

Under 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."

Entirely new rules are printed without any special symbolology 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 If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission.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.

An 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.

If 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*.

An 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.

If 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.

or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The 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 Department of Elementary and Secondary Education, ATTN: Dr. Chris Neale, Assistant Commissioner, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480 or by email to qualityschools@dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

PROPOSED AMENDMENT

5 CSR 20-400.220 Application for Substitute Certificate of License to Teach. The State Board of Education is amending section (1).

PURPOSE: This proposed amendment adds language that allows department-approved training as an alternative route to gain a substitute certificate of license to teach.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of college level credit from a regionally-accredited academic degree granting institution recognized by the Department of Elementary and Secondary Education (department) **or has successfully completed a minimum of twenty (20) clock hours of department-approved substitute teacher training that includes professionalism, honoring diversity, engaging students, foundational classroom management techniques, basic instructional strategies, supporting students with special needs, and working with at-risk youth** may be granted a substitute Missouri certificate of license to teach pursuant to the rules promulgated by the State Board of Education (board).

AUTHORITY: sections 161.092, 168.011, 168.071, and 168.081, RSMo 2016, and section 168.021, RSMo Supp. [2019] 2020. This rule previously filed as 5 CSR 80-800.290. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 19, 2020, effective Sept. 2, 2020, expires Feb. 28, 2021. Amended: Filed Aug. 19, 2020.

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 Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.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.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 100—Office of Quality Schools

PROPOSED RESCISSION

5 CSR 20-100.250 Charter Schools. This rule provided policies for evaluating charter school sponsors.

PURPOSE: This rule is being rescinded because the standards for evaluating charter school sponsors have been incorporated into 5 CSR 20-100.260, *Standards for Charter Sponsorship*.

AUTHORITY: section 160.400 and 161.092, RSMo Supp. 2011 and section 2(A) of Art. IX, Mo. Const. Original rule filed Jan. 24, 2012, effective Aug. 30, 2012. Rescinded: Filed Aug. 26, 2020.

PUBLIC COST: This proposed rescission will not cost state agencies

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

PROPOSED AMENDMENT

5 CSR 20-400.640 Certification Requirements for Initial Student Services Certificate. The board is amending subsection (1)(B) and deleting subsection (1)(C).

PURPOSE: This amendment will replace initial counselor K-8 and initial counselor 7-12 certificates with an initial counselor K-12 certificate and update the requirements for the counselor culminating clinical experience.

(1) An applicant for a Missouri Initial Student Services Certificate, valid for a period of four (4) years, may be granted an Initial Student Services Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional requirements:

(B) The Initial Student Services Certificate for *[Elementary] School Counselor (Grades K-12)*, valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. Recommendation for certification from the designated official of a counselor preparation program approved by the department;
2. Completion of a course in Psychology/Education of the Exceptional Child; and
3. The applicant must possess either—

A. Completion of a master's degree with a major emphasis in *[guidance and] school* counseling from a college or university meeting approval of the department, based upon the completion of a planned program of at least forty-two (42) semester hours of approved graduate credit *[in]* courses in *[guidance and]* counseling with at least twelve (12) semester hours focused upon *[guidance] counseling* in the elementary **and secondary** schools—

(I) Knowledge and/or competency in each of the following areas:

- (a) Student Development—
 - I. Human Growth and Development;
 - II. Counseling Theories and Interventions;
 - III. Helping Relationships;
 - IV. Social and Cultural Diversity;
 - V. Appraisal of Student Growth and Achievement;

and

- VI. Career Development and Planning;
- (b) Program Implementation—
 - I. Structural Components;
 - II. Program Components;
 - III. Technology; and
 - IV. Program, Personnel, and Results Evaluation;
- (c) Professional Relationships—
 - I. Interpersonal Skills;
 - II. Collaboration;
 - III. Consultation Theories and Strategies; and
 - IV. School and Community Involvement;
- (d) Leadership and Advocacy—
 - I. Personal Well-Being;
 - II. Leadership and Professionalism;
 - III. Student Advocacy;
 - IV. Program Leadership; and
 - V. School Climate and Culture;
- (e) Ethical and Professional Conduct—
 - I. Ethical Standards;
 - II. Professional Standards;
 - III. District and School Policies; and
 - IV. Legal Requirements; and

- (II) Field and Clinical Experience (three (3) semester

hours minimum of three hundred (300) clock hours of which two hundred (200) clock hours will be in a major area (elementary or secondary); fifty (50) clock hours in a minor area (elementary or secondary); and the remaining fifty (50) clock hours will be at the discretion of the program and candidate)—

(a) Culminating Clinical Experience. This refers to *[an]* elementary **and secondary** school placement(s) in which candidates actively participate and complete class assignments and work with students as requested while under the supervision of a **school** counselor. The candidate should experience a wide range of class settings and have opportunities to collaborate with the supervising **school** counselor, preparation program supervisors, and/or other stakeholders working to improve student learning; **or**

B. A master's degree or higher degree in education, school counseling, counseling, counseling psychology, rehabilitation counseling, or a closely-related mental health discipline; and completed additional graduate coursework specific to school counseling, as designated by the recommending certification official of a **counselor preparation program** approved by the department; along with the following:

(I) Possess a bachelor's degree in education from a educator preparation program approved by the department; **or**

(II) Complete a curriculum in teaching methods and practices, classroom management, and the psychology of the exceptional child, as specified by the recommending certification officer of a **counselor preparation program** approved by the department; and

(III) Field and Clinical Experience (minimum of three hundred (300) clock hours of which two hundred (200) clock hours will be in a major area (elementary or secondary); fifty (50) clock hours in a minor area (elementary or secondary); and the remaining fifty (50) clock hours will be at the discretion of the program and candidate)—

(a) Culminating Clinical Experience. This refers to *[an]* elementary **and secondary** school placement(s) in which candidates actively participate and complete class assignments and work with students as requested while under the supervision of a **school** counselor. The candidate should experience a wide range of class settings and have opportunities to collaborate with the supervising **school** counselor, preparation program supervisors, and/or other stakeholders working to improve student learning; and

4. Must achieve a score equal to or in excess of the qualifying score of any assessment(s) required by the State Board of Education (board). The official score report shall be submitted to the department;

[(C) The Initial Student Services Certificate for Secondary Counselor (Grades 7-12), valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. Recommendation for certification from the designated official of an approved counselor preparation program;

2. Completion of a course in Psychology/Education of the Exceptional Child; and

3. The applicant must possess either—

A. A master's degree with a major emphasis in *guidance and counseling* from a college or university meeting approval of the department based upon the completion of a planned program of at least forty-two (42) semester hours of approved graduate credit in courses in *guidance and counseling* with at least twelve (12) semester hours focused upon *guidance* in secondary schools—

(I) Knowledge and/or competency in each of the following areas:

- (a) Student Development—
 - I. Human Growth and Development;
 - II. Counseling Theories and Interventions;
 - III. Helping Relationships;
 - IV. Social and Cultural Diversity;
 - V. Appraisal of Student Growth and

Achievement; and

VI. Career Development and Planning;

(b) Program Implementation—

I. Structural Components;

II. Program Components;

III. Technology; and

IV. Program, Personnel, and Results Evaluation;

(c) Professional Relationships—

I. Interpersonal Skills;

II. Collaboration;

III. Consultation Theories and Strategies; and

IV. School and Community Involvement;

(d) Leadership and Advocacy—

I. Personal Well-Being;

II. Leadership and Professionalism;

III. Student Advocacy;

IV. Program Leadership; and

V. School Climate and Culture; and

(e) Ethical and Professional Conduct—

I. Ethical Standards;

II. Professional Standards;

III. District and School Policies; and

IV. Legal Requirements; and

(II) Field and Clinical Experience (minimum of three hundred (300) clock hours)—

(a) Culminating Clinical Experience. This refers to a secondary school placement(s) in which candidates actively participate and complete class assignments and work with students as requested while under the supervision of a counselor. The candidate should experience a wide range of class settings and have opportunities to collaborate with the supervising counselor, preparation program supervisors, and/or other stakeholders working to improve student learning;

B. A master's degree or higher degree in education, school counseling, counseling, counseling psychology, rehabilitation counseling, or a closely-related mental health discipline; and completed additional graduate coursework specific to school counseling, as designated by the recommending certification official approved by the department; along with the following:

(I) Possess a bachelor's degree in education from an educator preparation program approved by the department; or

(II) Complete a curriculum in teaching methods and practices, classroom management, and the psychology of the exceptional child, as specified by the recommending certification officer of a program approved by the department; and

(III) Field and Clinical Experience (minimum of three hundred (300) clock hours)—

(a) Culminating Clinical Experience. This refers to an elementary school placement(s) in which candidates actively participate and complete class assignments and work with students as requested while under the supervision of a counselor. The candidate should experience a wide range of class settings and have opportunities to collaborate with the supervising counselor, preparation program supervisors, and/or other stakeholders working to improve student learning;

4. Must achieve a score equal to or in excess of the qualifying score of any assessment(s) required by the board. The official score report shall be submitted to the department;

[(D)](C) The Initial Student Services Certificate for School Psychological Examiner (Kindergarten – Grade 12), valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. The applicant shall hold a valid Missouri professional teaching certificate or student services certificate of license to teach as an elementary or secondary school counselor;

2. Completion of a master's degree from a college or university meeting approval of the Missouri Department of Elementary and Secondary Education in one (1) of the following areas:

A. Counseling Psychology;

B. Educational Psychology;

C. School Counseling; and

D. Education;

3. Recommendation for certification from the designated official of an approved Psychological Examiner preparation program;

4. Completion of a course in Psychology/Education of the Exceptional Child;

5. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department; and

6. A minimum of twenty-four (24) semester hours of professional preparation at the graduate level with competencies demonstrated in all areas listed to the satisfaction of an approved preparation program—

A. Course Areas—

(I) Psychological Development: Child, Adolescent, or Developmental Psychology;

(II) Psychology of Education;

(III) Statistical Methods;

(IV) Psychology of Personality or Psychodiagnostics;

(V) Psychological Tests and Measures for the Analysis of Student Performance;

(VI) Individual Intelligence Tests; and

(VII) Individual Diagnostic Assessments (other than the Wechsler Scales and the Stanford-Binet Intelligence Scale);

B. Competencies—

(I) Applying Methods and/or Techniques of Interpretation of Tests;

(II) Analyzing and Identifying Differences to include tiered systems for supporting instruction and behavior;

(III) Interpreting Formal and Informal Diagnostic Assessments and Applying to Guide Interventions;

(IV) Utilizing Knowledge of Classroom Environment, Psychological Principles, and Data to assist in the development of student educational plans;

(V) Applying Diagnostic Interviewing Techniques;

(VI) Collaborating and Consulting with Other Professionals to Identify Instructional Strategies;

(VII) Administering and Interpreting the Wechsler Scales, the Stanford-Binet Intelligence Scale, and other psychoeducational instruments; and

(VIII) Providing services consistent with ethical, legal, and professional standards; and

C. Field and Clinical Experiences (minimum of one hundred fifty (150) clock hours)—

(I) Culminating Clinical Experience. This culminating clinical experience must be in an educational setting with children and youth of school age while under the supervision of a certified School Psychological Examiner or School Psychologist. The culminating clinical experience must include the administration and interpretation of individual intelligence tests, formal and informal diagnostic procedures, and the application of the information to develop instructional strategies;

