

**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 30-63.040 Background Screening Findings

PURPOSE: This rule establishes who is ineligible for employment and who cannot be present at a family child care home, group child care home, child care center, or license-exempt facility not subject to 210.1080.9, RSMo.

(1) Any child care staff member or prospective child care staff member shall be ineligible for employment or presence at a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.9(1), RSMo if such person:

- A. Refuses to consent to the criminal background check as required by section 210.1080 RSMo;**
- B. Knowingly makes a materially false statement in connection with the criminal background check as required by section 210.1080 RSMo;**
- C. Is registered, or is required to be registered, on a state sex offender registry or repository or the National Sex Offender Registry;**
- D. Has a finding of child abuse or neglect under section 210.145 or 210.152 or any other finding of child abuse or neglect based on any other state's registry or database;**
- E. Has been convicted of a felony consisting of:**
 - 1. Murder, as described in 18 U.S.C. Section 1111;**
 - 2. Child abuse or neglect;**
 - 3. A crime against children, including child pornography;**
 - 4. Spousal abuse;**
 - 5. A crime involving rape or sexual assault;**
 - 6. Kidnapping;**
 - 7. Arson;**
 - 8. Physical assault or battery; or**
 - 9. A drug-related offense committed during the preceding five (5) years;**
- F. Has been convicted of a violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, or sexual assault, or of a misdemeanor involving child pornography; or**

G. Has been convicted of any similar crime in any federal, state, municipal, or other court.

(2) Adult household members seventeen (17) years of age and older in a family child care home shall be ineligible to maintain a presence at a family child care home if any one or more of the provisions of section (1) of this rule applies to them.

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.*