

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

PROPOSED AMENDMENT

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

PURPOSE: This amendment requires evidence of compliance with sanitation requirements, corrects references of rescinded 19 CSR 40 to current 19 CSR 30, and requires legal entities to submit documentation required by the Missouri Secretary of State and state law to the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

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

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

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

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

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

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

(F) Identifying information on file at the home regarding each child in care who is related to the provider and not living in the home as required by *[19 CSR 40-61.135]***19 CSR 30-61.125 Admission Policies and Procedures;**

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

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

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

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

(K) A listing of household members.

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

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

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

(B) Information received by the provider shall be retained in the individual's file in a confidential manner. (4) Upon determination of the applicant's continued compliance with state statutes and licensing rules for family day care homes, an official license shall be granted for up to two (2) years.]

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

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

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less 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 amended rule with Sue Porting, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Sue.Porting@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*