

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

EMERGENCY AMENDMENT

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

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

*EMERGENCY STATEMENT: The Missouri legislature passed HB 1414, 100th General Assembly, Second Regular Session (2020). One of the statutory changes included in this legislation was removal of the limitation in section 210.211.1, RSMo. that the Department of Health and Senior Services may only issue a child care license for a term not exceeding two years. With this limitation removed, the department can transition to non-expiring child care licenses and an annual compliance monitoring process that will replace the current licensing renewal process. This new process will be similar to the license renewal process, with providers submitting documentation to show they meet the basic health and safety requirements for a child care provider and affirming their desire to continue on as a licensed provider in compliance with child care licensing rules and statutes. The annual compliance process will require a provider to submit less documentation than the renewal process did; however, this documentation must now be submitted annually rather than every two years. As of August 28, 2020, the department will no longer accept applications to renew child care licenses as it will be transitioning all current licenses to a non-expiring status. However, to ensure that basic requirements for licensees are still met and that providers who wish to continue operating child care facilities agree to do so in compliance with licensing rules and statutes, it is imperative that the department have an annual compliance process in place immediately. This will ensure that providers who would have received a renewal inspection during the September 2020 to March 2021 time period will still be monitored and that those providers whose license would have expired during that time are able to be smoothly transitioned to a non-expiring licenses without a decrease in monitoring of safety standards. As a result, this emergency rule is necessary to protect the safety and health of children in child care settings as the department transitions to non-expiring licenses as now allowed under 210.211.1, RSMo. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under*

the circumstances. This emergency rule was filed Aug. 31, 2020, becomes effective Sept. 15, 2020, and expires March 13, 2021.

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

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

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

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

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

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

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

(G) A current list of available equipment;

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

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

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

(K) A listing of household members.]

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

(A) An *Annual Declaration for Licensed Facility* form, promulgated as of 2020 and incorporated by reference in this rule. As published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at <https://health.mo.gov/safety/childcare/forms.php> indicating the licensee's intent to continue operating a licensed family child care home and agreement to comply with all statutes and department licensing rules;

(B) A current list of available equipment;

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

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

[(2) The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within sixty (60) days prior to the expiration of the license.]

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

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

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

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

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

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

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

*AUTHORITY: section 210.221.1(3), RSMo [2016]Supp. 2020[, and section 210.1080, RSMo Supp. 2018]. * This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055, and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Amended: Filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

**Original authority: 210.221.1(3), RSMo 1949, amended 1955, 1987, 1993, 1995, 1999, 2015, 2019, 2020.*

PUBLIC COST: This emergency amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This emergency amendment will cost private entities four thousand, one hundred, fifty one dollars and four cents (\$4,151.04) in the aggregate.