilities and the staff/child ratio needed to maintain supervision.

**Health Program Representative II (6)** (\$35,640 annually, each): DHSS estimates that one Health Program Representative II (HPR II) is needed to process 4,000 background screenings and complete other additional responsibilities related to the direct processing of background screenings for regulated providers. Given the expectation,  $(26,448/4,000 = 6.6 \text{ FTE})$ , DHSS assumes 6 HPRs II will be needed.

**Health Program Representative III (1)** (\$39,704 annually): The Health Program Representative III will directly supervise the HPRs II. This position will provide direct daily oversight to HPRs II, ensure timely completion of background screenings, develop and maintain policy and procedural manuals, review and process submitted appeals, approve security access, coordinate with child care supervisors, and conduct quality assurance reviews for accuracy and timely completion of background screenings.

**Senior Office Support Assistant (1)** (\$26,340 annually): A Senior Office Support Assistant will need to be hired whose primary duties will be to support the staff within the unit.

**Office of Administration (OA), Information Technology Services Division (ITSD)/DHSS.** ITSD states, for fiscal note purposes, it is assumed a project team consisting of a project manager, business analyst, senior developer and developer for a project duration of six (6) months will be needed. Modifications will need to be made to an existing system that is currently being maintained by ITSD and hosted in the State Data Center (SDC). ITSD assumes that every new IT project/system will be bid out because all ITSD resources are at full capacity. The current contract rate for IT consultants is \$75 per hour. It is estimated that contract consultants will need 2,536.92 hours to complete the project. One-time costs are estimated to be \$190,269  $(2,536.92 * \$75)$ .



**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** Title 19 - Department of Health and Senior Services  
**Division Title:** Division 30 - Division of Regulation and Licensure  
**Chapter Title:** Chapter 63 - Child Care Comprehensive Background Screening

<b>Rule Number and Title:</b>	19 CSR 30-63.020 General Requirements
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,874	Child care centers	\$ 882,898.50
139	Group child care homes	\$ 18,998.25
477	License-exempt child care facilities	\$ 58,527.75
953	Family child care homes	\$ 104,353.50
N/A	Unknown Child Care Staff Member Population	\$ 383,250.00

**III. WORKSHEET**

<b>Estimated Cost Per Child Care Staff Member</b>	
<b>Missouri State Highway Patrol</b>	
State Only	\$20.00
FBI	\$12.00
IDEMIA Fee	\$8.50
<b>Family Care Safety Registry</b>	
FCSR Fee	\$13.00
FCSR Online Processing Fee	\$1.25
<b>Total</b>	<b>\$54.75</b>

The below chart provides an estimate of the number of child care staff members who will need a background screening.

Facility Type	Estimated Total Number of Staff Needing Background Checks	Estimated Total Caregiver Cost For Each Facility Type
Child Care Centers	16,126	\$ 882,898.50
Group Home	347	\$ 18,998.25
License Exempt Facility	1,069	\$ 58,527.75
Family Homes	1,906	\$ 104,353.50
Unknown Child Care Staff Member Population	7,000	\$ 383,250.00
Total	26,448	\$ 1,448,028.00

**Methodology:** Estimated Total Number of Staff Needing Background Checks X \$54.75 = Estimated Total Caregiver Cost For Each Facility Type

#### IV. ASSUMPTION

Current regulations stipulate that for children under two (2) years of age, a 1:4 staff/child ratio, and for children over the age of two 1:10 staff/child ratio. These staff/child ratios were used to determine the estimated number of individuals needing a comprehensive background screening. The proposed methodology is not exact, but is based on the capacities of facilities and the staff/child ratio needed to maintain supervision.

