

**Title 19--DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 30--Division of Regulation and Licensure
Chapter 61--Licensing Rules for Family
[Day]Child Care Homes**

PROPOSED AMENDMENT

19 CSR 30-61.055 [License Renewal] Annual Requirements. The department is amending the chapter name and rule title, deleting sections (1) through (4), and adding new sections (1) and (2).

PURPOSE: The amendment replaces the license renewal process with a similar annual compliance process. The amendment adds the new Annual Declaration for Licensed Facilities form.

[(1) An application for license renewal shall be filed at least sixty (60) days prior to expiration of the license. In addition, the following information is required:

- (A) Evidence of compliance with a fire and safety inspection as conducted by the State Fire Marshal or his/her designee;*
- (B) Evidence of compliance with local, state, or both, sanitation requirements;*
- (C) Medical examination reports on file at the home as required by 19 CSR 30-61.125 Medical Examination Reports;*
- (D) A health report on file at the home for each school-age child in care as required by 19 CSR 30-61.125 Medical Examination Reports;*
- (E) Enrollment information on file at the home for each child in care as required by 19 CSR 30-61.135 Admission Policies and Procedures;*
- (F) Identifying information on file at the home regarding each child in care who is related to the provider and not living in the home as required by 19 CSR 30-61.135 Admission Policies and Procedures;*
- (G) A current list of available equipment;*
- (H) Materials and information which have changed since the previous licensing period;*
- (I) Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing if a family day care home is owned by a legal entity;*
- (J) A completed Safety Plan form if a sex offender resides within 1,000 feet of the facility. See Safety Plan form, promulgated as of 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>. This rule does not incorporate any subsequent amendments or additions. If the provider has an existing safety plan a new form is not required. This rule does not incorporate any subsequent amendments or additions; and*
- (K) A listing of household members.]*

(1) The provider shall submit the following to the department on an annual basis, at least thirty (30) calendar days prior to the anniversary date as printed on the license:

- (A) An *Annual Declaration for Licensed Facility* form, promulgated as of 2020 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> indicating the licensee's intent to continue operating a licensed family child care home and agreement to comply with all statutes and department licensing rules;**
- (B) A current list of available equipment;**
- (C) A listing of household members and assistant(s); and**
- (D) A completed safety plan if a sex offender resides within 1,000 feet of the facility. If the provider has an existing safety plan, a new plan is not required.**

[(2) The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within sixty (60) days prior to the expiration of the license.]

- (2) The provider shall have the following on file and available for review:**
 - (A) Evidence of compliance with a fire and safety inspection as conducted by the State Fire Marshal or his/her designee;**
 - (B) Evidence of compliance with local, state, or both, sanitation requirements;**
 - (C) The child care provider shall conduct a Family Care Safety Registry check for all child care staff members within thirty (30) days prior to the anniversary date as printed on the license; and**
 - (D) Documentation as required by the Missouri Secretary of State and state law to verify the legal entity is in good standing, if a family child care home is owned by a legal entity.**

[(3) Child care staff members shall have qualifying background screening results on file as required by 19 CSR 30-63.020 General Requirements, prior to renewal of the license.]

[(4) Upon determination of the applicant's continued compliance with state statutes and licensing rules for family day care homes, an official license shall be granted for up to two (2) years.]

*AUTHORITY: section 210.221.1(3), RSMo [2016]Supp. 2020], and section 210.1080, RSMo Supp. 2018]. * This rule previously filed as 13 CSR 40-61.031, 13 CSR 40-61.055, and 19 CSR 40-61.055. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.055, effective Dec. 9, 1993. Changed to 19 CSR 30-61.055 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Emergency amendment filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Amended: 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: 210.221.1(3), RSMo 1949, amended 1955, 1987, 1993, 1995, 1999, 2015, 2019, 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 cost private entities \$9,745.92 annually 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 . 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.*

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Title 19 – Department of Health and Senior Services
Division Title: Division 30 – Division of Regulation and Licensure
Chapter Title: Chapter 61 – Licensing Rules for Family Day Care Homes

Rule Number and Name:	19 CSR 30-61.055 Annual Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimated Cost to Complete Annual Requirements per Provider	Estimated Number of Providers Required to Complete Annual Requirements	Total Estimated Cost of Annual Requirements Across Missouri Annually
\$11.28	864	\$9,745.92

III. WORKSHEET

ESTIMATED TOTAL COST TO COMPLETE ANNUAL REQUIREMENTS	
Total Cost to Complete Annual Requirements	\$11.28
Total Number of Providers Required to Complete Annual Requirements	864
Total Public Cost	\$9,745.92

Methodology: Total Cost to Complete Annual Requirements * Total Number of Providers Required to Complete Annual Requirements = Total Public Cost

ESTIMATED COST TO COMPLETE ANNUAL REQUIREMENTS FOR FACILITIES				
Document	Time Estimate (Hours)	Average Hourly Wage of Missouri	Unemployment, Social Security, Payroll Taxes, and Workers' Comp	Total Cost per Child Care Provider
<i>Annual Declaration for Licensed Facility form</i>	.25	\$13.05	17%	\$3.81
Current list of available equipment	.16	\$13.05	17%	\$2.44
Listing of household members and assistant(s)	.08	\$13.05	17%	\$1.22
Family Care Safety Registry screening result for all child care staff members	.25	\$13.05	17%	\$3.81
TOTALS	.74			\$11.28

Methodology: (Average Hourly Wage * Time Estimate) * Employer Expenses = Total Cost per Child Care Provider

IV. ASSUMPTIONS

1. The average wage comes from the 2018 average wage for Child Care Workers in Missouri available from the Missouri Department of Economic Development (\$11.29) plus estimated inflation. No additions were made to this number for items such as 401k contributions or other fringe benefits because those are not an industry standard for child care workers.

2. Time estimates for the documents that must be completed to meet the annual requirements are estimated by the Department of Health and Senior Services for the minimum amount of time necessary to review, compile and/or update, and submit the necessary documents.

The time estimates seen here are based on the following assumptions:

<i>Annual Declaration for a Licensed Facility</i> form	0.25 hours (15 minutes) was allotted for this based on the fact that this is a one-page fillable form requesting identifying information. The provider is required to review, sign, date, and return the form to the department.
Current list of available equipment	.16 hours (10 minutes) was allotted for this because an equipment list is required for initial licensure. Child care providers should routinely update this list and keep it current for insurance and departmental purposes. The department currently requires a list of available equipment at renewal (once every two years).
Listing of household members and assistant(s)	.08 hours (5 minutes) was allotted for this because a listing of household member and assistant(s) is required for initial licensure. Child care providers are currently required to notify the department of any changes in household members and assistant(s). The department currently requires a list of household members and assistant(s) at renewal (once every two years).
Family Care Safety Registry screening results for all child care staff members	.25 hours (15 minutes) was allotted for this based on discussions with Family Care Safety Registry (FCSR) staff about how long it typically takes for a family child care provider when they call to request background screenings.

3. The time estimates only include one staff member because typically only one staff person (e.g. owner, provider, board chairperson, LLC member or designee) completes documentation that is submitted to the department.