



Rules of
Department of Social Services
Division 35—Children’s Division
Chapter 71—Licensing Rules for Residential
Child Care Agencies

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**Title 13—DEPARTMENT OF
SOCIAL SERVICES**

**Division 35—Children's Division
Chapter 71—Licensing Rules for
Residential Child Care Agencies**

13 CSR 35-71.010 Definitions

PURPOSE: This rule clarifies the terms used in the licensing rules for residential care agencies.

- (1) Chemical restraints are drugs which are prescribed or administered to temporarily restrain a child who presents a likelihood of serious physical harm to him/herself or others.
- (2) Child is any individual under eighteen (18) years of age as defined in section 210.481(1), RSMo.
- (3) Child abuse/neglect background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff child abuse/neglect history pursuant to sections 210.903 through 210.936, RSMo.
- (4) Criminal background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff criminal history pursuant to sections 210.903 through 210.936, RSMo.
- (5) Director is the director of the Children's Division.
- (6) Division is the Children's Division of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo.
- (7) Facility is any building of a licensed agency in which children reside.
- (8) Family Care Safety Registry pursuant to sections 210.903 through 210.936, RSMo, is established to protect children, the elderly, and disabled individuals in the state and to promote community safety by providing information concerning family caregivers as established within the Department of Health and Senior Services. The registry contains information on child-care workers' and personal-care workers' background and child-care, elder-care, and personal-care providers as specified in section 210.903.2(1)–(8), RSMo.
- (9) Intensive residential treatment is provided in a living unit of an agency for gravely, emotionally disturbed youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimizes the likelihood of youth injuring themselves or others. Intensive residential treatment may be achieved through a combination of staffing patterns, architectural design of the facility, electronic monitoring of the facility and its exits, or other means necessary to assure safety.
- (10) License is the legal document issued to an agency by the division for a period not to exceed two (2) years which authorizes the agency to provide twenty-four (24)-hour care for children, subject to compliance with sections 210.481–210.536, RSMo, and the applicable rules promulgated by the division (section 210.481(6), RSMo).
- (11) Mechanical restraints are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.
- (12) Physical restraint is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself or others or of doing serious property damage.
- (13) Residential care agency is an agency providing twenty-four (24)-hour care and treatment to children who are unrelated to the person operating the agency and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo, as residential care facility).
- (14) Social services is the provision of direct services, by plan, to the child and family to identify and resolve problems which negatively have affected his/her development, behavior, and social functioning.
- (15) Staff are persons employed by an agency.
- (16) Transitional living services are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential care.
- (17) Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.
- (18) Well-known religious order, church, and religious organization are defined as follows:
(A) A church, synagogue, or mosque;
(B) An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the *Internal Revenue Code* of 1954; or
(C) An entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

AUTHORITY: section 210.506, RSMo 2000.* This rule originally filed as 13 CSR 40-71.010. Original rule filed May 9, 1956, effective May 19, 1956. Refiled March 12, 1976. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Oct. 13, 1982, effective Jan. 13, 1983. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.010 and amended: Filed July 25, 2008, effective Jan. 30, 2009.

*Original authority: 210.506, RSMo 1982, amended 1993, 1995.

13 CSR 35-71.020 Basic Residential Child Care Core Requirements (Applicable To All Agencies)—Basis for Licensure and Licensing Procedures

PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.

- (1) Licensing Authority.



(A) Any person who desires to develop, establish, maintain or operate, or both, a residential care agency, except for those persons exempt from licensing pursuant to section 210.516, RSMo, must file an Application for Licensure form with the division and must receive a license prior to accepting any child for care.

(B) Before a license may be granted, an agency must be in compliance with sections 210.481–210.536, RSMo and these rules.

(2) Application for Licensure.

(A) An agency shall submit the following documents to the division—

1. Application for Licensure signed by the applicant;

2. Evidence of compliance with local building and zoning requirements;

3. A floor plan of the proposed site in which the specific use of each room is identified;

4. A signed copy of the Civil Rights Agreement;

5. A chart depicting the agency's organizational structure and lines of supervision;

6. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director;

7. A copy of the Articles of Incorporation, bylaws, and board roster, including the addresses of all officers;

8. A proposed budget for a period of not less than one (1) year;

9. Verification of not less than three (3) months' operating capital;

10. A written intake policy;

11. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided;

12. Job title, job description, and minimum qualifications for all staff;

13. A projected staffing plan for the anticipated capacity;

14. Written child abuse and neglect reporting policy;

15. Written personnel practices, including staff training and orientation;

16. Written discipline policy;

17. Written visitation policy;

18. Written health care policy;

19. Written restraint policy which shall include a description of all methods to be used;

20. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This assessment shall include, at a minimum, an identification and survey of potential referral sources, existing resources, and unmet com-

munity needs;

21. Evidence of compliance with fire safety requirements of the State Fire Marshal;

22. Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;

23. Verification of a physical examination for all staff working directly with children, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division;

24. Results of a check of the Family Care Safety Registry (FCSR) for all staff, as well as students, volunteers, and contractors who have direct contact with children. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;

25. Verification of the education and experience for all professional staff; and

26. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize, and supervise them.

(3) Licensing Assessment.

(A) A thorough assessment of the agency shall be made by the division, including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, and if compliance is not achieved within a six (6)-month period, a new Application for

Licensure must be filed if the agency desires to pursue licensure.

(4) The License.

(A) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for an initial six (6)-month probationary term.

(B) Following the probationary period, upon determination of continued compliance with Missouri statutes and applicable licensing rules, the director shall extend the term of the license for a period not to exceed two (2) years.

(C) The license shall be posted in a conspicuous place on the premises of the facility.

(D) The number, sex, and age range of children an agency is authorized to accept for care shall be specified on the license and shall not be exceeded.

(E) The license shall not be transferable.

(5) License Amendment. An agency shall file an Application for Amendment with the division at least thirty (30) days prior to relocation, change in the name of the agency, change in the capacity, and/or age range of children or any major change in the program. These changes shall be approved by the division before implementation.

(6) Licensing Renewal.

(A) An Application for Licensure shall be mailed by the division to the agency.

(B) The agency shall complete and return the application to the division within thirty (30) days from the date of receipt.

(C) The division shall initiate action on the completed application prior to the expiration of the existing licensure period.

(D) In addition to the completed application, the following documents shall be submitted:

1. Verification of a physical examination, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;

2. A current board roster, including the addresses of all officers;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of a current organizational chart;

5. Annual results of a check of the Family Care Safety Registry (FCSR) for all staff, as well as students, volunteers, and



contractors who have direct contact with children. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;

6. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;

7. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;

8. Documentation that each facility's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source; and

9. A copy of a financial audit conducted by a certified public accountant not employed by the agency.

(E) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

AUTHORITY: section 210.516, RSMo 2000.* This rule originally filed as 13 CSR 40-71.020. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Rescinded: Filed Oct. 13, 1982, effective Jan. 13, 1983. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Readopted: Filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.020 and amended: Filed July 25, 2008, effective Jan. 30, 2009.

*Original authority: 210.506, RSMo 1982, amended 1993, 1995.

13 CSR 35-71.025 Exemption of Religious Child Care Facilities

PURPOSE: This rule sets forth the requirement that child care facilities must be under the exclusive control of a religious organization in order to qualify for exemption under sections 210.211(5) or 210.516.1(5), RSMo.

When a nonreligious organization, having as its principal purpose the provision of child care services, enters into an arrangement with a religious organization to provide continuing assistance in the maintenance or operation of a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under sections 210.211(5) or 210.516.1(5), RSMo.

AUTHORITY: sections 210.481 and 210.516, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993).* This rule originally filed as 13 CSR 40-71.025. Original rule filed Oct. 7, 1987, effective March 25, 1988. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.025, effective Oct. 30, 2008.

*Original authority: 210.481, RSMo (1982), amended 1985; 210.486 and 210.506, RSMo (1982), amended 1993; and 210.516, RSMo (1982).

13 CSR 35-71.030 Hearings and Judicial Review

PURPOSE: This rule addresses the procedures for license denial, revocation, suspension, or suspension of intake and the right for an administrative hearing and judicial review for an agency aggrieved by a final decision of the director.

(1) Reasons for License Denial or License Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, RSMo, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the

subject of multiple or serious reports of child abuse or neglect which upon investigation results in a court adjudicated, probable cause, and/or preponderance of evidence finding, or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;

5. Employs persons who abuse or neglect children, persons who are the subjects of multiple or serious reports of child abuse or child neglect which upon investigation results in a court adjudicated, probable cause, and/or preponderance of evidence finding or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial



resources for the satisfactory care of children being served, or the upkeep of the premises, or both.

(B) The division shall provide written notice of denial or revocation of licensure to the agency, which shall include the reason(s) for the denial or revocation. Upon receipt of the notice of denial or revocation, the agency shall cease operation within five (5) working days unless stayed by an appropriate administrative or judicial order.

(C) The agency may appeal the decision of the division to deny or revoke the license by filing a request for appeal with the division within ten (10) days after receipt of the notice of denial or revocation.

(D) Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or his/her designee as provided by section 210.526, RSMo.

(E) An agency may not reapply for licensure within one (1) year from the date of denial or revocation.

(2) License Suspension and Suspension of Intake.

(A) The division shall have the authority to suspend the license of an agency when necessary to protect the health, safety and welfare of children.

(B) The division shall have the authority to suspend the intake of children into placement during prescribed time periods in order to assure the health, safety and welfare of children.

(C) The division shall provide written notice of the suspension and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review. In the event that intake only is suspended, the division shall provide written notice and the reasons for the suspension, including time frames and limitations on intake.

(D) When the division suspends the license of an agency, the suspension shall be for a period not to exceed thirty (30) working days, or until there is an administrative review and decision by the director, whichever is first.

AUTHORITY: section 210.506, RSMo 2000. This rule originally filed as 13 CSR 40-71.030. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan.*

30, 2009. Moved to 13 CSR 35-71.030 and amended: Filed July 25, 2008, effective Jan. 30, 2009.

**Original authority: 210.506, RSMo 1982, amended 1993, 1995.*

13 CSR 35-71.035 Court Review and Dispositional Hearing

PURPOSE: This rule defines the provisions for judicial review and disposition of the child(ren).

The agency shall comply with all applicable requirements of section 210.710 or 210.720, RSMo, pertaining to judicial review of the status of the child.

AUTHORITY: sections 210.481, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993). This rule originally filed as 13 CSR 40-71.035. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.035, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.040 Organization and Administration

PURPOSE: This rule sets forth the requirements for the incorporation, administration and financing of an agency.

(1) Each agency shall be incorporated and shall submit to the division its Articles of Incorporation and Certificate of Incorporation.

(2) An agency shall have a governing body responsible for establishing its policies, determining its programs, guiding its development, and providing its leadership. Voting members of the board of directors shall not be employed by the agency. The governing body shall be responsible for—

(A) Developing and maintaining a program of orientation and training for all new members of the governing body;

(B) Determining the size, selection, function and organization of the governing body;

(C) Keeping minutes of each meeting of the governing body, which shall reflect its actions pertaining to and affecting the care and safety of children;

(D) Meeting as often as necessary, but at least four (4) times a year, to conduct the business of the agency;

(E) Conducting an on-site visit to each facility annually by at least a committee of the governing body;

(F) Ensuring an agency’s continuous compliance with Missouri law and applicable licensing rules;

(G) Ensuring the agency’s continuous compliance with all applicable federal, state or local laws or regulations governing the operation of the agency;

(H) Ensuring that an agency’s standards of practice shall be professional, ethical and responsive to client needs;

(I) Appointing the executive director and delegating responsibility to the director to administer the agency in all of its activities, functions and services;

(J) Performing and retaining a written evaluation of the executive director on an annual basis;

(K) Providing the division a written statement which sets forth the kind and extent of authority delegated to the executive director;

(L) Ensuring that all facilities are maintained, staffed and equipped to implement the agency’s program effectively;

(M) Making available for review by the division the written policies and procedures of the agency, and evaluating the policies and procedures biennially to determine that the interests of children and families are being served;

(N) Meeting with division staff when requested;

(O) Providing written notification to the division within five (5) working days when there is a change of executive directors, board president, or the organizational structure of the agency; and

(P) Reporting a criminal act of an employee in the performance of employment duties to law enforcement and/or the prosecuting attorney and providing immediate oral report followed by a written report to the division five (5) working days after the occurrence of the criminal act that specifies the agency’s corrective action plan.