##### Methodology

Estimated number of staff needed for children under two (2) years of age:

- Total number of children under two (2) years of age/4 = Estimated Number of Staff

Estimated number of staff needed for children over the age of two (2):

- Total number of children over two (2) years of age/10 = Estimated Number of Staff

While proposed methodology is not an exact, it is based on the capacity of facilities and the staff/child ratios needed to maintain supervision of children. This number does not account for unknown volunteers or other individuals who may be associated with the facility. The DHSS is estimating, at minimum, there are at least another 7,000 unknown individuals who will need background screenings. This number accounts for individuals who are not currently screened, e.g. cooks; janitors; office staff; trainers, contracted and

self-employed individuals, volunteers, and household members. Currently, DHSS has no mechanism for tracking volunteers or household members associated with a family home provider. The federal law requires that requested background screenings be completed within 45 days. Individuals working at multiple sites will need a low-level review. Individuals separated from child care employment for more than 180 days will need a new comprehensive background screening. Child care facilities also experience turnover which will impact the number of requested screenings.

The license-exempt facility numbers have been adjusted to remove those providers who do not receive federal funds for caring for children e.g. the child care subsidy program.

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**PROPOSED RULE**

**19 CSR 30-63.030 Criminal Background Screening Cost**

*PURPOSE: This rule establishes who is responsible for the cost of the criminal background check.*

(1) The costs of the criminal background check shall be the responsibility of the child care staff member, but may be paid or reimbursed by the child care provider at the provider's discretion.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Original rule filed Feb. 15, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Sue Porting, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**PROPOSED RULE**

**19 CSR 30-63.040 Background Screening Findings**

*PURPOSE: This rule establishes who is ineligible for employment and who cannot be present at a family child care home, group child care home, child care center, or license-exempt facility not subject to 210.1080.9, RSMo.*

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.9(1), RSMo if such person—

(A) Refuses to consent to the criminal background check as required by section 210.1080, RSMo;

(B) Knowingly makes a materially false statement in connection with the criminal background check as required by section 210.1080, RSMo;

(C) Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;

(D) Has a finding of child abuse or neglect under section 210.145 or 210.152, RSMo or any other finding of child abuse or neglect

based on any other state's registry or database;

(E) Has been convicted of a felony consisting of—

1. Murder, as described in 18 U.S.C. Section 1111;

2. Child abuse or neglect;

3. A crime against children, including child pornography;

4. Spousal abuse;

5. A crime involving rape or sexual assault;

6. Kidnapping;

7. Arson;

8. Physical assault or battery; or

9. A drug-related offense committed during the preceding five (5) years;

(F) Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or

(G) Has been convicted of any similar crime in any federal, state, municipal, or other court.

(2) Adult household members seventeen (17) years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one (1) or more of the provisions of section (1) of this rule applies to them.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Original rule filed Feb. 15, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Sue Porting, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH AND  
SENIOR SERVICES  
Division 30—Division of Regulation and Licensure  
Chapter 63—Child Care Comprehensive Background  
Screening**

**PROPOSED RULE**

**19 CSR 30-63.050 Process for Appeal Required in Section 210.1080, RSMo**

*PURPOSE: This rule sets forth the process for the appeal required in section 210.1080, RSMo.*

(1) The prospective child care staff member or child care staff member may appeal in writing to the department to challenge the accuracy or completeness of the information contained in his or her criminal background check, or to offer information mitigating the results and explaining why an eligibility exception should be granted.

(2) The appeal shall be filed within ten (10) days from the mailing of the notice of ineligibility.

(3) The written appeal shall include the child care staff member's full name, Social Security number, date of birth, e-mail address, mailing address and zip code, and telephone number, including the area code, where s/he can be reached Monday through Friday, during the hours from 8:00 a.m. through 5:00 p.m.

*AUTHORITY: section 210.1080, RSMo Supp. 2018. Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expires Aug. 23, 2019. Original rule filed Feb. 15, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Sue Porting, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED RESCISSION**

**20 CSR 2245-6.015 Examination and Education Requirements.** Effective July 1, 2007, this rule defined the examination and education requirements for each level of registration, licensure, and certification.

