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Part II

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.151 Field Trips

PURPOSE: This rule sets forth the additional requirements, in addition to the transportation rules, for taking children on field trips.

(1) General Requirements.

(A) The home provider shall be responsible for the care, safety and supervision of children on field trips.

(B) Written and signed parental consent shall be on file at the child care home for each specific field trip taken by the program away from the child care home. The consent shall include, but not be limited to, the date of the field trip, the estimated time of leaving and returning to the child care home, the method of transportation, the destination, and the caregivers who will be responsible for supervising the children during the field trip.

(C) Written and signed parental consent may be given for regularly scheduled field trips for a designated period of time, not to exceed three (3) months.

(D) The home provider shall make reasonable accommodations to transport children with physical disabilities on scheduled field trips.

(E) Any outdoor activity in space other than the approved outdoor play space shall meet field trip requirements.

(2) Safety and Supervision.

(A) There shall be a minimum of two (2) caregivers on each field trip when more than six (6) children are being transported.

(B) Children shall wear identification stating the name and phone number of the child care home in case the child becomes separated from the group. For security reasons it is recommended that the identification not include the child's name.

(C) Each child shall be assigned to a specific caregiver for every part of the field trip.

(D) "Face-to-name" roll calls shall be taken during all field trips. At a minimum, these roll calls shall occur before leaving the child care home, after entering the vehicle, during a field trip, after taking children to the bathroom, after returning to the vehicle and upon return to the child care home.

(E) When children leave the vehicle, the vehicle shall be thoroughly inspected to ensure that no child is left in any area of the vehicle.

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fifty-six thousand eight hundred fifty dollars (\$56,850) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Department of Health and Senior Services
Estimated Cost of Compliance in the Aggregate	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>

\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 151 Field Trips
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
379	Child Care Homes	\$56,850.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Monitoring Cost.
 (379) X (12) X (\$10.00) = \$45,480.00 Total Aggregate Cost

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Staff Cost
 (379) X (6) X (\$5.00) = \$11,370.00

Total Cost = \$56,850.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1893 licensed Child Care Homes in FY04.
2. BCC estimates that approximately twenty (20) percent of Child Care Homes provide transportation services. Based on this percentage, 379 Child Care Homes provide transportation services. It should be noted that providing transportation and field trips are not a licensing requirement.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. Additional Home caregiver salary is estimated at \$5.00 per hour.
5. It is estimated that Child Care Homes conduct an average of six (6) field trips per year. This necessitates notification of parents regarding each trip and maintaining field trip authorization forms. It will take the home provider an average of two (2) hours per field trip or twelve (12) hours per year to maintain compliance with this rule.
6. It is estimated that the increased caregiver/child ratios will require one additional staff member for fifty (50) percent of the field trips and will average two (2) hours in length.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.155 Overlap Care of Children. This rule defined overlap care and sets forth the requirements of overlap care.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.140, 13 CSR 40-61.155 and 19 CSR 40-61.155. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.155, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.155 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.155 Overlap Care of Children

PURPOSE: This rule defines overlap care and sets forth the requirements for overlap care.

(1) The child care home shall not provide overlap care without prior written approval from the bureau.

(2) Overlap care of children under the age of two (2) shall not be permitted.

(3) During overlap care the number of children in care may exceed the licensed capacity of the child care home to accommodate situations such as parent's(s'), legal guardians' or legal custodians' work shifts or before and after school care if the following conditions are met:

(A) The provider shall submit a written request for overlap on a form provided by the bureau. The overlap request shall include the hours overlap care will be provided;

(B) The number of additional children in care shall not exceed one-third (1/3) of the licensed capacity of the child care home at the time of overlap;

(C) The overlap period(s) shall not exceed two (2) hours total in any twenty-four (24)-hour child care day. The two (2) hours of available overlap time may be utilized in smaller time periods; and

(D) All procedures for admitting children shall be followed if a child care home enrolls children for overlap care.

(4) Approval for overlap care may be denied or rescinded based on fire safety restrictions or a child care home's history of noncompliance with licensing rules related to caregiver/child ratio and supervision of children.

(5) Approval for overlap care will be reviewed at each license renewal.

(6) The overlap approval shall be posted near the license.

