

**Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES
Division 30 – Division of Regulation and Licensure
Chapter 63– Child Care Comprehensive Background Screening**

PROPOSED RULE

19 CSR 30-63.010 Definitions

PURPOSE: This rule provides definitions to be used in the interpretation and enforcement of 19 CSR 30-63.

- (1) Child care provider, group day care home provider or provider is the person(s) licensed or required to be licensed under section 210.211, RSMo, or person(s) exempted by section 210.1080.9(1), RSMo, in order to establish, conduct or maintain a child care facility. This person(s) shall have the following rights and responsibilities as determined by the department:**

 - A. Ultimate responsibility for making and implementing decisions regarding the operation of the facility; and**
 - B. Ultimate financial control of the operation of the facility.**
- (2) Child care staff member is a child care provider; persons employed by the child care provider for compensation, including contract employees or self-employed individuals; individuals or volunteers whose activities involve the care or supervision of children for a child care provider or unsupervised access to children who are cared for or supervised by a child care provider; or individuals residing in a family child care home who are seventeen years of age and older;**
- (3) Criminal background check includes the following:**

 - A. A Federal Bureau of Investigation fingerprint check;**
 - B. A search of the National Crime Information Center's National Sex Offender Registry; and**
 - C. A search of the following registries, repositories, including the Family Care Safety Registry, or databases in Missouri, the state where the child care staff member resides, and each state where such staff member resided during the preceding five (5) years:**
 - 1. The state criminal registry or repository, with the use of fingerprints being required in the state where the staff member resides and optional in other states;**
 - 2. The state sex offender registry or repository; and**
 - 3. The state-based child abuse and neglect registry and database.**
- (4) Director is the director of the Missouri Department of Health and Senior Services.**
- (5) Department is the Missouri Department of Health and Senior Services.**

AUTHORITY: section 210.1080, RSMo. 2018 Emergency rule filed February 15, 2019, effective February 25, 2019, expires August 23, 2019. Proposed: Filed February 15, 2019.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500.00) in the aggregate.

PRIVATE COST: This proposed rule 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 the Department of Health and Senior Services, Sue Porting, 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.*