

**Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES**  
**Division 30 – Division of Regulation and Licensure**  
**Chapter 62 – Licensing Rules for Group Child Care Homes and Day Care Centers**

**PROPOSED AMENDMENT**

**19 CSR 30-62.042 Initial Licensing Information.** The department is deleting section (1), renumbering thereafter, and amending previous sections (2) and (3).

*PURPOSE: This amendment changes references of 19 CSR 40 to 19 CSR 30. It deletes the outdated application form from the Department of Social Services. A statement has been added to show that an application will be provided by the department upon the completion of an inquiry orientation. Language has been updated to change references of the Child Care Licensing Unit to the department. This amendment deletes references to the Day-Care Licensing Review Board as this entity no longer exists. This amendment also adds background screening requirements to comply with section 210.1080, RSMo. Changes of ownership requirements were added. This amendment deletes language about the 60 day temporary license and adds language regarding a short-term license.*

*[(1) Licensing Authority.*

*(A) According to section 210.221, RSMo, the department has the authority to issue uniform rules deemed necessary and proper to establish standards of service and care to be rendered by the provider. To implement the rules, the department shall be responsible for inspecting, evaluating and licensing all group day care homes and child day care centers.*

*(B) The department or any other agency of Missouri that the department asks to assist it is authorized to make an inspection and investigation of any proposed or operating child care facility, and of any personnel connected with that facility to the extent that this inspection and investigation is required to determine if the facility will be, or is being, operated in accordance with state statutes and licensing rules for group day care homes and day care centers. ]*

*[(2)] (1) Persons Subject to Licensure.*

*(A) Any person(s) planning to offer day care for more than four (4) unrelated children at any one (1) time, except those coming under the exceptions of the law, shall apply for licensure and meet the requirements of the licensing rules before accepting more than four (4) unrelated children for care.*

*(B) Group day care homes shall meet all the requirements of these rules unless otherwise indicated in these rules.*

(C) Licensing rules shall not apply to children related to the owner(s) of the facility as defined in *[19 CSR 40-62.010(17)]* **section 210.211, RSMo.** In order to document the exemption for related children, identifying information shall be on file at the facility on related children as required by *[19 CSR 40-62.132 Admission Policies and Procedures]* **19 CSR 30-62.132 Admission Policies and Procedures.**

(D) In an incorporated facility, the exemption for related children does not apply since a corporation cannot have relatives.

*[(3)]* **(2) Licensing Process.**

(A) Upon receipt of an inquiry regarding day care licensing, *[an interview shall be held to discuss the licensing rules and the licensing process.]* **an applicant shall complete the inquiry orientation available on the Department's website to learn about the licensing process and rules. An application for licensure shall be provided by the department upon documentation of completion of the inquiry orientation.**

(B) Upon receipt of a completed *[application for license on the form provided by the department]* **Application for License to Operate Group Child Care Home and Child Care Center form**, a licensing *[investigation]* **inspection** shall be made. **See Application for License to Operate Group Child Care Home and Child Care Center 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 amendment or additions.** If licensing rules are not met within six (6) months, the application shall be void and another application shall be filed.

(C) The licensing *[investigation]* **process** shall include an inspection of the entire premises of the facility by the licensing representative.

(D) Prior to the granting of a license, the following shall be submitted by the applicant:

1. A sketch or diagram of the facility showing the arrangement of the rooms, including the location of toilet and handwashing facilities, the kitchen, the office and the doors. The licensing representative and the applicant shall measure the facility jointly;
2. A sketch or diagram of the outdoor play area and placement of equipment. The licensing representative and the applicant shall measure the area jointly;
3. Written policies pertaining to the program goals, admission, care and discharge of children;