[(E)](D) The Initial Student Services Certificate for School Psychologist, valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. Completion of a specialist or higher degree with a major emphasis in school psychology from an approved School Psychologist preparation program;

2. Recommendation for certification from the designated official of a School Psychologist preparation program approved by the department;

3. A minimum of sixty (60) semester hours of professional preparation at the graduate level with competencies demonstrated in all areas listed to the satisfaction of an approved School Psychologist preparation program—

A. Psychological Foundations—

- (I) Biological Bases of Behavior;
- (II) Human Learning;
- (III) Social and Cultural Bases of Behavior;
- (IV) Child and Adolescent Development;
- (V) Individual Differences, including human exceptionalities; and

(VI) Developmental Psychology;

B. Educational Foundations—

- (I) Instructional Design; and
- (II) Organization and Operations of Schools;

C. Interventions/Problem Solving—

- (I) Diverse Methods and Models of Assessment;
- (II) Linked to Direct Interventions; and
- (III) Linked to Indirect Interventions;

D. Statistics and Research Methodologies—

- (I) Statistics;
- (II) Research and Evaluation Methods; and
- (III) Measurement; and

E. Professional School Psychology—

- (I) History and Foundations of School Psychology;
- (II) Legal and Ethical Issues;
- (III) Professional Issues and Standards;
- (IV) Alternative Models for Delivery of School Psychological Services;
- (V) Emergent Technologies; and
- (VI) Roles and Functions of the School Psychologist;

4. Competencies—

A. Data-Based Decision Making and Accountability. School psychologists have knowledge of varied models and methods of assessment and data collection methods for identifying strengths and needs, developing effective services and programs, and measuring progress and outcomes. As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to use psychological and educational assessment, data collection strategies, and technology resources and apply results to design, implement, and evaluate response to services and programs;

B. Consultation and Collaboration. School psychologists have knowledge of varied models and strategies of consultation, collaboration, and communication applicable to individuals, families, groups, and systems and methods to promote effective implementation of services. As part of a systematic and comprehensive process of effective decision making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to consult, collaborate, and communicate effectively with others;

C. Interventions and Instructional Support to Develop Academic Skills. School psychologists have knowledge of biological, cultural, and social influences on academic skills; human learning, cognitive, and developmental processes; and evidence-based curricula and instructional strategies. School psychologists, in collaboration with others, demonstrate skills to use assessment and data collection methods and to implement and evaluate services that support cognitive and academic skills;

D. Interventions and Mental Health Services to Develop Social and Life Skills. School psychologists have knowledge of biological, cultural, developmental, and social influences on behavior and mental health, behavioral and emotional impacts on learning and life skills, and evidence-based strategies to promote social-emotional functioning and mental health. School psychologists, in collaboration with others, demonstrate skills to use assessment and data-collection

methods and to implement and evaluate services that support socialization, learning, and mental health;

E. School-Wide Practices to Promote Learning. School psychologists have knowledge of school and systems structure, organization, and theory; general and special education; technology resources; and evidence-based school practices that promote learning and mental health. School psychologists, in collaboration with others, demonstrate skills to develop and implement practices and strategies to create and maintain effective and supportive learning environments for children and others;

F. Preventive and Responsive Services. School psychologists have knowledge of principles and research related to resilience and risk factors in learning and mental health, services in schools and communities to support multi-tiered prevention, and evidence-based strategies for effective crisis response. School psychologists, in collaboration with others, demonstrate skills to promote services that enhance learning, mental health, safety, and physical well-being through protective and adaptive factors and to implement effective crisis preparation, response, and recovery;

G. Family-School Collaboration Services. School psychologists have knowledge of principles and research related to family systems, strengths, needs, and culture; evidence-based strategies to support family influences on children's learning and mental health; and strategies to develop collaboration between families and schools. School psychologists, in collaboration with others, demonstrate skills to design, implement, and evaluate services that respond to culture and context and facilitate family and school partnerships and interactions with community agencies for enhancement of academic and social-behavioral outcomes for children;

H. Diversity in Development and Learning. School psychologists have knowledge of individual diversity factors for children, families, and schools, including factors related to culture, context, and individual and role differences; and evidence-based strategies to enhance services and address potential influences related to diversity. School psychologists demonstrate skills to provide effective professional services that promote effective functioning for individuals, families, and schools with diverse characteristics, cultures, and backgrounds and across multiple contexts, with recognition that an understanding and respect for diversity in development and learning and advocacy for social justice are foundations for all aspects of service delivery;

I. Research and Program Evaluation. School psychologists have knowledge of research design, statistics, measurement, varied data collection and analysis techniques, and program evaluation sufficient for understanding research and interpreting data in applied settings. School psychologists demonstrate skills to evaluate and apply research as a foundation for service delivery and, in collaboration with others, use various techniques and technology resources for data collection, measurement, and analysis to support effective practices at the individual, group, and/or systems levels;

J. Legal, Ethical, and Professional Practice. School psychologists have knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists. School psychologists demonstrate skills to provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and professional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, dependability, and technology skills; and

K. Information and Technology. Demonstrate an understanding of information sources and technology relevant to their work;

5. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department; and

6. Field and Clinical Experiences (minimum of one (1) year or one thousand two hundred (1,200) clock hours)—

A. Culminating Clinical Experience. This culminating clinical experience must be a planned program of experiences and supervised internship designed to achieve these competencies as part of an approved graduate degree program in school psychology. At least half of the internship must be completed in an educational setting. This internship experience will include opportunities to demonstrate skills learned in all coursework.

AUTHORITY: sections 161.092, 168.011, [168.021,] 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020. Original rule filed Oct. 29, 2013, effective May 30, 2014. Amended: Filed June 22, 2018, effective Jan. 30, 2019. Amended: Filed Aug. 31, 2020.

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 Department of Elementary and Secondary Education, Attention: Dr. Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.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 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Financial and Administrative Services
Chapter 660—School Finance

PROPOSED RULE

5 CSR 30-660.090 Charter School Local Education Agency (LEA) Attendance Hour Reporting

PURPOSE: This proposed rule establishes policies and standards for charter school local education agencies (LEAs) for providing foundation formula payment in accordance with Chapter 160, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 school year.

(1) The following definitions apply to this rule:

(A) Average Daily Attendance (ADA): the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by pupils between the ages of five (5) and twenty-one (21) by the actual number of hours school was in session in that term;

(B) First Preceding Year: The school year prior to the year attendance was impacted by COVID-19, specifically the 2019-2020 school year for the purpose of this rule; and

(C) Weighted Average Daily Attendance (WADA): The average daily attendance plus the product of twenty-five hundredths (0.25) multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five (0.75) hundredths multiplied by the number of special

education pupil count that exceeds the special education threshold, plus the product of six-tenths (0.6) multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold.

(2) For the purposes of state aid calculation outlined in section 160.415, RSMo, during the 2020-2021 school year, WADA for charter school LEAs shall be defined as the higher of the current year's WADA or the first preceding year's WADA. This provision is applicable for the 2020-2021 school year.

(3) For the purposes of other state aid calculations outlined in sections 163.043 and 163.087, RSMo, that rely on the 2020-2021 school year ADA or WADA, charter school LEAs may rely on the higher of the 2019-2020 or 2020-2021 applicable ADA or WADA. This provision is applicable for the 2021-2022 school year.

AUTHORITY: sections 161.092, 163.031, 163.043, and 163.087, RSMo 2016, and section 160.415, RSMo Supp. [2019] 2020. Emergency rule filed Aug. 19, 2020, effective Sept. 2, 2020, expires Feb. 28, 2021. Original rule filed Aug. 19, 2020.

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 Elementary and Secondary Education, ATTN: Kari Monsees, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to DESE.AdminRules@dese.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 30—Office of the Director
Chapter 10—Amber Alert

PROPOSED AMENDMENT

11 CSR 30-10.020 Law Enforcement Agency Procedures for Activating an AMBER Alert. The division is amending sections (1)-(3) and (5).

PURPOSE: This amendment updates the process for activating the AMBER Alert system.

(1) In the event of a missing child, the reporting agency *[must]* shall first determine *[that]* the following criteria are met:

(A) The missing child qualifies as an "abducted child," *[as defined in 11 CSR 30-10.010;]* **defined as a child age seventeen (17) or under whose whereabouts is unknown and who has been determined by local law enforcement to be—**

1. The victim of kidnapping as defined by section 565.110, RSMo; or

2. The victim of a crime of child kidnapping as defined by section 565.115, RSMo, the statutory age limit notwithstanding;

(B) The child is in the custody of someone other than a parent, guardian, or other official custodial entity, or sufficient evidence exists to indicate *[that]* harm may come to a child from a parent, guardian, or other official custodial entity; **and**

(C) Sufficient descriptive information exists to enhance the possibility of recovery, such as—

1. The time and location of the incident;
2. A physical description of the abducted child or his or her clothing, if known;
3. A physical description and identity, if known, of the abductor and whether or not the abductor is armed; and
4. A vehicle description and direction of travel.

(2) The reporting agency *[must]* shall take a complete report and validate the information.

(3) The reporting agency shall *[next]*—

[(A) Issue a local AMBER Alert if the local agency has its own Amber Alert plan;

(B) If there is no local AMBER Alert plan or if the alert should be expanded beyond the local plan, the agency should complete the Missouri AMBER Alert Abduction Form and fax the form to the Missouri State Highway Patrol (MSHP) Communications Division; and

(C) Enter the incident into the Missouri Uniform Law Enforcement System and the National Crime Information Center database.]

(A) Complete and submit a Missouri AMBER Alert Abduction Form through the Missouri Uniform Law Enforcement System (MULES). A request can also be made by completing a Missouri AMBER Alert Abduction Form on the Missouri State Highway Patrol (MSHP) website. The form should then be emailed or faxed to the MSHP communications division; and

(B) Enter the incident into MULES and the National Crime Information Center (NCIC) database.

(5) After receiving confirmation, MSHP Communications Division *[will]* shall then disseminate the alert.

AUTHORITY: section 210.1014, RSMo Supp. [2005] 2020. Original rule filed Oct. 3, 2005, effective March 30, 2006. Amended: Filed Aug. 20, 2020.

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 Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102-0749. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 5—Nonemergency Medical Transportation
(NEMT) Services**

PROPOSED AMENDMENT

13 CSR 70-5.010 Nonemergency Medical Transportation (NEMT) Services. The Department of Social Services is amending the purpose, sections (1), (3), and (4), deleting section (2), and renumbering the remaining sections.

PURPOSE: This proposed amendment eliminates outdated terminology and incorporates all transportation methods available to MO HealthNet participants.

PURPOSE: This rule establishes the criteria by which the [medical assistance program] MO HealthNet Division (MHD) reimburses expenses for nonemergency, medically necessary transportation if a participant does not have access to transportation services that are available free of charge.

(1) The *[Missouri Medical Assistance program]* MO HealthNet Division (MHD) or its contractor shall reimburse/s/ eligible participants or nonemergency medical transportation (NEMT) providers for medically necessary transportation only if a participant does not have access to transportation services that are available free of charge.

