Title 19 – DEPARTMENT OF HEALTH and SENIOR SERVICES  
Division 30 – Division of Regulation and Licensure  
Chapter 60 – License Exempt Child Care Facilities  

EMERGENCY AMENDMENT

19 CSR 30-60.020 Application for Annual Fire Safety and Health and Sanitation Inspections and Inspection Procedures. The department is deleting section (5) and adding a new section (7).

PURPOSE: This amendment adds background screening language to comply with section 210.1080, RSMo. This amendment adds the Notice of Parental Responsibility required by section 210.254, RSMo which requires child care facility operated by a religious organization to provide notice to parents of certain aspects of the program, including the conducting of background screenings.

EMERGENCY STATEMENT: The Child Care and Development Block Grant (CCDBG) Act of 2014 Section 658H, which passed November 19, 2014, requires states to conduct comprehensive criminal background checks. Individuals who are employed by a child care provider or whose activities involve the care or supervision of children for a child care provider or who have unsupervised access to children who are cared for or supervised by a child care provider must have a comprehensive background check. Congress, in its passage of the CCDBG Reauthorization, considered background checks as a part of ensuring minimum health and safety standards. The Administration for Children and Families (ACF), Office of Child Care (OCC) promulgated rules, effective September 30, 2016. The OCC rationale is that all parents regardless of whether they receive assistance from the Child Care Development Fund (CCDF) deserve the basic protection of knowing that the individuals caring for their children do not have prior behavior that could pose a risk to endangering the health and safety of their children. This provision applies to licensed and license-exempt child care facilities regulated by the Department of Health and Senior Services (DHSS), Section for Child Care Regulation (SCCR). States were required to meet the criminal background check requirement by September 30, 2017. Missouri was approved for a one year waiver, which expired September 30, 2018. As a result, the Missouri legislature enacted Section 210.1080 RSMo, as a part of HB 1350, 99th General Assembly, First Regular Session (2018), which authorizes the DHSS to promulgate emergency rules to implement criminal background checks for licensed and license-exempt child care providers as required by the CCDBG Reauthorization. This law requires criminal background checks for all child care staff members. National surveys have demonstrated that most parents logically assume their child care providers have had a background check, had training in child health and safety, and are regularly monitored (National Association of Child Care Resource and Referral Agencies, National Parent Polling Results, 2011). Prior to this law, the DHSS did not have authority to require criminal fingerprint checks for license-exempt regulated child care programs. There are approximately 477 license-exempt child care programs in Missouri. Approximately 34% of license-exempt child care programs serve CCDF families. As a result, this emergency amendment is necessary to
protect the safety and health of children in child care settings, and to implement criminal background checks as required by the CCDBG Reauthorization. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed February 15, 2019 becomes effective February 25, 2019, and expires August 23, 2019.

(1) The director of each facility shall apply to the Department of Health for an annual fire safety inspection by the state fire marshal, his/her designee or officials of a local fire district, and for a health and sanitation inspection by the department or officials of a local health department. Religious organization academic preschools are not required to apply for annual fire and safety inspections or the health and sanitation inspections.

(2) Facility inspections shall be conducted during normal business hours and may be unannounced. The facility director shall be given a copy of the completed inspection form.

(3) The agency, organization or person that owns the facility and the person delegated as director of the facility shall be identified on the application for a fire safety and a health and sanitation inspection.

(4) When a facility is incorporated, the chairperson of the board of directors, or the person delegated as director of the facility, shall sign the application for a fire safety and a health and sanitation inspection.

[(5) The facility director shall request a child abuse/neglect screening from the Department of Social Services for each employee who may come into contact with children during child care hours. The request shall be made within ten (10) days of employment. The results of the screenings shall be maintained in the facility's files.]

[(6)](5) If there is a change of ownership of the facility, the new owner(s) or the facility director shall request a fire safety inspection and a health and sanitation inspection.

[(7)](6) Inspections of child care facilities operated by religious organizations and nursery schools not operated by religious organizations will be phased in over a one (1)-year period following the effective date of this rule. During the phase-in period, necessary action will be taken by the Department of Health in any situations posing a threat of imminent bodily harm to children.

(7) Notice of Parental Responsibility.
   (A) Child care facilities operated by religious organizations shall keep on file a notice of parental responsibility, as required by section 210.254, RSMo at least five (5) days prior to starting operation.
(B) A child care facility operated by a religious organization shall use the *Notice of Parental Responsibility* form, revised 2018 and incorporated by reference in this rule, as published by the Missouri Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570 and available by the department at [https://health.mo.gov/safety/childcare/forms.php](https://health.mo.gov/safety/childcare/forms.php). This rule does not incorporate any subsequent amendments or additions.

(C) A child care facility operated by a religious organization shall provide the parent or guardian enrolling the child two copies of the *Notice of Parental Responsibility* form for the enrolling parent to acknowledge, by signature, having read and accepted the information. One copy shall be kept by the parent or guardian and the other copy shall be retained in the child’s record at the facility.

(D) A child care facility operated by a religious organization shall file the *Notice of Parental Responsibility* form with the department annually during the month of August.