(7) Any changes in the hours of overlap care shall require that a new overlap request form be submitted and approved by the bureau.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.140, 13 CSR 40-61.155 and 19 CSR 40-61.155. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.155, effective Dec. 9, 1993. Emergency amendment filed Aug. 18, 1993, effective Aug. 28, 1993, expired Dec. 25, 1993. Emergency amendment filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Amended: Filed Aug. 18, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.155 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions sixty-eight thousand six hundred eighteen dollars (\$68,618) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities fifteen thousand one hundred forty dollars (\$15,140) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.155 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$68,618 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (3\%) = \$68,618$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 3% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 155 Overlap Care of Children
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1514	Child Care Homes	\$15,140.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1514) X (1) X (\$10.00) = \$15,140.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. BCC estimates that approximately eighty (80) percent of Child Care Homes request overlap care. Based on this percentage, 1,514 Child Care Homes request overlap care.
3. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
4. It will take the home provider an average of one (1) hour per year to maintain compliance with the documentation requirements of this rule.
5. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.165 Emergency School Closings. *This rule allowed one-third (1/3) additional attendance of school-age children on unscheduled days of school closing.*

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.150, 13 CSR 40-61.165 and 19 CSR 40-61.165. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.165, effective Dec. 9, 1993. Changed to 19 CSR 30-61.165 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.150, 13 CSR 40-61.165 and 19 CSR 40-61.165. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.165, effective Dec. 9, 1993. Changed to 19 CSR 30-61.165 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eighteen thousand nine hundred thirty dollars (\$18,930) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.165 Emergency School Closings

PURPOSE: This rule allows one-third (1/3) additional attendance of school-age children on unscheduled days of school closings.

- (1) The child care home may accommodate enrolled school-age children who need care on days when schools are closed due to emergencies such as inclement weather or physical plant failure.
- (2) The licensed capacity of the child care home may be exceeded by one-third (1/3) for the day. This shall not be in addition to the one-third (1/3) excess attendance allowed for overlap care. At no time may the total number in care be more than one-third (1/3) over the licensed capacity of the child care home.
- (3) The provider shall maintain a written record including the date of the emergency school closing, the reason for the closing and the number of children in care, including children's names and ages on that date.
- (4) This section of the rules does not apply to days schools announce in advance closures such as, but not limited to, holidays and parent conferences.

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.165 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 165 Emergency School Closings
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$18,930.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (1) X (\$10.00) = \$18,930.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the home provider an average of one (1) hour per year to maintain required documentation for this rule.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.170 Records and Reports

PURPOSE: This rule lists records and reports that must be on file at the child care home to meet administrative requirements and to ensure knowledge of the individual needs of children and their families.

- (1) The provider shall maintain an individual file at the child care home for each child enrolled in care.
- (2) Each child's individual file shall contain information pertaining to enrollment, health, accidents, injuries, emergency medical care, at-risk situations, transportation, field trip permission and other significant information as needed.
- (3) The enrollment documents shall include information as specified in 19 CSR 30-61.110.
- (4) The health documents shall include:
 - (A) Immunization records as required by 19 CSR 30-61.140(5);
 - (B) A medical examination report as required by 19 CSR 30-61.110;
 - (C) The individualized plan for specialized care for any child having a special need as required by 19 CSR 30-61.110(4)(K);
 - (D) Parental authorization for medications and a record of medications administered as defined in 19 CSR 30-61.140(4);
 - (E) Documentation of the date and time of parental contact due to illness and the decision made shall be filed in the child's individual record as specified in 19 CSR 30-61.140(3)(D); and
 - (F) Documentation of accidents, injuries, emergency medical care and at-risk situations shall include information as specified in 19 CSR 30-61.140(6).
- (5) Documentation of any significant information learned from observation or communication regarding the child. This includes, but is not limited to:
 - (A) Behavioral observations, such as extreme aggressive or passive behavior, unusual changes in activity level (e.g., sluggish, hyperactive);
 - (B) Persistent or serious concerns expressed by a child;
 - (C) Indicators of child abuse/neglect, including the date and action taken when reported to the child abuse/neglect hotline;
 - (D) Information communicated from the child's parent(s), legal guardian, or legal custodian or other sources; and
 - (E) Any action taken as a result of the above observations or communications.
- (6) The provider shall maintain an individual file at the child care home for each staff member. Each staff's individual file shall include documentation pertaining to personnel information; health; background screenings; and required training.
- (7) The health documentation shall contain medical examination reports for staff, as required by 19 CSR 30-61.100(4).
- (8) The background screening documentation shall contain a copy of the Family Care Screening results as required by 19 CSR 30-61.100(2).
- (9) The training documentation shall contain staff training records, as required by 19 CSR 30-61.100(6).

(10) Record Maintenance and Retention.

(A) Individual children's records shall be retained a minimum of one (1) year after the child discontinues attendance.

(B) Individual child care staff's records shall be retained a minimum of one (1) year after the staff discontinues employment or volunteering.

(C) Daily sign-in sheets with children's times of arrival and departure shall be maintained and kept on file a minimum of one (1) year.

