

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 30—Division of Regulation and Licensure**  
**Chapter 86—Residential Care Facilities and Assisted Living Facilities**

**PROPOSED AMENDMENT**

**19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities.** The Department is revising the purpose statement, amending subsections (11) (A)-(C), amending sections (13) and (21), deleting subsection (21)(I), and renumbering subsections (21)(I)-(K).

*PURPOSE: This amendment revises the purpose statement to remove licensure designations that are no longer applicable, updates the department's website address, corrects the statute number for criminal background checks and revises the language to align with the statute, corrects the statute number for the employee disqualification list check, corrects the subsection reference regarding meeting criminal background checks via the FCSR, updates the department's website for the employee disqualification list and family care safety registry, corrects subsections as a result of renumbering, removes the requirement for a written statement from a licensed physician or physician's designee indicating a person can work in a long-term care facility, and corrects typographical error for the spelling of tuberculin.*

*PURPOSE: This rule establishes standards for administration, personnel and resident care in residential care facilities [I and II].*

(11) Prior to allowing any person who has been hired in a full-time, part-time or temporary position to have contact with any residents the facility shall, or in the case of temporary employees hired through or contracted for an employment agency, the employment agency shall prior to sending a temporary employee to a provider:

(A) Request a criminal background check for the person, as provided in section 43.540, RSMo. Each facility must maintain in its record documents verification that the background checks were requested and the nature of the response received for each such request. II

1. The facility must ensure that any applicant or person hired or retained who discloses prior to the receipt of the criminal background check that he or she has been *[convicted of, pled]***found guilty** *[or pled nolo contendere to]* in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of Chapter 565, 566, or 569, RSMo or any violation of subsection 198.070.3, RSMo or of section 568.020, RSMo, will not have contact with residents. I/II

2. Upon receipt of the criminal background check, the facility must ensure that if the criminal background check indicates that the person hired or retained by the facility has been *[convicted of, pled]***found guilty** *[or pled nolo contendere to]* in this state or any other state or has been found guilty of a crime, which if committed in Missouri would be a class A or B felony violation of Chapter 565, 566, or 569, RSMo or any violation of subsection 198.070.3, RSMo or of section 568.020, RSMo, the person will not have contact with residents unless the facility obtains verification from the department that a good cause waiver has been granted and maintains a copy of the verification in the individual's personnel file; I/II

(B) Make an inquiry to the department, whether the person is listed on the employee disqualification list as provided in section [660.315]**192.2490**, RSMo. The inquiry may be made via Internet at [www.\[dhss\]health.mo.gov/safety/\[EDL/\]edl](http://www.dhss.health.mo.gov/safety/[EDL/]edl); II/III

(C) If the person has registered with the department's Family Care Safety Registry (FCSR), the facility may utilize the Registry in order to meet the requirements of subsections [(1)](**11**) (A) and (11)(B) of this rule. The FCSR is available via Internet at [www.\[dhss\]health.mo.gov/safety/\[EDL/\]fcsr](http://www.dhss.health.mo.gov/safety/[EDL/]fcsr); and II/III

(13) The facility must develop and implement written policies and procedures which require that persons hired for any position which is to have contact with any patient or resident have been informed of their responsibility to disclose their prior criminal history to the facility as required by section [660.317.5]**192.2495**, RSMo. The facility must also develop and implement policies and procedures which ensure that the facility does not knowingly hire, after August 28, 1997, any person who has or may have contact with a patient or resident, who has been [convicted of, plead] **found** guilty [or *nolo contendere* to,] in this state or any other state[,] or has been found guilty of a **crime, which if committed in Missouri would be a** [any] class A or B felony violation of Chapter 565, 566 or 569, RSMo, or any violation of subsection [3 of section] 198.070.**3**, RSMo, or of section 568.020, RSMo. II/III

(21) The administrator/manager shall maintain on the premises an individual personnel record on each facility employee, which shall include the following:

(A) The employee's name and address;

(B) Social Security number;

(C) Date of birth;

(D) Date of employment;

(E) Documentation of experience and education including for positions requiring licensure or certification, documentation evidencing competency for the position held, which includes copies of current licenses, transcripts when applicable, or for those individuals requiring certification, such as level I medication aides (LIMA), certified nurse aides, certified medication technicians (CMT) and insulin administration aides; printing the Web Registry search results page available at [www.\[dhss\]health.mo.gov/cnaregistry](http://www.dhss.health.mo.gov/cnaregistry) shall meet the requirements of the employer's check regarding valid certification[:];

(F) References, if available;

(G) The results of background checks required by section [660.317]**192.2495**, RSMo; and a copy of any good cause waiver granted by the department, if applicable;

(H) Position in the facility;

[(I)] *Written statement signed by a licensed physician or physician's designee indicating the person can work in a long-term care facility and indicating any limitations;*

[(J)](**I**) Documentation of the employee's [tubercilin]**tuberculin** screening status;

[(K)](**J**) Documentation of what the employee was instructed on during orientation training; and

[(L)](**K**) Reason for termination if the employee was terminated due to abuse or neglect of a resident, residents' rights issues or resident injury. III

*AUTHORITY: sections 198.005 and [198.006] 198.076, RSMo [Supp. 2006]2016 and [198.076] 198.006, RSMo [2000]Supp. 2025. \* This rule originally filed as 13 CSR 15-15.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. Emergency amendment filed Aug. 1, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Amended: Filed Sept. 12, 1984, effective Dec. 13, 1984. Amended: Filed March 14, 1985, effective June 13, 1985. Amended: Filed May 13, 1987, effective Aug. 13, 1987. Amended: Filed April 17, 1990, effective June 30, 1990. Amended: Filed Feb. 13, 1998, effective Sept. 30, 1998. Moved to 19 CSR 30-86.042, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expired March 19, 2004. Amended: Filed Sept. 12, 2003, effective Feb. 29, 2004. Amended: Filed Aug. 23, 2006, effective April 30, 2007. \*\**

*\*Original authority: 198.005, RSMo 2006; 198.006, RSMo 1979, amended 1984, 1987, 2003, 2006; and 198.076, RSMo 1979, amended 1984.*

*[\*\*Pursuant to Executive Order 21-07, 19 CSR 30-86.042, section (37) was suspended from April 17, 2020 through May 1, 2021 and sections (17) and (18) was suspended from April 17, 2020 through August 31, 2021. Pursuant to Executive Order 21-09, 19 CSR 30-86.042, section (58) was suspended from April 17, 2020 through September 3, 2021; subsection (21)(I) and sections (50) and (51) was suspended from April 15, 2020 through December 31, 2021; and section (7) was suspended from April 17, 2020 through December 31, 2021.]*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Carmen Grover-Slattery, Regulation Unit Manager, Section for Long-Term Care Regulation, PO Box 570, Jefferson City, MO 65102-0570 or at RegulationUnit@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for March 5, 2026 from 1 to 4 p.m., in the Truman Conference Room, 920 Wildwood Jefferson City, MO.*