

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35--Children's Division
Chapter 50—Licensing

EMERGENCY RULE

13 CSR 35-50.010 Accreditation as evidence for meeting licensing requirements

PURPOSE: This rule establishes the procedures to be followed in order for an organization to qualify for a license under sections 210.481 through 210.511 by the agency being accredited by Council on Accreditation of Services for Children and Families, Inc., The Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities (accreditation bodies).

*EMERGENCY STATEMENT: The division has determined that an emergency rule is necessary to comply with Section 210.112, RSMo as enacted by the 92nd General Assembly in HB 1453. The division finds that an immediate danger to the health, safety and welfare to the citizens of Missouri exists inasmuch as this action is necessary in order to ensure the safety of children which are receiving services from the providers who are accredited and therefore can obtain a license from the division. The division finds that this emergency rule is necessary to preserve a compelling governmental interest in maintaining the safety of children in Missouri. A proposed rule, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The division believes the emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 23, 2004, effective January 2, 2005, and expires July 1, 2005.*

1. The Children's Division shall accept accreditation by Council on Accreditation of Services for Children and Families, Inc., The Joint Commission on Accreditation of Healthcare Organizations, or the Commission on Accreditation of Rehabilitation Facilities, as specified in Section 2 of this rule, as prima facie evidence that the organization meets licensing requirements under Section 210.481 through 210.511.

2. Type of License

1. The organization shall provide to the Children's Division, sufficient evidence that they are accredited in the service or program for which they are requesting a license.

2. If a service or program, including but not limited to child placing, maternity, infant/toddler, residential treatment, and intensive residential treatment in residential child care, is not accredited by the accrediting body, than the organization must apply for and meet all other licensing requirements as put forth by the division.

3. Application/Reapplication for license for accredited organizations:

A. The organization shall present to the division,

1. a copy of the organization's official final accreditation report and accreditation certificate, and
2. a list of operating sites which includes the capacity served, the gender served, and the ages served by that organization. This list must be updated if there is a change in operating sites by the organization.

B. If the organization has not been previously licensed by the state of Missouri, an onsite visit may be required by the division before a license is issued.

C. The division shall examine the areas that the organization is applying for a license. The division then shall issue a corresponding license for those areas in which the organization is accredited. The license shall be valid for the period of time up to two years, or when the organization's accreditation expires, whichever is shorter.

D. Nothing in this section will result in the loss of license if the accreditation certificate has expired, but the organization is still in good standing and the re-accreditation process is being pursued. The division may, at its discretion, request a letter of good standing from the accrediting body.

E. Any denial or revocation of license based upon an organization's accreditation standards is entitled to a hearing as specified under the licensing rules or they may undergo the licensing process and meet all licensing rules in order to obtain a license.

4. Information sharing.

A. The organization shall notify the division immediately of any sentinel event and of any revocation of accreditation.

B. Sentinel events are as defined by the accrediting body, but shall at a minimum include the following:

1. a death of a child in one of the organization's facilities; or
2. a serious injury of a child in one of the organization's facilities; or
3. a fire in a location routinely occupied by children, which requires the fire department to be called; or
4. An allegation of child abuse, physical or sexual, or neglect which is substantiated by the division or through an internal investigation by the organization which occurs within a facility; or
5. an employee is terminated from employment in relation to the safety and care of children; or
6. there is any change in the chief executive officer; or

7. there is a lawsuit filed against the organization by or on behalf of a person who is or was in the organization's care; or
8. Any known criminal charges are filed against the facility, organization, any resident of the facility, or any employee or volunteer who has contact with children.

C. The organization shall notify the division of the entrance, exit and any performance review meetings of the accrediting body which are held in conjunction with the accreditation of the organization. The division has a right to attend any or all of these meetings between the organization and the accrediting body.

5. The division may make such inspections and investigations as it deems necessary to conduct an initial visit to a facility not previously licensed, for investigative purposes involving complaints of alleged child abuse or neglect, at reasonable hours to address a complaint concerning the health and safety of children which the organization serves, or any other mutually agreed upon time.

AUTHORITY: section 210.112 RSMo (Supp. 2004). Emergency rule filed December 23, 2004, effective January 2, 2005, and expires July 1, 2005. A proposed rule covering the same material is published in this issue of the ***Missouri Register***.