(3) Financial Management.

(A) The governing body shall approve an annual budget which shall be on file at the agency and submitted to the licensing unit.

(B) The agency shall be audited annually by an independent certified public accountant and a copy shall be submitted to the division.

AUTHORITY: section 210.506, RSMo 2000. This rule originally filed as 13 CSR 40-71.040. Original rule filed Nov. 9, 1978,*



effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.040 and amended: Filed July 25, 2008, effective Jan. 30, 2009.

**Original authority: 210.506, RSMo 1982, amended 1993, 1995.*

13 CSR 35-71.045 Personnel

PURPOSE: This rule sets forth the requirements for child abuse/neglect and criminal background screenings, medical examinations, personnel records, job descriptions, and staff orientation and training.

(1) General Requirements.

(A) The agency shall have a written statement of personnel practices which are approved by the governing body and provided to all staff at the time of employment.

(B) The agency shall evaluate and investigate application information carefully to determine whether employment of an applicant is in the best interests of the children in care.

(C) The agency shall require that each employee, student, volunteer, and any contracted personnel who have direct contact with children to secure and provide to the agency an annual child abuse/neglect and criminal background screening utilizing the Family Care Safety Registry from the Department of Health and Senior Services.

(D) Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of background screening(s) from those states to include, but not limited to, child abuse/neglect and criminal background screening check(s). When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screenings check(s) from the previous state(s) only needs to be completed upon initial employment. If the employee continues to reside in another state, the out-of-state check shall be done annually. An agency shall exclude from employment (effective the date this rule is filed) staff who are found guilty, plead guilty, or plead no contest to felony

crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious child neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure.

(E) If an employee is hired with a child abuse/neglect/criminal history that does not otherwise exclude the employee from employment, the agency administrator/executive director shall document in writing in the employee's file the reason for hiring the employee and how children in residence at the operating site will be protected.

(F) Prior to the employment of any person for a position requiring credit hours, a degree, or both from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the agency. Any person employed in a position requiring general educational development (GED) certificate or high school diploma shall provide documentation of such within thirty (30) days of employment.

(G) An agency shall require the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references.

(H) An agency shall require references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child care settings.

(I) All references shall be documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact.

(J) The agency shall require an annual driver record check for any staff who transport residents. No staff with a suspended or revoked driver's license or record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.

(2) Medical Examinations.

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice

nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest X ray, or appropriate follow-up of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to care for children or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

(3) Personnel Records. Personnel records shall be maintained for each staff member, as indicated below.

(A) For an employee, the personnel record shall include—

1. Verification of education and experience, and a copy of professional license, if applicable;

2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character references;

3. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;

4. A copy of the job description signed by the employee;

5. Reports of initial and biennial medical examinations that indicate that they are free from communicable disease, including, but not limited to, tuberculosis and hepatitis;

6. Results of annual checks of the Family Care Safety Registry;

7. Results of background screenings from other states in which employees have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state;

8. The date of employment, date of separation, reason(s) for separation;

9. Copies of an initial six (6) months' performance evaluation and each subsequent annual evaluation;

10. Results of an annual driver record check for any employee, student, volunteer, and any contracted personnel who transports residents;

11. A copy of the signed confidentiality statement;

12. A copy of the signed discipline policy;

13. A copy of the signed mandated child abuse/neglect reporting policy;



14. A copy of a signed acknowledgement of receipt of program and personnel policies;

15. A copy of the signed acknowledgement of completed agency orientation; and

16. Documentation of staff training.

(B) Students, Volunteers, and Contracted Employees who have direct contact with children shall include—

1. Copy of professional credentials (if applicable);

2. Documentation of initial and biennial medical examinations that indicates that they are free from communicable disease including, but not limited to, tuberculosis and hepatitis;

3. Results of annual checks of the Family Care Safety Registry;

4. Results of background screenings from other states in which students/volunteers who have direct contact with children have resided and/or have lived or worked within the past five (5) years, including an annual out-of-state check if the person resides in another state;

5. A copy of the contract or any agreement outlining purpose of presence on site;

6. A copy of the signed confidentiality policy;

7. A copy of the signed discipline policy;

8. A copy of the mandated child abuse/neglect reporting policies;

9. A copy of the acknowledgement of receipt of policies related to their agreement/contract; and

10. Documentation of staff orientation participation.

(4) Job Descriptions. An agency shall establish a written job description for each position, which shall be made available to staff at the time of employment. Each description shall describe the duties and responsibilities of the position; address supervision, required knowledge, skills and abilities, minimum experience, educational requirements; and shall include examples of work performed.

(5) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency’s programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(A) Agency philosophy and history;

(B) Agency policies;

(C) Agency staff roles;

(D) The family’s role in the child’s care and the worker’s role and responsibilities in relation to the family;

(E) Complete description of the agency’s

program model;

(F) Health and safety procedures, including the use of universal health care precautions;

(G) Crisis intervention procedures;

(H) Record keeping requirements;

(I) Cultural diversity;

(J) Separation and attachment issues;

(K) Confidentiality;

(L) Substance abuse;

(M) Recognition of suicidal tendencies and appropriate intervention;

(N) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110–210.165, RSMo; and

(O) Agency recreation program philosophy, policy, procedures, rules, and expectations.

(6) Staff Training.

(A) An agency shall establish and submit to the licensing unit an annual written plan for at least forty (40) hours of training each year for the executive director, child care staff, professional staff, and recreation and activity staff. All training must be documented with the dates, location, the subject, and the name of the person(s) who conducted the training. The training may include, but not be limited to, short-term courses, seminars, institutes, workshops, and in-service training provided on-site by qualified professionals.

(B) The training plan shall include, but not be limited to:

1. Developmental needs of children;

2. Child management techniques;

3. Basic group dynamics;

4. Appropriate discipline, crisis intervention, de-escalation techniques, and behavior management techniques;

5. The direct care and professional staff roles in the facility;

6. Interpersonal communication;

7. Proper, safe methods and techniques of restraint;

8. First aid and cardiopulmonary resuscitation (CPR) training; and

9. Suicide prevention.

*AUTHORITY: section 210.506, RSMo 2000. * This rule originally filed as 13 CSR 40-71.045. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.045 and amended: Filed July 25, 2008, effective Jan. 30, 2009.*

**Original authority: 210.506, RSMo 1982, amended 1993, 1995.*

13 CSR 35-71.050 Staff Qualifications and Requirements

PURPOSE: This rule sets forth the requirements for personnel practices, including staff qualifications, staff/child ratios, staff training and nonpaid staff.

(1) Employee Qualifications. The agency shall employ staff who are qualified by education, training and experience for their assigned responsibilities. A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules.

(2) Administrative and Supervisory Personnel.

(A) The agency shall employ staff to perform administrative, supervisory, service and direct care functions which may be combined only upon the approval of the division.

(B) When nondirect care functions have been approved by the division and are combined, the staff member shall meet the requirements for each function.

(C) The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:

1. A master’s degree in social work, counseling, social work administration, or a related human service degree, from an accredited school and two (2) years’ experience in the management or supervision of child care personnel and programs;

2. A bachelor’s degree in social work or a human service area of study from an accredited school and four (4) years’ experience in the management or supervision of child care personnel and programs; or

3. If the administrator is responsible only for personnel, fiscal management and physical facilities, and is not responsible for the programs and services of the institution, the institution may employ an administrator who has a bachelor’s degree from an accredited school and two (2) years’ experience in child care services. However, in this case, the agency shall employ a program director who meets the qualifications set forth in 13 CSR 40-71.070(2)(C)1.

(D) When the position of administrator is vacated, the governing body immediately shall designate a qualified person to act as administrator and shall notify the licensing unit.



(E) The administrator shall designate in writing a qualified staff to be in charge when s/he is absent.

(F) The program director shall have one (1) of the following:

1. A master's degree in social work or a human service area of study from an accredited school; or

2. A bachelor's degree in social work or a human service area of study from an accredited school plus two (2) years' experience in child care services.

(3) Professional Personnel.

(A) An agency shall obtain any professional services required for the implementation of the individual service plan of a child when these services are not available from staff.

(B) Professional staff who perform case-work or group work tasks, counseling with children and their families, therapeutic services, or planning of services for children and their families, shall have a master's degree in social work, psychology, counseling or a closely related clinical field from an accredited college. Staff may have a bachelor's degree in social work, psychology, counseling or a related area of study from an accredited school if s/he is under the direct supervision of a person with a master's degree in social work, psychology, recreation and expressive therapies, counseling or a closely related clinical field.

(C) Full- or part-time professional staff including psychologists, psychiatrists, social workers, counselor physicians, teachers and nurses, shall meet the licensing or certification requirements of their profession in Missouri.

(D) The agency shall have at least one (1) professional staff for every twenty (20) children in care.

(E) The agency shall designate a supervisor for professional staff when six (6) or more staff are employed. The supervisor shall have at least two (2) years' clinical experience.

(4) Direct Care Staff—Staff/Child Ratios.

(A) Direct care staff shall be responsible, mature individuals of reputable character who exercise sound judgment and display the capacity to provide good care for children.

(B) Direct care staff shall be at least twenty-one (21) years of age and shall have at least a high school diploma or general educational development (GED) certificate. A staffing plan shall be developed which allows for consistency of care through communication between different shifts of care regarding activities or special needs or problems of children.

(C) The ratio of direct care staff to children shall be dependent on the needs of the children, but the staff/child ratio during waking hours shall not be less than one to four (1:4) for infants and children through six (6) years of age.

(D) The staff/child ratio during waking hours shall not be less than one to six (1:6) for children six (6) to eight (8) years of age.

(E) The staff/child ratio during waking hours shall not be less than one to ten (1:10) for children eight (8) years of age and over.

(F) For children over six (6) years of age, the staff/child ratios during sleeping hours, for staff on duty but asleep, shall not be less than one to twelve (1:12). If staff on duty remain awake, a ratio of not less than one to twenty (1:20) shall be required.

(G) Staff in agencies serving children ages birth through six (6) years shall be awake during sleeping hours with a ratio of not less than one to six (1:6).

(H) Any children of live-in staff shall be included in the required staff/child ratios.

(I) The division may require a higher staff/child ratio if on-site review indicates a need for more supervision to maintain control, discipline and adequate care, or the division may approve a lower staff/child ratio if onsite review indicates adequate care, discipline and control can be maintained at a lower staff/child ratio.

(J) Staff/child ratios shall be maintained at all group off-grounds activities.

(K) Agencies employing twelve (12) or more direct care staff shall designate staff to be primarily responsible for supervising, evaluating and monitoring the daily work and progress of the direct care workers who shall have one (1) of the following:

1. A bachelor's degree and one (1) year of work experience in a residential care agency;

2. Two (2) years' college and two (2) years' work experience in a residential care agency; or

3. A high school diploma and four (4) years' work experience in a residential care agency.

(5) Relief Staff. The agency shall provide planned relief for direct care staff and shall have qualified relief staff to substitute for direct care staff for sick leave, vacation, relief time and other absences.

