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**Rules of**  
**Department of Social Services**  
**Division 40—Family Support Division**  
**Chapter 71—Licensing Rules for Residential Care**  
**Agencies**

<b>Title</b>	<b>Page</b>
<b>13 CSR 40-71.010</b> Definitions .....	3
<b>13 CSR 40-71.020</b> Basic Residential Care Core Requirements (Applicable to All Agencies)— Basis for Licensure and Licensing Procedures.....	3
<b>13 CSR 40-71.025</b> Exemption of Religious Child Care Facilities (Moved to 13 CSR 35-71.025) .....	4
<b>13 CSR 40-71.030</b> Hearings and Judicial Review.....	4
<b>13 CSR 40-71.035</b> Court Review and Dispositional Hearing (Moved to 13 CSR 35-71.035) .....	5
<b>13 CSR 40-71.040</b> Organization and Administration.....	5
<b>13 CSR 40-71.045</b> Personnel .....	6
<b>13 CSR 40-71.050</b> Staff Qualifications and Requirements (Moved to 13 CSR 35-71.050).....	7
<b>13 CSR 40-71.060</b> Social Services Program (Moved to 13 CSR 35-71.060) .....	7
<b>13 CSR 40-71.070</b> Protection and Care of the Child (Moved to 13 CSR 35-71.070) .....	7
<b>13 CSR 40-71.075</b> Health Care (Moved to 13 CSR 35-71.075).....	7
<b>13 CSR 40-71.080</b> Building, Grounds and Equipment (Moved to 13 CSR 35-71.080) .....	7
<b>13 CSR 40-71.090</b> Record Keeping (Moved to 13 CSR 35-71.090).....	7
<b>13 CSR 40-71.100</b> Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler or Preschool Age Children (Birth Through Age Six) (Moved to 13 CSR 35-71.100) .....	7
<b>13 CSR 40-71.110</b> Child Care Program (Moved to 13 CSR 35-71.110) .....	7
<b>13 CSR 40-71.120</b> Specific Rules for Residential Care Agencies Providing Maternity Care (Moved to 13 CSR 35-71.120) .....	7



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<b>13 CSR 40-71.130</b>	Specialized Standards—Residential Treatment (Moved to 13 CSR 35-71.130) .....	7
<b>13 CSR 40-71.140</b>	Specialized Standards For Intensive Residential Treatment (Moved to 13 CSR 35-71.140) .....	7



**Title 13—DEPARTMENT OF  
SOCIAL SERVICES**  
**Division 40—Family Support Division**  
**Chapter 71—Licensing Rules for  
Residential Care Agencies**

**13 CSR 40-71.010 Definitions**

*Editor's Note: Forms mentioned in these rules may be found at the end of the chapter.*

*PURPOSE: This rule clarifies the terms used in the licensing rules for residential care agencies.*

*Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) Chemical restraints are drugs which are prescribed or administered to temporarily restrain a child who presents a likelihood of serious physical harm to him/herself or others.

(2) Child is any individual under eighteen (18) years of age as defined in section 210.481(1), RSMo.

(3) Director is the director of the Division of Family Services.

(4) Division is the Division of Family Services of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo.

(5) Facility is any building of a licensed agency in which children reside.

(6) Intensive residential treatment is provided in a living unit of an agency for gravely, emotionally disturbed youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimizes the likelihood of youth injuring themselves or others. Intensive residential treatment may be achieved through a combination of staffing patterns, architectural design of the facility, electronic monitoring of the facility and its exits, or other means necessary to assure safety.

(7) License is the legal document issued to an agency by the division for a period not to

exceed two (2) years which authorizes the agency to provide twenty-four (24)-hour care for children, subject to compliance with sections 210.481-210.536, RSMo and the applicable rules promulgated by the division (section 210.481(6), RSMo).

(8) Mechanical restraints are any device, instrument or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.

(9) Physical restraint is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent or aggressive child who presents a likelihood of serious physical harm to him/herself, others or of doing serious property damage.