(A) The participant must have an appointment for any medical treatment that is approved by *[the MO HealthNet Division]* MHD. **MHD will not reimburse participants or providers for nonemergency medical transportation to a pharmacy or to any location where the purpose of the nonemergency transportation is to fill a pharmaceutical prescription.**

(B) Alternative transportation services that may be provided free of charge include, **but are not limited to, private vehicles**, volunteers, relatives, a designated legal representative, an individual involved in the resident's care, or transportation services provided by nursing facilities or other residential centers. Participants must not have access to free transportation **in order to be eligible for reimbursement under this section.**

[(2) Nonemergency medical transportation is not available to a pharmacy.]

[(3)](2) [MO HealthNet] MHD shall reimburse/s/ the most appropriate and least costly transportation alternative suitable for the participant's medical condition. If a participant [can use] has access to private vehicles or less costly public transportation, those alternatives must be used [before participants can use] in lieu of more expensive transportation alternatives.

(A) The alternative transportation services provided *[will]* include:

1. Bus passes/tickets;
2. Taxi/sedans;
3. Wheelchair van;
4. Multi-passenger vans;
5. Stretcher van;
6. Ambulance; *[or]*
7. Gas reimbursement *[.]*; **or**

8. Volunteer driver program, if approved by the state agency.

(B) Transports are limited to medical treatment within the distance standards set forth in 20 CSR 400-7.095. Exceptions to these standards *[are listed below.]* include:

1. The participant has a previous history of other than routine medical care with the qualified, enrolled medical service provider for a special condition or illness*[.]*;

2. The participant has been referred by a Primary Care Provider (PCP) to a qualified, enrolled medical service provider for a special condition or illness*[.]*; **and**

3. There is not a routine or specialty care appointment available within thirty (30) calendar days to a qualified, enrolled medical service provider within the travel standards.

[(4)](3) [MO HealthNet] MHD shall reimburse/s/ for the least expensive and most appropriate ancillary services when the medical treatment requires an overnight stay. Ancillary services include meals and lodging.

AUTHORITY: sections 208.201 and 660.017, RSMo [Supp. 2007] 2016. Original rule filed May 16, 2005, effective Oct. 30, 2005. Amended: Filed Feb 1, 2008, effective Aug. 30, 2008. Amended: Filed Aug. 27, 2020.

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 Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 25—Physician Program**

PROPOSED RULE

13 CSR 70-25.140 Biopsychosocial Treatment of Obesity for Youth and Adults

PURPOSE: This rule establishes the MO HealthNet payment policy for the biopsychosocial treatment of obesity for youth and adult participants. The goal of this policy is to improve health outcomes for both the youth and adult population by managing obesity and associated co-morbidities.

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) Administration. The MO HealthNet Division, Department of Social Services, shall administer Biopsychosocial Treatment of Obesity for Youth and Adult participants. Biopsychosocial treatment of obesity services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by the MO HealthNet Division and shall be included in the *MO HealthNet Physician Provider Manual* and *Behavioral Health Services Manual*, which are incorporated by reference and made part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at, <http://manuals.momed.com/manuals/>, August 7, 2020. This rule does not incorporate any subsequent amendments or additions. Biopsychosocial treatment of obesity services covered by the MO HealthNet program shall include only those which are shown to be medically necessary.

(A) In the administration of the rule, the following definitions are used:

1. "Biopsychosocial Treatment of Obesity" means using a combination of obesity screenings, Medical Nutrition Therapy (MNT), and Intensive Behavioral Therapy (IBT) to promote life style changes leading to weight loss in adult and youth participants.

A. "Adult Intensive Behavioral Therapy (IBT)" means obesity management by utilizing intensive multicomponent, behavior-based weight loss interventions that promote and sustain weight loss in adult participants.

B. "Youth Intensive Behavioral Therapy (IBT)" means obesity management by utilizing comprehensive, intensive behavior-based weight loss interventions that can include multi-component family-

based behavioral treatment (FBT) interventions tailored to participant needs targeting both the parent/guardian and the youth;

2. "Body Mass Index (BMI)" means a measure that relates body weight to height and is calculated by dividing weight in kilograms (kg) by the square of height in meters (expressed in kg/m²).

A. "Body Mass Index (BMI) Percentile" means the range of BMI values as expressed in percentiles for age and gender as plotted on the pediatric BMI chart.

B. "Pediatric Body Mass Index (BMI) Chart" means a graphic display of normal progressive changes in body mass index for the pediatric population ages two (2) to twenty (20) years of age;

3. "Consultation" for the purpose of this rule means the experienced behavioral health clinician who meets provider requirements for Intensive Behavioral Therapy (IBT) outlined in this regulation support and evaluate the newly certified provider's competency in delivery of behaviorally based intervention for patients diagnosed with obesity;

4. "Medical Nutrition Therapy (MNT)" means nutritional diagnostic, therapy, and counseling services furnished by a registered dietitian, and includes a review of nutritional health, eating habits, and development of an individualized nutrition plan; and

5. "Qualified University" means a United States regionally accredited college, university, or foreign equivalent, or an academic university-based medical center affiliated with such a university.

(2) Provider Participation. To be eligible to provide services for the MO HealthNet Biopsychosocial Treatment of Obesity Program—

(A) All Biopsychosocial Treatment of Obesity service providers must be enrolled as MO HealthNet providers;

(B) Provider Requirements for MNT. In order to provide medical nutrition therapy for obesity a provider is required to meet the following criteria:

1. Have a current license to practice as a Licensed Registered Dietitian in the state in which they practice;

2. The Provider will need to obtain one (1) of the following specialist certificates in order to provide MNT for treatment of obesity:

A. Certificate of Training in Adult Weight Management Program;

B. Certificate of Training in Obesity Interventions for Adults;

C. Certificate of Training in Child and Adolescent Weight Management; or

D. Completion of a qualified training program that provides professional medical nutrition therapy training addressing obesity and weight management treatment for participant population(s) served;

3. A licensed provider may provide MNT without a certificate as listed above if the provider meets the following criteria:

A. The provider has maintained a dietitian license credential for a minimum of two (2) years;

B. The provider has documentation of a minimum of two thousand (2,000) hours of specialty practice experience delivering weight management MNT for individuals and/or families and youth with obesity diagnosis within the past five (5) years; and

C. The provider has documentation of a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential;

(C) Provider Requirements for IBT. In order to provide individual and/or group intensive behavioral therapy (IBT) and/or family-based behavioral treatment (FBT) for youth and adults a provider is required to meet the following criteria:

1. Have a current license to practice as one (1) of the following provider types: psychiatrist, clinical social worker, psychologist, or professional counselor, marital and family therapist, or psychiatric advanced practice registered nurses. Registered dietitians are eligible to provide group IBT and/or FBT;

2. A specialist certification for the participant population(s) served that was attained through completion of a qualified training program that addresses delivery of behaviorally based intervention

for adult and/or youth participants diagnosed with obesity;

3. A licensed provider may provide IBT without a certificate with the following criteria:

A. The licensed provider has maintained one (1) of the aforementioned license credentials for a minimum of two (2) years;

B. The provider has a minimum of two thousand (2,000) hours of specialty practice experience delivering weight management behavioral treatment for individuals and/or families and youth with obesity diagnosis within the past five (5) years; and

C. The provider will have documentation with a minimum of six (6) hours of obesity or weight management CEUs or professional equivalent post receipt of license credential;

(D) Continuing Education Unit (CEU) requirement. The provider must maintain six (6) hours of obesity or weight management CEUs or professional equivalent every two (2) years for the patient population served, either youth or adult or both.

1. The required evaluation and documentation on compliance with certification standards post completion of a qualified training program from an experienced provider does not count toward the six (6) hours of CEUs; and

(E) The provider must meet the provider qualifications outlined in this regulation in order to bill Medicaid for the service.

(3) Qualified Training Program Requirements.

(A) A qualified training program has stated learning objectives for the course content and includes the following:

1. Content-expert instruction and interactive discussion (which may occur face-to-face or by electronic delivery);

2. Course materials developed by professionals with demonstrated expertise in the content area;

3. Content areas cover evidence-based approaches to effectively deliver weight management and obesity treatment for adult and/or youth participants using a family-centered, comprehensive approach; and

4. Sponsored by or conducted in affiliation with a qualified university.

(B) The training program for youth and adults participants shall contain a mix of didactics with simulation work conducted by members of the training center staff.

(C) The qualified training program shall provide a certificate upon completion of the program.

(D) Qualified training programs on IBT and FBT shall provide a means for newly certified behavioral providers to receive evaluation and documentation on compliance with post-program certification standards from an experienced provider using established procedures.

1. After completion of the qualified training program for IBT, the provider is certified for one (1) year.

2. To receive the specialty certificate after one (1) year to continue delivering IBT/GBT, the provider is required to complete clinical consultations with an experienced IBT/GBT provider in accordance with established procedures.

3. The qualified training program will provide those completing the program details on how to obtain a renewal specialist certification and a list of experienced eligible providers to provide consultation and review IBT/GBT competency.

4. Renewal of specialist certification for IBT/GBT will not be issued until the new provider receives documentation on compliance with certification standards from an experienced provider.

(4) Participant Criteria. Any person who is eligible for Title XIX benefits from the Family Support Division and who also meets the following criteria shall be deemed eligible to receive these services:

(A) Be five (5) through twenty (20) years of age for youth services or twenty-one (21) years of age or older for adult services;

(B) Not currently pregnant;

(C) Be obese by meeting the following criteria:

1. For youth participants a body mass index (BMI) percentile

equal to or greater than the ninety-fifth (95th) percentile for age and gender on the pediatric body mass index (BMI) chart.

2. For adult participants a body mass index (BMI) equal to or greater than thirty (30); and

(D) Not concurrently receiving authorization for other MO HealthNet reimbursed weight reduction services.

(5) Biopsychosocial Treatment of Obesity Services.

(A) Biopsychosocial Treatment of Obesity Services provide integrated medical nutrition therapy and behavioral health services, coordinated by the primary care or referring physician, or other licensed practitioner of healing, to facilitate behavior changes to manage obesity and associated co-morbidities. Biopsychosocial treatment of obesity for youth and adult participants requires a referral and a prescribed service in the participant's plan of care from a prescribing provider as part of an office visit for evaluation and management. The prescribing provider must obtain prior authorization from MO HealthNet before the participant starts receiving services. A prescribing provider is defined as a physician or other licensed practitioner of healing arts within the scope of authorized practice under State law.

1. Service structure for youth participants.

A. Biopsychosocial Treatment of Obesity Youth Services include a six (6) month period of intervention that allows a maximum of four (4) hours of individual IBT and twenty-two (22) hours of group IBT for a total of twenty-six (26) hours of IBT and one (1) hour and forty-five (45) minutes of MNT.

B. Upon completion of the month six (6) of services, the dietitian and behavioral health provider shall make recommendations regarding continuation of services after six (6) months based on the continuation criteria set forth by MO HealthNet to the prescribing provider. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and request the prior authorization for the additional six (6) months of services.

