

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

**PROPOSED AMENDMENT**

**19 CSR 30-63.010 Definitions.** The department is deleting section (1), amending section (2), and adding new sections (1) and (6)

*PURPOSE: This amendment revises and adds definitions to comply with section 210.1080.1, RSMo; specifically, this amendment revises the definitions for child care provider and child care staff member and adds a definition for qualifying result.*

*[(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.]*

**(1) Child care provider is a person licensed or regulated to provide child care within the state of Missouri, including the member or members, manager or managers, shareholder or shareholders, director or directors, and officer or officers of any entity licensed or regulated to provide child care within the state of Missouri.**

(2) Child care staff member is~~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 (17)]~~**eighteen (18)** 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.

**(6) Qualifying result or qualifying criminal background check is a finding that a child care staff member or prospective child care staff member is eligible for employment or presence in a child care setting.**

*AUTHORITY: section 210.1080, RSMo Supp. [2018]2020. \* Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule filed Feb. 15, 2019, effective Aug. 30, 2019. Emergency amendment filed Aug. 31, 2020, effective Sept. 15, 2020, expires March 13, 2021 Amended: filed Aug. 31, 2020.*

*\*Original authority: 210.1080, RSMo 2018, **amended 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](mailto: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.*