*PURPOSE: This rule is being rescinded as the requirements are no longer valid per Appraiser Qualifications Board.*

*AUTHORITY: section 339.509, RSMo 2000 and section 339.517, RSMo Supp. 2010. Original rule filed Nov. 21, 2006, effective July 30, 2007. Amended: Filed June 15, 2011, effective Jan. 30, 2012. Rescinded: Filed Feb. 8, 2019.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Appraisers Commission, Vanessa Beauchamp, Executive Director, PO Box 1335, Jefferson City, MO 65102, by faxing comments to (573) 751-0038, or by emailing comments to reacom@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2245—Real Estate Appraisers  
Chapter 6—Educational Requirements**

**PROPOSED RULE**

**20 CSR 2245-6.017 AQB 2018 Licensure Criteria**

*PURPOSE: This rule outlines the requirements set out by the Appraisal Qualifications Board (AQB) for licensure and certification.*

(1) Trainees who hold a valid trainee license on the effective date of this rule may:

(A) Notify the commission in writing that they wish to continue under the regulations in effect at the time the trainee license was originally issued; or

(B) Reapply as a trainee under the 2018 criteria as outlined below.

(2) State Licensed Real Estate Appraiser—

(A) Applicants for state licensed real estate appraiser license shall submit verification of completion of one hundred fifty (150) creditable class hours from the core curriculum, including passage of the approved closed book examination for each course, as follows:

- |   |          |
|---|----------|
| 1. Basic Appraisal Principles                               | 30 Hours |
| 2. Basic Appraisal Procedures                               | 30 Hours |
| 3. National Uniform Standards of Appraisal Practice (USPAP) | 15 Hours |
| 4. Residential Market Analysis and Highest and Best Use     | 15 Hours |
| 5. Residential Appraiser Site Valuation and Cost Approach   | 15 Hours |
| 6. Residential Sales Comparison and Income Approaches       | 30 Hours |
| 7. Residential Report Writing and Case Studies              | 15 Hours |

150 Total Hours

(B) Appraisers holding a valid state licensed real estate appraiser trainee license may satisfy the education requirements for a state licensed real estate appraiser by completing the following additional educational hours:

- |   |          |
|---|----------|
| 1. Residential Market Analysis and Highest and Best Use   | 15 Hours |
| 2. Residential Appraiser Site Valuation and Cost Approach | 15 Hours |
| 3. Residential Sales Comparison and Income Approaches     | 30 Hours |
| 4. Residential Report Writing and Case Studies            | 15 Hours |
- 75 Total Hours

(C) To obtain a license as a stated licensed real estate appraiser, an applicant shall successfully complete the AQB approved Licensed Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. All education and experience hours are required to be completed prior to being allowed to sit for the examination;

(D) As a prerequisite for licensure as a state licensed real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of one thousand (1,000) hours of experience obtained over a period of not less than six (6) months under the supervision of a state certified real estate appraiser and supported by adequate written reports and file memoranda. Hours may be treated as cumulative in order to achieve the necessary one thousand (1,000) hours of appraisal experience.

## (3) State Certified Residential Real Estate Appraiser—

(A) Applicants for the state certified residential real estate appraiser certification shall satisfy at least one (1) of the following five (5) options below:

1. Possession of a Bachelor's Degree in any field of study from an accredited college or university. The college or university must be a degree granting institution accredited by the Commission on Colleges, a regional or national accreditation association or by an accrediting agency that is recognized by the U.S. Secretary of Education. Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by one (1) of the following:

A. An accredited, degree-granting, domestic college or university;

B. A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES); or

C. A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited, degree-granting, domestic college or university, or by a state licensing board that issues credentials in another discipline;

2. Possession of an Associate's Degree in the field of study related to business administration, accounting, finance, economics, or real estate from an accredited college or university. The college or university must be a degree granting institution accredited by the Commission on Colleges, a regional or national accreditation association or by an accrediting agency that is recognized by the U.S. Secretary of Education. Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by one (1) of the following:

A. An accredited, degree-granting, domestic college or university;

B. A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services; or

C. A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited, degree-granting, domestic college or university, or by a state licensed board that issues credentials in another discipline;