C. Continuation Criteria for the youth participant months seven (7) through twelve (12) include the following:

(I) The youth participant must meet whichever is lesser of the three (3) youth benchmarks listed below, at the end of month six (6) of services—

(a) A decrease in their BMI chart percentile to less than the ninety-fifth (95th) percentile or five percent (5%) of body weight;

(b) The youth participants that had a BMI percentile at the beginning of treatment >99th percentile, shows a decrease of nine (9) units in percentage above the 95th percentile (as calculated by age and gender norms of the CDC BMI percentile curve); or

(c) Weight stabilization (defined as ± 0.5 BMI units); and

(II) If the youth participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g., endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s).

D. Continuation of Biopsychosocial Treatment of Obesity Youth services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT.

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the youth participant is twenty-nine (29) hours for IBT and two (2) hours and fifteen (15) minutes for MNT.

F. If the parent or caregiver does not notify the MNT or IBT providers of absences of the patient and have missed four (4) or more sessions, the MNT or IBT provider may reevaluate the need for further services.

2. Service structure for adult participants—

A. Biopsychosocial Treatment of Obesity Adult Services include a six (6) month period of intervention that allows a maximum of three (3) hours of individual behavior therapy and nine (9) hours of group behavior therapy for a total of twelve (12) hours of behavior therapy and one (1) hour forty-five (45) minutes of MNT;

B. Upon completion of the month six (6) of services, the dietitian and behavioral health provider shall make recommendations regarding continuation of services after six (6) months based on the continuation criteria set forth by MO HealthNet to the prescribing provider. The prescribing provider shall make the final determination for the participant to continue with the services based on the participant meeting the continuation criteria and request the prior authorization for the additional six (6) months of services;

C. Continuation Criteria for the adult participant months seven (7) through twelve (12) include the following:

(I) The adult participant must meet the adult benchmark of a reduction in body weight of five percent (5%) at the end of month six (6) of services; and

(II) If the adult participant does not meet the weight loss threshold, the prescribing provider shall perform the necessary lab work to rule out the presence of other conditions (e.g. endocrine disorders) that may complicate efforts to reduce weight, and if present, should request to continue with biopsychosocial treatment with medical treatment for the identified condition(s);

D. Continuation of Biopsychosocial Treatment of Obesity Adult services for months seven (7) through twelve (12) include an additional one (1) hour of individual IBT and two (2) hours of group IBT for a maximum of three (3) hours of IBT; and an additional thirty (30) minutes of MNT;

E. Providers are able to structure the services in order to meet the individual needs of the participant within the maximum allowable service structure. The total annual limit for services for the adult participants is fifteen (15) hours for IBT and two (2) hours fifteen (15) minutes for MNT;

F. A participant that is unable to meet the continuation criteria for the additional six (6) months of Biopsychosocial Treatment of Obesity services has the option, after twelve (12) months, to re-enroll for services if the participant meets the established criteria and has an approved prior authorization; and

G. If the participant does not notify the provider of absences and has missed two (2) or more sessions, the provider may reevaluate the need for further services.

(6) Documentation Requirements for Biopsychosocial Treatment of Obesity.

(A) The participant's treatment record shall contain the following documentation, at a minimum:

1. The referring provider's referral with approval from MO HealthNet for months one (1) through six (6) of services;

2. The medical nutritional assessment completed by the dietitian;

3. The initial behavioral assessment completed by the behavioral health provider;

4. Progress notes that include the following information from each visit:

A. A measured weight and calculated BMI for adult participants or BMI percentile for youth participants.

B. Progress the youth/parent/participant is making towards weight loss goals;

C. Challenges (social determinants) the participant is facing and proposed solutions;

D. Recommendations for treatment/care plans; and

E. Collaborative efforts between the providers delivering primary care, MNT, and IBT;

5. The documented evaluation by the dietitian, behavioral health provider, and referring provider at the end of six (6) months to determine the appropriateness for continuation of services. This should

include documented progress towards weight loss goals, a desire to continue receiving services, and confirmation of met continuation criteria;

6. If applicable the referring provider's referral with approval from MO HealthNet for months seven (7) through twelve (12) of services;

7. Final evaluation at the end of the twelve (12) month period including documented metabolic, social, and behavior change endpoints and identified barriers to maintaining weight loss if the participant qualified for continuation of services; and

8. Once services are completed, the prescribing provider shall maintain a treatment record, incorporating recommendations provided by the dietitian and behavioral health provider as appropriate, which outlines how the participant will maintain the weight loss.

(B) The behavioral health provider and dietitian must complete a six (6) month evaluation and the final evaluation report detailing the amount of weight lost over the treatment period, progress with metabolic, social, and behavior change endpoints, challenges to maintaining weight loss, and any future recommendations for maintaining the weight loss in the context of identified challenges. Both evaluations shall be shared with the referring provider and will become part of the treatment record. The referring provider may incorporate these recommendations and considerations into ongoing care planning and patient management.

(7) Reimbursement Methodology.

(A) MO HealthNet provides reimbursement to enrolled providers providing biopsychosocial treatment of obesity for youth and adults and who are currently licensed, certified, and in good standing with the state.

(B) Reimbursement for services is made on a fee-for-services basis. The maximum allowable fee for a unit of service has been determined by MO HealthNet to be a reasonable fee, consistent with efficiency, economy, and quality of care. Payment for covered services is the lower of the provider's actual billed charge (should be the provider's usual and customary charge to the general public for the service), or the maximum allowable per unit of service. Reimbursement shall only be made for services authorized by MO HealthNet or its designee.

AUTHORITY: sections 208.201 and 660.017, RSMo 2016, and section 208.152, RSMo Supp. 2020. Original rule filed Aug. 27, 2020.

PUBLIC COST: The program is scheduled to begin April 1, 2021. The annual cost for six (6) months of FY21 is estimated to be thirty-six thousand, thirty-eight dollars (\$36,038) with sixteen thousand, four hundred forty dollars (\$16,440) for children and nineteen thousand, five hundred ninety-eight dollars (\$19,598) for adults. The annual cost for FY22 is estimated to be one hundred fifty-eight thousand, one hundred seventy-seven dollars (\$158,177) with fifty-five thousand, eight hundred dollars (\$55,800) for children and one hundred two thousand, three hundred seventy-seven dollars (\$102,377) for adults.

The annual cost for six (6) months of FY 2021 is estimated to be thirty-six thousand, thirty-eight dollars (\$36,038) (children sixteen thousand, four hundred forty dollars (\$16,440) and adults nineteen thousand, five hundred ninety-eight dollars (\$19,598)). The annual cost for FY 2022 is estimated to be one hundred fifty-eight thousand, one hundred seventy-seven dollars (\$158,177) (children fifty-five thousand, eight hundred dollars (\$55,800) and adults one hundred two thousand, three hundred seventy-seven dollars (\$102,377)). Due to the implementation, schedule for the services savings will not be realized in FY21; however the annual cost savings for FY22 is estimated at five hundred seven thousand, one hundred forty-nine dollars (\$507,149) (children ninety-five thousand, one hundred forty-four dollars (\$95,144) and adults four hundred twelve thousand, five dollars (\$412,005)).

PRIVATE COST: The total annual private cost will be one hundred seventy-six thousand, five hundred sixty-three dollars (\$176,563). The program is scheduled to begin April 1, 2021. FY 2021 six (6) month cost of eighty-eight thousand, two hundred eighty-two dollars (\$88,282). FY 2022 cost of one hundred seventy-six thousand, five hundred sixty-three dollars (\$176,563). The training costs will only be incurred if the provider chooses to become a provider for these services.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.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 13 - Department of Social Services
- Division Title:** Division 70 – MO HealthNet Division
- Chapter Title:** Chapter 25 – Physician Program

Rule Number and Name:	13 CSR 70-25.140 Biopsychosocial Treatment of Obesity for Youth and Adults
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services, MO HealthNet Divison	Annual Cost – FY 21 \$36,038 (6 months) Annual Cost – FY 22 \$158, 177

III. WORKSHEET

The program is scheduled to begin April 1, 2021. The annual cost for six months of FY21 is estimated to be \$36,038 with \$16,440 for children and \$19,598 for adults The annual cost for FY22 is estimated to be \$158,177 with \$55,800 for children and \$102,377.

IV. ASSUMPTIONS

The annual cost for six months of FY 2021 is estimated to be \$36,038 (children \$16,440 and adults \$19,598). The annual cost for FY 2022 is estimated to be \$158,177 (children \$55,800 and adults \$102,377). Due to the implementation schedule for the services savings will not be realized in FY21; however the annual cost savings for FY22 is estimated at \$507,149 (children \$95,144 and adults \$412,005).

CHILDREN SFY 2021 (6 Months)

Month	Year	Percent of Eligible Population Enrolled	Number of Children Receiving IBT Services	Cost (\$60 PMPM)	Savings (\$106 PMPM)	Net Savings (Impact)
January	2021	15%	20	\$1,200	\$2,120	(1,200.00)
February	2021	23%	30	\$1,800	\$3,180	(1,800.00)
March	2021	31%	40	\$2,400	\$4,240	(2,400.00)
April	2021	39%	51	\$3,060	\$5,406	(3,060.00)
May	2021	47%	61	\$3,660	\$6,466	(3,660.00)
June	2021	55%	72	\$4,320	\$7,632	(4,320.00)
				\$16,440	\$29,044	(16,440.00)

ADULTS SFY 2021 (6 Months)						
Month	Year	Percent of Eligible Population Enrolled	Number of Adults Receiving IBT Services	Cost (\$41 PMPM)	Savings (\$206 PMPM)	Net Savings (Impact)
January	2021	15%	34	\$1,394	\$7,004	(1,394.00)
February	2021	23%	52	\$2,132	\$10,712	(2,132.00)
March	2021	31%	71	\$2,911	\$14,626	(2,911.00)
April	2021	39%	89	\$3,649	\$18,334	(3,649.00)
May	2021	47%	107	\$4,387	\$22,042	(4,387.00)
June	2021	55%	125	\$5,125	\$25,750	(5,125.00)
				\$19,598	\$98,468	(19,598.00)

TOTAL CHILDREN AND ADULTS SFY 2021 **\$36,038** **(36,038.00)**

(First 6 months of 'Year 1')

CHILDREN SFY 2022 (Year 1 and Year 2 Services)

Month	Year	Percent of Eligible Population Enrolled	Number of Children Receiving IBT Services	Cost (\$60 PMPM July - Dec) (\$22 PMPM Jan - June)	Savings (\$106 PMPM)	Net Savings (Impact)
July	2021	63%	82	\$4,920	\$8,692	3,772.00
August	2021	71%	92	\$5,520	\$9,752	4,232.00
September	2021	79%	103	\$6,180	\$10,918	4,738.00
October	2021	87%	113	\$6,780	\$11,978	5,198.00
November	2021	95%	124	\$7,440	\$13,144	5,704.00
December	2021	100%	130	\$7,800	\$13,780	5,980.00
January	2022	100%	130	\$2,860	\$13,780	10,920.00
February	2022	100%	130	\$2,860	\$13,780	10,920.00
March	2022	100%	130	\$2,860	\$13,780	10,920.00
April	2022	100%	130	\$2,860	\$13,780	10,920.00
May	2022	100%	130	\$2,860	\$13,780	10,920.00
June	2022	100%	130	\$2,860	\$13,780	10,920.00
				\$55,800	\$150,944	95,144.00

