

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1831

97TH GENERAL ASSEMBLY

5710H.08T

2014

AN ACT

To repeal sections 210.027 and 210.211, RSMo, and to enact in lieu thereof two new sections relating to child care facilities, with a contingent effective date for a certain section.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 210.027 and 210.211, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 210.027 and 210.211, to read as follows:

210.027. 1. For child-care providers who receive state or federal funds for providing
2 child-care [services in the home] **fee assistance**, either by direct payment or through
3 reimbursement to a child-care beneficiary, the department of social services shall:

4 (1) **Establish publicly available website access to provider-specific information**
5 **about any health and safety licensing or regulatory requirements for the providers, and**
6 **including dates of inspections, history of violations, and compliance actions taken, as well**
7 **as the consumer education information required under subdivision (12) of this section;**

8 (2) **Establish or designate one hotline for parents to submit complaints about child**
9 **care providers;**

10 (3) Be authorized to revoke the registration of a registered provider for due cause;

11 [(2)] (4) Require providers to be at least eighteen years of age;

12 [(3)] (5) **Establish minimum requirements for building and physical premises to**
13 **include:**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 **(a) Compliance with state and local fire, health, and building codes, which shall**
15 **include the ability to evacuate children in the case of an emergency; and**

16 **(b) Emergency preparedness and response planning.**

17

18 **Child care providers shall meet these minimum requirements prior to receiving federal**
19 **assistance.** Where there are no local ordinances or regulations regarding smoke detectors, **the**
20 **department shall** require providers, by rule, to install and maintain an adequate number of
21 smoke detectors in the residence **or other building** where child care is provided;

22 ~~[(4)]~~ **(6) Require providers to be tested for tuberculosis on the schedule required for**
23 **employees in licensed facilities;**

24 ~~[(5)]~~ **(7) Require providers to notify parents if the provider does not have immediate**
25 **access to a telephone;**

26 ~~[(6)]~~ **(8) Make providers aware of local opportunities for training in first aid and child**
27 **care;**

28 **(9) Promulgate rules and regulations to define pre-service training requirements**
29 **for child care providers and employees pursuant to applicable federal laws and**
30 **regulations;**

31 **(10) Establish procedures for conducting unscheduled onsite monitoring of child**
32 **care providers prior to receiving state or federal funds for providing child care services**
33 **either by direct payment or through reimbursement to a child care beneficiary, and**
34 **annually thereafter;**

35 **(11) Require child care providers who receive assistance under applicable federal**
36 **laws and regulations to report to the department any serious injuries or death of children**
37 **occurring in child care; and**

38 **(12) With input from statewide stakeholders such as parents, child care providers**
39 **or administrators, and system advocate group, establish a transparent system of quality**
40 **indicators appropriate to the provider setting that shall provide parents with a way to**
41 **differentiate between child care providers available in their communities as required by**
42 **federal rules. The system shall describe the standards used to assess the quality of child**
43 **care providers. The system shall indicate whether the provider meets Missouri's**
44 **registration or licensing standards, is in compliance with applicable health and safety**
45 **requirements, and the nature of any violations related to registration or licensing**
46 **requirements. The system shall also indicate if the provider utilizes curricula and if the**
47 **provider is in compliance with staff educational requirements. Such system of quality**
48 **indicators established under this subdivision with the input from stakeholders shall be**

49 promulgated by rules. Any rule or portion of a rule, as that term is defined in section
50 536.010 that is created under the authority delegated in this section shall become effective
51 only if it complies with and is subject to all of the provisions of chapter 536, and, if
52 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
53 the powers vested with the general assembly pursuant to chapter 536, to review, to delay
54 the effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
56 after August 28, 2014, shall be invalid and void. This subdivision shall not be construed
57 as authorizing the operation, establishment, maintenance, or mandating or offering of
58 incentives to participate in a quality rating system under section 161.216.

