

**TITLE 13—DEPARTMENT OF SOCIAL SERVICES**  
**Division 35—Children’s Division**  
**Chapter 71—Rules for Residential Care Facilities for Children**

**13 CSR 35-71.045 Personnel**

*PURPOSE: This rule provides the requirements that individuals must complete in order to become and remain employees of licensed residential care facilities (LRCFs), the documents that a LRCF must keep in its personnel records, and the requirements governing the content of staff orientation and training.*

(1) Pre-Employment Requirements.

(A) The LRCF shall require all professional staff to provide a copy of their official college transcript or college diploma and shall keep such transcripts or diplomas on file. The LRCF shall require any person employed in a position requiring a general educational development certificate or high school diploma to provide a copy of such certificate or diploma to the LRCF which the LRCF shall keep on file.

(B) The LRCF shall require prospective employees to submit at least three (3) character references from unrelated persons. At least one (1) reference shall be from a previous employer, supervisor, teacher, or professor. The LRCF shall contact all references and maintain documentation of the reference checks in the LRCF’s employee records. Documentation of the contact shall include the date, person making the contact, and the content of the contact.

(C) The LRCF shall establish a written job description for each position, which shall be given 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.

(2) Annual Requirements.

(A) The LRCF shall conduct an annual check of the Family Care Safety Registry (FCSR) for all employees and contractors and those owners and volunteers who have access to children. The LRCF shall maintain documentation of the FCSR checks in its personnel records.

(B) The LRCF shall conduct an annual background check for employees, contractors, owners, and volunteers with access to children who reside outside of Missouri by searching the criminal records database and child abuse registry of the states where such persons reside. If the LRCF is not legally permitted to search such databases and registries, such employees, contractors, owners, and volunteers should conduct a background check on themselves in such databases and registries and provide the results to the LRCF.

(C) The LRCF shall require an annual driver record check for any employees, interns, volunteers, or contractors who transport residents. No individual with a suspended or revoked driver’s license or a record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.

(3) Health Verification.

(A) All staff, employees, interns, volunteers, and contracted personnel shall be free of symptoms of communicable disease or other evidence of ill health which poses a threat to children.

(B) If the division has reason to question the capabilities of any individual working directly with children served by the LRCF, the division may require the individual to submit to a medical examination and obtain a report of an appropriate medical professional that the individual is medically fit to perform the services for the LRCF without reasonable risk to the children.

(4) Personnel Records. The LRCF shall maintain personnel records for each staff member, employee, intern, volunteer, and contracted employee as indicated below. The LRCF shall maintain the records on site and shall keep the records for at least three (3) years following the date of separation from the LRCF.

(A) For employees, the personnel record shall include—

1. Verification of education and experience, and a copy of professional license, if applicable;
2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character or professional references;
3. Results of annual checks of the family care safety registry;
4. Documentation that the individual has completed the background checks and that the division has found the individual eligible for employment or presence at the LRCF pursuant to section 210.493, RSMo, and 13 CSR 35-71.015;
5. Documentation that employees who reside outside of Missouri have completed an annual background check of a criminal records database and child abuse and neglect registry of the state in which such employees reside;
6. The date that employment commenced;
7. Copies of annual performance evaluations;
8. Results of an annual driver record check for any employee, intern, volunteer, and any contracted personnel who transport residents;
9. A copy of the following documents signed and dated by the employee:
  - A. Job description;
  - B. Confidentiality policy;
  - C. Discipline policy;
  - D. Child abuse/neglect reporting policy;
  - E. Critical incident reporting policy;
  - F. Acknowledgement of receipt of program policy;
  - G. Acknowledgment of personnel policy; and
  - H. Acknowledgment of completed agency orientation.
10. Documentation that the staff member has successfully completed all required training.
11. Documentation of current first-aid/cardiopulmonary resuscitation training and certification for applicable staff;
12. Documentation of current medication aide certification, when applicable; and
13. Documentation of current physical restraint training certification, when applicable.