(D) Daily attendance records for the home provider and other staff with times of arrival and departure from the premises shall be maintained and kept on file a minimum of one (1) year.

(E) All records shall be filed on the premises in a place known to all caregivers and shall be accessible by the person in charge at all times during the hours the child care home is open and operating.

(F) Emergency school closing records, as required by 19 CSR 30-61.165(3) shall be on file.

(G) A written record of emergency drills as required by 19 CSR 30-61.086(2)(C) shall be on file.

(H) All records of children shall be confidential, protected from unauthorized examination. Each child's record shall be available to his/her parent(s), legal guardian or legal custodian upon request.

(I) All records shall be available at the child care home for inspection by the bureau upon request.

(J) Reports to the bureau shall be submitted as required.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210 and 19 CSR 40-61.210. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities three hundred seventy-eight thousand six hundred dollars (\$378,600) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.170 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 4% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 170 Records and Reports
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893	Child Care Homes	\$378,600.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(1893) X (20) X (\$10.00) = \$378,600.00 Total Aggregate Cost

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1893 licensed Child Care Homes in FY04.
2. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
3. It will take the home provider an average of twenty (20) hours per year of specialized oversight to maintain staff and children's beyond the costs specified in previous private fiscal notes.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.175 Child Care Program. This rule set forth the requirements for the care of children, including supervision, emergency drills, discipline, diapering and toileting, and daily activities.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.160, 13 CSR 40-61.175 and 19 CSR 40-61.175. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.175, effective Dec. 9, 1993. Changed to 19 CSR 30-61.175 July 30, 1998. Amended: Filed Feb. 18, 1999, effective Sept. 30, 1999. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

(F) During sleeping hours, a caregiver shall be on the same floor as sleeping children and close enough to sleeping areas to hear children and respond to children needing attention.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-61.130, 13 CSR 40-61.145 and 19 CSR 40-61.145. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty-two thousand eight hundred seventy-three dollars (\$22,873) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities nine hundred forty-five dollars (\$945) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.180 Nighttime Care

PURPOSE: This rule sets forth requirements for facilities providing nighttime care for children.

(1) If nighttime care is to be offered on a regular basis, rules shall be met as set forth for nighttime care, and the child care home shall be specifically licensed to include nighttime care.

(2) Facilities licensed for nighttime care shall meet these additional requirements:

(A) Special effort shall be made by caregivers to individualize care at children's bedtime and awakening. The parent(s), legal guardian or legal custodian shall be consulted concerning his/her child's particular behavior patterns at bedtime and awakening;

(B) Room arrangements shall accommodate children's need for undisturbed sleep when/if parent(s), legal guardian or legal custodian arrive during various hours of nighttime care;

(C) Personal items such as combs, brushes, toothbrushes or other personal items shall be individually marked with the child's name;

(D) Nightlights shall be provided and shall be located in areas as required by individual children's needs;

(E) Separate sleeping and dressing areas shall be provided for school-age boys and girls; and

FISCAL NOTE PUBLIC COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.180 Nighttime Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$22,873 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (1\%) = \$22,873$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

• Bureau Chief (1)	\$58,330.
• Assistant Bureau Chief (2)	104,640.
• District Child Care Supervisor (1)	46,100.
• Child Care Program Specialists (2)	87,720.
• Legal Coordinator (1)	37,330.
• Community Health Nurse (1)	51,250.
• Health Program Representative (3)	96,850.
• Environmental Public Health Specialist V (1)	46,100.
• Environmental Public Health Specialist III (8)	303,060.
• CCFS III (12)	480,000.

• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 1% of the total Child Care Homes work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 180 Nighttime Care
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893 Licensed Facilities	Child Care Homes	\$945.00 annually

III. WORKSHEET

(Number of Affected Facilities) X (Cost of Nightlights) = Aggregate Nighttime Cost
 (189) X (\$5.00) = \$945.00
 Total = \$945.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Bureau of Child Care (BCC) estimates that ten (10) percent of Child Care Homes provide nighttime care (189 facilities).
3. BCC estimates the cost of nightlights to be \$ 5.00.
4. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.185 Health Care. This rule outlined the requirements for reporting communicable diseases, caring for a child when ill, medication, emergency care, and hand washing.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-61.185 and 19 CSR 40-61.185. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.190 Nutrition and Food Service. This rule provided the requirements for nutritious meals, snacks and methods of food service.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule was previously filed as 13 CSR 40-61.170, 13 CSR 40-61.190 and 19 CSR 40-61.190. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.190, effective Dec. 9, 1993. Changed to 19 CSR 30-61.190 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.200 Transportation and Field Trips. This rule set forth the requirements of a day care provider when transporting children on field trips.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule was previously filed as 13 CSR 40-61.200 and 19 CSR 40-61.200. Original rule filed March 29, 1991, effective Oct. 31, 1991. Changed to 19 CSR 40-61.200, effective Dec. 9, 1993. Changed to 19 CSR 30-61.200 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.210 Records and Reports. This rule listed records and reports which must be on file at the facility.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1998. This rule previously filed as 13 CSR 40-61.180, 13 CSR 40-61.210 and 19 CSR 40-61.210. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City,

MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 61—Licensing Rules for Family Day Care Homes**

PROPOSED RESCISSION

19 CSR 30-61.220 Variance Request. This rule explained how a provider may request a variance from the rules of this chapter.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 19 CSR 40-61.220. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.220 July 30, 1998. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.220 Variance Request

PURPOSE: This rule explains how a licensee may request a variance from a rule in the *Licensing Rules for Child Care Homes*.

(1) The licensee may request a variance from a rule. The request for a variance shall be made in writing to the bureau and shall include the rule(s) for which a variance is requested and the reason(s) the provider requests the variance.

(2) The provider shall continue to follow the rule(s) for which the variance was requested until notified in writing of the bureau's decision regarding the request.

(3) If the variance request is approved, the licensee shall be advised in writing by the bureau of the approval and any required conditions. The variance approval shall be posted by the licensee.

(4) The bureau may rescind the variance with written notice to the licensee if the licensee fails to comply with the required condition(s).

(5) If the bureau does not approve a variance request, the bureau shall advise the licensee in writing of the reason(s) the variance has been determined to endanger the health or safety of the children served by the child care home. The owner may request a review of the decision by the department director within thirty (30) days of receipt of the denial notice. The department director shall make a final determination to approve or deny the variance request. That determination is subject to Chapter 536, RSMo review for licensed facilities.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 19 CSR 40-61.220. Emergency rule filed Aug. 27, 1993, effective Sept. 5, 1993, expired Jan. 2, 1994. Emergency rule filed Jan. 4, 1994, effective Jan. 14, 1994, expired May 13, 1994. Original rule filed Aug. 27, 1993, effective April 9, 1994. Changed to 19 CSR 30-61.220 July 30, 1998. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions ninety-one thousand four hundred ninety-one dollars (\$91,491) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities two thousand four hundred ten dollars (\$2,410) annually in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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. RULE NUMBER

Rule Number and Name:	19 CSR 30-61.220 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$91,491 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Child Care Homes) X (% Total Child Care Homes work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (4\%) = \$91,491$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.
- CCFS III (12) 480,000.

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| • CCFS II (70) | \$2,450,000. |
| • Office Support Assistant –OSA (11.5) | 241,500. |
| • Senior OSA (6) | 132,000. |
| • Administrative OSA (1) | <u>23,460.</u> |
| | \$4,158,340. |
2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
 3. Total BBC Sanitation Outsourcing cost is \$469,000.
 4. Total BCC budget cost for all regulatory work is \$5,198,340.
 5. The Child Care Homes program represents approximately 44% of the BCC total regulatory work.
 6. This rule represents 4% of the total Child Care Homes work load.
 7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.

**FISCAL NOTE
 PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-61. 220 Variance Request
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1893 Existing Facilities	Child Care Homes	\$2,410.00 annually
272 New Facilities		

III. WORKSHEET

(Number of Affected Facilities) X (Hours of Work) X (Cost per Hour) = Total Aggregate Cost.

(189) X (1) X (\$10.00) = \$1,890.00 Licensed Facilities Variance Cost

(52) X (1) X (\$10.00) = \$520.00 New Applications Variance Cost

Total = \$2,410.00

IV. ASSUMPTIONS

1. Bureau of Child Care (BCC) had 1,893 licensed Child Care Homes in FY04.
2. Bureau of Child Care (BCC) approved 259 new applications in FY04.
3. It is estimated that ten (10) percent of licensed Child Care Homes This ratio represents 189 Child Care Homes that require a variance.
4. It is estimated that twenty (20) percent of new Child Care Homes will require a variance. This ratio represents 52 new approved Child Care Home applications.
5. Home provider's annual salary is estimated at \$20,800 per year (\$10.00 per hour).
6. It will take the home provider an average of one (1) hour to complete the variance request form.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in home provider's salary.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 61—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-61.230 Grandfather Clause

PURPOSE: This rule allows facilities to continue compliance with a previously promulgated rule and partial or full exemption from a new requirement with additional conditions as identified below.

NOTE: Current rules with a “grandfather clause” will be identified by the symbol (GF) after the affected rule.

(1) General Rules.