ADULTS SFY 2022 (Year 1 and Year 2 Services)

Month	Year	Percent of Eligible Population Enrolled	Number of Adults Receiving IBT Services	Cost (\$41 PMPM July - Dec) (\$22 PMPM Jan - June)	Savings (\$206 PMPM)	Net Savings (Impact)
July	2021	63%	144	\$5,904	\$29,664	23,760.00
August	2021	71%	162	\$6,642	\$33,372	26,730.00
September	2021	79%	180	\$7,380	\$37,080	29,700.00
October	2021	87%	198	\$8,118	\$40,788	32,670.00
November	2021	95%	217	\$8,897	\$44,702	35,805.00
December	2021	100%	228	\$9,348	\$46,968	37,620.00
January	2022	100%	228	\$9,348	\$46,968	37,620.00
February	2022	100%	228	\$9,348	\$46,968	37,620.00
March	2022	100%	228	\$9,348	\$46,968	37,620.00
April	2022	100%	228	\$9,348	\$46,968	37,620.00
May	2022	100%	228	\$9,348	\$46,968	37,620.00
June	2022	100%	228	\$9,348	\$46,968	37,620.00
				\$102,377	\$514,382	412,005.00

TOTAL CHILDREN AND ADULTS SFY 2022

\$158,177

(\$507,149)

(Second 6 months of 'Year 1' and First 6 months of 'Year 2')

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Title 13 – Department of Social Services
Division Title: Division 70 – MO HealthNet Division
Chapter Title: Chapter 25 – Physician Program

Rule Number and Title:	13 CSR 70-25.140 Biopsychosocial Treatment of Obesity for Youth and Adults
Type of Rulemaking:	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:
30	Intensive Behavioral Therapy Providers	\$164,303
20	Medical Nutrition Therapy-Registered Dietitians	\$12,260

III. WORKSHEET

The total annual private cost will be \$176,563. The program is scheduled to begin January 1, 2021. FY 2021 six month cost of \$88,282. FY 2022 cost of \$176,563. The training costs will only be incurred if the provider chooses to become a provider for these services.

IV. ASSUMPTIONS

Cost for Training providers to deliver family-based behavioral treatment for obesity.

Training and Supervision by Subject matter experts	\$50,502
Materials expense	\$2,250
Meeting expense	\$13,515
CEU	\$15,750
Annual continuing education	\$1,368
Travel, lodging and meals	\$13,620
Administration (maintain registry, recruitment, Website content, electronic management, Overhead)	\$67,298
Total Cost	\$164,303

Cost to obtain Certificate in Training for Adult Weight Management or Certificate in Training for Child and Adolescent Weight Management.

Registration Fee	\$7,400
Travel, lodging and meals	\$4,860
<hr/>	
Total Cost	\$12,260

**Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 100—Notary Commissions**

PROPOSED RULE

15 CSR 30-100.005 Notary Complaint Process

PURPOSE: This rule lays out the process for filing a complaint against a notary.

(1) A complaint may be filed by an individual or by the Notary Commission Unit. All complaints must be—

(A) In writing and signed;

(B) Submitted to the Notary Commission Unit either by mail to commissions@sos.mo.gov or PO Box 784, Jefferson City, MO 65101;

(C) At a minimum, the complaint must contain the following information:

1. Circumstances surrounding the situation; and

2. The notary's name, commission number (if known), and the county in which the alleged wrong doing allegedly took place;

(D) The complaint should include, if known, the names and contact information of any witnesses or parties; including addresses and telephone number, all documents related to the transaction; including copies of the notarized document in question, and any police report filed or investigative information if referred by another agency, and any contact information for legal representative;

(E) Upon receipt of the complaint the Notary Commission Unit will review the matter and determine if further action is required;

(F) If further action is required, the Notary Commission Unit will notify the notary and may request additional information from the notary;

(G) A notary has thirty (30) days from receipt of such notification from the Notary Commission Unit in which to respond. Failure to respond shall constitute grounds for suspension of the notary commission until compliance with the request is met;

(H) The Notary Commission Unit will review the response from the notary, and if necessary, make follow-up request for information;

(I) Upon completion of their review, the Notary Commission Unit will forward the matter to the Director of Business Services or their designee who will review the matter to determine appropriate action;

(J) Upon a decision by the Director of Business Services or their designee, the complainant and notary shall be notified of the decision made; and

(K) If the action taken by the Director of Business Services or their designee is to suspend or revoke the notary's commission, the notary may appeal such decision as outlined under the rules.

AUTHORITY: sections 486.815.1 and 486.830, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 100—[Secretary of State—]
Notary Commissions**

PROPOSED AMENDMENT

15 CSR 30-100.010 Approval, Revocation, and/or Suspension of Notary Commission. The secretary is amending the chapter title to remove the duplicative term, revising the title, and adding a section (3).

PURPOSE: This amendment updates the chapter by removing the duplicative term "Secretary of State", adds "Approval" to the section and adds a new section.

(3) An individual who has been convicted of a felony involving dishonesty or moral turpitude, committed in the last five (5) years, will be denied approval to be a notary commission.

AUTHORITY: sections [486.385.2, RSMo 2016] 486.605 and 486.815.1, RSMo Supp. 2020. Original rule filed Dec. 16, 1985, effective April 11, 1986. Amended; Filed April 17, 2017, effective Oct. 30, 2017. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Amended: Filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 100—[Secretary of State—]
Notary Commissions**

PROPOSED AMENDMENT

15 CSR 30-100.015 Request for Hearing on Suspension or an Appeal on a Denial of an Application. The secretary is updating the title of the rule and chapter and adding a new section (5).

PURPOSE: This proposed amendment adds a denial of an application to the reasons one can request a hearing.

(5) An applicant who has been denied a notary commission may appeal the denial to the Director of Business Services or his or her designee. This appeal does not include a right to a hearing.

AUTHORITY: section [486.385.2,] 486.815.1, RSMo [2016] Supp. 2020. Original rule filed April 17, 2017, effective Oct. 30, 2017. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Amended: Filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Notary Use of Electronic Signatures
and Seals

PROPOSED RESCISSION

15 CSR 30-110.010 Electronic Notary Definitions. This rule provided definitions for electronic notarization.

PURPOSE: This rule is being rescinded because it no longer is needed since the legislatures passed a new statute that includes definitions.

AUTHORITY: section 486.275, RSMo 2016. Emergency rule filed Dec. 21, 2016, effective Dec. 31, 2016, expired June 28, 2017. Original rule filed Dec. 21, 2016, effective June 30, 2017. Rescinded: Filed Aug. 31, 2020.

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 Office of the Secretary of State, PO Box 1767, 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 110—Notary Use of Electronic Signatures
and Seals

PROPOSED RESCISSION

15 CSR 30-110.020 Electronic Signatures and Seals. This rule outlined the process for the use of electronic signatures and seals.

PURPOSE: This rule is being rescinded because it no longer is needed since the legislatures passed a new statute on electronic notarization.

AUTHORITY: section 486.275, RSMo 2016. Emergency rule filed Dec. 21, 2016, effective Dec. 31, 2016, expired June 28, 2017. Original rule filed Dec. 21, 2016, effective June 30, 2017. Rescinded: Filed Aug. 31, 2020.

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 Office of the Secretary of State, PO Box 1767, 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 110—Electronic Notarization

PROPOSED RULE

15 CSR 30-110.030 Remote Online Notarization (RON) Approval

PURPOSE: This rule provides the process that vendors must go through to have their software approved for use by electronic notaries in Missouri.

(1) Vendors wishing to have their software approved for use by electronic notaries in Missouri must make an application to do so to the Commission Unit. The information on the application must include:

- (A) Name of the vendor's company;
- (B) Name of the software to be used;
- (C) Name of contact to perform demonstration of software;
- (D) Contact information for customer inquiries; and
- (E) List of other states the software is approved in.

(2) Upon filing of an application, the Commission Unit will review the software for compliance.

(3) Each software requesting approval must undergo a live demonstration by the Commission Unit.

(4) Once the Commission Unit has determined the software meets compliance, a certificate of acceptability will be issued to the vendor.

(5) A list of all approved software will be published on the Missouri Secretary of State's (SOS) website.

AUTHORITY: section 486.1110, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Electronic Notarization

PROPOSED RULE

15 CSR 30-110.040 Remote Online Notarization (RON) Criteria

PURPOSE: This rule states the criteria that remote online notary (RON) must meet for use by electronic notaries in Missouri.

(1) Remote online notary (RON) must meet the following RON Credential Analysis and Authentication to be approved for use in Missouri:

(A) The software must allow for at least two (2) types of the following authentications as described in section 110.050, RSMo:

1. Credential Analysis of Government Issued Identification;
2. Dynamic Knowledge-Based Authentication; and
3. Biometrics;

(B) The software must provide for a live session using audio-video communication integrated with electronic document processing as described in section 110.060, RSMo;

(C) The software must be able to capture the necessary details for the notary to keep an accurate record of the transaction as described in section 110.070, RSMo; and

(D) The software must provide an audit trail for each session as described in section 110.080, RSMo.

AUTHORITY: section 486.1110, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Electronic Notarization**

PROPOSED RULE

15 CSR 30-110.050 Remote Online Notarization (RON) Credentials

PURPOSE: this rule sets out the credentials that remote online notary (RON) must meet for use by electronic notaries in Missouri.

(1) Remote Online Notarization (RON) providers must use automated software processes to aid the notary in verifying each principal's identity.

(2) The credential must pass an authenticity test, consistent with sound commercial practices that—

(A) Uses appropriate technology to confirm the integrity of visual, physical, or cryptographic security features;

(B) Uses appropriate technology to confirm that the credential is not fraudulent or inappropriately modified;

(C) Uses information held or published by the issuing source or authenticity source(s), as available, to confirm the validity of credential details; and

(D) Provides the output of the authenticity to the notary.

(3) The credentials analysis procedure must enable the notary to visually compare both of the following for consistency:

(A) The information and photo on the presented credential image; and

(B) The principal as viewed by the notary in real time through the audio/video system.

(4) Credentials must be a government issued document meeting the requirements of the state that issued the document, may be imaged, photographed, and video recorded under state and federal law, and can be subject to credential analysis.

(5) The credential image capture procedure must confirm that—

(A) The principal is in possession of that credential at the time of the notarial act;

(B) That the credential image submitted for analysis has not been manipulated; and

(C) The credential image matches the credential in the principals possession.

(6) The following general principles should be considered in the context of image resolution:

(A) The captured image resolution should be sufficient for the service provider to perform credential analysis per the requirements above;

(B) The image resolution should be sufficient to enable visual inspection by the notary, including legible text and clarity of photographs, barcodes, and other credential features; and

(C) All images necessary to perform visual inspection and credential analysis must be captured - e.g. U.S. Passport requires identity page; state driver's license requires front and back.

(7) A Dynamic Knowledge-Based Authentication (KBA) procedure must meet the following requirements:

(A) Each principal must answer questions and achieve a passing score from—

1. At least five (5) questions drawn from public or private data sources;

2. A minimum of five (5) possible answer choices per question;

3. At least four (4) of the five (5) questions answered correctly to pass (a passing score of eighty percent (80%)); and

4. All five (5) questions answered within two (2) minutes.

(B) Each principal must be provided a reasonable number of attempts per signing session.