(10) Residential care agency is an agency providing twenty-four (24)-hour care and treatment to children who are unrelated to the person operating the agency, and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo as residential care facility).

(11) Social services is the provision of direct services, by plan, to the child and family to identify and resolve problems which negatively have affected his/her development, behavior and social functioning.

(12) Staff are persons employed by an agency.

(13) Transitional living services are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential care.

(14) Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.

(15) Well-known religious order, church and religious organization are defined as follows:

(A) A church, synagogue or mosque;

(B) An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the *Internal Revenue Code* of 1954; or

(C) An entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

*AUTHORITY: sections 210.481, RSMo (1986), 210.486 and 210.506, RSMo (Cum. Supp. 1993). \* Original rule filed May 9, 1956, effective May 19, 1956. Refined March 12, 1976. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Oct. 13, 1982, effective Jan. 13, 1983. Amended: Filed Oct. 7, 1987, effective March 25, 1988. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994.*

*\*Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.*

**13 CSR 40-71.020 Basic Residential Care Core Requirements (Applicable To All Agencies)—Basis for Licensure and Licensing Procedures**

*PURPOSE: This rule describes the procedures for application for licensure, the licensing investigation and provisions for continued licensing investigations after the initial license is granted.*

(1) Licensing Authority.

(A) Any person who desires to develop, establish, maintain or operate, or both, a residential care agency, except for those persons exempt from licensing pursuant to section 210.516, RSMo, must file an Application for Licensure form with the division and must receive a license prior to accepting any child for care.

(B) Before a license may be granted, an agency must be in compliance with sections 210.481-210.536, RSMo and these rules.

(2) Application for Licensure.

(A) An agency shall submit the following documents to the division-

1. Application for Licensure signed by the applicant;

2. Evidence of compliance with local building and zoning requirements;

3. A floor plan of the proposed site in which the specific use of each room is identified;

4. A signed copy of the Civil Rights Agreement;



- 5. A chart depicting the agency's organizational structure and lines of supervision;
- 6. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director;
- 7. A copy of the Articles of Incorporation, bylaws and board roster, including the addresses of all officers;
- 8. A proposed budget for a period of not less than one (1) year;
- 9. Verification of not less than three (3) month's operating capital;
- 10. A written intake policy;
- 11. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided;
- 12. Job title, job description and minimum qualifications for all staff;
- 13. A projected staffing plan for the anticipated capacity;
- 14. Written child abuse and neglect reporting policy;
- 15. Written personnel practices, including staff training and orientation;
- 16. Written discipline policy;
- 17. Written visitation policy;
- 18. Written health care policy;
- 19. Written restraint policy which shall include a description of all methods to be used;
- 20. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This assessment shall include, at a minimum, an identification and survey of potential referral sources, existing resources and unmet community needs;
- 21. Evidence of compliance with fire safety requirements of the State Fire Marshal;
- 22. Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health if not an approved public source;
- 23. Verification of a physical examination for all staff working directly with children, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division;
- 24. Results of a check of the Child Abuse and Neglect Central Registry Unit (CRU) for all staff and volunteers working directly with children;
- 25. Verification of the education and experience for all professional staff; and

26. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize and supervise them.

(3) Licensing Assessment.

(A) A thorough assessment of the agency shall be made by the division, including a review of the documents required in this rule and visits to the agency to determine compliance with the licensing law and applicable rules.

(B) If an applicant for licensure is determined not to be in compliance with the licensing law and applicable rules, and if compliance is not achieved within a six (6)-month period, a new Application for Licensure must be filed if the agency desires to pursue licensure.

(4) The License.

(A) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for an initial six (6)-month probationary term.

(B) Following the probationary period, upon determination of continued compliance with Missouri statutes and applicable licensing rules, the director shall extend the term of the license for a period not to exceed two (2) years.

(C) The license shall be posted in a conspicuous place on the premises of the facility.

(D) The number, sex, and age range of children an agency is authorized to accept for care shall be specified on the license and shall not be exceeded.

(E) The license shall not be transferable.

