

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

PROPOSED AMENDMENT

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

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

(1) General Requirements.

(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]child care home.

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

(I) All child care providers and assistants shall acquaint themselves with the child abuse and neglect law and shall make a report of any suspected child abuse or neglect to the Children’s Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

[(I)](J) The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The child care provider shall ensure that documentation verifying completion of the facility orientation is maintained and on file for review by the department for each caregiver. The facility orientation shall include:

1. A tour of the facility, indoors and outdoors; and

2. A review of the following:

A. Licensing rules;

B. The facility’s license and its limitations, if any;

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

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

[(K)](L) The department shall evaluate any information received that indicates that the subject of the criminal record review poses a threat to the safety or welfare of children. In addition to those individuals automatically disqualified from presence at a child care facility by 19 CSR 30-63.*[020 General Provisions]***040 Background Screening Findings**, the department may also prohibit the presence of any person on the premises of the family *[day]* child care home during child care hours that has a criminal history that the department determines to be evidence that said person poses a threat to the safety and welfare of children.

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

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

[(N)](O) Child care staff members with disqualifying background screening^[s] results as defined in 19 CSR 30-63.*[020 General Requirements]***040 Background Screening Findings**, shall be prohibited from being present on the premises of the facility during child care hours.

[(O)] *A prospective child care staff member may begin work for a child care provider after the criminal background check has been requested from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.]*

(P) The child care provider shall conduct a Family Care Safety Registry screening prior to employment for any newly hired child care staff member who has a qualifying criminal background check result.

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

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

[(R)](S) The provider shall have documentation on file at the home of current certification in age-appropriate first aid and cardiopulmonary resuscitation (CPR) training. The training shall

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

[(2) Licensing Capacities

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

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

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

(2) Licensing Capacities and Staff/Child Ratios

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

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

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

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

(3) Assistants.

(A) [An approved] The provider shall have at least one assistant [shall be] available. [If there is a change of assistants, the provider shall notify the department immediately.

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

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

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

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

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

(4) Child Care Training.

(A) The provider shall obtain at least twelve (12) clock hours of child care-related training during each calendar year. Any assistant *[working]* **who works or volunteers** more than five (5) hours per week shall meet the same training requirements. Clock hour training shall be approved by the department.

(B) 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 or 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.

2. All clock hour training records shall be recorded in the Missouri Professional Development Registry (MOPD Registry) at 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 Continuing Education Units (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; and

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 July 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>, 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: 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 paragraph (4)(E)2. of this rule.

(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.

(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, RSMo [2016] Supp. 2020, and section 210.1080, RSMo Supp. [2018]2020. * 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 Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Amended: Filed Feb. 15, 2019, effective Aug. 30, 2019. Amended: Filed Aug. 31, 2020.

Original authority: 210.221, RSMo 1949, amended 1955, 1987, 1993, 1995, 1999, 2015, **2019, 2020; 210.223, RSMo 2015; and 210.1080, RSMo 2018, **amended 2019, 2020**.*

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 Nancy Scherer, Department of Health and Senior Services, Section for Child Care Regulation, PO Box 570, Jefferson City, MO 65102, by faxing 573-526-5345, or via e-mail at Nancy.Scherer@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*