1. If a principal fails their first quiz, they may attempt up to two (2) additional quizzes within forty-eight (48) hours from the first failure.

2. During any quiz retake a minimum of forty percent (40%), or two (2), of the prior questions must be replaced;

(C) The RON system provider must not include the KBA procedure as part of the video recording or as part of the system provided person-to-person video interaction between the notary and the signatory; and must not store the data or information presented in the KBA questions and answers. However, the output of the KBA assessment procedure must be provided to the notary.

(D) Biometric sensing technology includes, but is not limited to, facial, voice, and fingerprint recognition.

AUTHORITY: section 486.1110, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Electronic Notarization**

PROPOSED RULE

15 CSR 30-110.060 Audio and Video Quality

PURPOSE: This rule sets out the requirements for audio/video quality used by electronic notaries in Missouri.

(1) A reliable Remote Online Notarization (RON) operating model should consist of continuous, synchronous audio and video feeds with good clarity such that all participants can be clearly seen and understood at all times during the notarial act.

(2) Inherent in online audio/video technology is the presence of temporary surges or spikes in quantitative measures like bitrate and/or frequency of communications and no simple technical limits are practical or prudent. Rather, a sounder approach to ensuring reliable real-time communications is to rely on the judgment of the notary to determine the adequacy of the communications and provide direction to terminate the session if those conditions are not met.

(3) The audio/video recording must include the person-to-person interaction required as part of the Notarial Act as defined by the state, must be logically associated to the electronic Audit Trail, and must be capable of being viewed and heard using broadly available audio/video players.

(4) The video recording of the transaction documents executed in the RON process is not required as part of these standards.

AUTHORITY: section 486.1110, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Electronic Notarization**

PROPOSED RULE

15 CSR 30-110.070 Storage and Retention of Notarial Records

PURPOSE: This rule sets out the requirements for storage and reten-

tion of notarial records used by electronic notaries in Missouri.

(1) Remote Online Notarization (RON) systems.

(A) RON must—

1. Facilitate the process of collecting the required notarial records;

2. Provide a method by which a notary can access and/or export the notarial records; and

3. Provide automated backup of the notarial records and audio/video recording to ensure redundancy.

(B) RON technology solution must employ data protection safeguards consistent with generally accepted information security standards.

(C) Retention of the audio/video recording and notarial records by either the notary or their designated third party, as directed by the notary, must adhere to the laws, directives, rules, and regulations of the state.

(2) A notary must retain an electronic journal and an audio-visual recording created under Chapter 486, RSMo in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process.

(A) The recording must be created in an industry standard audio-visual file format and must not include images of any electronic record on which the remotely located individual executed an electronic signature.

(B) An electronic journal must be retained for at least ten (10) years after the last notarial act chronicled in the journal. An audio-visual recording must be retained for at least the ten (10) years after the recording is made.

(C) A notary must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.

AUTHORITY: sections 486.1110 and 486.1195, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 110—Electronic Notarization**

PROPOSED RULE

15 CSR 30-110.080 Audit Trail

PURPOSE: This rule states the requirements for the remote online notarization (RON) audit trail for use by electronic notaries in Missouri.

(1) Significant actions completed as part of a RON signing session should be recorded in an audit trail. Each entry in this audit trail should clearly indicate the action performed (e.g. addition of an

electronic signature), the date/time of its performance (e.g., Coordinated Universal Time, 2018-08-21 01:14:22 UTC), the name of the party performing the action (e.g. John Doe), and the IP address of the party performing the action.

(2) Each document completed as part of a RON should be electronically signed and rendered Tamper-Evident.

AUTHORITY: section 486.1110, RSMo Supp. 2020. Emergency rule filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Original rule filed Aug. 31, 2020.

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 Secretary of State, PO Box 1767, 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 61—Licensing Rules for Family [Day] Child Care Homes

PROPOSED AMENDMENT

19 CSR 30-61.010 Definitions. The department is amending the chapter name, deleting sections (4), (7)-(8), (17)-(19), and (25); adding new sections (5)-(7), (10), (14)-(16), (18)-(20), (23), and (25); amending previously numbered sections (3), (5)-(6), (9)-(10), (12), (16), (20), and (23); and renumbering sections as appropriate.

PURPOSE: This amendment updates the existing definitions and terms used in the licensing rules for family child care homes and adds new definitions for child care facility, child care staff member, group size, homeless children and youths, hourly care facility, legal entity, licensee, and Montessori school. This amendment also deletes the terms "review board" and "related," places the definitions in correct alphabetical order, and updates the term "day care" to "child care" in the chapter name and across several definitions.

(3) Caregiver is the child care provider, **other child care staff member**, or an assistant.

[(4)] Child care provider or provider is the person(s) licensed or required to be licensed under section 210.221, 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 division:

(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.]

[(5)](4) A child [day] care center or center, whether [known or incorporated under another title or name] owned by a sole proprietor or other legal entity, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for chil-

dren [not related to the child care provider] for any part of the twenty-four- (24-)/-] hour day.

(5) A child care facility or facility is a family child care home, group child care home, or child care center.

(6) Child care provider, group child care home provider, or provider is the person(s) licensed or required to be licensed under section 210.211, 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 division:

(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.

(7) 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;

[(6)](8) Day care or child care is care of a child away from his/her own home for any part of the twenty-four- (24-)/-] hour day for compensation or otherwise. Day care or child care is a voluntary supplement to parent responsibility for the child's protection, development, and supervision. Day care or child care may be given in a family [day] child care home, group [day] child care home, or [day] child care center.

[(7) A day care facility or facility is a day care home, day care center or group day care home.

[(8) Director is the director of the Missouri Department of Health.]

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

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

[(10)](11) A family [day] child care home or home, whether [known or incorporated under another title or name] owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a family [day] child care home provider for no more than ten (10) children [not related to the provider] for any part of the twenty-four- (24-)/-] hour day. The provider may be licensed to operate no more than one (1) family [day] child care home or group [day] child care home.

[(11)](12) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.

[(12)](13) A group [day] child care home, whether [known or incorporated under another title or name] owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a group [day] child care home provider for [eleven (11), but] not more than twenty (20)/-] children [not related to the child care provider,] for any part of the twenty-four- (24-)/-] hour day. A group [day] child care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group [day] child care home or family

[day] child care home.

(14) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

(15) Homeless children and youths—

(A) Are individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) Include:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4. Migratory children who qualify as homeless because the children are living in the circumstances described above.

(16) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.

[(13)](17) Infant is any child under twelve (12) months of age.

(18) Legal entity is the lawful or legally standing individual, corporation, sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, limited liability limited partnership, partnership, charity, and other forms of organization that has the legal capacity to enter into agreements, contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and that is accountable for illegal activities.

(19) Licensee is an individual or other legal entity who has been granted a child care license by the Department of Health and Senior Services.

(20) Montessori school is a child care program that subscribes to Maria Montessori's educational philosophy and is accredited by the American Montessori Society or the Association Montessori Internationale.

[(14)](21) Night is the part of the twenty-four- (24-)[-] hour day between 9:00 p.m. and 6:00 a.m.

[(15)](22) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.

(23) Premises is a house(s), dwelling(s), or building(s) and its adjoining land.

[(16)](24) Preschool child is any child two through five (2[-]-5) years of age who is not in kindergarten [for five (5)-year-old children].

[(17) Premises is a house(s), dwelling(s) or building(s) and its adjoining land.

(18) Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.]

(25) A religious organization is—

(A) A church, synagogue, or mosque;

(B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code; or

(C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

[(19) Review board is the Child Care Licensing Review Board.]

[(20)](26) School-age child is any child five (5) years of age or older who is in kindergarten or [elementary school] above.

[(21)](27) School system is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

[(22)](28) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

[(23)](29) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children [no younger than] five (5) years of age or older and providing no [day] child care for children younger than five (5) years of age in the same building or in the same outdoor play area.

[(24)](30) Toddler is any child [between] twelve to twenty-four (12[-]-24) months of age.

[(25) A well-known religious order is defined as—

(A) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code of 1954; and

(B) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.]

AUTHORITY: section 210.221.1(3), RSMo Supp. [1993] 2020. This rule previously filed as 13 CSR 40-61.010 and 19 CSR 40-61.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2020.

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 Nancy Scherer, 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 Nancy.Scherer@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] Child Care Homes**

PROPOSED AMENDMENT

19 CSR 30-61.045 [Initial Licensing Information] Licensing Process. The department is amending the chapter name and rule title, removing sections (1) and (2), adding new sections (1) through (21), and removing the old license application form and replacing it with a new one incorporated by reference.

PURPOSE: This amendment removes exemptions for related children, revises procedures for the child care licensing process, and updates the license application form. The initial licensing process will no longer require an initial inquiry to the department; background screening requirements have been updated to comply with changes to section 210.1080, RSMo; a requirement for posting contact information of key individuals has been added; and references to license renewal and change of owner processes have been removed. This amendment also replaces the term “day care” with “child care” throughout the rule and the chapter title.

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) 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 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 30-61.135 Admission Policies and Procedures.

(C) In a family day care home owned by a legal entity the exemption for related children shall apply. 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.

(2) Licensing Process.

(A) Upon receipt of an inquiry regarding day care licensing, 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 To Operate Child Care Home form, a licensing inspection shall be made. See Application For License To Operate Child Care Home form, promulgated as of 2017, incorporated by refer-

ence 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 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 written narrative description of child care practices and concepts, including discipline and guidance policies;

8. Written policies and procedures which clearly establish job responsibilities and lines of administrative authority;

9. Listing of all household members;

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

11. Evidence of compliance with local or state, or both, sanitation requirements;

12. 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;

14. 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/child-care/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) 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.

(G) 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) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and inspection. The official license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit.

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

(O) 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.

(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 not renewed, or if the owner closes the facility.

(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.

(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.

(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.

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

(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.]

(1) An applicant shall complete the licensing orientation available on the department's website to learn about the licensing process and rules.

(2) Upon receipt of a completed *Application For License To Operate a Child Care Facility* form, a licensing inspection shall be made. See *Application For License To Operate a Child Care Facility* form, promulgated as of August 2020, 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.

(3) The licensing process shall include an inspection of the entire premises of the child care home by the licensing representative.

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

(A) 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;

(B) 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;

(C) Written policies provided to parents shall include:

1. Program goals;
2. Admission, care, and discharge of children;
3. Narrative description of child care practices and concepts; and
4. Discipline and guidance policies;

(D) A schedule of daily activities for children;

(E) A sample weekly menu;

(F) An itemized list of available materials and equipment to be used by children;

(G) Written policies and procedures which clearly establish job responsibilities and lines of administrative authority;

(H) Listing of all household members and assistant(s);

(I) Sample forms used, other than those supplied by the department;

(J) Evidence of compliance with local or state, or both, sanitation requirements;

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

(L) Required information for assistants;

(M) A written disaster and emergency plan;

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

(O) A completed safety plan, if a sex offender resides within one thousand (1,000) feet of the family child care home; and

(P) Other information required by the department to make a determination regarding licensure of the family child care home.