59 2. No state agency shall enforce the provisions of this section until October 1, 2015,
60 or six months after the implementation of federal regulations mandating such provisions,
61 whichever is later.

210.211. 1. It shall be unlawful for any person to establish, maintain or operate a
2 child-care facility for children, or to advertise or hold himself or herself out as being able to
3 perform any of the services as defined in section 210.201, without having in effect a written
4 license granted by the department of health and senior services; except that nothing in sections
5 210.203 to 210.245 shall apply to:

6 (1) Any person who is caring for four or fewer children. For purposes of this
7 subdivision, children who are related by blood, marriage or adoption to such person within the
8 third degree shall not be considered in the total number of children being cared for;

9 (2) Any person who has been duly appointed by a court of competent jurisdiction the
10 guardian of the person of the child or children, or the person who has legal custody of the child
11 or children;

12 (3) Any person who receives free of charge, and not as a business, for periods not
13 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or
14 children of personal friends of such person, and who receives custody of no other unrelated child
15 or children;

16 (4) Any graded boarding school, summer camp, hospital, sanitarium or home which is
17 conducted in good faith primarily to provide education, recreation, medical treatment, or nursing
18 or convalescent care for children;

19 (5) Any child-care facility maintained or operated under the exclusive control of a
20 religious organization. When a nonreligious organization, having as its principal purpose the
21 provision of child-care services, enters into an arrangement with a religious organization for the

22 maintenance or operation of a child-care facility, the facility is not under the exclusive control
23 of the religious organization;

24 (6) Any residential facility or day program licensed by the department of mental health
25 pursuant to sections 630.705 to 630.760 which provides care, treatment and habilitation
26 exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental
27 retardation or developmental disability, as defined in section 630.005; and

28 (7) Any nursery school.

29 2. Notwithstanding the provisions of subsection 1 of this section, no child-care facility
30 shall be exempt from licensure if such facility receives any state or federal funds for providing
31 care for children, except for federal funds for those programs which meet the requirements for
32 participation in the Child and Adult Care Food Program pursuant to 42 U.S.C. 1766. Grants to
33 parents for child care pursuant to sections 210.201 to 210.257 shall not be construed to be funds
34 received by a person or facility listed in subdivisions (1) and (5) of subsection 1 of this section.

35 3. Any child care facility not exempt from licensure shall disclose the licensure status
36 of the facility to the parents or guardians of children for which the facility provides care. No
37 child care facility exempt from licensure shall represent to any parent or guardian of children for
38 which the facility provides care that the facility is licensed when such facility is in fact not
39 licensed.

40 **4. Any in-home licensed child care facility that is organized as a corporation,**
41 **association, firm, partnership, proprietorship, limited liability company, or any other type**
42 **of business entity in this state shall qualify for the exemption for related children for**
43 **children who are related to the member of the corporation, association, firm, partnership,**
44 **proprietorship, limited liability company, or other type of business entity who is**
45 **responsible for the daily operation of the child care facility and who meets the**
46 **requirements of the child care provider. If more than one member of the corporation,**
47 **association, firm, partnership, proprietorship, limited liability company, or other type of**
48 **business entity is responsible for the daily operation of the child care facility, the exemption**
49 **for related children shall only be granted for children who are related to one of the**
50 **members. All child care facilities under this subsection shall disclose the licensure status**
51 **of the facility to the parents or guardians of children for which the facility provides care.**
52 **A parent or guardian shall sign a written notice indicating he or she is aware of the**
53 **licensure status of the facility. The facility shall keep a copy of this signed written notice**
54 **on file. All child care facilities shall provide the parent or guardian enrolling a child in the**
55 **facility with a written explanation of the disciplinary philosophy and policies of the child**
56 **care facility.**

Section B. The repeal and reenactment of section 210.027 shall become effective upon
2 the department of health and senior services providing notice to the revisor of statutes that the
3 implementation of federal regulations mandating such provisions has occurred.

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