

**Title 19—DEPARTMENT OF
HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 63—Child Care Comprehensive
Background Screening**

PROPOSED AMENDMENT

19 CSR 30-63.020 General Requirements. The department is amending sections (1), (2) and (4).

PURPOSE: This amendment makes changes consistent with recent changes to section 210.1080, RSMo.; specifically, changing when a person may begin working in a child care facility to the point in which they have received the qualifying result of a fingerprint based background check and adds an exemption to background screening for those child care providers who are not directly responsible for the oversight or direction of the child care facility and who do not have independent access to the facility.

(1) Prior to the employment or presence of a child care staff member in a family child care home, group child care home, child care center, or license-exempt facility not exempted by section 210.1080.[9(1)]**13**, RSMo, the child care provider shall request the results of a criminal background check for such child care staff member from the department.

(2) A prospective child care staff member may begin work for a child care provider after the [criminal background check has been requested]**qualifying result of either a Federal Bureau of Investigation fingerprint check or a search of the Missouri criminal registry or repository with the use of fingerprints has been received** from the department; however, pending completion of the criminal background check, the prospective child care staff member shall be supervised at all times by another child care staff member who received a qualifying result on the criminal background check within the past five (5) years.

(3) Child care providers shall request the results of a criminal background check for all child care staff members, unless the requirements of section (4) of this rule are met by the child care provider and proof is submitted to the department.

(4) A child care provider shall not be required to submit a request for a criminal background check for a child care staff member if—

(A) The staff member received a **qualifying** criminal background check within five (5) years before the latest date on which such a submission may be made and while employed by or seeking employment by another child care provider within Missouri;

(B) The first provider received a qualifying criminal background check result, consistent with this chapter, for the staff member; and

(C) The staff member is employed by a child care provider within Missouri or has been separated from employment from a child care provider within Missouri for a period of not more than one hundred eighty (180) consecutive days[.]; **or**

(D) The individual meets the definition of child care provider, but is not responsible for the oversight or direction of the child care facility and does not have independent access to the child care facility. Such staff members shall be accompanied by an individual with a qualifying criminal background check in order to be present at the child care facility during child care hours.

(5) Criminal background checks shall be completed for each child care staff member every five (5) years.

*AUTHORITY: section 210.1080, RSMo Supp. [2018]2020. * Emergency rule filed Feb. 15, 2019, effective Feb. 25, 2019, expired Aug. 23, 2019. Original rule 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: 210.1080, RSMo 2018, amended 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 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 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.*