(6) Students. Graduate or undergraduate students in a field work placement at the agency shall be subject to the general personnel policies of the agency, but shall not be considered or used as substitutes for employed staff.

(7) Educational Staff. An agency operating an on grounds school shall demonstrate compliance with the Missouri State Department of Elementary and Secondary Education certification requirements.

(8) Recreational and Activity Staff.

(A) The administrator shall develop and coordinate the agency's recreational and activity programs using staff qualified by experience, education or training, or both, or certified to carry out the program outlined in the recreation plan.

(B) An agency shall assign recreational staff on basis of experience in working with groups of children whose recreational needs and interests vary.

(9) Clerical Staff. Clerical staff shall be employed as needed for general clerical duties such as typing, recordkeeping, bookkeeping and filing. Clerical staff shall not supervise or assist in the care of children without being qualified according to these rules.

(10) Other Staff. An agency shall employ, as needed, cooks, kitchen helpers, maintenance, custodial and other support staff to perform housekeeping and maintenance functions.

(11) Volunteers. If an agency uses volunteers as part of its program of services, the agency shall have written policies which include:

(A) A clear description of the agency's purposes and goals;

(B) A clear job description for the director of volunteers and for each category of volunteers;

(C) A clear differentiation of functions and activities appropriate for paid staff members and volunteers in policy-making, advocacy, administrative and direct service roles;

(D) A process for screening and selecting volunteers, who have direct contact with children similar to that used for paid staff members;

(E) A defined line of supervision, with clear written expectations of the supervisor and the volunteers;

(F) Orientation, preservice and in-service training activities in the volunteers' specified roles;

(G) Procedures for monitoring and evaluating volunteer activities and contributions;

(H) Procedures for observing professional ethics and confidentiality;

(I) Procedures for reimbursement of travel and other expenses; and

(J) Procedures for handling conflicts between paid staff members and volunteers.

(12) Visiting Resources.



(A) An agency shall have written policies for the use of visiting resources which are approved by the division. The policies shall be made available to a child’s parent(s), guardian or legal custodian and to the child when appropriate.

(B) The agency shall request from the division a check of the Child Abuse and Neglect Central Registry Unit (CRU) to determine whether a child abuse or neglect report, or both, has been received on all visiting resources. Results of the CRU checks shall be on file at the agency.

*AUTHORITY: sections 210.481 and 210.511, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.050. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.050, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985; 210.486 and 210.506, RSMo (1982), amended 1993; and 210.511, RSMo (1982).*

13 CSR 35-71.060 Social Services Program

PURPOSE: This rule sets forth the policies and procedure requirements for intake and admission, discharge and social services.

(1) Intake and Admission.

(A) Intake Policies.

1. Intake policies shall be in writing and shall identify services and programs offered.

2. Admissions shall be limited to children for whom the agency’s services are appropriate, with consideration being given to a child’s physical, psychological and emotional needs, social development, interests and past educational history.

3. An agency shall not discriminate in its intake and services on the basis of race, religion, color, ethnic or national origin.

4. When a child is self-referred, efforts shall be made to contact the child’s parent(s), guardian or legal custodian within twenty-four (24) hours. If the parent(s), guardian or legal custodian cannot be contacted, the agency shall notify the appropriate public agency (division, juvenile court, police department) of the presence of the child. All efforts to notify the appropriate public agency, parent(s), or legal guardian shall be documented in the child’s case record.

5. Whenever possible, an agency shall arrange for one (1) or more preplacement visits by the child (except in emergency placements), and when appropriate, for at least one (1) or more preplacement visits by the child’s parent(s), guardian or legal custodian.

(B) Admission Policies.

1. The agency shall have current, clearly written admission policies and criteria describing the age, sex and type of child served; and

2. A copy of the admission policies must be submitted to the licensing unit with the application for the initial license and at any time changes are made in the admission policies.

(C) Admission Procedures.

1. An admission assessment must be completed for each child indicating that the placement meets the child’s needs and best interests-

A. For nonemergency admissions, the admission assessment must be completed before a child is accepted for care; and

B. For emergency admissions, the admission assessment must be completed within five (5) days of admission.

2. The admission assessment must be in writing and include specific information on-

A. The circumstances which led to the child’s referral;

B. The immediate and long-range goals of placement;

C. The child’s family and his/her relationship with family members;

D. The child’s relationships with other adults and children;

E. The child’s behavior, including appropriate and maladaptive behavior;

F. The child’s medical history, including any current medical problems;

G. The child’s developmental history and current level of functioning;

H. The child’s school history including current educational level, special achievements and any school problems;

I. The history of any other placements outside the home, including the reasons for placement;

J. An evaluation of the child’s special needs and strengths in the following areas: physical, familial, educational, social and psychological;

K. The parent’s or legal guardian’s expectations for placement, family involvement and the duration of the child’s stay in care; and

L. The child’s understanding of placement.

3. Children must have a medical examination by a licensed physician, certified nurse practitioner, advanced practice nurse who is

in a collaborative practice agreement with a licensed physician, or a registered nurse under the supervision of a licensed physician, within thirty (30) days before or seventy-two (72) hours after admission. A copy of the medical examination report and findings, signed and dated by the physician, must be in the child’s record.

4. Children must have a dental examination by a licensed dentist within one (1) year before admission or arrangements must be made for an examination after admission. If the examination is done after admission, a copy of the examination report and findings must be in the child’s record within three (3) months of admission.

5. Children must be tested for tuberculosis according to the recommendations of the state or local public health authorities.

6. A written placement agreement between the agency and the child’s parent(s) or guardian must be completed at or before placement. A copy of the placement agreement must be in the child’s record. The placement agreement must include authorization to care for the child and a medical consent form signed by a child’s parent(s) or legal guardian authorized to give consent.

7. Information about the agency must be discussed with the child’s parent(s) or guardian at or before admission. Written material about the agency must be given to the child’s parent(s) or guardian. The following information must be included in the discussion and in the written material-

A. Rules regarding visits, mail, gifts and telephone calls;

B. Discipline policies;

C. Policies regarding religious training; and

D. Rules regarding recreational activities.

(2) Evaluation and Planning.

(A) Service Plan.

1. A preliminary written service plan must be developed and documented in the child’s record within seventy-two (72) hours of admission for each child admitted on an emergency basis. If the child remains in care beyond an initial thirty (30)-day plan, the plan must be modified to indicate the need for continued placement. The plan must be based on the admission assessment.

2. A written service plan must be developed and documented in the child’s record within fifteen (15) days of admission for each child admitted by plan for placement. The plan must be based on the admission assessment and observations of the child’s adjustment into care.



3. The service plan must identify and include:

A. The child's needs in addition to basic needs for food, shelter, clothing, routine care and supervision;

B. Specific strategies and their frequencies to meet the child's needs, including instructions to staff;

C. Specific strategies and frequencies for family involvement, including a defined plan for visitation and engaging the family in services for the child;

D. Specific strategies to meet the recreational and developmental needs of the child;

E. The estimated length of stay;

F. Time limited goals and preliminary plans for discharge, including plans for reintegration into family and community; and

G. The date and signature of the treatment team coordinator and a signed and dated attendance sheet of all other participants.

4. A copy or summary of the service plan must be given to the child, when appropriate, and to the child's parents or legal guardian. If the plan is not shared with the child, the child's record must reflect justification for this decision.

5. An agency shall provide social services to each child at least two (2) times per month as required by treatment plan. Social services shall be provided to the child's family for whom reunification is the permanency goal and shall begin at placement. The family's participation or reasons for nonparticipation shall be documented.

6. The progress of a child and his/her family shall be evaluated at least every three (3) months, and the service plan shall be modified when appropriate. In crisis placement, an evaluation shall be conducted at least every thirty (30) days. Evaluations shall be made by professional staff in consultation with other staff who have significant contact with the child, the parent(s), guardian or legal custodian.

(B) Service Plan Review.

1. The service plan review must include:

A. An evaluation of progress toward meeting the child's needs;

B. An evaluation of progress toward family reunification;

C. Any needs identified since the plan was developed or last reviewed and strategies to meet the needs, including instructions to staff; and

D. An update of the estimated length of stay and discharge plans, if changed.

2. The service plan review with the date and signature of the treatment team coordinator and a signed and dated attendance sheet of

all other participants in the review must be documented in the child's record.

3. Reports of the evaluations in summarized form shall be included in the child's record, and shall be shared with the parent(s), guardian or legal custodian.

(3) Discharge from Care.

(A) The following persons must be involved in planning a nonemergency discharge: the child; the child's parent(s) or legal guardian and agency staff.

(B) The child may be released only to the parent(s) or legal guardian unless there is a court-authorized independent living arrangement.

(C) If a child is discharged because s/he is a danger to him/herself or others, s/he must be accompanied by staff to the parent(s) or legal guardian or an appropriate placement resource.

(D) The date and circumstances of the child's discharge must be documented in his/her record. The signature, address and relationship of the adult to whom the child is discharged must be included in the documentation.

(E) Except in emergency situations, an agency shall give at least thirty (30) days' written notice to the parent(s), guardian or legal custodian before discharging a child from care.

(4) Discharge Summary. When a child in care is discharged, an agency shall complete a written discharge summary within thirty (30) days of the date of discharge. This summary shall be included in the child's case record, and shall include:

1. The name, address, telephone number and relationship of the person(s) or agency to whom the child is discharged;

2. A summary of services provided during care;

3. A summary of growth and accomplishments during care;

4. Reason for discharge; and

5. An identified aftercare plan which shall include cooperative efforts with the parent(s) or legal guardian to support the child's transition from placement into the family or community.

*AUTHORITY: sections 210.481, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.060. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12,*

1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.060, effective Oct. 30, 2008.

**Original authority 210.481, RSMo (1982).*

13 CSR 35-71.070 Protection and Care of the Child

PURPOSE: This rule sets forth the provisions for protection of the child, including child abuse or neglect, or both, exploitation, confidentiality, discipline and control, physical restraint, transportation, work experience and allowances. Also, provision for the care of the child, including living arrangements, personal hygiene, clothing, food and nutrition, personal possessions, family identity, religious requirements, educational program, recreational and activity programs and transitional living services.

(1) An agency shall submit an immediate oral report, to the division followed by a written report, within five (5) working days after the occurrence of an unusual incident, such as the death of a child, alleged child abuse or neglect, or both, or a fire which required the services of the fire department.

(A) Protecting the Child in Care-Child Abuse or Neglect, or Both.

1. An agency shall have written procedures for any alleged incident of child abuse or neglect, or both, which shall include:

A. Reporting the alleged incident as required by the Child Abuse/Neglect Reporting Law, sections 210.110-210.165, RSMo;

B. Conducting an internal investigation of the alleged incident; and

C. Providing a written report to the licensing unit of the agency's internal investigation of the alleged incident.

2. If the safety of the children is threatened, as determined by the executive director, no person who is alleged as a perpetrator in an incident of child abuse or neglect, or both, shall work directly with children until an investigation is complete.

3. If the investigation determines reason to suspect child abuse or neglect, or both, the agency shall submit a written report to the licensing unit, outlining corrective action taken by the agency. If the agency fails to take appropriate action to prevent future abuse or neglect, or both, the division may revoke the license.

(B) Exploitation of Children.

1. Exploitation of children shall be prohibited.



2. As used in these rules, exploitation of children shall include, but not be limited to:

A. The use of a child or his/her picture or name for solicitation for funds without the written consent of the child's parent(s), guardian or legal custodian;

B. The use of a child to advance an agency's religious beliefs; and

C. The placement of unreasonable demands for work upon a child.

(C) Confidentiality.