(5) License Amendment. An agency shall file an Application for Amendment with the division at least thirty (30) days prior to relocation, change in the name of the agency, change in the capacity, and/or age range of children or any major change in the program. These changes shall be approved by the division before implementation.

(6) Licensing Renewal.

(A) An Application for Licensure shall be mailed by the division to the agency.

(B) The agency shall complete and return the application to the division within thirty (30) days from the date of receipt.

(C) The division shall initiate action on the completed application prior to the expiration of the existing licensure period.

(D) In addition to the completed application, the following documents shall be submitted:

- 1. Verification of a physical examination, completed by a licensed physician, certified nurse practitioner, advanced practice

nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;

2. A current board roster, including the addresses of all officers;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of a current organizational chart;

5. Annual results of a check of the Child Abuse and Neglect CRU for all staff and volunteers working directly with children;

6. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;

7. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;

8. Documentation that each facility's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health if not an approved public source; and

9. A copy of a financial audit conducted by a certified public accountant not employed by the agency.

(E) Upon determination of compliance with the licensing law and applicable rules, the director shall issue a license for a period not to exceed two (2) years.

*AUTHORITY: sections 210.481, 210.491, 210.501, 210.511 and 210.516, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993). \* Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Rescinded: Filed Oct. 13, 1982, effective Jan. 13, 1983. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Readopted: Filed Nov. 1, 1993, effective June 6, 1994.*

*\*Original authority: 210.481, RSMo (1983), amended 1985; 210.486 and 210.506, RSMo (1982), amended 1993; and 210.501, 210.511 and 210.516, RSMo (1982).*

**13 CSR 40-71.025 Exemption of Religious Child Care Facilities**  
(Moved to 13 CSR 35-71.025)

**13 CSR 40-71.030 Hearings and Judicial Review**

*PURPOSE: This rule addresses the procedures for license denial, revocation, suspension, or suspension of intake and the right for*



*an administrative hearing and judicial review for an agency aggrieved by a final decision of the director.*

(1) License Denial, Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who-

1. Fails consistently to comply with the applicable provisions of sections 210.481-210.536, RSMo and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of reason to suspect and the agency fails to take corrective action acceptable to the division;

5. Employs persons who abuse or neglect children, persons who are the subjects of multiple or serious reports of child abuse or neglect which upon investigation results in a finding of reason to suspect and the agency fails to take corrective action acceptable to the division;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served, or the upkeep of the premises, or both.

(B) The division shall provide written notice of denial or revocation of licensure to the agency, which shall include the reason(s) for the denial or revocation. Upon receipt of the notice of denial or revocation, the agency shall cease operation within five (5) working days unless stayed by an appropriate administrative or judicial order.

(C) The agency may appeal the decision of the division to deny or revoke the license by filing a request for appeal with the division within ten (10) days after receipt of the notice of denial or revocation.

(D) Any person aggrieved by a final decision of the division with regard to the denial or revocation of licensure shall be entitled to a hearing and review by the director or

his/her designee as provided by section 210.526, RSMo.

(E) An agency may not reapply for licensure within one (1) year from the date of denial or revocation.

(2) License Suspension and Suspension of Intake.

(A) The division shall have the authority to suspend the license of an agency when necessary to protect the health, safety and welfare of children.

(B) The division shall have the authority to suspend the intake of children into placement during prescribed time periods in order to assure the health, safety and welfare of children.

(C) The division shall provide written notice of the suspension and the reason(s) for the suspension to the agency. Upon receipt of notice of suspension, the agency shall immediately cease operation pending review. In the event that intake only is suspended, the division shall provide written notice and the reasons for the suspension, including time frames and limitations on intake.

(D) When the division suspends the license of an agency, the suspension shall be for a period not to exceed thirty (30) working days, or until there is an administrative review and decision by the director, whichever is first.