(A) All licensing rules listed in this copy and subsequent copies of the Licensing Rules for Child Care Homes apply to all providers unless listed in the exceptions below.

(B) “Grandfather” provisions shall not apply when any child care home changes ownership after the issuance of these rules. These facilities shall comply with all licensing rules current at the time of the change of ownership.

(C) “Grandfather” provisions shall not apply when any child care home remodels the facility, constructs a new building or addition, replaces or adds a fence or replaces any piece of equipment or item that would not be approvable under these guidelines. These facilities shall conform to all current licensing rules.

(D) The bureau will develop a time period with facilities licensed prior to the effective date of these rules (not to exceed six (6) months) to reach compliance with all rules that have changed that are not listed below as grandfathered rules.

(E) Rules grandfathered for previously licensed programs:

CURRENT RULE	GRANDFATHERING PROVISION
19 CSR 30-61.100(3)(A) “Any non-resident child who comes into a child care home for care, including any child related to the licensee, shall be counted in the licensed capacity.”	Facilities licensed prior to the issuance of these rules may continue to care for the specific related children already being cared for at the facility and not count them in capacity. Related children beginning care after the effective date of these rules will be counted in capacity. The provider shall provide a list of all related children in care to the Bureau of Child Care (BCC).
19 CSR 30-61.100(3)(B) and (4) “Any resident foster child in a licensed child care home shall be counted in the total number of children in care.”	Facilities licensed prior to the issuance of these rules that were granted permission by the BCC not to count foster children in capacity may continue to do so with those specific children. All foster children placed after the issuance of these rules will be counted in capacity. The provider shall provide a list of all foster children in care to the BCC.
19 CSR 30-61.065(1)(F) “Stairways in approved child care space having more than three (3) steps shall have a handrail placed at a height that is thirty-four inches (34”) to thirty-eight inches (38”) from the steps.”	Handrails approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced handrails shall meet the current rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children’s safety.
19 CSR 30-61.065(1)(G) “Porches, decks, lofts, stairwells or other physical plant structures in approved child care space having a drop-off of more than twenty-four inches (24”) from which children might fall shall have an approved protective banister, guardrail, or barrier that is at least thirty-six inches (36”) high.”	Protective banisters, guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children’s safety.

<p>19 CSR 30-61.065(1)(H) “Protective barriers, banisters or guardrails shall not have any openings greater than three and one-half inches (3 1/2”) and shall be constructed in a manner not conducive to climbing.”</p>	<p>Banisters, protective guardrails or barriers approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced banisters, guardrails, or barriers shall meet the current licensing rule requirement. The provider shall develop and copy to the BCC a written plan of supervision to assure the children’s safety.</p>
<p>19 CSR 30-61.065(3)(A)1. “A bathroom shall be located on each floor used for child care.”</p>	<p>Facilities previously approved are not required to meet this rule. The provider shall develop and copy to the BCC a written plan of how they will maintain supervision of children.</p>
<p>19 CSR 30-61.070(2)(F) “The play area fence shall be at least forty-eight inches (48”) high and shall be permanently installed.”</p>	<p>Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.</p>
<p>19 CSR 30-61.070(2)(G) “Openings in the fence shall be no greater than three and one-half inches (3 1/2”) to prevent children from climbing, crawling or falling through or becoming entrapped.”</p>	<p>Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.</p>
<p>19 CSR 30-61.070(3)(D) “All outdoor equipment shall be constructed to be free of CCA treated lumber.”</p>	<p>Outdoor equipment constructed of CCA treated lumber and approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced equipment shall meet the current licensing rule requirement.</p>
<p>19 CSR 30-61.070(3)(J) “All stationary equipment shall have a minimum of six feet (6’) clearance space from other stationary equipment, all walkways, fences, buildings or other structures.”</p>	<p>Outdoor equipment approved by the BCC prior to the issuance of these rules and that has a clearance space less than six feet (6’) may continue to be used.</p>
<p>19 CSR 30-61.075(6) “Any fence used to restrict children’s access to a swimming or wading pool shall be at least forty-eight inches (48”) high, shall have a locked gate, and shall be constructed to prevent a child from climbing into the pool.”</p>	<p>Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.</p>
<p>19 CSR 30-61.075(17) “A hot tub shall have an approved, locked hard cover in place at all times that children are in care, or the hot tub shall be enclosed by a fence that is at least forty-eight inches (48”) high with a locked gate, which is constructed to prevent a child from climbing into the hot tub area.”</p>	<p>Fences approved by the BCC prior to the issuance of these rules may continue to be used. All newly added or replaced fences shall meet the current licensing rule requirement.</p>
<p>19 CSR 30-61.086 Fire Safety Rules</p>	<p>All fire safety rules that have been grandfathered are noted in the text of the fire safety rules.</p>
<p>19 CSR 30-61.090(8)(D) “When local codes are not in effect, on-site sewage disposal systems shall be regulated by the department and shall meet all provisions of sections 701.025 to 701.059, RSMo.”</p>	<p>Sewage systems approved by the department prior to the issuance of these rules may continue to operate these systems as long as the previous conditions of approval are maintained.</p>
<p>19 CSR 30-61.090(18)(J) “Facilities shall have mechanical ventilation in all bathrooms.”</p>	<p>Facilities licensed prior to 10/31/91 may continue to operate without mechanical ventilation in bathrooms.</p>
<p>19 CSR 30-61.100(6)(M) “Prior to initial licensure, the approved home provider shall be certified in infant and child CPR and first aid with documentation on file at the facility. A staff member with this documented current certification shall be on duty at all times when child care is provided.”</p>	<p>Facilities licensed prior to the issuance of these rules shall be allowed six (6) months in order to be in compliance with this rule.</p>