1. An agency shall have written procedures for the maintenance and security of clients' records. This shall include a staff review of the procedures for confidentiality and a signed statement indicating that staff have reviewed the procedures. The agency shall secure records against loss, tampering or unauthorized use by—

A. Protection of the confidentiality of records when in use and keeping them under lock when not in use;

B. Staff and professional consultants seeking access only to the records with which they are professionally involved;

C. Staff not disclosing or permitting the disclosure of any information concerning the child or his/her family, directly or indirectly, to any unauthorized person; and

D. Staff being informed of the requirement that they must observe the procedures for protecting confidentiality after termination of employment.

2. Records shall be made available to the division or its authorized and identified agents, either upon written or verbal request. This includes division staff who are involved in child abuse/neglect reporting/investigation.

3. All requests for access to a child's records shall be documented in the record providing the name of the individual making the request, the date and the desired materials. If access was refused, the grounds for refusal shall be documented.

4. A consent for release form signed by the parent(s), guardian or legal custodian must be provided before records are released to any person other than those specified in these rules. The consent must specify what information may be released, to whom, for what purpose and for what period of time.

(D) Discipline and Control.

1. An agency shall have written policies regarding discipline and behavior management, which shall be explained and made available to a child's parent(s), or guardian or legal custodian, or both, staff and to the child. The procedures shall be within each child's ability to understand and achieve.

2. The policies shall identify the type of children served, describe the anticipated

behavioral problems, set forth acceptable methods of dealing with the behaviors, and detail the required qualifications and training of staff. All discipline shall be consistent with the service plan developed for the resident.

3. All discipline shall be reasonable and appropriate to the child's age and level of development. All discipline shall be limited to the least restrictive appropriate method and administered by appropriately trained staff;

4. Encouragement and praise of good behavior shall be used instead of focusing on unacceptable behavior.

5. The agency shall have written policies and procedures prohibiting discipline which may adversely affect a child's health or physical or psychological well-being. A copy shall be given to all residents, families, staff and placing agencies. The following forms of discipline shall not be used:

A. Cruel and unusual punishment;

B. Excessive or inappropriate work;

C. Denial of meals, daily needs and the program provided by the individual service plan;

D. Verbal abuse, ridicule or humiliation;

E. Permission for a child to discipline another child;

F. Chemical restraints;

G. Mechanical restraints;

H. Denial of planned visits, telephone calls or mail contacts with family;

I. The use of foods intended to produce an adverse reaction;

J. Physical or emotional abuse;

K. Confinement in any space not designed for isolation and observation;

L. Requirement that a child remain silent for long periods of time or other unreasonable verbal restrictions;

M. Corporal punishment including, but not limited to, slapping, hitting, spanking, paddling, shaking, belting, marching, standing rigidly in one (1) spot, use of excessive physical exercises such as running laps or doing push-ups or any method which harms or endangers the child;

N. Locked isolation for the purpose of discipline;

O. Withholding of an opportunity for a minimum of eight (8) hours of sleep in a twenty-four (24)-hour period;

P. Withholding of shelter, clothing, essential personal needs, essential program services; or

Q. Withholding of meals, mail, allowances or family visits.

(E) Physical Restraint.

1. All agencies using physical control techniques must have written policies—defin-

ing the method of control; identifying persons used in implementing these methods; and establishing the training required for these persons. These policies shall address the use of crisis intervention, including techniques to be used prior to physical restraint and include:

A. The use of two (2) staff, one of whom is fully qualified;

B. An immediate notice to the supervisor; and

C. A written report to the administrator.

2. For agencies permitting the use of physical restraint, the administrator shall review its usage at least quarterly.

3. Physical restraint shall include all efforts to minimize the possibility of injury to a child.

4. All instances of physical restraint shall be documented on incident reports and filed in the child's record.

5. Restraint methods shall be used only to end disturbances that threaten physical injury to the child, physical injury to others, or to take from a child a dangerous object which the child has threatened to use against him/herself or against others or do serious property damage.

6. An agency shall not use mechanical restraint.

7. Strap-boards, strait-jackets or homemade restraint devices such as tape shall not be used.

(F) Fire Safety—Emergency Evacuation Procedure.

1. Each facility shall be inspected biennially and shall be in compliance with the requirements of the State Fire Marshal.

2. Written instructions for fire and other emergency evacuations shall be posted in a conspicuous place in each facility. Children shall be instructed in evacuation procedures at the time of admission. An evacuation drill shall be held at least monthly, and a record of all drills shall be on file at each agency.

3. The agency shall train staff in fire prevention and to report fires and shall teach children fire safety.

(G) Transportation.

1. General requirements.

A. The agency shall provide transportation as indicated by the individual needs of the children, for example, medical and dental appointments, educational or training programs, counseling and family therapy.

B. The agency shall be responsible for the care, safety and supervision of children on field trips or at any time children are transported away from the facility.

2. Vehicle and vehicle operator.



A. Staff transporting children shall have a valid driver's license as required by Missouri law.

B. All vehicles used to transport children shall be licensed and operated in accordance with Missouri law.

C. Children shall not be transported in campers, trailers or in the back of trucks.

3. Safety and supervision.

A. All children shall be seated in a permanent seat and restrained by seat belts or child restraint devices as required by Missouri law.

B. Staff/child ratios shall be maintained at any time the agency transports children away from the facility.

C. Children shall be required to remain seated while the vehicle is in motion.

D. Doors shall be locked when the vehicle is moving.

E. Order shall be maintained when the vehicle is moving.

F. Children shall not be left unattended in a vehicle at any time.

G. Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected area or driveway.

H. Children shall be assisted, when necessary, while entering or leaving the vehicle.

I. Head counts shall be taken before leaving the facility, after entering the vehicle, during a field trip, after taking the children to bathrooms, after returning to the vehicle and when back at the facility.

J. When children leave the vehicle, the vehicle shall be inspected to ensure that no children are left on or under seats.

(H) Work Experience.

1. An agency shall provide the opportunity for work experiences for each child which is appropriate to the age, health and abilities of the individual child.

2. Work experience shall not interfere with a child's time for school, study periods, play, sleep, community contacts or visits with his/her family, and shall be designed to serve the child's interest.

3. If work experience is a part of the child's service plan, it shall be identified in the service plan. A schedule shall be maintained for all children who work paying jobs for review by licensing staff.

4. Children shall not be used as substitutes for staff.

5. An agency shall differentiate between chores children are expected to perform, specific work assignments made as a means of earning money, and jobs performed in or out of the facility to gain vocational training.

6. Work training programs and employment of children shall be approved by the

executive director or designated staff when the child is employed outside a facility.

7. Children shall be given some choice in their chores and work experiences, and duties shall be changed periodically to provide the child a variety of experience.

8. An agency shall limit the length of time children spend on regular nonpaid chores to one (1) hour a day during the school year and not more than two (2) hours a day during the summer months for all children.

9. An agency shall comply with the applicable child labor laws, sections 294.011–294.140, RSMo. Children working paying jobs shall receive pay in accordance with community rates.

10. A complete record of a child's earnings and dispersals from this fund shall be maintained and made available upon request to the child, the parent(s), the guardian or legal custodian and the licensing unit.

11. Children shall be provided proper supervision when working with, or in proximity to, power-driven machinery, upon scaffolding, in the operation of a motor vehicle or in any other occupation which is dangerous to the life or health of a child.

(I) Allowances and Money.

1. If a child does not work and earn his/her own spending money, each child shall receive a regular allowance. The child shall be allowed to use discretion in spending some of the allowance for items other than basic needs.

2. Money belonging to a child being discharged shall be transferred to the child, the parent(s) or the agency authorized to act as custodian.

(2) Care of the Child.

(A) Living Arrangements. Children shall be grouped by their age, level of development and need for supervision.

(B) Personal Hygiene.

1. An agency shall provide each child with his/her own toilet articles and with space for their storage.

2. An agency shall provide mirrors or nonbreakable reflective surfaces in bathrooms at levels easily accessible to all children.

(C) Clothing.

1. An agency shall establish minimum clothing requirements for each child in care.

2. An agency shall assure that clothes are provided to each child. Clothes shall be individually selected and fitted, appropriate to the season and kept in a state of good repair and cleanliness. Each child's clothing shall be identified as his/her own.

3. An agency shall assure shoes are provided to each child which shall be kept in good repair.

4. When possible, children shall be permitted to participate in the selection and purchase of their own clothing.

5. Donated clothing shall be used only if it is in good condition.

6. Clothing belonging to and worn by a child while in residence shall be taken with him/her upon discharge.

(D) Food and Nutrition.

1. Nutritional requirements.

A. An agency shall provide nutritional, appetizing food which meets the daily nutritional requirements of the children in care.

B. Consideration shall be given when planning meals to the religious practices and cultural differences of the children.

C. An agency shall provide supplementary foods and modified diets for children with special dietary needs.

D. When a dietitian or nutritionist is not employed by an agency, consultation on menu planning shall be obtained as needed from a city, county or state health agency or through a local resource.

E. Variations in the appetites of the children in care shall be recognized, and the children shall be encouraged, but not forced, to eat.

F. Children shall be encouraged to develop healthy eating habits.

G. All milk shall be pasteurized. Dry or powdered milk shall only be used in meal preparation and not utilized for drinking purposes.

2. Meal service.

A. An agency shall serve meals at recognized meal times, and at least three (3) times a day, unless children receive their noon meal at school.

B. Nutritious between-meal snacks shall be provided.

C. Staff and children who eat together shall be served the same food unless contraindicated for medical reasons.

(E) Personal Possessions. Each child shall be permitted to bring safe and appropriate personal possessions with him/her and to acquire belongings of his/her own while in residence. A written inventory of the child's possessions at the time of admission and at the time of discharge shall be on file.

(F) Family Identity and Relationships.

1. An agency shall develop written visitation policies.

2. An agency shall encourage and support contacts between a child and his/her family while the child is in care, unless the rights of the parent(s) to contact their child



have been terminated or restricted by court order. The frequency of contact shall be determined by the child's parent(s), guardian or legal custodian in consultation with agency staff. An agency shall enable the family to visit and remain involved in their child's care as well as actively participate in relationship building.

3. Privacy shall be provided for visits with family members, relatives and friends, for telephone calls and for written communications unless otherwise indicated by the service plan.

4. Flexible visiting hours shall be provided for the parent(s) or legal guardian.

(G) Religious Requirements.

1. Upon admission, an agency shall provide a written description of the agency's religious requirements and practices, which shall be made available to the parent(s), guardian or legal custodian, and, when appropriate, to the child.

2. Upon admission, if the agency requires mandatory religious observance or mandatory church attendance, consent of the parent(s), or guardian or legal custodian, or both, shall be obtained and explained to the child upon admission.

3. Opportunity for religious experience shall be made available to each child within the religious preference of his/her family by treatment plan.

4. The child's parent(s), guardian or legal custodian shall provide written authorization regarding any change in religious affiliation by the child while s/he is in care.

5. Children shall be permitted to attend religious activities and services in the community by treatment plan.

(H) Educational Program. The administrator shall be responsible for ensuring compliance with Missouri statutes pertaining to the children's education.

A. An agency shall not admit a child unless an educational program appropriate to the child's needs can be obtained.

B. The educational progress of a child shall be continually evaluated and the progress shall be included in the child's six (6)-month service plan review according to 13 CSR 40-71.080(2)(B).

C. Children excluded from school shall be provided education, training or work experience consistent with their needs and abilities.

D. An agency shall maintain contact and cooperation with involved school systems to provide a coordinated approach to meeting the educational needs of each child.

E. An agency shall provide appropriate space, adequate lighting, supervision for

quiet study after school hours and access to reference materials and school supplies.

F. Children shall be permitted and encouraged to participate in extracurricular activities such as sports, art and music, to the extent of their interests, abilities and talents.

(I) Recreational and Activity Programs/Leisure Time.