3. Successful completion of thirty (30) semester hours of college-level courses that cover each of the following specific topic areas and hours:

A. English Composition (three (3) semester hours);

B. Microeconomics (three (3) semester hours);

C. Macroeconomics (three (3) semester hours);

D. Finance (three (3) semester hours);

E. Algebra, Geometry, or higher mathematics (three (3) semester hours);

F. Statistics (three (3) semester hours);

G. Computer Science (three (3) semester hours);

H. Business or Real Estate Law (three (3) semester hours);

and

I. Two (2) elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (three (3) semester hours each);

4. Successful completion of at least thirty (30) semester hours of College Level Examination Program® (CLEP®) examinations from each of the following subject matter areas:

A. College Algebra (three (3) semester hours);

B. College Composition (six (6) semester hours);

C. College Composition Modular (three (3) semester hours);

D. College Mathematics (six (6) semester hours);

E. Principles of Macroeconomics (three (3) semester hours);

F. Principles of Microeconomics (three (3) semester hours);

G. Introductory Business Law (three (3) semester hours); and

H. Information Systems (three (3) semester hours);

5. Any combination of paragraphs (3)(A)3. and (3)(A)4. above that ensures coverage of all topics and hours identified in paragraph

(3)(A)3.;

(B) As an alternative to the requirements in subsection (3)(A) above, individuals who have held a state license for a minimum of five (5) years may qualify for a certified residential credential by satisfying all of the following:

1. No record of any adverse, final, and non-appealable disciplinary action affecting the state licensed appraiser's legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application for a certified residential credential;

2. Successful completion of the additional required qualifying education as specified in subsection (3)(G) below;

3. Successful completion of the required experience as specified in subsection (3)(E) below; and

4. Successful completion of the Certified Residential Real Property Appraiser examination as specified in subsection (3)(D) below;

(C) Applicants for state certified residential real estate appraiser license shall submit verification of completion of two hundred (200) creditable class hours from the core curriculum, including passage of the approved closed book examination for each course, as follows:

1. Basic Appraisal Principles 30 Hours

2. Basic Appraisal Procedures 30 Hours

3. National Uniform Standards of Appraisal Practice (USPAP) or its equivalent 15 Hours

4. Residential Market Analysis and Highest and Best Use 15 Hours

5. Residential Appraiser Site Valuation and Cost Approach 15 Hours

6. Residential Sales Comparison and Income Approaches 30 Hours

7. Residential Report Writing and Case Studies 15 Hours

8. Statistics, Modeling, or Finance 15 Hours

9. Advanced Residential Applications and Case Studies 15 Hours

10. Appraisal Subject Matter Electives (May include hours over minimum shown above in other modules) 20 Hours

200 Total Hours

(D) To obtain a state certified residential real estate appraiser license, an applicant shall successfully complete the AQB approved Certified Residential Real Property Appraiser Examination. There is no alternative to successful completion of the examination. All education and experience hours are required to be completed prior to being allowed to sit for the examination;

(E) As a prerequisite for licensure as a state certified residential real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of one thousand five hundred (1,500) hours of experience obtained over a period of not less than twelve (12) months under the supervision of a state certified real estate appraiser and supported by adequate written reports and file memoranda. Hours may be treated as cumulative in order to achieve the necessary one thousand five hundred (1,500) hours of appraisal experience;

(F) Appraisers holding a valid trainee appraiser credential may satisfy the educational requirements for the certified residential real property appraiser credential by successfully completing the following additional educational hours:

1. Residential Market Analysis and Highest and Best Use 15 Hours

2. Residential Appraiser Site Valuation and Cost Approach 15 Hours

3. Residential Sales Comparison and Income Approaches 30 Hours

4. Residential Report Writing and Case Studies 15 Hours

5. Statistics, Modeling, or Finance 15 Hours

- 6. Advanced Residential Applications and Case Studies 15 Hours
- 7. Appraisal Subject Matter Electives 20 Hours