AUTHORITY: section 210.221.1(3), RSMo 2000. Original rule filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Centers**

PROPOSED RESCISSION

19 CSR 30-62.010 Definitions. This rule defined the terms used in the rules for group child care homes and child care centers.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.221.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.010 Definitions

PURPOSE: This rule defines the terms used in the Licensing Rules for Group Child Care Homes and Child Care Centers.

(1) "Adult" is any individual eighteen (18) years of age or older.

(2) "Applicant" is a person seeking to become licensed who submits a completed and signed application form supplied by the Bureau of Child Care for the purpose of requesting inspection of a child care facility to determine compliance with regulatory requirements.

(3) "Approved child care space" is indoor and outdoor space that the Bureau of Child Care has inspected and licensed for children's use.

(4) "At-risk situation" is any incident in which a child is placed in jeopardy and may include, but is not limited to, lack of supervision, staff negligence, or exposure to hazardous materials or conditions.

(5) "Attendance" is the number of children enrolled at the facility and participating in the program at any one time whether on or off the premises.

(6) "Background check" is a process required in section 210.900, RSMo for screening an individual for a history of criminal record; probable cause finding of child or elder abuse and/or neglect; foster parent licensure denials, revocations and suspensions; child care facility license denials, revocations and suspensions; the Department of Mental Health's employee disqualification registry; and residential living facility and nursing home license denials, revocations, suspensions and probationary status, and sexual offender registration.

(7) "Bureau" is the Bureau of Child Care.

(8) "Caregiver" is any adult who is responsible for the protection, development and supervision of children in a child care facility.

(9) "Caregiver/child ratio" is the number of caregivers required in relation to the number and ages of children in care.

(10) "Change of ownership" is a transfer of controlling legal or controlling equitable interest and authority in a child care facility from one person(s) or entity to another.

(11) "Child" is an individual who is under the age of seventeen (17).

(12) "Child care" is responsibility for the protection, development and supervision of a child away from his/her own home for any part of the twenty-four (24)-hour day for compensation or otherwise. Child care may be given in a child care home, group child care home or child care center.

(13) "Child care center," hereafter referred to as center, even if called by another title or name, is a child care facility licensed as a center for more than four (4) children not related to the licensee for any part of the twenty-four (24)-hour day. A child care center shall be in a location other than the licensee's permanent residence or in the licensee's residence in space that is separate from the licensee's living quarters.

(14) "Child care facility," hereafter referred to as facility, is a house or other place conducted or maintained by any person who advertises or holds him/herself out as providing care for more than four (4) children, for compensation or otherwise, with exceptions noted in section 210.201(2), RSMo.

(15) "Child care home," hereafter referred to as home, whether known or incorporated under another title or name, is a child care facility licensed as a home where care is given by a child care home provider for no more than ten (10) children for any part of the twenty-four (24)-hour day.

(16) "Child Care Orientation Training," hereafter referred to as CCOT, is an introductory caregiver training module developed by the bureau. This introductory training includes information on licensing

rules, child abuse/neglect, developmentally appropriate practice, supervision, and health/environmental safety.

(17) "Child Care Orientation Training Plus," hereafter referred to as CCOT+, is a specialized caregiver training module developed by the bureau, such as training on infant/toddler or school-age child care.

(18) "Child care provided by a business as a convenience for its customers or employees" is a program operated by a commercial establishment which provides care for no more than four (4) hours per child per day for the children of its customers or employees.

(19) "Child care specialist" is an employee of the bureau who investigates and monitors child care facilities for the purpose of determining compliance with regulatory requirements.