1. An agency shall involve children in a variety of age and developmentally appropriate on-site and community activities individually, and in groups, which meet the range of needs specified in their service plan.

2. An agency shall maintain a written plan and schedule for a recreational program of both general and physically challenging activities which promote health and physical development in accordance with the individual interests, ages and needs of the children. This program shall include procedures by which a child's involvement and progress shall be regularly reported.

3. An agency shall submit a list of general and physically challenging activities which they plan to use in their recreational program which includes a description of the activity, the purposes and goals. This list shall be submitted to the division at licensure or relicensure.

4. An agency shall provide indoor and outdoor recreational facilities for quiet and active play.

5. Each child shall have some time to be alone if s/he wishes, and places where the child reasonably will be undisturbed, while under the overall supervision of staff.

6. Recreational and leisure-time activities shall be included as a planned part of family interventions, provided these activities do not interfere with the safety or security of the child, family or facility.

7. Swimming shall be permitted only when—

A. An adult with a current lifeguard certificate, including cardiopulmonary resuscitation (CPR) training is present; except

B. An adult who has completed a course in basic water safety, which includes infant/child CPR training, may supervise children under age six (6) when a swimming pool containing a depth of less than forty-eight inches (48") of water is being used.

8. Other water activities, such as fishing or boating, shall require staff supervision at all times, shall ensure the safety of the children and utilize appropriate equipment.

9. Agencies with on- or off-ground activity programs, which by their nature significantly alter the usual level of resident supervision, shall clearly describe each activity in their recreational plan. These include activities which could be described as physi-

cally or otherwise challenging, or those which utilize animals, or those which might involve a level of risk to children. The plan for each activity shall outline the qualifications of staff members involved, special equipment, supervision rules that will be used, and any changes in the usual behavioral rules for residents and staff required by the activity. At a minimum, the plan specifically shall address each of the following:

A. Special qualifications of staff.

(I) The agency will confirm in writing in each staff's personnel file that the staff has specialized training, or extensive life experience in the recreational activity that qualify staff to supervise the activity.

(II) If the agency or specific staff is certified in a recognized activity area such as ROPES, Project Adventure or Red Cross water safety instructor (WSI), these standards will be evidence of compliance;

B. Special safety equipment.

(I) All sports and outdoor equipment used in the program is selected on the basis of safety factors and is regularly checked or tested to insure it is up to the agency's standards, which comply at a minimum with applicable national standards for the equipment in use.

(II) First aid and emergency response kits and other emergency supplies and medications needed by participants are under the control of the designated group leader at all times.

(III) The agency provides for adequate shelter from the elements, safe and healthful food and water, appropriate clothing and appropriate equipment required for the activities and the environment;

C. Special rules for staff and resident behavior.

(I) The agency has a written plan for coverage and supervision when groups are physically distant from the main location which includes delegation of authority.

(II) Personnel designated responsible for the group must have had first aid or first responder training and at least one (1) staff person with the group shall be certified to provide CPR; and

D. Risk management.

(I) The agency shall have a written plan which describes unsafe conditions which would restrict or rule out this activity. Safety rules for staff and residents, appropriate clothing and equipment required, and necessary training for staff and residents prior to undertaking the activity shall be specified in the plan. Changes to this plan shall be submitted to the division.



(II) The agency shall include in its plan the level of administrative approval required to authorize the undertaking of any such activity.

(J) Transitional Living Services. Agencies serving an adolescent population shall develop and implement a transitional living services component which shall begin at the time of the initial assessment and shall be modified in accordance with the child's changing needs as new skills are developed. Group and individual counseling should include coping and adjustment issues relating to the child's transition from residential care. The program shall include development of a planned program in which, at a minimum, residents may acquire skills and practice in the following areas developing:

1. Skills for independence;
2. Skills and knowledge of financial management;
3. Skills necessary for locating, obtaining and maintaining a residence;
4. The basic skills for negotiating successfully with community institutions and systems;
5. A basic knowledge in substance abuse prevention, human sexuality, physical and sexual abuse, Human Immunodeficiency Virus (HIV) prevention and sexually transmitted diseases;
6. Daily life skills;
7. Skills for job preparation, maintenance and retention; and
8. Skills for developing positive peer relationships and a support system.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.070. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.070, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.075 Health Care

PURPOSE: This rule sets forth the procedures for health care, emergency medical care, psychiatric and psychological care, and psychotropic medication.

(1) Health Care Procedure.

(A) The agency shall have a written health care program plan which shall address preventive medical, eye, hearing and dental care.

(B) The agency's health care program shall include admission examinations, subsequent examinations, nursing care, first-aid procedures, dispensing of medicine, basic remedial treatment and the training and implementation of the use of the Universal Health Care Precautions and the other basic principles of communicable disease prevention. The agency shall make provisions for the services of a licensed physician to be responsible for medical care, including on-site or office visits.

(C) At admission, the agency shall obtain written authorization for each child from the parent(s), guardian or legal custodian for emergency medical care, necessary immunizations and for routine medical examinations and care.

(D) A complete physical examination by a licensed physician certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician shall be given to each child within thirty (30) days prior to admission, or within seventy-two (72) hours after admission. The findings of the examination shall be recorded on a form prescribed by the division, or one containing the equivalent information. Children shall receive physical examinations in accordance to the periodicity of the Missouri Medicaid Healthy Children and Youth Schedule for physical and developmental examinations.

(E) If a child shows overt signs of highly infectious disease or other evidence of ill health, the agency shall make arrangements for an immediate examination by a licensed physician.

(F) Any child who has not received primary immunization prior to admission shall be immunized according to the Department of Health's current guidelines.

(G) A current immunization history shall be maintained for each child.

(H) Booster shots shall be administered to children as needed, and at time intervals recommended by the agency physician or by the Department of Health's current guidelines.

(I) Each child under twelve (12) years of age shall be given an annual eye examination. Children twelve (12) years of age and older shall be given an eye examination on an as-needed basis and corrective treatment shall be provided as prescribed.

(J) Upon discharge, a copy or summary of the child's health and dental records shall be provided to the child's parent(s), guardian or legal custodian.

(2) Emergency Medical Procedure.

(A) At least one (1) staff member shall be qualified/certified to administer first aid, including cardiopulmonary resuscitation (CPR), and shall be available within the agency at all times.

(B) A first-aid kit shall be readily available.

(C) An agency shall contact a child's parent(s), guardian or legal custodian when a serious illness, a serious injury or hospitalization of the child occurs.

(D) In the event of the death of a child, the parent(s), guardian, legal custodian and the division shall be notified immediately.

(3) Isolation for Illness. Provision shall be made for the medical isolation of any child with a highly communicable disease or other evidence of ill health which poses a serious threat to other children.

(4) Psychiatric and Psychological Care. When the agency's service plan for a child indicates a need for professional care by a psychiatrist or a psychologist, the specialized treatment shall be provided, or arranged for, by the agency.

(5) Medicine and Drugs.

(A) All medication shall be prescribed by a licensed physician, and administered by a licensed nurse or staff who successfully have completed, at a minimum, the Level 1, Medication Aide Training Program or a certified Medication Training Program, approved by the division for children in residential care.

(B) All medicine and drugs shall be kept in a locked unit and shall only be accessible to and dispensed by the agency nurse or qualified/certified staff.

(C) All medication shall be labeled to indicate the name of the child, the type and dosage of medication and shall be dated.

(D) Medication prescribed for one (1) child shall not be administered to another.

(E) No child shall self-administer medication unless the practice is approved by a licensed physician, or a registered nurse with approval of a licensed physician, and the executive director. The approval shall be documented in the child's medication record and social service plan.

(F) Either a licensed physician, licensed nurse or a qualified pharmacist shall be responsible for developing, coordinating and supervising all pharmaceutical services, including psychotropic medications.

(G) When medications which are approved by a physician's order are prescribed, continued, discontinued or changed, an entry shall



be made in the child's record. Entries shall be evaluated at least every sixty (60) days to determine if medication shall be continued, discontinued or changed.

(H) When medications are discontinued, they shall be destroyed by staff as directed by a licensed physician or qualified pharmacist or a registered nurse.

(6) Psychotropic Medication.

(A) Prescribing Psychotropic Medication.

1. An agency shall have written policies, which upon request shall be made available to the child's parent(s), or guardian or legal custodian, or both, to staff and to the child, governing the use of psychotropic medication.

2. The prescribing physician shall provide a written medication order reflecting the reasons for prescribing the medication, the dosages and the frequency of administration.

3. When a written order for psychotropic medication is provided by a physician to be administered in an emergency situation in his/her absence, staff shall document all dosages of medication given. The physician shall fully document the justification for, and the expected results of, the medication order.

4. Psychotropic medication shall not be administered as a form of punishment, as a substitute for a program or due to lack of staff.

5. Unless there is a court order to the contrary, the parent(s), guardian or legal custodian of a child shall give prior, informed, written consent to the use of medication. Consent may be given at the time of admission.

6. The parent(s), guardian or legal custodian shall be informed regarding any possible side-effects of medications to be administered. This shall be documented in the child's record.

(B) Administering and Monitoring Psychotropic Medication.

1. The following information shall be maintained in the case record of each child receiving psychotropic medication:

A. The medication history of the child;

B. Documentation of all medication administered;

C. A description of any significant changes in the child's appearance or behavior that may be related to the use of medication;

D. Any medication errors; and

E. A record of each refusal of medication including the child's name, the date, the time, the staff administering medication and the child's reason for refusal.

(C) Staff Training Relating to Psychotropic Medication. An agency shall provide training for all staff who work directly with children

to enable them to recognize changes in a child's appearance or behavior that may be related to the use of psychotropic medication.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.075. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.075, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.080 Buildings, Grounds and Equipment

PURPOSE: This rule sets forth requirements for the physical plant, sanitation, safety and fire protection, space and equipment.

(1) Physical Plant—General Requirements.

(A) Plans for additional buildings or alterations which affect the structural strength, safety, sanitary conditions and floor space of existing buildings, shall meet the requirements of state and local ordinances. The plans for these buildings or alterations shall be submitted for review by the residential licensing unit, the State Fire Marshal and the Department of Health.

(B) If construction is not started within one (1) year of the approval of plans, the plans and specifications shall be resubmitted to the same agencies prior to beginning construction.

(C) An agency shall maintain its buildings, grounds, furniture and equipment in good repair.

(D) Each facility shall be effectively safeguarded against insects and rodents.

(E) Each facility housing children shall include areas and specialized recreational space, and shall properly equip, supply and maintain these areas so as to promote relaxation and varied opportunities for recreation.

(F) Telephone service shall be available in each facility.

(G) An agency operating a swimming pool shall maintain a file to provide documentation that the pool is operated and maintained in accordance with all applicable local ordinances, state guidelines, or both.

(2) Administrative and Clerical Space. Adequate space shall be provided for admin-

istrative and clerical staff and for the storage of records.

(3) Interview and Consultation Area. A private area shall be provided for interviews and consultations.

(4) Sleeping Rooms and Areas.

(A) An agency licensed after the effective date of these rules (November 12, 1993) shall provide a sleeping space for each child of at least seventy (70) square feet.

(B) An agency licensed after the effective date of these rules (November 12, 1993) shall provide at least one (1) window in each sleeping room.

(C) No enclosed basement rooms or rooms that are more than one-third (1/3) below ground level on all four (4) sides shall be used. Each sleeping room, unless it has a door opening to the outside at ground level, shall have an exit access door leading directly to a corridor which leads to an exit. Exit doors shall comply with existing fire and safety requirements.

(D) Each child shall be provided with his/her own bed which shall be adequate in width and length for his/her height.