*AUTHORITY: sections 210.481, 210.491, 210.496, 210.501, 210.511, 210.516 and 210.526, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993). \*Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994.*

*\*Original authority: 210.481, RSMo (1982), amended 1985; 210.486 and 210.506, RSMo (1982), amended 1993; and 210.491, 210.496, 210.501, 210.511, 210.516 and 210.526, RSMo (1982).*

**13 CSR 40-71.035 Court Review and Dispositional Hearing**

(Moved to 13 CSR 35-71.035)

**13 CSR 40-71.040 Organization and Administration**

*PURPOSE: This rule sets forth the requirements for the incorporation, administration and financing of an agency.*

(1) Each agency shall be incorporated and shall submit to the division its Articles of Incorporation and Certificate of Incorporation.

(2) An agency shall have a governing body responsible for establishing its policies, determining its programs, guiding its development and providing its leadership. Voting members of the board of directors shall not be employed by the agency. The governing body shall be responsible for-

(A) Developing and maintaining a program of orientation and training for all new members of the governing body;

(B) Determining the size, selection, function and organization of the governing body;

(C) Keeping minutes of each meeting of the governing body, which shall reflect its actions pertaining to and affecting the care and safety of children;

(D) Meeting as often as necessary, but at least four (4) times a year, to conduct the business of the agency;

(E) Conducting an on-site visit to each facility annually by at least a committee of the governing body;

(F) Ensuring an agency's continuous compliance with Missouri law and applicable licensing rules;

(G) Ensuring the agency's continuous compliance with all applicable federal, state or local laws or regulations governing the operation of the agency;

(H) Ensuring that an agency's standards of practice shall be professional, ethical and responsive to client needs;

(I) Appointing the executive director and delegating responsibility to the director to administer the agency in all of its activities, functions and services;

(J) Performing and retaining a written evaluation of the executive director on an annual basis;

(K) Providing the division a written statement which sets forth the kind and extent of authority delegated to the executive director;

(L) Ensuring that all facilities are maintained, staffed and equipped to implement the agency's program effectively;

(M) Making available for review by the division the written policies and procedures of the agency, and evaluating the policies and procedures biennially to determine that the interests of children and families are being served;

(N) Meeting with division staff when requested; and

(O) Providing written notification to the division within five (5) working days when there is a change of executive directors, board



president or the organizational structure of the agency.

(3) Financial Management.

(A) The governing body shall approve an annual budget which shall be on file at the agency and submitted to the licensing unit.

(B) The agency shall be audited annually by an independent certified public accountant and a copy shall be submitted to the division.

AUTHORITY: sections 210.481, RSMo (1986), and 210.486 and 210.506, RSMo (Cum. Supp. 1993). \* Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. Emergency rescission and emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rescission and emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Rescinded and readopted: Filed Nov. 1, 1993, effective June 6, 1994.

\*Original authority: 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993.

13 CSR 40-71.045 Personnel

PURPOSE: This rule sets forth the requirements for child abuse/neglect checks, medical examinations, personnel records, job descriptions and staff orientation and training.

(1) General Requirements.

(A) The agency shall have a written statement of personnel practices which are approved by the governing body and provided to all staff at the time of employment.

(B) The agency shall evaluate and investigate application information carefully to determine whether employment of an applicant is in the best interests of the children in care.

(C) The agency shall require that each employee secure and provide to the agency a Criminal Records Check from a state or local law enforcement agency.

(D) Prior to the employment of any person for a position requiring credit hours, a degree, or both, from an accredited college or university, a resume' and an official college transcript, or a copy of the diploma, shall be on file at the agency.

(E) An agency shall require the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references; employer references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child care settings. All references shall be

documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact and the content of the contact.

(2) Child Abuse and Neglect Central Registry Unit (CRU) Checks.

(A) The agency shall request from the division a check of the Child Abuse and Neglect CRU to determine whether a child abuse or neglect report, or both, has been received on staff members and volunteers working directly with children. The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment. Results of the checks shall be on file at the agency.

(B) The agency shall require each staff person to read and sign a statement defining child abuse and neglect and outlining responsibilities to report all child abuse and neglect incidents as required by statute.

(3) Medical Examinations.