125 Total Hours

(G) Appraisers holding a valid state license real estate appraiser license may satisfy the educational requirements for the certified residential real property appraiser credential by successfully completing the following additional educational hours:

- 1. Statistics, Modeling, or Finance 15 Hours
- 2. Advanced Residential Applications and Case Studies 15 Hours
- 3. Appraisal Subject Matter Electives 20 Hours

50 Total Hours

(H) Appraisers holding a valid trainee appraiser credential wishing to change to the certified residential classification must also satisfy the college-level education requirement as specified in subsection (3)(A) above;

(I) Appraisers holding a valid state license real estate appraiser license wishing to change to the certified residential classification who do not meet the requirements outlined in subsection (3)(B) must also satisfy the college-level education requirements as specified in subsection (3)(A).

(4) State Certified General Real Estate Appraiser—

(A) Applicants for the state certified general real estate appraiser certification shall possess a Bachelor’s Degree or higher in any field of study from an accredited college or university. The college or university must be a degree granting institution accredited by the Commission on Colleges, a regional or national accreditation association or by an accrediting agency that is recognized by the U.S. Secretary of Education. Applicants with a college degree from a foreign country may have their education evaluated for “equivalency” by one (1) of the following:

- 1. An accredited, degree-granting, domestic college or university;
- 2. A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES); or
- 3. A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited, degree-granting, domestic college or university, or by a state licensing board that issues credentials in another discipline;

(B) Applicants for state certified general real estate appraiser shall submit verification of completion of three hundred (300) creditable class hours from the core curriculum, including passage of the approved closed book examination for each course, as follows:

- 1. Basic Appraisal Principles 30 Hours
- 2. Basic Appraisal Procedures 30 Hours
- 3. National Uniform Standards of Appraisal Practice (USPAP) or its equivalent 15 Hours
- 4. General Appraiser Market Analysis And Highest and Best Use 30 Hours
- 5. General Appraiser Site Valuation and Cost Approach 30 Hours
- 6. General Sales Comparison 30 Hours
- 7. General Appraiser Income Approach 60 Hours
- 8. Statistics, Modeling, or Finance 15 Hours
- 9. General Appraiser Report Writing and Case Studies 30 Hours
- 10. Appraisal Subject Matter Electives (May include hours over minimum shown in above other modules) 30 Hours

300 Total Hours

(C) To obtain a state certified general real estate appraiser license, an applicant shall successfully complete the AQB approved Certified General Real Property Appraiser Examination. There is no alterna-

tive to successful completion of the examination. All education and experience hours are required to be completed prior to being allowed to sit for the examination;

(D) As a prerequisite for licensure as a state certified general real estate appraiser, an applicant shall present satisfactory evidence to the commission that the applicant possesses the equivalent of three thousand (3,000) hours of experience obtained over a period of not less than eighteen (18) months. One thousand five hundred (1,500) hours must be in non-residential appraisal work. Hours may be treated as cumulative in order to achieve the necessary three thousand (3,000) hours of appraisal experience;

(E) Appraisers holding a valid trainee appraiser license may satisfy the educational requirements for certified general real estate appraiser by successfully completing the following additional educational hours:

- 1. General Appraiser Market Analysis and Highest and Best Use 30 Hours
- 2. Statistics, Modeling, or Finance 15 Hours
- 3. General Appraiser Sales Comparison Approach 30 Hours
- 4. General Appraiser Site Valuation and Cost Approach 30 Hours
- 5. General Appraiser Income Approach 60 Hours
- 6. General Appraiser Report Writing and Case Studies 30 Hours
- 7. Appraisal Subject Matter Electives 30 Hours

225 Total Hours

(F) Appraisers holding a valid state license real estate appraiser license may satisfy the education requirements for the certified general real estate appraiser license by successfully completing the following additional educational hours:

- 1. General Appraiser Market Analysis and Highest and Best Use 15 Hours
- 2. General Appraiser Site Valuation and Cost Approach 15 Hours
- 3. General Sales Comparison 15 Hours
- 4. General Appraiser Income Approach 45 Hours
- 5. Statistics, Modeling, or Finance 15 Hours
- 6. General Appraiser Report Writing and Case Studies 15 Hours
- 7. Appraisal Subject Matter Electives 30 Hours

150 Total Hours

(G) Appraisers holding a valid certified residential real estate appraiser license may satisfy the educational requirements for the certified general real estate appraiser license by successfully completing the following additional educational hours:

- 1. General Appraiser Market Analysis and Highest and Best Use 15 Hours
- 2. General Appraiser Sales Comparison 15 Hours
- 3. General Appraiser Site Valuation and Cost Approach 15 Hours
- 4. General Appraiser Income Approach 45 Hours
- 5. General Appraiser Report Writing and Case Studies 10 Hours

100 Total Hours

(H) Trainee appraisers, state licensed real estate appraisers, and state certified residential real estate appraisers wishing to upgrade to certified general real estate appraiser must also satisfy the requirements in subsections (4)(A) and (4)(B) above.

*AUTHORITY: section 339.509, RSMo 2016. Original rule filed Feb. 8, 2019.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the*



aggregate.

*PRIVATE COST:* This proposed rule will cost private entities five thousand four hundred dollars (\$5,400) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Real Estate Appraisers Commission, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at [reacom@pr.mo.gov](mailto:reacom@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**PRIVATE FISCAL NOTE**

**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional Registration  
Division 2245 - Missouri Real Estate Appraisers Commission  
Chapter 6 - Educational Requirements  
Proposed Amendment - 20 CSR 2245-6.017 AQB 2018 Licensure Criteria**

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
40	Applicants for Licensure as a Real Estate Appraiser Trainee  (AQB Licensed Residential Real Property Appraiser Examination @ \$135)	\$5,400
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$5,400</b>

**III. WORKSHEET**

See Table Above

**IV. ASSUMPTION**

1. Based on 2018 actual number of trainees registered with the commission, the commission estimates that approximately 40 trainees will register with the commission each year using the 2018 criteria.
2. Trainees currently incur the above expenses for examination. This fiscal note is to meet the requirements of section 536.205, RSMo, which requires the publication of a fiscal note for proposed rulemaking.
3. Trainee applicants are required to meet the education requirement for their respective levels as required by the as a requirement for state licensure. Those costs are not represented in this fiscal note due to the variance in direct and indirect costs associated with travel, geographic location of applicants, education expenses and reimbursement, etc. which could vary from applicant to applicant.
4. The expenses described above do not result in any revenue to the commission.
5. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2263—State Committee for Social Workers  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2263-1.010 Definitions.** The committee is amending section (1).

*PURPOSE: This amendment updates the accrediting commission and removes the definition of provisional licensee.*

(1) The words defined in sections 337.600–337.689, RSMo, shall have the same meaning when used in these rules, unless the context plainly requires a different meaning.

(A) “Acceptable educational institution” shall mean—

1. A school, college, university, or other institution of higher learning in the United States which, at the time the applicant was enrolled and graduated, was accredited by a regional accrediting commission recognized by the *[United States Department of Education or the Committee on Recognition of Post-Secondary Accreditation (CORPA),]* Council on Social Work Education (CSWE) or its successor organization; or

2. A school, college, university, or other institution of higher learning outside the United States which, at the time the applicant was enrolled and graduated, maintained a standard of training determined by the committee to be substantially equivalent to the standards of training of those institutions accredited by *[one (1) of the regional accrediting commissions recognized by the United States Department of Education or CORPA]* the CSWE.

*[(K)]* “Provisional licensee” means an individual who has completed all requirements for licensure with the exception of the supervised experience.]

*[(L)](K)* “Registrant” means an individual who has submitted an application for registration of supervision, or an individual whose application for registration of supervision has been approved by the committee, and who is engaged in a program of supervised social work experience as described in sections 337.615, 337.645, and 337.653, RSMo, but who has not met all of the requirements for licensure.