(20) "Daytime" is any part of the twenty-four (24)-hour day between 6:00 a.m. and 9:00 p.m.

(21) "Department" is the Missouri Department of Health and Senior Services (MDHSS).

(22) "Department director" is the director of the Missouri Department of Health and Senior Services.

(23) "Department of Mental Health (DMH) day program" is a program licensed by DMH which provides care, treatment and habilitation exclusively to children who have a primary diagnosis of mental disorder, mental illness, mental retardation or developmental disability, as defined in section 630.005, RSMo.

(24) "Face-to-name roll call" is the visual matching of a child's face to his/her name on a list during all roll calls.

(25) "Facility director," hereafter referred to as director, is the qualified, approved individual who is designated by the licensee as the individual responsible for the supervision of caregivers, and for planning, organizing, leading and monitoring the facility's daily program and curriculum.

(26) "Family Care Safety Registry," hereafter referred to as FCSR, is a registry in the Missouri Department of Health and Senior Services that families and other employers may contact to obtain background checks on registered caregivers, pursuant to sections 210.900 to 210.937, RSMo.

(27) "Grandfather (GF) clause" is the bureau's provision per statute to allow a facility to continue compliance with a previously promulgated rule with partial or full exemption from a new requirement.

(28) "Group child care home," whether known or incorporated under another title or name, is a child care program licensed as a group child care home for eleven (11), but not more than twenty (20) children, for any part of the twenty-four (24)-hour day. A group child care home shall be in a location other than the licensee's permanent residence or in the licensee's residence in space that is separate from the licensee's living quarters.

(29) "Group size" is the number of children assigned to a caregiver(s) in an individual classroom or well-defined space within a large room.

(30) "Infant" is any child under twelve (12) months of age.

(31) "Infant/toddler unit" is approved child care space used exclusively for the care of children ages birth to thirty-six (36) months.

(32) "Licensed capacity" is the maximum number of children who may be in the care of a facility at any one time, as specified on the facility license, whether on or off the premises.

(33) "Licensee" is the person who is licensed under section 210.211, RSMo to establish, conduct or maintain a child care facility.

(34) "Local health agency" is an organization operated by a city or county that enforces local public health codes and ordinances and provides other public health related services.

(35) "Medication" is any prescription or over-the-counter substance that is administered either internally or topically for the purpose of treatment or prevention of illness or injury.

(36) "Nighttime" is the part of the twenty-four (24)-hour day between 9:00 p.m. and 6:00 a.m.

(37) "Nursery school" is a facility with the primary function of providing an educational program for preschool children for no more than four (4) hours per child per day.

(38) "Owner" is the person who has controlling legal or controlling equitable interest and who is responsible for establishing, maintaining and operating a facility that is subject by statute to licensure.

(39) "Parent(s), legal guardian, or legal custodian" is an individual who has legal and/or physical custody of a child who is enrolled for care at a child care facility.

(40) "Person" is any individual, firm, corporation, association, institution, or other incorporated or unincorporated organization.

(41) "Physical plant" is a building that houses a facility or licensed areas within a building including the architectural, structural, mechanical, electrical, plumbing and sanitation, and fire protection elements of the building.

(42) "Premises" is a house(s), dwelling(s) or building(s) and its adjoining land, including licensed and unlicensed space.

(43) "Preschool child" is any child two through five (2-5) years of age who is not attending kindergarten.

(44) "Recreational program" is a program established primarily to provide leisure or sports activities for school-age children who are allowed to attend at their discretion.

(45) "Related" is any of the following relationships by marriage, blood or adoption between the licensee and the children in care: parent, grandparent, great-grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, or nephew.

(46) "Religious organization" is a church, synagogue, mosque or entity that has or would qualify for federal tax exempt status as a nonprofit religious organization under section 501 of the *Internal Revenue Code* or an entity whose real estate on which the child care facility is located is exempt from taxation because it is used for religious purposes.

(47) "Religious organization academic preschool or kindergarten" is an educational program operated exclusively for four (4) and five (5)-year old children by a religious organization.

(48) "School-age child" is any child five (5) years of age or older who is attending kindergarten or above.

(49) "School system" is a program established primarily for education and which meets the following criteria:

(A) Provides education in at least the first through the sixth grade; and

(B) Provides evidence that the school system's records will be accepted by a public or private school for the transfer of any student.

(50) "Staff" is any adult employee or volunteer who works in any capacity at a child care facility and has contact with children in care.

(51) "Summer camp" is a facility which is operated exclusively for school-age children during summer months and which does not operate on the same premises and during the same months as a licensed or license-exempt child care program.