4. A schedule of daily activities for each age group in care (infant/toddler, preschool and school-age);
5. A sample weekly menu;
6. An itemized list of available materials and equipment to be used by children;
7. A written narrative description of child care practices and concepts, including discipline and guidance policies;
8. A staff sheet;
9. *[If a facility is not incorporated, the names and addresses of two (2) references not related to the applicant who have knowledge of the applicant's character, experience and ability;]* **A written disaster and emergency plan;**
10. *[If a group day care home is incorporated, the names and addresses of two (2) references for the officer designated to be responsible for the daily operation of the facility and to meet the requirements of the group day care home provider. The references shall not be related to the officer designated by the corporation;]* **Lines of administrative authority;**
11. Sample forms used, other than those supplied by the department;
12. Evidence of compliance with local or state, or both, sanitation requirements;
13. Evidence of compliance, if applicable, with local building and zoning requirements;
14. *[If the facility is incorporated, Articles of Incorporation, Certificate of Incorporation and the Annual Registration Report (if applicable) as issued by the Missouri secretary of state]* **Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a group child care home or child care center is owned by a legal entity;**
15. Written policies and procedures which clearly establish job responsibilities and lines of administrative authority. This shall include a statement of the kind and extent of authority and the duties delegated to the director employed to carry out the program;
16. Official verification of the center director or group day care home provider's education and experience;*[ and]*
- 17. A written safe sleep policy, if the facility's application includes children under twelve (12) months of age in the requested age range; and**

[17.]**18.** Other information required by the department to make a determination regarding licensure of the facility.

(E) Prior to the granting of a license, the provider shall meet the requirements of 19 CSR 30-62.087 Fire Safety.

(F) Medical examination reports for all adults working in the facility, as required by 19 CSR 30-62.122 Medical Examination Reports, shall be on file at the facility and available for review.

(G) Medical examination reports shall be on file at the facility within thirty (30) days following the admission of each infant, toddler or preschool child as required by 19 CSR 30-62.122 Medical Examination Reports. A health report for school-age children shall be on file as required by 19 CSR 30-62.122.

(H) Enrollment information for each child shall be on file at the facility as required by 19 CSR 30-62.132 Admission Policies and Procedures.

(I) Identifying information shall be on file at the facility for each child to be cared for who is related to the facility owner(s) as required by 19 CSR 30-62.132 Admission Policies and Procedures.

(J) *[The facility owner(s), board president or chairperson and the center director or group day care home provider, shall be screened for child abuse/neglect prior to initial issuance of the license.]* **The facility owner(s), board president or chairperson, all members of an LLC, and the center director or group day care home provider, shall have qualifying background screening results on file as required by 19 CSR 63.020 General Requirements, prior to initial issuance of the license.**

(K) *[The child abuse/neglect screening request form shall be submitted to the department for all personnel employed during child care hours, with a copy on file at the facility.]* **Child care staff members, as defined in section 210.1080.1(1), RSMo shall have qualifying background screening results on file as required by 19 CSR 63.020 General Requirements, prior to initial issuance of the license.**

(L) *[Prior to initial issuance of the license, the child care provider shall request and have on file the results of a criminal record review from the Missouri State Highway Patrol for the child care provider, the owner(s), board president or chairperson, the center director or group day care home provider, all persons employed by the child care provider, and all volunteers counted in staff/child ratios. The child care provider shall request a criminal record review] within ten (10) days following a change of the facility owner(s), board president or chairperson, the center director or group day care home provider, employees of the provider, or volunteers counted in staff/child ratios. The department may request a criminal record review from the Missouri State Highway*

*Patrol for any adult present in the facility 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 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.*

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

(M)The facility shall not provide care for more than four (4) unrelated children until it is in compliance with state statutes and licensing rules for group day care homes and day care centers.

*[(N) After approval by a licensing representative and a licensing supervisor, a temporary license may be granted by the department for a period not to exceed sixty (60) days.]*

*[(O)] (N) The official license shall be granted for up to two (2) years and may be renewed upon reapplication and [reinvestigation]inspection. [Until the official license is received, the temporary license shall be posted near the entrance of the facility where it may be seen easily by parents or others who visit. Thereafter, the] **The official license shall be posted near the entrance of the facility where it may be seen easily by parents or others who visit.***

*[(P) The address and telephone number of the Child Care Licensing Unit shall be posted near the license.]*

*[(Q) The granting of a license shall be denied by the director upon failure of the applicant to comply with state statutes and licensing rules for group day care homes and day care centers.]*

[(R)] (O) The name(s), address(es) and telephone number(s) of the facility owner(s), or the board president or chairperson, **members of an LLC**, or his/her designee shall be posted prominently near the license.