(B) For interns, volunteers, and contracted employees who have direct contact with children, the personnel record shall include—

1. Copy of professional credentials, if applicable;
2. Results of annual checks of the family care safety registry and documentation that the individual has completed the background check process and been found eligible for service as provided in section 210.493, RSMo, and 13 CSR 35-71.015;
3. Results of annual checks of the out-of-state criminal records database and child abuse and neglect registry for those interns, volunteers, and contracted employees who reside outside of Missouri;
4. A copy of the following documents signed and dated by the intern, volunteers, and contracted employee:
  - A. Contract or any agreement outlining the purpose of presence on site;
  - B. Confidentiality policy;
  - C. Discipline policy;
  - D. Child abuse/neglect reporting policy;
  - E. Critical incident reporting policy;
  - F. Acknowledgement of receipt of program policy, if applicable;
  - G. Acknowledgement of receipt of manuals or policies related to the agreement/contract, if applicable; and
  - H. Acknowledgment of completed facility orientation, if applicable.

(5) Staff Orientation.

(A) The LRCF shall have a written statement of personnel practices that is provided to all staff at the time of employment.

(B) Within thirty (30) days following appointment, employees, interns, volunteers, and contracted personnel shall be oriented to the facility's programs, practices, and the duties of their positions. The orientation program shall include instruction in the following areas with respect to the facility:

1. Program model;
2. Policies;
3. Staff roles;
4. Health and safety procedures;
5. Crisis intervention procedures
6. Recordkeeping requirements;
7. Separation and attachment issues;
8. Confidentiality;
9. Recognition of suicidal tendencies and appropriate intervention
10. Procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110–210.165, RSMo;
11. Procedure for identifying and reporting the abuse of youth eighteen years or older who are “eligible adults” under sections 192.2400–192.2505, RSMo, if applicable;
12. Basic information on the child welfare and juvenile justice systems, including the legal rights of children and their families; and
13. Procedures to follow in an emergency.

(6) Staff Training.

(A) A facility shall prepare a written plan of training each year for all employees and contracted personnel.

1. Employees and contracted personnel that work directly with children shall have twenty-five (25) hours of training annually.
2. Direct care staff and immediate supervisors must maintain certification in a certified medication training program unless all medication is managed through on-site medical personnel.
3. Direct care staff and immediate supervisors must maintain certification in a current recognized and approved physical restraint program (where applicable), first aid, and cardiopulmonary resuscitation.
4. Employees and contracted personnel that do not work directly with children shall receive job-appropriate training.

(B) All training must be documented on a training database/training log with the dates, location, subject, number of hours earned and person(s) who conducted the training.

(C) The training may include short-term courses, seminars, institutes, workshops, and in-service training provided on-site by qualified professionals. Activities related to supervision of the staff member's routine tasks shall not be considered training for the purpose of this rule.

(D) The training plan shall include training in the following areas for employees and contracted personnel who work directly with children:

1. Developmental needs of children;
2. For those facilities licensed to provide residential treatment and intensive residential treatment, training related specifically to treatment issues with emotionally disturbed, mentally ill, behaviorally disordered, medically fragile, physically disabled, and/or developmentally delayed children, as defined by the facility's program;
3. Prenatal and parenting skills, including safe sleep, for facilities licensed for infant/toddler/preschool and maternity;
4. Basic group dynamics;
5. Trauma-informed care;
6. Cultural sensitivity;
7. Critical incident reporting;
8. Appropriate discipline, crisis intervention, de-escalation techniques, and behavior management techniques;
9. The role of direct care and professional staff at the operating site, including maintaining appropriate boundaries;
10. Proper, safe methods and techniques of physical restraint, if applicable;
11. Fire prevention and reporting fires;
12. Emergency evacuations;
13. First-aid and cardiopulmonary resuscitation training, including infant CPR for facilities with an infant/toddler pre-school license;
14. Medication training and/or certification, including training to identify changes in a child's appearance or behavior that may be related to the use or disuse of any medication, including psychotropic medications;

15. Substance abuse;
16. Suicide prevention;
17. Human trafficking;
18. Legal rights of children and their families, including basic information on the constitutional rights of children and their families while children are in care and basic information on the Missouri juvenile justice system; and
19. Water safety for facilities that provide water activities.

*AUTHORITY: sections 207.020 and 210.506, RSMo 2016, and RSMo Supp. 2023. This rule originally filed as 13 CSR 40-71.045. 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. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.045 and amended: Filed July 25, 2008, effective Jan. 30, 2009. Amended: Filed Dec. 16, 2013, effective June 30, 2014. Emergency amendment filed Sept. 17, 2021, effective Oct. 1, 2021, expired March 29, 2022. Amended: Filed Sept. 17, 2021, effective March 30, 2022.*  
**Rescinded and readopted: Filed March 11, 2024.**

*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 Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to [Rules.Comment@dss.mo.gov](mailto:Rules.Comment@dss.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.*