

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 30-86.047 Administrative, Personnel, and Resident Care Requirements for Assisted Living Facilities. The Department is amending subsection (4)(A), subsections (13)(A) and (B), section (15), and subsections (20)(E) and (G), deleting old subsection (20)(I), and renumbering subsections in section (20).

PURPOSE: This amendment corrects the regulatory references to mirror the statutory language for the appropriately trained and qualified individual, updates the criminal background language to mirror statute, corrects the statute number for the required criminal background check, adds the department's website for the employee disqualification list check, updates the department's website for the CNA registry, and 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.

(4) Definitions. For the purpose of this rule, the following definitions shall apply:

(A) Appropriately trained and qualified individual means an individual who is licensed or registered with the state of Missouri in a health care related field or an individual with a degree in a health care related field or an individual with a degree in a health care, social services, or human services field or an individual licensed under Chapter 344, RSMo, and who has received facility orientation training under 19 CSR 30-86.[042(18)]**047 of this rule**, and dementia training under section [660.050]**192.2000**, RSMo, and twenty-four (24) hours of additional training, approved by the department, consisting of definition and assessment of activities of daily living, assessment of cognitive ability, service planning, and interview skills;

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

(A) Request a criminal background check for the person, as provided in section [660.317]**192.2495**, RSMo. Each facility shall maintain documents verifying that the background checks were requested, the date of each such request, and the nature of the response received for each such request. II

1. The facility shall ensure that any person hired or retained to have contact with any resident who discloses that he or she has been [convicted of,] found guilty [of, pled guilty to, or pled nolo contendere to a crime,] 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 section 198.070.3., RSMo, or section 568.020, RSMo, shall not be retained in such a position. I/II

2. Upon receipt of the criminal background check, the facility shall ensure that if the criminal background check indicates that the person hired or retained by the facility has been [convicted of,] found guilty [of, pled guilty to, or pled nolo contendere to a crime,] 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 section 198.070.3., RSMo, or section 568.020, RSMo, the person shall not have contact with any resident unless and until the facility obtains verification from the department that a good cause waiver has been granted for each qualifying offense and maintains a copy of the verification in the individual's personnel file; I/II

(B) Make an inquiry to the department, as provided in section [660.315]/**192.2490**, RSMo, as to whether the person is listed on the EDL. Each facility shall maintain documents verifying that the EDL checks were requested, the date of each such request, and the nature of the response received for each such request. The inquiry may be made through the department's website **via Internet at: www.health.mo.gov/safety/edl**; II/III

(15) 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 [any] **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 [3 of section] 198.070.3, RSMo, or of section 568.020, RSMo.** II/III

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

(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 certified medication technicians, level I medication aides 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;

(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;

[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 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 198.073 and 198.076, RSMo [Supp. 2011]2016. * Original rule filed Aug. 23, 2006, effective April 30, 2007. Amended: Filed March 13, 2008, effective Oct. 30, 2008. Amended: Filed March 1, 2012, effective Sept. 30, 2012. Amended: Filed November 3, 2025.***

**Original authority: 198.073, RSMo 1979, amended 1984, 1992, 1999, 2006, 2007 and 198.076, RSMo 1979, amended 1984, 2007.*

*[**Pursuant to Executive Order 21-07, 19 CSR 30-86.047, section (26) was suspended from April 17, 2020 through May 1, 2021 and sections (18) and (19) was suspended from April 17, 2020 through August 31, 2021. Pursuant to Executive Order 21-09, 19 CSR 30-86.047, section (54) was suspended from April 17, 2020 through September 3, 2021; subsection (20)(I), sections (3), (10), (45), (46), and section 198.073.4, RSMo was suspended from April 15, 2020 through December 31, 2021; and sections (9) and (45) 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-Slaterry, 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 December 11, 2025, from 1-4 p.m., in the Truman Conference Room located at 920 Wildwood Drive, Jefferson City, MO.*