(E) Sleeping areas shall be designated and provided for boys and for girls to allow for maximum supervision and separation. Programs providing care for children through age three (3) are not required to separate children according to gender. Consideration for waiving the age limit may be given to programs providing less than seventy-two (72)-hour care to enable programs to keep sibling groups together.

(F) An agency licensed, or buildings constructed, after the effective date of these rules (November 12, 1993), shall house no more than four (4) children in a single sleeping area.

(G) Single beds shall be provided and spaced appropriately to allow for maximum comfort of the children. Bunk beds may be used, if age-appropriate, and shall be constructed of safe, stable materials.

(H) Each bed shall have level, firm springs and a firm mattress or other comfortable, orthopedically supportive surface, protected by rubber sheeting or other covering, when necessary. A pillow, bed linen and sufficient cover for comfort shall be provided.

(I) A complete change of bed linen shall be provided when soiled, but at least once a week.

(J) Children shall have sufficient closet and drawer space for clothing and personal belongings.



(5) Staff Quarters. When staff quarters are provided, they shall be located adjacent to the children's bedrooms so that children can be supervised easily and staff can be available to any child when needed.

(6) Bath and Toilet Facilities.

(A) A minimum of one (1) toilet and one (1) wash basin shall be provided for every four (4) children and one (1) tub or shower shall be provided for every six (6) children in residence. In agencies licensed after the effective date of these rules (November 12, 1993), these accommodations shall be located on the same floor as the sleeping rooms.

(B) Separate and private bathroom accommodations shall be provided for boys and for girls ages six (6) years or older.

(C) The facility shall have a window or other exhaust ventilation system in each bathroom.

(D) Hot water heating systems and water temperature shall be routinely monitored to ensure safety of children.

(7) Laundry and Utility Area. Laundry equipment shall be available in a well-lighted and well-ventilated area.

(8) Heating and Cooling. Moderate temperatures which are comfortable to children shall be provided at all times. Each facility shall be well-ventilated.

(9) Electrical Systems.

(A) Each facility's electrical system shall comply with all applicable local ordinances, state guidelines, or both.

(B) Artificial lighting shall be provided to meet the needs of the children.

(10) Windows, Screens and Glass Doors.

(A) Windows which are accessible from the outside shall be lockable and open easily from the inside. The manufacturer's designed functions of windows shall not be altered.

(B) Open windows and doors shall be securely screened and barriers to prevent children from falling against windows or falling from window openings shall be provided as needed.

(C) Shatterproof safety glass shall be installed in high risk areas where children are active, and clear glass doors shall be marked plainly at varying heights to avoid impact.

(11) Dining and Kitchen Area.

(A) Each facility shall have a kitchen which provides the following:

1. A refrigerator capable of maintaining foods at safe temperatures;

2. A stove with a hood in operating condition;

3. A kitchen sink in operating condition with hot and cold running water;

4. Adequate provision for the sanitary disposal and temporary storage of food waste and refuse;

5. A supply of equipment to prepare meals, and dishes, glassware and flatware for use at each meal. Utensils shall be free of chips, cracks or other defects, and shall be thoroughly cleansed after each use;

6. Equipment used in the preparation and serving of food, including can openers, meat slicers and cutting surfaces which shall be cleaned and sanitized after each use;

7. No smoking in food preparation and food service areas;

8. Dining areas equipped with tables and chairs appropriate to the children's ages, and arranged so that children and staff can have their meals together;

9. Dishwashing facilities with water hot enough to sanitize utensils or other approved sanitization method;

10. A window or other adequate exhaust ventilation system in each kitchen;

11. Adequate space and light; and

12. Walls, floors and ceilings made of materials that are easy to clean and maintain.

(12) Food Storage.

(A) Food and drink shall be stored, prepared, displayed, served and transported in a manner to protect it from contamination.

(B) In food service areas, each facility shall store and use only sufficient poisonous and toxic materials required to maintain sanitary conditions. Toxic materials shall be properly labeled and stored in secure cabinets which are used for no other purpose.

(13) Water.

(A) If a facility's water supply is not an approved public source, each facility shall have its water supply annually approved by the Department of Health or Department of Natural Resources.

(B) Each facility shall provide cool, safe drinking water and single-serving cups or glasses for those unable to drink from fountains.

(14) Sewage Disposal.

(A) The agency shall utilize public sewage disposal systems when they are available.

(B) If the agency does not utilize public sewage disposal systems, facilities shall have their sewage disposal systems approved biennially by the Department of Health or Department of Natural Resources.

(15) Hazardous Materials. All flammable liquids, matches, poisonous materials, medicines, alcoholic beverages, hazardous

personal care items or other hazardous items shall be inaccessible to children. Any lawful, authorized use of such materials would be under the approval of the executive director of the residential care agency.

(16) Weapons.

(A) Ammunition, guns, hunting knives, bows and arrows or other weapons shall be stored in a locked cabinet or locked closet.

(B) All guns also must have trigger locks installed.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.080. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.080, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.090 Record Keeping

PURPOSE: This rule sets forth the records, documents and reports, which an agency shall maintain and, upon request, submit to the residential licensing unit.

(1) The agency shall maintain a register of all children currently receiving care, including information concerning the child's name, sex, birthdate and person or agency legally responsible for each child.

(2) Individual case records for all children accepted for care shall be maintained for at least five (5) years after a child is discharged from care and shall include:

(A) The child's full name, birthdate and birthplace; parent's full name(s), including the mother's maiden name; date and place of parent's marriage; if parents are divorced or separated, date and place; if parents are deceased, date, place and cause of death; names, addresses and birthdates of other children in the family; names and addresses of grandparent(s); source of referral for care; date and reason for placement; and financial records, when available;

(B) Reports of any preplacement visits and conferences;



(C) The admission assessment, including information concerning the religious, educational, economic and cultural background of the family; information about the child’s development, health history, personality, school placement and adjustment; previous placements; attitudes toward separations; family relationships;

(D) Documents pertinent to current legal custody and guardianship status;

(E) Written agreements with parent(s), guardian or legal custodian;

(F) School reports for each semester, including the child’s grades, progress and adjustment;

(G) The service plan and subsequent service plan reviews;

(H) Chronological case recording and progress summary completed at least monthly which identifies the child’s progress and services provided to the family;

(I) Plans for discharge, aftercare and supervision;

(J) Reports from recreational and other adjunctive staff involved with the child and family; and

(K) Copies of critical incident reports, which shall include, but not be limited to, physical restraint, isolation and injury.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.090. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.090, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.100 Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler or Preschool Age Children (Birth Through Age Six)

PURPOSE: This rule sets forth the requirements for personnel, indoor and outdoor space and equipment.

Editor’s Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the

Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Personnel. Agencies, who by mission, serve a medically fragile or drug- and alcohol- affected population, or both, shall employ and schedule a licensed nurse for not less than twenty (20) hours per week. At least one (1) staff shall be present at all times who is trained in infant/child cardiopulmonary resuscitation (CPR).

(2) Physical Requirements.

(A) General Requirements.

1. Stairways shall be well-lighted and free of obstructions. Stairways having more than three (3) steps shall have a handrail the children can reach.

2. Porches, decks, stairwells or other areas having a significant drop-off from which children might fall and be injured shall have an approved railing or approved barrier. The railing or barrier shall be constructed to prevent the child from crawling or falling through or becoming entrapped.

3. Approved safety gates at stairways and doors shall be provided and used as needed.

4. Protective outlet covers or twist-lock outlets shall be used in areas accessible to the children.

5. Heaters, floor furnaces, radiators, hot water heaters or other equipment which pose a threat to children shall be separated from areas used by children by partitions, screens or other approved barriers.

6. Smoking shall be prohibited in child care, food preparation and food service areas.

(B) Indoor Space.

1. General requirements.

A. Open windows and doors shall be securely screened. Barriers to prevent children from falling against windows or falling from windows shall be provided when windows are less than twenty-four inches (24”) from the floor and not constructed of safety glass or other nonbreakable material.

B. Walls, ceilings and floors shall be finished with material which can be cleaned easily and shall be free of splinters, cracks and chipping paint. Floor covering shall be in good condition. Lead-free paint shall be used for all painted surfaces.

C. Concrete floors in areas utilized for child care shall be covered with carpet, tile, linoleum or other floor covering.

D. Floor surfaces under indoor equipment from which children might fall and be injured, shall be protected with pads or mats which will effectively cushion the fall of a

child. Carpeting alone is not an acceptable resilient surface under indoor equipment.

E. Toilet and handwashing facilities shall be in working order and convenient for the children’s use.

F. Paper towels, soap and toilet paper shall be provided and easily accessible so the children can reach them without assistance.

G. Locks or latches shall not be used on bathroom or bathroom stall doors.

H. One (1) potty chair, junior commode or toilet with an adaptor seat shall be provided for every four (4) children being toilet trained. Potty chairs shall be located in the bathroom and shall be emptied, cleaned and disinfected after each use.

(C) Diapering Area.

1. A safe diapering table with a waterproof washable surface shall be used for changing diapers. The diapering table shall be located within or adjacent to the group space so staff using the diapering table can maintain supervision of his/her group of children at all times.

2. Facilities shall have one (1) diapering table for every group of eight (8) infant/toddlers.

3. Diapering supplies, and a properly equipped hand washing sink with warm running water, soap and a towel shall be adjacent to the diapering area.

(D) Outdoor Space.

1. General requirements.

A. An outdoor play area shall be available on, or adjoining, the agency’s property. The area shall be located so it is convenient and the children can gain access to it without hazard. It shall be fenced when necessary for the protection of children from traffic, water or other hazards.

B. The play area shall be safe for children’s activities, well-maintained, free of hazards such as poisonous plants, broken glass, rocks or other debris and shall have good drainage.

C. The fall-zone area under and around outdoor equipment where children might fall and be injured shall be covered with impact-absorbing materials which will effectively cushion the fall of a child. This material may include sand, pea gravel, tan-bark, shredded tires, wood chips, rubber matting or other approved resilient material.

(E) Swimming and Wading Pools.

1. Swimming and wading pools used by children shall be constructed, maintained and used in a manner which safeguards the lives and health of children.

2. Swimming and wading pools shall be fenced to prevent access by children. The fence shall be at least forty-eight inches (48”) high with a self-closing, self-latching door



that must be unlatched from the inside and should be constructed so that a four-inch (4") sphere could not be passed through the fence.

3. Children using swimming or wading pools shall be instructed in water safety and supervised by an adult at all times.

4. An adult with a current lifeguard training certificate, including infant/child cardiopulmonary resuscitation (CPR) training, shall be on duty at all times when a swimming pool containing a water depth of forty-eight inches (48") or more is being used.

5. An adult who has completed a course in basic water safety, which includes infant/child CPR, shall be on duty when a swimming pool containing less than forty-eight inches (48") of water is being used.

(F) Sleeping Equipment.

1. An individually assigned crib, portable crib or playpen shall be provided for each infant and toddler. Stack cribs shall not be used.

2. Cribs and playpens shall have side rail spokes which conform to current United States Consumer Product Safety Commission standards.

3. The crib mattress or playpen pad shall be correctly sized to the crib or playpen, in good condition, waterproof and kept clean and dry. Sheets and covers shall be changed immediately when soiled or wet.

(G) Tables and Seating Equipment.

1. Individual chairs and table space for the licensed capacity of the facility shall be available for children twelve (12) months of age and older. Chairs shall be proportioned so children sit comfortably and securely.

2. Infants and toddlers who are unable to sit at a table shall have one (1) piece of mealtime feeding equipment for every four (4) infant/toddlers which may include feeding tables, high chairs, infant seats or other safely designed infant seating equipment. Equipment shall be provided which will allow the child to sit comfortably and securely while being fed. Appropriate restraints shall be used.

(H) Indoor Play Equipment and Materials.

