

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

**PROPOSED AMENDMENT**

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

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

(1) General Requirements.

(A) The provider routinely shall be present during the hours of highest attendance a minimum of forty (40) hours per week.

(B) The provider shall name an assistant caregiver who shall be available to substitute during his/her absence or to meet staff/child ratios.

(C) Caregivers shall be eighteen (18) years of age or older, have knowledge of the needs of children, and be sensitive to the capabilities, interests, and problems of children in care.

(D) Caregivers shall be of good character and intent and shall be qualified to provide care conducive to the welfare of children.

(E) Caregivers shall be capable of handling emergencies promptly and intelligently.

(F) All caregivers shall cooperate with the department.

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

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

(I) *[All child care providers and assistants shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Division of Family Service at the toll free number, 1-800-392-3738.]* **The child care provider shall ensure that within seven (7) days of**

**employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver. The facility orientation shall include:**

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

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

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

*[(L) The child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol as defined by 19 CSR 30-61.045 Initial Licensing Information and 19 CSR 30-61.055 License Renewal. This shall include the results of a criminal record review from the Missouri State*

*Highway Patrol for the child care provider, all persons employed by the child care provider, and all adult household members. The child care provider shall request a criminal record review within ten (10) days following the employment of any person and within ten (10) days after any adult becomes a household member. The department may request a criminal record review for any adult present in the family day care home when child care children are present. The criminal record reviews shall include records of criminal convictions, pending criminal charges, and suspended imposition of sentence during the term of probation. Requests for criminal record reviews shall be made on a form provided by the highway patrol.*

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

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

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

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

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

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

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

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

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

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

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

## (2) Licensing Capacities.

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

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

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

(3) Assistants.

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

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

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

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

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

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

(4) Child Care Training.

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

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

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

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

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

- 1. Caregivers shall obtain a Missouri Professional Development Identification (MOPD ID) number at [www.OPENInitiative.org](http://www.OPENInitiative.org).**
- 2. All clock hour training records shall be recorded in the Missouri Professional Development Registry (MOPD Registry) at [www.OPENInitiative.org](http://www.OPENInitiative.org). A summary of training from the MOPD System will serve as documentation of training hours completed.**
- 3. Child-related college courses from an accredited college or university as identified by the U.S. Department of Education's Office of Post-Secondary Education (<http://ope.ed.gov/accreditation/>) may be counted as clock hour training. Child-related college courses shall meet the following guidelines:**
  - a. College coursework accepted for clock hours must be child-related.**
  - b. One (1) college credit is equal to fifteen (15) clock hours.**
  - c. College credit is only applicable to the calendar year in which the course is successfully completed.**
  - d. College coursework does not include clock hour training or CEUs taken from a college. Clock hour training provided through colleges, such as a continuing education program or an extension office, must follow the procedures for clock hour training approval.**
  - e. College coursework shall be documented by a transcript from an accredited college.**

**(F) Completing a Child Development Associate (CDA) or Youth Development**

**Credential (YDC) shall count for twelve (12) clock hours for the year the credential was awarded.**

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

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

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

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

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

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

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

**(5) Safe Sleep Training. Every three (3) years the provider and assistant(s) in a family child care home licensed to provide care for infants less than one (1) year of age shall successfully complete department-approved training regarding the American Academy of Pediatrics (AAP) safe sleep recommendations contained in the *[American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: expansion of recommendations for a safe infant sleeping environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 128, No. 5, November 1, 2011, and available from the University of Vermont College of Medicine, Given Building S261, 89 Beaumont Avenue, Burlington, Vermont 05405-0068, telephone number 802-656-2505, fax number 802-656-4844, or at [www.pediatrics.aapublications.org/content/128/5/1030.full](http://www.pediatrics.aapublications.org/content/128/5/1030.full)] American Academy of Pediatrics Task Force on Sudden Infant Death Syndrome. Technical report – SIDS and other sleep-related infant deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment, by Moon RY, which is incorporated by reference in this rule as published in PEDIATRICS Volume 138, No. 5, November 1, 2016 and available at***

<http://pediatrics.aappublications.org/content/pediatrics/early/2016/10/20/peds.2016-2938.full.pdf>. This rule does not incorporate any subsequent amendments or additions.

(A) The training shall be documented and maintained as described in [subsection (4)(B)] **subsection (4)(E)2** of this rule.

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

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

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

*AUTHORITY: sections 210.221, [and] 210.223, and 210.1080 RSMo [Supp. 2015] 2018 . \* This rule previously filed as 13 CSR 40-61.090, 13 CSR 40-61.105, and 19 CSR 40-61.105. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.105, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.105 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Amended: Filed Jan. 28, 2011, effective July 30, 2011. Emergency amendment filed Nov. 10, 2015, effective Nov. 20, 2015, expired May 17, 2016. Amended: Filed Nov. 10, 2015, effective April 30, 2016. Emergency amendment filed February 15, 2019, effective February 25, 2019, expires August 23, 2019. Amended: Filed February 15, 2019.*

*\*Original authority: 210.221, RSMo 1949, amended 1955, 1987, 1993, 1995, 1999, 2015 and 210.223, RSMo 2015.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500.00) in the aggregate.*

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