[(S)] (P) The license shall not be transferable and shall apply only to the person(s) and address shown on the license.

[(T)] (Q) *[If there is a change of ownership of the facility, the new owner(s) shall meet the requirements of the current licensing rules. A licensing investigation shall be made as required by 19 CSR 30-62.042 Initial Licensing Information.]* **A change of ownership occurs when the facility is sold to a new owner, the owner changes legal entity status, or the ownership is transferred to another legal entity. The licensee shall notify the department prior to the change in ownership.**

**(R) The department may grant a short-term license to the new owner to allow for continuity of care, if required documentation for licensure has been submitted to the department. The new owner shall submit the following in advance of the change in ownership:**

- 1. An application for licensure;**
- 2. A statement of intent signed by the buyer(s) and seller(s) that documents the date the change of ownership is expected to occur;**
- 3. Lines of administrative authority;**
- 4. A staff sheet;**
- 5. A document indicating the organizational structure of the facility's operation; and**
- 6. Qualifying background screening results for facility owner(s), board president or chairperson, all members of an LLC, and child care staff members on file as required by 19 CSR 30-63.020 General Requirements.**

**(S) If there is a change of ownership of a group day care home or child care center, the new owner(s) shall meet the requirements of the current licensing rules. A licensing inspection shall be made as required by 19 CSR 30-62.042 Initial Licensing Information.**

[(U)](T) The license shall be the property of the department and shall be subject to revocation by the *[director]* **department** upon failure of the provider to comply with state statutes and licensing rules for group day care homes and day care centers. The license shall be returned to the department if revoked, *[or]*not renewed, **or if the owner closes the facility.**

~~[(V)]~~**(U)** If a facility's license is revoked or denied due to failure to comply with state statutes and licensing rules, the department shall not accept a subsequent application from the provider for that facility within twelve (12) months after the effective date of revocation or denial, or within twelve (12) months after all appeal rights have been exhausted, whichever is later. *[Any subsequent application shall be reviewed by the Day-Care Licensing Review Board prior to a decision being made to grant a license.]*

~~[(W)]~~**(V)** The number and ages of children the facility is authorized to have in care at any one (1) time shall be specified on the license and shall not be exceeded except as permitted within these rules.

~~[(X)]~~ **(W)** All day care provided on the premises of a licensed facility shall be in compliance with the licensing rules and the conditions specified on the license.

~~[(Y)]~~ *Upon issuance of the license, a licensing representative shall visit the facility throughout the licensing period for supervision and consultation. Both announced and unannounced visits shall be made. Visits shall be at varying times during the hours child care is provided, with the entire premises subject to inspection.]*

~~[(Z)]~~ *Upon the department's receipt of a complaint regarding the facility, a complaint investigation shall be made as determined necessary by the department.]*

~~[(AA)]~~ **(X)** The provider shall permit the department access to the facility, premises and records during all *[visits]* **inspections and complaint investigations.**

~~[(BB)]~~ **(Y)** A child care provider shall not deny a child admission to, or the benefits of, any program provided by the facility on the basis of race, sex, religion or national origin.

~~[(CC)]~~ *Licensing records are public records and may be reviewed by appointment with the Child Care Licensing Unit as authorized by section 610.010-610.150, RSMo.]*

**AUTHORITY:** sections 210.221.1(3) **and 210.1080 RSMo 2018.** This rule previously filed as 13 CSR 40-62.021, 13 CSR 40-62.042 and 19 CSR 40-62.042. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-62.042, effective Dec. 9, 1992. 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. Amended: Filed Sept. 12, 1995, effective March 30, 1996. Changed to 19 CSR 30-62.042 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](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.*