1. General requirements.

A. Play equipment and materials shall be clean, in good condition with all parts intact and accessible to children.

B. Play equipment and materials shall be replaced as needed to maintain the number of items required for the licensed capacity of the facility.

2. Preschool and school-age children.

A. Children twenty-four (24) months of age and older shall have an ample variety of age-appropriate toys, books, creative materials and activities which provide fun, stimu-

lation, development and opportunities for individual choices.

B. The following shall be required:

(I) Blocks, construction and transportation toys;

(II) Manipulatives;

(III) Creative arts;

(IV) Large muscle activities;

(V) Library and language activities;

(VI) Music and rhythm activities;

(VII) Dramatic and housekeeping play; and

(VIII) Science activities or sensory experiences.

C. Infants and toddlers.

(I) Infants and toddlers shall have safe toys which shall be washed or sanitized at least weekly or when soiled. Toys, parts of toys or other materials shall not be small enough to be swallowed. Toys and materials shall include each of the following:

(a) Push-pull toys;

(b) Balls or other large muscle equipment;

(c) Blocks, stacking toys or other manipulatives; and

(d) Cloth or plastic-coated books.

3. Outdoor equipment.

A. All outdoor equipment shall be safely constructed, in good condition and free of sharp, loose or pointed parts. Only lead-free paint shall be used.

B. Outdoor equipment shall be provided for the ages and number of children in care to meet their physical and developmental needs.

C. Children shall be instructed in the safe use of outdoor equipment.

D. Stationary equipment such as swings, slides and climbers shall be securely anchored, have no exposed footings and be placed to avoid accidents or collisions.

E. Any hanging apparatus that might entrap, close or tighten upon a child shall not be used.

F. Trampolines shall not be used. Mini-trampolines, aerobic bouncers or other similar small jumping equipment may be used with close supervision.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.100. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.100, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.110 Child Care Program

PURPOSE: This rule sets forth requirements for discipline, infant and toddler care, training and daily program.

(1) General Requirements.

(A) Staff shall provide frequent, direct contact so children are not left unobserved on the premises.

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

(C) Supervision shall be maintained while children are napping or sleeping and staff shall be able to see and hear the children if they have difficulty during napping or when they awaken.

(2) Discipline.

(A) The agency shall establish simple, understandable rules for children's behavior and shall explain them to the children.

(B) Expectations for a child's behavior shall be appropriate for the developmental level of the child.

(C) Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume responsibility for their own actions.

(D) Praise and encouragement of good behavior shall be used instead of focusing only upon unacceptable behavior.

(E) Firm, positive statements or redirection of behavior shall be used with infants and toddlers.

(3) Care of Infants and Toddlers.

(A) Infants and toddlers shall have constant care and supervision.

(B) Children shall be cared for by the same staff person on a regular basis.

(C) Staff shall be alert to various needs of the child such as thirst, hunger, diaper change, fear of or aggression by other children and the need for attention.

(4) Diapering and Toilet Training.

(A) Disposable tissues or wipes shall be used to cleanse the child at each time of diapering.

(B) The diapering table shall be cleaned thoroughly with a disinfectant or sanitizer after each use.

(C) The child shall not be left unattended at any time while on the diapering table.

(D) Diapers and wet clothing shall be changed promptly.



(E) Wet or soiled diapers shall be placed in an airtight disposal container located in the diaper change area. Diaper containers shall be plastic lined, contain only soiled diapers (no soiled clothes or linens) and kept clean and free of build-up of soil and odor.

(F) Staff changing diapers shall wash their hands with soap and running water each time after changing a child's diaper before performing any other tasks.

(G) The diapering and handwashing area shall be separate from any food service area and any food-related materials.

(H) Children shall not be punished, berated or shamed in any way for soiling their clothes.

(5) Daily Activities for Children.

(A) A daily schedule shall be established in written form which shall include activities for all ages of children in care.

(B) Daily activities for preschool and school-age children shall include:

1. Developmentally appropriate play experiences and activities planned to meet the interests, needs and desires of the children;

2. Individual attention and conversation with adults;

3. Indoor and outdoor play periods which provide a balance of quiet and active play, and individual and small group activities. Activities shall provide some free choice experiences;

4. Toileting and handwashing times;

5. Regular snack and meal times;

6. A supervised nap or rest period for preschool children after the noon meal;

7. A quiet time for school-age children after the noon meal with a cot or bed available for those who wish to nap or rest; and

8. A study time for school-age children who choose to do homework, with a separate, quiet work space.

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

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

2. Regular snack and meal times according to each infant's individual feeding schedule;

3. A supervised nap period. After awakening, an infant may remain in the crib for brief periods as long as s/he is content. Toddlers shall be taken out of bed for other activities when they awaken;

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

5. A plan for sensory stimulation which includes visual stimulation through pictures,

books, toys, nonverbal communication, games, and the like; auditory stimulation through verbal communication, music, toys, games and the like; tactile stimulation through surfaces, fabrics, toys, games and the like;

6. Encouragement in the development of motor skills by providing opportunities for reaching, grasping, pulling up, creeping, crawling and walking; and

7. Opportunity for outdoor play when weather permits.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.110. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.110, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

13 CSR 35-71.120 Specific Rules for Residential Care Agencies Providing Maternity Care

PURPOSE: This rule sets forth the requirements for agencies providing maternity care, including health care plan, program and relinquishment of the infant.

(1) In addition to the rules for basic care agencies, an agency desiring to provide maternity care shall meet these additional general requirements—

(A) A maternity residence upon request, shall provide a written description of its program to the residents, parent(s), guardian or legal custodian and to the division;

(B) Written financial policies and expectations shall be made available upon request to the division and to the parent(s), guardian or legal custodian upon admission into the maternity residence.

(C) A training plan shall be developed to ensure that staff working with pregnant and parenting adolescents develop skills and knowledge regarding infant and adolescent care;

(D) Maternity residences shall be separate from other treatment programs; and

(E) At least two (2) direct-care staff shall be available at all times.

(2) Health Care.

(A) There shall be a written plan for all deliveries to take place in a licensed hospital.

(B) Physician's Services.

1. Each resident shall receive the services of a licensed physician on a regular and continuing basis throughout pregnancy, delivery and post-delivery checkups.

2. The maternity residence shall provide for consultation from a licensed obstetrician who shall be available in an emergency.

(C) Ambulance Service. Ambulance service shall be available for emergencies.

(D) Medical Records. The resident's medical record shall include a medical consent form, the name of the health care provider, a schedule of appointments, the expected date of delivery and any special needs or problems.

(E) Medication. No prescription or non-prescription medication shall be administered without the specific documented approval of the physician providing obstetric care.

(3) Program.

(A) The maternity residence shall provide a program to residents addressing prenatal care, labor, delivery, nutrition, general health and hygiene, postnatal care, family planning, venereal disease and child-care techniques.

(B) Upon dismissal from the maternity residence, each resident shall be given written information regarding postnatal care.

(C) Professional staff shall be responsible for development of a long-term plan for the mother and infant. This plan shall be developed with the involvement of the mother and the legal guardian.

(4) Relinquishment of the Infant.

(A) The decision to keep or relinquish the infant shall be the right of the birth parent(s). This decision shall be made without undue pressure or influence.

(B) At the request of the resident, the professional staff shall arrange for referral to a licensed child-placing agency.

*AUTHORITY: sections 210.481, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.120. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.120, effective Oct. 30, 2008.*

**Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*



13 CSR 35-71.130 Specialized Standards—Residential Treatment

PURPOSE: This rule sets forth the requirements for specialized residential treatment, including program director, assessment staff, professional staff, staff/child ratios, training, treatment plan review and locked isolation.

(1) In addition to rules for basic residential care, an agency seeking to become licensed to provide residential treatment, shall meet these additional requirements:

(A) Program Director. The person responsible for the overall treatment program must be full-time staff with at least the following minimum qualifications:

1. A master's degree in social work or human service field from an accredited college or university or licensed as a certified social worker; and

2. Two (2) years' experience providing treatment services. One (1) year of this experience must have been in a residential setting;

(B) Assessment Staff. Staff responsible for developing initial assessment and treatment plan for each child must have at least the following minimum qualifications:

1. A master's degree in social work or human service field from an accredited college or university or licensed as a certified social worker; and

2. One (1) year of experience in a residential treatment setting;

(C) Professional Staff.

1. The agency must have sufficient, appropriately qualified professional staff available on a full-time, part-time or continuing consultative basis, or any combination of these to address the needs of children in care.

2. The professional staffing plan must be in writing and implemented by the facility.

3. The professional staff plan must document that the number, qualifications and responsibilities of professional staff are appropriate to the facility's size and the scope of its program;

(D) Staff/Child Ratios.

1. At least one (1) direct care staff for every eight (8) children, eight (8) years of age and over, shall be on duty during waking hours.

2. Staff shall be awake during children's sleeping hours, staff/child ratios shall be one (1) staff for every sixteen (16) children;

(E) Training. All staff working with children must receive at least forty (40) hours annually of in-service training. At least ten (10) hours of the training must be related specifically to treatment issues with emotionally disturbed children;

(F) Treatment Plan Review.

1. Each child's treatment plan shall be reviewed and updated at least every three (3) months.

2. If a child shows no progress toward achieving the goals and objectives in the treatment plan since the plan was developed or last reviewed, the reasons for continuing the child in the facility's program must be included in the child's record.

3. Appropriate information about the updated treatment plan shall be given to the child and the child's parent(s), guardian or legal custodian and documented in the child's record.

4. Individual, group or family counseling sessions shall be provided to each child at least one (1) time a week with other sessions available as needed; and

(G) Locked Isolation.

1. Written policies for the use of locked isolation shall be made available to the child's parent(s), or guardian or legal custodian, or both, and when appropriate, to the child.

2. Agencies utilizing locked isolation shall submit a plan for the emergency evacuation of isolated residents to the licensing unit.

3. Locked isolation shall be used only as a management method after all other measures have been exhausted, and never to replace other more positive measures of control.

4. Locked isolation shall be used only when a child presents a danger to him/herself or others or poses a threat of serious property damage.

5. Locked isolation shall be used in the shortest intervals possible until the child regains reasonable self-control.

6. The maximum time a child may remain in locked isolation is two (2) hours, unless extensions are approved at the end of every two (2)-hour period by the administrator or a qualified designee. A child shall not remain in locked isolation more than a twelve (12)-hour period. If the child has not regained control after twelve (12) hours, a medical order shall be obtained.

7. When a child is placed in locked isolation, staff shall physically monitor the child in at least fifteen (15)-minute intervals unless closed circuit television contact is maintained. Staff shall remain in close proximity to the child in locked isolation with no more than one (1) locked door between the staff and the child. Close proximity means that staff are close enough to the child(ren) to be able to hear any sounds the child(ren) might make that would indicate a need for assistance.

8. Not more than one (1) child shall be in a locked isolation room. A locked isolation

room shall not be utilized for any other purpose.

9. The agency shall maintain a record when locked isolation is used, which shall include:

A. The name of the child, the date and the time the child was placed in locked isolation;

B. The circumstances that led to the placement of the child in locked isolation;

C. The name of the staff person who requested placement of the child in locked isolation, the staff person who approved locked isolation and the name of the staff person who monitored the child while in locked isolation; and

D. The amount of time the child remained in locked isolation, the frequency of monitoring and the time of and reasons for release.

10. For agencies permitting the use of locked isolation, the administrator shall review its usage at least monthly. The agency shall train all new staff in the use of locked isolation.

11. If the agency does not meet all requirements for the use of locked isolation, the division shall give written notice of the specific deficiencies and the agency shall not use locked isolation until corrections are made and approved by the division.

