

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 30-61.210 Records and Reports. The department is amending section (4); deleting sections (3), (9), (10) A-F, (11), (12) and (13); adding a new section (9) and renumbering sections accordingly.

PURPOSE: This amendment changes references of rescinded 19 CSR 40 to current 19 CSR 30 and removes obsolete and duplicate rules. This amendment also adds background screening record retention requirements to comply with section 210.1080 RSMo.

(1) The child care provider shall maintain accurate records to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.

(2) An individual file shall be kept to identify each child and to enable the provider to communicate with the parent(s), guardian or legal custodian of the child in an emergency. Records shall include:

- (A) The child's full name, address, birthdate and the date care begins and ends;
- (B) Full name of the parent(s), guardian or legal custodian, home address, employers' name and address, work schedule and home and work telephone numbers;
- (C) Name, address and telephone number of another individual (friend or relative) who might be reached in an emergency when the parent(s), guardian or legal custodian cannot be reached;
- (D) Name and phone number of the family physician, or hospital, or both, to be used in an emergency;
- (E) Name of the individual(s) authorized to take the child from the home; and
- (F) Field trip and transportation authorization.

[(3) Records on related children, as required by 19 CSR 40-61.135 Admission Policies and Procedures shall be on file.]

[(4)] (3) Health information shall be retained in each child's individual file and shall include:

(A) A medical examination report for each infant, toddler or preschool child or a health report for each school-age child as required by *[19 CSR 40-61.125 Medical Examination Reports]* **19 CSR 30-61.125 Medical Examination Reports;**

(B) *[Parental]* **Written parental** authorization for medications and a record of medications administered;

(C) Information concerning any accident or injury to the child while at the family day care home or any emergency medical care; and

(D) Any significant information learned from observing the child.

[(5)] **(4)** Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

[(6)] **(5)** Daily child attendance records shall be maintained and kept on file a minimum of one (1) year.

[(7)] **(6)** Daily attendance records for all caregivers shall be maintained and kept on file a minimum of one (1) year.

[(8)] **(7)** All enrollment records, medical examination records and attendance records shall be filed in a place known to caregivers and shall be accessible at all times. Records shall not be in a locked area or removed from the home during the hours the home is open and operating.

[(9) Emergency school closing records, as required by 19 CSR 40-61.165 Emergency School Closings shall be on file.]

[(10)] **(8)** The provider shall maintain *[the following information on file]* **a written record at the facility for fire, tornado and other disaster drills** as required by 19 CSR 30-61.086 Fire Safety[:].

[(A) A written record at the facility for fire, tornado and other disaster drills;]

[(B) Documentation verifying that fresh-cut Christmas trees are treated with a flame resistant material;]

[(C) Documentation verifying that all gas-fired appliances were checked by a repair company and are in safe working order after an elevated carbon monoxide level was determined during a fire inspection;]

[(D) Documentation of the inspection and approval of fire extinguishers;]

[(E) Documentation verifying the inspection and approval of automatic fire sprinkler systems; and]

[(F) A copy of the membership or receipt for membership documenting that facilities served by a volunteer or membership fire department are a member in good standing with the fire department.]

[(11) Medical examination reports, as required by 19 CSR 40-61.125 Medical Examination Reports shall be on file.]

[(12) Training records for the provider and assistants, as required by 19 CSR 40-61.105 The Day Care Provider and Other Day Care Personnel shall be on file.]

[(13) The child care provider shall have the results of criminal record reviews as provided in 19 CSR 30-61.045 Initial Licensing Information, 19 CSR 30-61.055 License Renewal, and 19 CSR 30-61.105 The Day Care Provider and Other Day Care Personnel on file at the family day care home.]

(9) A copy of qualifying background screening results shall be kept on file for child care staff members, as required by 19 CSR 30-63.020 General Requirements.

(14) (10) All records of children shall be confidential, protected from unauthorized examination and available to parents upon request.

(15) (11) All records shall be available in the home for inspection by the department upon request.

(16) (12) Reports to the department shall be submitted as required.

*AUTHORITY: section 210.221.1(3), and 210.1080, RSMo 2018. * This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210 and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.210, 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 30-61.210 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.*

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.*