(52) "Supervision of children" is the function of observing, overseeing, and guiding a child or group of children. This includes responsibility, awareness, and direction for the ongoing activity of each child. It requires physical presence near enough to children to intervene as needed; knowledge of developmentally appropriate activity requirements; knowledge of individual children's needs; and accountability for children's safety and well-being.

(53) "Supervision of staff" is the function of observing, overseeing, and guiding staff.

(54) "Toddler" is any child from twelve to twenty-four (12-24) months of age.

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.010 and 19 CSR 40-62.010. Original rule filed in 1956. Amended: Filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and Licensure
Chapter 62—Licensing Rules for Group Day Care Homes
and Child Day Care Centers**

PROPOSED RESCISSION

19 CSR 30-62.022 Exemption of Day Care Facilities. This rule defined the basis on which a group day care home or child day care center may qualify for exemption from licensure.

PURPOSE: The Department of Health and Senior Services has revised this rule; therefore, the current rule is being rescinded.

AUTHORITY: section 210.211.1(3), RSMo Supp. 1993. This rule previously filed as 13 CSR 40-62.035, 13 CSR 40-62.022 and 19 CSR 40-62.022. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of Senior Services and Regulation
Chapter 62—Licensing Rules for Child Care Homes**

PROPOSED RULE

19 CSR 30-62.022 Exemption of Child Care Facilities

PURPOSE: This rule defines the basis by which a facility may qualify for exemption from licensure.

(1) A child care facility is exempt from licensure if it is under the exclusive control of an entity that qualifies for exemption per sections 210.201(2) and 210.211, RSMo.

(2) When a nonreligious organization provides child care through an arrangement with a religious organization to maintain or operate a child care facility, the facility is not under the exclusive control of the religious organization and does not qualify for exemption from licensure under section 210.211(5), RSMo.

(3) If the person(s) operating the facility claims exemption from licensure, s/he shall submit all information requested by the department to confirm the exemption from licensing before caring for more than four (4) children per section 210.211, RSMo.

(4) The person operating a facility that is determined to be exempt from licensing may waive exemption and apply for voluntary licensure. These facilities shall comply with all licensing rules.

(5) A facility that is not exempted under sections 210.201 and 210.211, RSMo shall be licensed before providing care for more than four (4) children at one time who are not related per 19 CSR 30-62.010(45).

AUTHORITY: section 210.221.1(3), RSMo 2000. This rule previously filed as 13 CSR 40-62.035, 13 CSR 40-62.022 and 19 CSR 40-62.022. Original rule filed March 29, 1991, effective Oct. 31, 1991. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed Oct. 15, 2004.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions forty-five thousand seven hundred forty-five dollars (\$45,745) annually in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Bureau of Child Care, Sue Porting, Assistant Bureau Chief, PO Box 570, Jefferson City, MO 65102, by faxing (573) 526-5345 or via e-mail at portis@dhss.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. RULE NUMBER

Rule Number and Name:	19 CSR 30-62.022 Exemption of Child Care Facilities
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$45,745 annually

III. WORKSHEET

(Total Budget Costs for all regulatory work) X (% of BCC workload from the regulation of Group Child Care Homes and Child Care Centers) X (% Total Group Home Child Care and Child Care Centers work function required by this rule) = Annual Cost for implementing this rule

$$(\$5,198,340) \times (44\%) \times (2\%) = \$45,745$$

IV. ASSUMPTIONS

1. The total cost of salaries for BCC staff are as follows:

- Bureau Chief (1) \$58,330.
- Assistant Bureau Chief (2) 104,640.
- District Child Care Supervisor (1) 46,100.
- Child Care Program Specialists (2) 87,720.
- Legal Coordinator (1) 37,330.
- Community Health Nurse (1) 51,250.
- Health Program Representative (3) 96,850.
- Environmental Public Health Specialist V (1) 46,100.
- Environmental Public Health Specialist III (8) 303,060.

• CCFS III (12)	480,000.
• CCFS II (70)	\$2,450,000.
• Office Support Assistant –OSA (11.5)	241,500.
• Senior OSA (6)	132,000.
• Administrative OSA (1)	<u>23,460.</u>
	\$4,158,340.

2. BCC estimates the annual total cost of agency equipment and expense (travel, meals, postage, office communications, etc.) for all regulatory work is \$571,000.
3. Total BBC Sanitation Outsourcing cost is \$469,000.
4. Total BCC budget cost for all regulatory work is \$5,198,340.
5. The Group Child Care Homes and Child Care Center program represents approximately 44% of the BCC total regulatory work.
6. This rule represents 2% of the total Group Child Care Homes and Child Care Centers work load.
7. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at an annual rate of 10% growth in the number of facilities each year and 3% annual growth in agency cost.