12. Locked isolation rooms shall be constructed and equipped so that control is maximized, but the risk of suicide or injury to children is minimized. The following shall apply:

A. An isolation room shall be constructed to allow for both visual and auditory supervision of a child;

B. An isolation room shall have one (1) approved locking-against-egress device which shall be used only when staff are immediately present, awake and in possession of a key. There shall be a backup system which does not rely on a key;

C. Potentially dangerous articles shall be removed from the child prior to placing the child in locked isolation, for example, belts, shoes, matches or contents of pockets;

D. An isolation room shall have at least a seven and one-half foot (7 1/2') ceiling and be of sufficient length and width for the comfort of the child;

E. All doors, ceilings and walls shall be constructed of such strength and noncombustible material that harm to the child is minimized;

F. All switches controlling lights, ventilation, and the like, shall be on the outside of the room;



G. In order to prevent harm to the child, windows shall be secured and made of tempered material to prevent shattering;

H. No functional electrical outlets shall be allowed in the room;

I. Tamper-resistant, recessed ceiling lights shall be utilized, and steam or hot water radiators shall be enclosed in a tamper-resistant, protective casing;

J. The room shall be properly heated, cooled and ventilated;

K. Normal toileting and bathing facilities shall be available during isolation; and

L. The agency shall have a schedule for monthly routine maintenance of the locks.

AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.130. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.130, effective Oct. 30, 2008.

*Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.

13 CSR 35-71.140 Specialized Standards For Intensive Residential Treatment

PURPOSE: This rule sets forth the standards for intensive residential treatment, including personnel requirements, staff/child ratios, training, treatment plan review, recreation and safety procedures.

(1) In addition to the licensing rules for basic residential care, an agency seeking to provide intensive residential treatment shall meet these additional requirements-

(A) Personnel.

1. Program director. The person responsible for the overall treatment program shall be full-time staff with at least the following minimum qualifications:

A. A master’s degree in social work or human service field from an accredited college or university or licensed as a clinical social worker; and

B. Two (2) years’ experience providing treatment services. One (1) year of this experience must have been in a residential setting.

2. Assessment staff. Staff responsible for developing an initial assessment and treatment plan for each child shall have at least the following minimum qualifications:

A. A master’s degree in social work

or human service field from an accredited college or university or licensed as a clinical social worker; and

B. One (1) year of experience in a residential treatment setting.

3. Professional staff.

A. Agencies must have sufficient appropriately qualified professional staff available on a full-time, part-time or continuing consultative basis, or any combination of these, to address the needs of children in care.

B. The professional staffing plan must be in writing and implemented by the facility.

C. The professional staff plan must document that the number, qualifications and responsibilities of professional staff are appropriate to the facility’s size and the scope of its program;

(B) Nursing Personnel. The agency shall employ and schedule a licensed nurse for not less than twenty (20) hours per week;

(C) Staff/Child Ratios. Staff/child ratios shall be maintained at not less than a one to six (1:6) ratio at all times. Staff shall remain awake on duty during children’s sleeping hours;

(D) Training. All staff working with children must receive at least forty (40) hours annually of in-service training at least ten (10) hours of the training must be specifically related to intensive residential treatment issues;

(E) Treatment Plan Review.

1. Each child shall have an initial written treatment plan within ten (10) days of admission.

2. Each child’s treatment plan must be reviewed and updated at least every month.

3. If a child shows no progress toward achieving the goals and objectives in the treatment plan since the plan was developed or last reviewed, the reason(s) for continuing secure care shall be included in the child’s record.

4. Appropriate information about the updated treatment plan must be given to the child and the child’s parent(s), guardian or legal custodian. This must be documented in the child’s record.

5. Individual, group or family counseling sessions shall be provided to each child at least two (2) times a week with other sessions available as needed.

6. If the assessment of a child indicates a need for treatment by a psychiatrist or if the child is currently under psychiatric care, the agency shall provide or arrange for appropriate consultation and treatment;

(F) Recreation. A recreation plan shall be developed by an individual with a degree in recreational therapy or a related field with at least one (1) year’s experience in working

with children in a residential treatment setting; and

(G) Safety—Emergency Evacuation Procedure. Locking hardware is permitted on children’s sleeping room doors if they are equipped with approved electronic locking-release mechanism or if staff are immediately present, awake and in possession of a key for the locking device, or both.

AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). * This rule originally filed as 13 CSR 40-71.140. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Moved to 13 CSR 35-71.140, effective Oct. 30, 2008.

*Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.



RL-8
(Rev. 4/79)

Application For License/Approval To Operate:

- Child Caring Agency
- Group Home For Children
- Child Placing Agency

We hereby make application to the Divison of Family Services, Department of Social Service, for a License/Approval to operate a Child Caring Agency, Group Home and/or a Child Placing Agency. We agree to abide by the rules prescribed by the Division of Family Services.

1. Name of Agency _____
(To Appear on License) (Phone Number)

2. Address _____
(Street and Number) (City) (County) (Zip Code)

2. Address _____
(Street and Number) (City) (County) (Zip Code)

3. Satellite Operations:

(Name)

(Name)

(Street & Number)

(Street & Number)

(City, County, Zip Code)

(City, County, Zip Code)

(Name)

(Name)

(Street & Number)

(Street & Number)

(City, County, Zip Code)

(City, County, Zip Code)

4. Community need defined by survey with:

- A. United Way ()
- B. Juvenile Court ()
- C. Division of Family Services ()
- C. Other _____

5. Conducted under the auspices of _____
(Name of Sponsoring Organization)

6. Approved by or affiliated with: (Indicate)

- A. National Associations _____
- B. State Associations _____
- C. Local Associations _____

7. Date Organized _____ 8. Date Incorporated _____

9. Religious, racial or other limitations of admissson: (Explain) _____



Residential Program:

(A) Maximum number of children to receive care: _____ Sex: Male () Female ()

(B) Ages of children to receive care: From _____ years to _____ years

(1) Satellite Operations:

(a) Name of Facility _____

1. Maximum number of children to receive care: _____ Sex: Male () Female ()

2. Ages of children to receive care: From _____ years to _____ years

(b) Name of Facility _____

1. Maximum number of children to receive care: _____ Sex: Male () Female ()

2. Ages of children to receive care: From _____ years to _____ years

(c) Name of Facility _____

1. Maximum number of children to receive care: _____ Sex: Male () Female ()

2. Ages of children to receive care: From _____ years to _____ years

(d) Name of Facility _____

1. Maximum number of children to receive care: _____ Sex: Male () Female ()

2. Ages of children to receive care: From _____ years to _____ years

Placement Program: (Check the service which applies to your agency.) Adoptive Homes () Foster Homes ()

(Date) (Signature of Director or Board Chairman) (Title)

The Following Material Must Be Submitted With Your Application:

- (A) Completed Personnel Report, RL-10 A & B (attached)
- (B) Copy of Financial Statement, RL-9, for current fiscal year or most recent available. (attached)
- (C) List of board members
 - 1. Names and addresses of board officers
 - 2. Other board members
- (D) Where applicable, signed Civil Rights Agreement Form (attached)
- (E) Where applicable, completed Administrator Candidate Information Form, RL-1 (attached)
- (F) Where applicable, letter or documentation that building(s) comply with applicable local building codes.

Return To: Licensing Consultants
Residential Licensing Unit
Division of Family Services
Broadway State Office Building
P.O. Box 88
Jeferson City, MO 65103

MO 886-2719



State of Missouri
 Department of Social Services
 Division of Family Services

Administrator Information

RL-1

(Name of Administrator)	(Address)	(Birthdate)	(Home Phone)
(Facility Name)	(Address)	(Phone Number)	

Experience with Children and/or Administrative or Management Experience (Please check and complete all that apply to the administration).

1. Child Care of Children's Services: Number of years _____ Age of Children _____
 Position _____ Type of Facility _____

2. Other experience with children: Number of Years _____ Age of Children _____
 Describe: _____

(Use another sheet of paper if necessary.)

3. Administrative or Management Experience: Number of Years: _____
 Describe: _____

(Use another sheet of paper if necessary.)

Employment Record: List all positions administrator held within the last 5 years, beginning with present of last employment

Date Employed		Position	Employer	Employer's Address	Reason For Leaving
From	To				

(Use another sheet of paper if necessary)

Education:

	Name of School	Dates		Dates and Degree	Major
		From	To		
College					
Graduate Study					

Character: Has administrator ever been convicted of a felony involving intentional bodily harm? Yes () No ()
 If yes, please explain: _____

Has administrator ever been convicted of violating laws enacted to protect children? Yes () No ()
 If yes, please explain: _____

References: Give the name and address of three persons whom you contacted regarding your determination of administrator's good character:

Name	Address	Zip Code	Telephone

I declare the above is true and correct to the best of my knowledge.

 (Signature of Chairman of Board of Directors)

 (Date)



RL-11

Missouri Division of Family Services
Request for Fire and Safety Inspection

Date Requested _____

State Fire Marshall:

Local Fire Department

Division of Fire Safety
Truman Building 8th Floor
Jefferson City, MO 65101

A Fire and Safety Inspection is Requested for the Following Facility:

Name of Residential Facility: _____

Address: _____

Name of Person to Contract: _____

Address: _____ Phone Number: _____

Directions: _____

Child Caring Agency _____ Initial _____ Number of Children Applicant _____

Group Home for Children _____ Renewal _____ Wants to be Licensed for: _____

Date Renewal Due: _____ Vendor Number: _____ Age Range: _____

To be Completed by Fire and Safety Inspector:

The above named facility has been inspected and does () or does not () conform with fire and safety ordinances.

Restrictions: _____

If the facility does not conform with fire and ordinances, indicate reasons in the space provided below.

Date _____

(Name of Inspector)

(Title)

Return to: Division of Family Services
Attention: Licensing Unit
P.O. Box 88
Jefferson City, MO 65103

cc: _____
(Residential Facility)

(Fire Inspector)



Department of Social Services
Missouri Division of Family Services
Request for Sanitation Inspection

Date Requested _____

To: _____

From: _____

Phone Number _____

Sanitary Inspection is Requested for the Following Facility:

Name of Residential Facility: _____ Phone Number: _____

Address: _____

Name of Person to Contact: _____

Address: _____

Directions: _____

Child Caring Agency: _____

Date Inspection Due: _____

Group Home for Children _____

Number of Children _____

Foster Family Group Home _____

Age Range _____

To be Completed by the Sanitation Inspector:

The above named facility has been duly inspected and does () or does not () conform with sanitation requirements.

Restrictions: _____

If the facility does not conform with fire and safety ordinances, indicate reasons in the space provided below:

Date: _____

(Name of Inspector)

(Title)

Return to: Licensing Consultant
Residential Licensing Unit
Division of Family Services
Broadway State Office Building
P.O. Box 88
Jefferson City, MO 65103

cc: _____
(Residential Facility)



Personnel Report
Child Caring Agencies—Group Homes—Child Placing Agencies

RL-10A
(Rev. 7-78)

Name of Agency: Address:

Professional and Administrative Staff

Table with 10 columns: Name, Age, Title, Experience (Years in Field, Years Completed), Education (Degree), Annual Salary*, Physical Examination** (Date, Good Health, TB Test: Date and Result).

*Include part-time staff also, indicating the number of hours anticipate employing each part-time staff during the budget year and their hourly rate of salary

**Refers to only Child Caring Agencies and Group Home Programs



House Parent and Other Staff

RL-10B

Name of Agency: _____ Address: _____

Professional and Administrative Staff

Name	Age	Title	Salary*	Experience	Education		Physical Examination**		
				Years in Field	Years Completed	Degree	Date	Good Health	TB Test: Date and Result

*Include part-time staff also, indicating the number of hours anticipate employing each part-time staff during the budget year and their hourly rate of salary

**Refers to only Child Caring Agencies and Group Home Programs

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