- (5) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-61.086 Fire Safety.
- (6) The child care provider and child care staff members, as defined by 19 CSR 30-63.010 Definitions, 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.
- (7) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.
- (8) Medical examination reports for the provider and child care assistant(s) as required by 19 CSR 30-61.125 Medical Examination Reports, shall be on file at the home and available for review.
- (9) 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.
- (10) Enrollment information for each child shall be on file at the home as required by 19 CSR 30-61.135 Admission Policies and Procedures.
- (11) Prior to the granting of a license, the child care provider shall be in compliance with state statutes and licensing rules for family child care homes.
- (12) Once granted, the license shall be posted near the entrance of the home where it may be seen easily by parents or others who visit.
- (13) The name(s), address(es), and telephone number(s) shall be posted prominently near the license for all of the following, as applicable:
- (A) The child care provider(s);
 - (B) Facility owner(s);
 - (C) Board president or chairperson; or
 - (D) All manager(s) and/or member(s).
- (14) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.
- (15) The license shall be the property of the department and shall be subject to discipline by the director upon failure of the provider to comply with state statutes and/or licensing rules for family child care homes.
- (16) If a facility's license is revoked or denied due to failure to comply with state statutes and/or 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.
- (17) The license shall become null and void if—
- (A) Revoked;
 - (B) The owner closes the facility;
 - (C) The facility changes ownership; or
 - (D) In the case of licenses not held by legal entities, the death of the licensee(s).
- (18) The number and ages of children a family child 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.

(19) All child care provided on the premises of a licensed family child care home shall be in compliance with the licensing rules, the conditions specified on the license, and the conditions of any variances granted to the licensee.

(20) The provider shall permit the department access to the facility, premises, and records during all inspections.

(21) The provider shall not deny a child admission to, or the benefits of, any program provided by the family child care home on the basis of race, sex, religion, or national origin.

AUTHORITY: sections 210.221.1(3)[, RSMo 2016,] and [section] 210.1080, RSMo Supp. [2018] 2020. 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. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2020.

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 Nancy Scherer, 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 Nancy.Scherer@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] Child Care Homes

PROPOSED AMENDMENT

19 CSR 30-61.055 [License Renewal] Annual Requirements. The department is amending the chapter name and rule title, deleting sections (1) through (4), and adding new sections (1) and (2).

PURPOSE: The amendment replaces the license renewal process with a similar annual compliance process. The amendment adds the new Annual Declaration for Licensed Facilities form.

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) Evidence of compliance with local, state, or both, sanitation requirements;

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

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

(G) A current list of available equipment;

(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 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) 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) 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.]

(1) The provider shall submit the following to the department on an annual basis, at least thirty (30) calendar days prior to the anniversary date as printed on the license:

(A) An Annual Declaration for Licensed Facility form, promulgated as of August 2020 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> indicating the licensee's intent to continue operating a licensed family child care home and agreement to comply with all statutes and department licensing rules;

(B) A current list of available equipment;

(C) A listing of household members and assistant(s); and

(D) A completed safety plan if a sex offender resides within one thousand feet (1,000') of the facility. If the provider has an existing safety plan, a new plan is not required.

(2) The provider shall have the following on file and available for

review:

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

(B) Evidence of compliance with local, state, or both, sanitation requirements;

(C) The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within thirty (30) days prior to the anniversary date as printed on the license; and

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

AUTHORITY: section 210.221.1(3), [RSMo 2016, and section 210.1080,] RSMo Supp. [2018] 2020. 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. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2020.

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 cost private entities nine thousand seven hundred forty-five dollars and ninety-two cents. (\$9,745.92) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, 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 Nancy.Scherer@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
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 61 – Licensing Rules for Family Day Care Homes

Rule Number and Name:	19 CSR 30-61.055 Annual Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimated Cost to Complete Annual Requirements per Provider	Estimated Number of Providers Required to Complete Annual Requirements	Total Estimated Cost of Annual Requirements Across Missouri Annually
\$11.28	864	\$9,745.92

III. WORKSHEET

ESTIMATED TOTAL COST TO COMPLETE ANNUAL REQUIREMENTS	
Total Cost to Complete Annual Requirements	\$11.28
Total Number of Providers Required to Complete Annual Requirements	864
Total Private Cost	\$9,745.92

Methodology: Total Cost to Complete Annual Requirements * Total Number of Providers Required to Complete Annual Requirements = Total Private Cost

ESTIMATED COST TO COMPLETE ANNUAL REQUIREMENTS FOR FACILITIES				
Document	Time Estimate (Hours)	Average Hourly Wage of Missouri	Unemployment, Social Security, Payroll Taxes, and Workers' Comp	Total Cost per Child Care Provider
<i>Annual Declaration for Licensed Facility form</i>	.25	\$13.05	17%	\$3.81
Current list of available equipment	.16	\$13.05	17%	\$2.44
Listing of household members and assistant(s)	.08	\$13.05	17%	\$1.22
Family Care Safety Registry screening result for all child care staff members	.25	\$13.05	17%	\$3.81
TOTALS	.74			\$11.28

Methodology: (Average Hourly Wage * Time Estimate) * Employer Expenses = Total Cost per Child Care Provider

IV. ASSUMPTIONS

1. The average wage comes from the 2018 average wage for Child Care Workers in Missouri available from the Missouri Department of Economic Development (\$11.29) plus estimated inflation. No additions were made to this number for items such as 401k contributions or other fringe benefits because those are not an industry standard for child care workers.

2. Time estimates for the documents that must be completed to meet the annual requirements are estimated by the Department of Health and Senior Services for the minimum amount of time necessary to review, compile and/or update, and submit the necessary documents.

The time estimates seen here are based on the following assumptions:

Annual Declaration for a Licensed Facility form	0.25 hours (15 minutes) was allotted for this based on the fact that this is a one-page fillable form requesting identifying information. The provider is required to review, sign, date, and return the form to the department.
Current list of available equipment	.16 hours (10 minutes) was allotted for this because an equipment list is required for initial licensure. Child care providers should routinely update this list and keep it current for insurance and departmental purposes. The department currently requires a list of available equipment at renewal (once every two years).
Listing of household members and assistant(s)	.08 hours (5 minutes) was allotted for this because a listing of household member and assistant(s) is required for initial licensure. Child care providers are currently required to notify the department of any changes in household members and assistant(s). The department currently requires a list of household members and assistant(s) at renewal (once every two years).
Family Care Safety Registry screening results for all child care staff members	.25 hours (15 minutes) was allotted for this based on discussions with Family Care Safety Registry (FCSR) staff about how long it typically takes for a family child care provider when they call to request background screenings.

3. The time estimates only include one staff member because typically only one staff person (e.g. owner, provider, board chairperson, LLC member or designee) completes documentation that is submitted to the department.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

**Division 30—Division of Regulation and Licensure
Chapter 61—Licensing Rules for Family
[Day] Child Care Homes**

PROPOSED AMENDMENT

19 CSR 30-61.105 The [Day] Child Care Provider and Other [Day] Child Care Personnel. The department is amending the chapter name, rule title, and sections (1), (2), (3), and (4).

PURPOSE: This amendment updates the term “day care” to “child care” in the chapter and rule names and throughout the rule. This amendment also adds a requirement that providers and assistants report suspected child abuse or neglect to DSS Children’s Division; updates general requirements for assistants and background screening requirements for child care staff members; and adds details regarding staff/child ratios.

(1) General Requirements.

(G) The provider shall not be engaged in any other employment while on duty at the family [day] child care home.

(H) The provider shall have available a copy of the *Licensing Rules for Family [Day] Child Care Homes in Missouri*. Providers and assistants shall review and be knowledgeable of the rules at the time they begin work, and shall be able to understand and apply the rules which relate to their respective responsibilities.

(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 Children’s Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

[(I)](J) 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)](K) 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 pro-

viding child care.

[(K)](L) 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]* **040 Background Screening Findings**, the department may also prohibit the presence of any person on the premises of the family [day] child 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)](M) 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)](N) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.*020 General Requirements*.

[(N)](O) Child care staff members with disqualifying background screening[s] results as defined in 19 CSR 30-63.*[020 General Requirements]* **040 Background Screening Findings**, 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) The child care provider shall conduct a Family Care Safety Registry screening prior to employment for any newly hired child care staff member who has a qualifying criminal background check result.

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

[(Q)](R) 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.

[(R)](S) 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.

[(2) Licensing Capacities

(A) If there is one (1) adult provider, the home may be licensed for up to six (6) children including a maximum of three (3) children under age two (2), or for up to ten (10) children including a maximum of two (2) children under age two (2), or both. If only four (4) children are present, all the children may be under the age of two (2).

(B) If the provider has an assistant present, the home may be licensed for up to ten (10) children including a maximum of four (4) children under age two (2) or for up to eight (8) children who may all be under age two (2).

(C) A family day care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four- (24-) hour day. For the remaining six (6) hours of the twenty-four- (24-) hour day, care may be provided for one-third (1/3) the licensed capacity of the home.]

(2) Licensing Capacities and Staff/Child Ratios.

(A) A family child care home may be licensed for up to ten (10) children. The following staff/child ratios must be maintained at all times and shall not be exceeded except as permitted under these rules:

Number of caregivers present	Number of children present	Maximum number of children under age two (2)
1	Up to 4	4
1	5 - 6	3
1	7 - 10	2
2	Up to 8	8
2	Up to 10	4

(B) A family child care home may be licensed at maximum capacity for a period of eighteen (18) consecutive hours of the twenty-four- (24-) hour day. For the remaining six (6) hours of the twenty-four- (24-) hour day, care may be provided for one-third (1/3) of the licensed capacity of the home.

(C) Children five (5) years of age and older who live in the provider's home shall not be counted in the licensed capacity.

(3) Assistants.

(A) [An approved] The provider shall have at least one (1) assistant [shall be] available. [If there is a change of assistants, the provider shall notify the 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 30-61.125 Medical Examination Reports.]

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

[(F)](C) 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 calendar year. Any assistant [working] who works or volunteers more than five (5) hours per week shall meet the same training requirements. Clock hour training shall be approved by the department.

AUTHORITY: sections 210.221 and [210.223] 210.1080, [RSMo 2016, and section 210.1080,] RSMo Supp. [2018] 2020, and section 210.223, RSMo 2016. 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. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2020.

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 Nancy Scherer, 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 Nancy.Scherer@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 30-62.010 Definitions. The department is deleting sections (4), (6), (8), (17)-(18), and (24); adding new sections (3)-(4), (6), (8), (13)-(15), (17)-(19), and (24); amending previously numbered sections (2)-(3), (5), (7), (9), (11), (16), (19), and (22)-(23); and renumbering sections as appropriate.

PURPOSE: This amendment updates the existing definitions and terms used in the licensing rules for group child care homes and child care centers and adds new definitions for child care facility, child care staff member, group size, homeless children and youths, hourly care facility, legal entity, licensee, and Montessori school. This amendment also deletes the terms "review board" and "related," places the definitions in correct alphabetical order, and updates the term "day care" to "child care" in the chapter name and across several definitions.

(2) Caregiver is the child care provider or other child care staff member.

(3) A child care center or center, whether owned by a sole proprietor or other legal entity, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children for any part of the twenty-four- (24-) hour day.

(4) A child care facility or facility is a family child care home, group child care home, or child care center.