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest X ray or appropriate follow-up of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to care for children or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

(4) Personnel Records. Personnel records shall be maintained for each staff member and shall include:

(A) Verification of education and experience;

(B) Verification of the names of three (3) persons, unrelated to the staff member, who can provide character references;

(C) Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;

(D) A copy of the job description signed by the employee;

(E) Reports of initial and subsequent physical examinations;

(F) Results of checks of the Child Abuse and Neglect CRU;

(G) The date of employment, date of separation, reason(s) for separation;

(H) Copies of an initial six (6) months' performance evaluation and each subsequent annual evaluation; and

(I) Results of the Criminal Records Check.

(5) Job Descriptions. An agency shall establish a written job description for each position, which shall be made available to staff at the time of employment. Each description shall describe the duties and responsibilities of the position; address supervision, required knowledge, skills and abilities, minimum experience, educational requirements; and shall include examples of work performed.

(6) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(A) Agency philosophy and history;

(B) Agency policies;

(C) Agency staff roles;

(D) The family's role in the child's care and the worker's role and responsibilities in relation to the family;

(E) Complete description of the agency's program model;

(F) Health and safety procedures, including the use of universal health care precautions;

(G) Crisis intervention procedures;

(H) Recordkeeping requirements;

(I) Cultural diversity;

(J) Separation and attachment issues;

(K) Confidentiality;

(L) Substance abuse;

(M) Recognition of suicidal tendencies and appropriate intervention;

(N) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110-210.165, RSMo; and

(O) Agency recreation program philosophy, policy, procedures, rules and expectations.

(7) Staff Training.

(A) An agency shall establish and submit to the licensing unit an annual written plan for at least forty (40) hours of training each year for the executive director, child care staff, professional staff, and recreation and



activity staff. All training must be documented with the dates, location, the subject and the name of the person(s) who conducted the training. The training may include, but not be limited to, short-term courses, seminars, institutes, workshops and in-service training provided on-site by qualified professionals.

(B) The training plan shall include, but not be limited to:

1. Developmental needs of children;
2. Child management techniques;
3. Basic group dynamics;
4. Appropriate discipline, crisis intervention, de-escalation techniques and behavior management techniques;
5. The direct care and professional staff roles in the facility;
6. Interpersonal communication;
7. Proper, safe methods and techniques of restraint;
8. First aid and cardiopulmonary resuscitation (CPR) training; and
9. Suicide prevention.

*AUTHORITY: sections 210.150 and 210.152, RSMo (Cum. Supp. 1991), 210.481 and 210.511, RSMo (1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993).\** Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994.

*\*Original authority: 210.150, RSMo (1975), amended 1980, 1982, 1985, 1986, 1988, 1991; 210.481, RSMo (1982), amended 1985 and 210.486 and 210.506, RSMo (1982), amended 1993; and 210.511, RSMo (1982).*

### **13 CSR 40-71.050 Staff Qualifications and Requirements**

(Moved to 13 CSR 35-71.050)

### **13 CSR 40-71.060 Social Services Program**

(Moved to 13 CSR 35-71.060)

### **13 CSR 40-71.070 Protection and Care of the Child**

(Moved to 13 CSR 35-71.070)

### **13 CSR 40-71.075 Health Care**

(Moved to 13 CSR 35-71.075)

### **13 CSR 40-71.080 Buildings, Grounds and Equipment**

(Moved to 13 CSR 35-71.080)

### **13 CSR 40-71.090 Record Keeping**

(Moved to 13 CSR 35-71.090)

### **13 CSR 40-71.100 Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler or Preschool Age Children (Birth Through Age Six)**

(Moved to 13 CSR 35-71.100)

### **13 CSR 40-71.110 Child Care Program**

(Moved to 13 CSR 35-71.110)

### **13 CSR 40-71.120 Specific Rules for Residential Care Agencies Providing Maternity Care**

(Moved to 13 CSR 35-71.120)

### **13 CSR 40-71.130 Specialized Standards—Residential Treatment**

(Moved to 13 CSR 35-71.130)

### **13 CSR 40-71.140 Specialized Standards For Intensive Residential Treatment**

(Moved to 13 CSR 35-71.140)