*[(M)](L)* “Temporary permit” authorizes an applicant for reciprocity to practice social work in Missouri pending licensure.

*[(N)](M)* “Term of licensure” means the period between initial licensure and renewal, and the period between renewals.

*AUTHORITY: sections 337.600, RSMo 2016 and 337.627, RSMo Supp. [2009] 2018. This rule originally filed as 4 CSR 263-1.010. Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 8, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2263—State Committee for Social Workers  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2263-1.016 Policy for Handling Release of Public Records.** The committee is deleting section (5) and renumbering as necessary.

*PURPOSE: This rule outlines the policy regarding the release of information on any meetings, committee records, or votes in compliance with sections 610.010–610.030, RSMo.*

*[(5)] If the custodian believes that requested access is not required under Chapter 610, RSMo, the custodian shall consult with the Office of the Attorney General before deciding whether to deny access to the records. If contact with that office is not practicable or is impossible, the custodian may decide whether to deny access. However, in that case, the custodian shall consult with the Office of the Attorney General within five (5) working days of the decision. When access is denied, the custodian will comply with the requirements in section 610.023, RSMo concerning informing the individual requesting access to the records and shall supply to the committee copies of the written denial. The committee shall either affirm or reverse the decision of the custodian.]*

*[(6)](5)* The custodian shall maintain a file of copies of all written requests for access to records and responses to the requests. That file shall be maintained as a public record open for inspection by any member of the general public during regular business hours.

*AUTHORITY: section[s] 337.627, RSMo Supp. [1998] 2018, and sections 610.010–610.200, RSMo [1994 and Supp. 1998] 2016, RSMo Supp. 2017, and RSMo Supp. 2018. This rule originally filed as 4 CSR 263-1.016. Original rule filed Jan. 20, 1999, effective July 30, 1999. Moved to 20 CSR 2263-1.016, effective Aug. 28, 2006. Amended: Filed Feb. 8, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at lcsww@pr.mo.gov. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS AND PROFESSIONAL  
REGISTRATION  
Division 2263—State Committee for Social Workers  
Chapter 1—General Rules**

**PROPOSED AMENDMENT**

**20 CSR 2263-1.025 Complaint Handling and Disposition.** The committee is amending the purpose statement and section (1).

*PURPOSE: This amendment updates a statutory reference and updates those individuals under the committee's statutory authority.*

*PURPOSE: This rule establishes a procedure for the receipt, handling, and disposition of public complaints pursuant to the mandate of section [620.010.15(6), RSMo Supp. 1997] 324.002, RSMo.*

(1) The Division of Professional Registration, in coordination with the State Committee for Social Workers, will receive and process each complaint made against any licensed social worker, *[provisional licensed social worker, temporary permit holder,]* registrant, applicant, individual, or entity, in which the complaint alleges certain acts or practices may constitute one (1) or more violations of the provisions of sections 337.600–337.689, RSMo or the administrative rules. No member of the State Committee for Social Workers may file a complaint with the division or committee while holding that office unless that member is excused from further committee deliberation or activity concerning the matters alleged within that complaint. Any division staff member or the committee may file a complaint pursuant to this rule in the same manner as any member of the public.

*AUTHORITY: section[s] 324.002, RSMo 2016, and section 337.627, RSMo [2000 and 337.677 and 620.010.15(6), RSMo Supp. 2001] Supp. 2018. This rule originally filed as 4 CSR 263-1.025. Original rule filed Jan. 20, 1999, effective July 30, 1999. Amended: Filed Oct. 30, 2002, effective June 30, 2003. Moved to 20 CSR 2263-1.025, effective Aug. 28, 2006. Amended: Filed Feb. 8, 2019.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Committee for Social Workers, Tom Reichard, Executive Director, PO Box 1335, Jefferson City, MO 65102, by fax at (573) 526-3489, or via email at [lcsw@pr.mo.gov](mailto:lcsw@pr.mo.gov). To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*