[(3)](5) Child care provider, group [day] child care home provider or provider is the person(s) licensed or required to be licensed under section 210.211, 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 division:

(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.

[(4)] A child day care center or center, whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider's permanent residence, or separate from the provider's living quarters, where care is provided for children not related to the child care provider for any part of the twenty-four (24)-hour day.]

(6) 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.

[(5)](7) Day care or child care is care of a child away from his/her own home for any part of the twenty-four- (24-)/[-] hour day for compensation or otherwise. Day care or child care is a voluntary supplement to parental responsibility for the child's protection, development, and supervision. Day care or child care may be given in a family [day] child care home, group [day] child care home, or [day] child care center.

[(6)] A day care facility or facility is a day care home, day care center or group day care home.]

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

[(7)](9) Director is the director of the Missouri Department of Health and Senior Services.

[(8)] Department is the Missouri Department of Health.]

[(9)](10) A family [day] child care home or home, whether [known or incorporated under another title or name] owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a [day] child care home provider for no more than ten (10) children [not related to the provider] for any part of the twenty-four- (24-)/[-] hour day. The provider may be licensed to operate no more than one (1) family [day] child care home or group [day] child care home.

[(10)](11) Graded boarding school is a public or private school which provides education in at least the first through the sixth grade and which provides lodging and meals for the pupils for the standard school term.

[(11)](12) A group [day] child care home, whether [known or incorporated under another title or name] owned by a sole proprietor or other legal entity, is a child care program where care is given by a person licensed as a group [day] child care home provider for [eleven (11), but] not more than twenty (20)[,] children [not related to the child care provider] for any part of the twenty-four- (24-)/[-] hour day. A group [day] child care home shall be in a location other than the provider's permanent residence or separate from the provider's living quarters. The provider may be licensed to operate no more than one (1) group [day] child care home or family [day] child care home.

(13) Group size is the maximum number of children assigned to a specific staff member or group of staff members, occupying an individual classroom or well-defined physical space within a large room.

(14) Homeless children and youths—

(A) Are individuals who lack a fixed, regular, and adequate nighttime residence; and

(B) Include:

1. Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

2. Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

3. Children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

4. Migratory children who qualify as homeless because the children are living in the circumstances described above.

(15) An hourly care facility is a facility licensed exclusively for irregular, intermittent, hourly care.

[(12)](16) Infant is any child under twelve (12) months of age.

(17) Legal entity is the lawful or legally standing individual, corporation, sole proprietorship, general partnership, limited partnership, limited liability partnership, limited liability company, limited liability limited partnership, partnership, charity, and other forms of organization that has the legal capacity to enter into agreements, contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and that is accountable for illegal activities.

(18) Licensee is an individual or other legal entity who has been granted a child care license by the Department of Health and Senior Services.

(19) Montessori school is a child care program that subscribes to Maria Montessori's educational philosophy and is accredited by the American Montessori Society or the Association Montessori Internationale.

[(13)](20) Night is the part of the twenty-four- (24-)/[-] hour day between 9:00 p.m. and 6:00 a.m.

[(14)](21) Nursery school is a program operated by a person or organization with the primary function of providing an educational program for preschool-age children for no more than four (4) hours per child per day.

[(15)](22) Premises is a house(s), dwelling(s), or building(s) and its adjoining land.

[(16)](23) Preschool child is any child two through five (2[-]-5) years of age who is not in kindergarten [for five (5)-year-old children].

[(17)] Related is any of the following relationships by marriage, blood or adoption between the provider and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew or first cousin.]

(24) A religious organization is—

(A) A church, synagogue, or mosque;

(B) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code; or

(C) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

[(18)] Review board is the Child Care Licensing Review Board.]

[(19)](25) School-age child is any child five (5) years of age or older who is in kindergarten or [elementary school] above.

[(20)](26) School system is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade;

and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

[(21)](27) Staff/child ratio is the number of caregivers required in relation to the number of children in care.

[(22)](28) Summer camp is a program operated from May to September by a person or organization with the primary function of providing a summer recreational program for children [no younger than] five (5) years of age or older, and providing no [day] child care for children younger than five (5) years of age in the same building or in the same outdoor play area.

[(23)](29) Toddler is any child [between] twelve to twenty-four (12[–]–24) months of age.

[(24) A well-known religious order is defined as—

(A) An entity that qualifies for federal tax exemption status as a not-for-profit religious organization under Section 501(c)(3) of the Internal Revenue Code of 1954; and

(B) An entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.]

AUTHORITY: section[s] 210.221.1(3), RSMo Supp. [1993] 2020. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 31, 2020.

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 Nancy Scherer, 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 Nancy.Scherer@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 30-62.042 [Initial Licensing Information] Licensing Process. The department is amending the rule title, removing sections (1) and (2), adding new sections (1) through (21), and removing the old license application form and replacing it with a new one incorporated by reference.

PURPOSE: This amendment removes exemptions for related children, revises procedures for the child care licensing process, and updates the license application form. The initial licensing process will no longer require an initial inquiry to the department; background screening requirements have been updated to comply with changes to section 210.1080, RSMo; a requirement for posting con-

tact information of key individuals has been added; and references to license renewal and change of owner processes have been removed. This amendment also replaces the term “day care” with “child care” throughout the rule and the chapter title.

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) 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 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 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.

(2) Licensing Process.

(A) Upon receipt of an inquiry regarding day care licensing, 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 to Operate Group Child Care Home and Child Care Center form, a licensing 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 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. A written disaster and emergency plan;
 10. 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. 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;
 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
 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, 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) 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 30-63.020 General Requirements, prior to initial issuance of the license.
- (L) Background screening information received by the provider shall be retained in the individual's file in a confidential manner and available for review.
- (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) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and inspection. The official license shall be posted near the entrance of

the facility where it may be seen easily by parents or others who visit.

(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

(P) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(Q) 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.

(T) The license shall be the property of the department and shall be subject to revocation by the 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, not renewed, or if the owner closes the facility.

(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.

(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.

(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.

(X) The provider shall permit the department access to the facility, premises and records during all inspections and complaint investigations.

(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.]

(1) An applicant shall complete the licensing orientation available on the department's website to learn about the licensing process and rules.

(2) Upon receipt of a completed Application for License to Operate a Child Care Facility form, a licensing inspection shall be made.

See *Application for License to Operate a Child Care Facility* form, promulgated as of August 2020 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.

(3) The licensing process shall include an inspection of the entire premises of the facility by the licensing representative.

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

(A) 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;

(B) A sketch or diagram of the outdoor play area and placement of equipment. The licensing representative and the applicant shall measure the area jointly;

(C) Written policies provided to parents shall include:

1. Program goals;
2. Admission, care, and discharge of children;
3. Narrative description of child care practices and concepts; and
4. Discipline and guidance policies;

(D) A schedule of daily activities for each age group in care (infant/toddler, preschool, and school-age);

(E) A sample weekly menu;

(F) An itemized list of available materials and equipment to be used by children;

(G) A staff sheet;

(H) A written disaster and emergency plan;

(I) Lines of administrative authority;

(J) Sample forms used, other than those supplied by the department;

(K) Evidence of compliance with local or state, or both, sanitation requirements;

(L) Evidence of compliance, if applicable, with local building and zoning requirements;

(M) 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;

(N) Written policies and procedures which clearly establish job responsibilities for the director or group home provider;

(O) Official verification of the center director or group child care home provider's education and experience;

(P) A written safe sleep policy, if the facility's application includes children under twelve (12) months of age in the requested age range; and

(Q) Other information required by the department to make a determination regarding licensure of the facility.

(5) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-62.087 Fire Safety.

(6) 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.

(7) 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.

(8) Enrollment information for each child shall be on file at the facility as required by 19 CSR 30-62.132 Admission Policies and Procedures.

(9) The child care provider and child care staff members, as defined by 19 CSR 30-63.010 Definitions, 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.

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

(11) Prior to the granting of a license, the facility shall be in compliance with state statutes and licensing rules for group child care homes and child care centers.

(12) Once granted, the license shall be posted near the entrance of the facility where it may be seen easily by parents or others who visit.

(13) The name(s), address(es), and telephone number(s) shall be posted prominently near the license for all of the following, as applicable:

- (A) The child care provider(s);
- (B) Facility owner(s);
- (C) Board president or chairperson; or
- (D) All manager(s) and/or member(s).

(14) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

(15) The license shall be the property of the department and shall be subject to discipline by the director upon failure of the provider to comply with state statutes and/or licensing rules for group child care homes and child care centers.

(16) If a facility's license is revoked or denied due to failure to comply with state statutes and/or 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.

(17) The license shall become null and void if—

- (A) Revoked;
- (B) The owner closes the facility;
- (C) The facility changes ownership; or
- (D) In the case of licenses not held by legal entities, the death of the licensee(s).

(18) The number and ages of children a group child care home or child care center 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.

(19) All child care provided on the premises of a licensed group child care home or child care center shall be in compliance with the licensing rules, the conditions specified on the license, and the conditions of any variances granted to the licensee.

(20) The provider shall permit the department access to the facility, premises, and records during all inspections.

(21) The provider shall not deny a child admission to, or the benefits of, any program provided by the group child care home or

child care center on the basis of race, sex, religion, or national origin.

AUTHORITY: sections 210.221.1(3), RSMo 2016,] and [section] 210.1080, RSMo Supp. [2018] 2020. 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. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 31, 2020.

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 Nancy Scherer, 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 Nancy.Scherer@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 30-62.052 [License Renewal] Annual Requirements. The department is amending the rule title, deleting sections (1) through (5), and adding new sections (1) and (2).

PURPOSE: The amendment removes the license renewal process to comply with section 210.221.1, RSMo 2020 and adds annual requirements for group child care homes and child care centers.

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) Evidence of compliance with local or state, or both, sanitation requirements;

(C) Evidence of compliance with local building and zoning requirements, if applicable;

(D) 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 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 30-62.122 Medical Examination Reports;

(G) Enrollment information on file at the facility for each child in care as required by 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 30-62.132 Admission Policies and Procedures;

(I) A current list of available equipment;

(J) Current staff sheet; and

(K) Materials and information which have changed since the previous licensing period.

(2) 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) 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.

(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.

(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.]

(1) The provider shall submit the following to the department on an annual basis, at least thirty (30) calendar days prior to the anniversary date as printed on the license:

(A) An *Annual Declaration for Licensed Facility* form, promulgated as of August 2020 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> indicating the licensee's intent to continue operating a licensed group child care home or child care center and agreement to comply with all statutes and department licensing rules;

(B) Evidence of compliance with local building and zoning requirements, if applicable;

(C) A current list of available equipment; and

(D) A current staff sheet.

(2) The provider shall have the following on file and available for review:

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

(B) Evidence of compliance with local, state, or both, sanitation requirements;

(C) The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within thirty (30) days prior to the anniversary date as printed on the license; and

(D) 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.

*AUTHORITY: sections 210.221.1(3) and 210.252.5, RSMo [2016, and section 210.1080, RSMo] Supp. [2018] 2020. 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. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. Amended: Filed Aug. 31, 2020.*

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 cost private entities forty-three thousand, three hundred, thirteen dollars and forty-nine cents (\$43,313.49) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Nancy Scherer, 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 Nancy.Scherer@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.*