

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

PROPOSED AMENDMENT

13 CSR 35-71.050 Staff Qualifications and Requirements. The Department of Social Services is amending sections (1) and (2), adding a new section (3), renumbering and amending sections (3) – (12), removing current section (12).

PURPOSE: This amendment reorganizes and simplifies the requirements for staff and volunteer personnel in licensed residential care facilities and tailors the age, education, and experience qualifications more closely to each position. It also clarifies the required staff-to-child ratios across different circumstances.

(1) **Employee Qualifications.** *[(A)]* The *[agency]***facility** shall employ staff who are qualified by education, training, and experience for their assigned responsibilities. *[A current employee who has qualified for a position under the previous rule and is serving in that position shall be exempt from meeting any increased requirements defined by these rules.]*

(2) **Administrative and Supervisory Personnel.**

(A) The *[agency]***facility** shall employ staff to perform administrative, supervisory, service, and direct care functions which may be combined only upon the approval of the division. **Staff members who perform combined functions must meet the requirements for each function.**

(B) *[When indirect care functions have been approved by the division and are combined, the staff member shall meet the requirements for each function.]***The facility shall employ an administrator or executive director to manage the facility’s operations and direct its activities.**

(C) *[The administrator shall be at least twenty-five (25) years of age and shall have one (1) of the following:]***When the position of administrator or executive director is vacated, the facility shall appoint an acting administrator or executive director and notify the division’s licensing unit of the change in personnel within five (5) working days. The facility shall notify the division’s licensing unit immediately after a new executive director is appointed.**

(3) Qualifications of Administrator or Executive Director and Program Director

(A) **A facility’s administrator or executive director must be at least twenty-five (25) years of age and have one (1) of the following:**

1. A master’s degree **or higher** in social work, counseling, social work administration, or a related human service degree, from an accredited school, and two (2) years’ experience in the management or supervision of child care personnel and programs;

2. A bachelor's degree in social work or a **related** human service area of study from an accredited school and four (4) years' experience in the management or supervision of residential treatment *[for children and youth]* personnel and programs; or

3. *[If the administrator/executive director is responsible only for personnel, fiscal management and physical plants, and is not responsible for the programs and services of the agency, the agency may employ an administrator who has a]***A** bachelor's degree from an accredited school and two (2) years' experience in *[residential treatment for children and youth services. However, in this case]***the management or supervision of child care personnel and programs.** In such cases, the *[agency]***facility** shall employ a program director **to directly oversee the facility's programs and services and** who meets the qualifications set forth in *[13 CSR 35-71.130(1)(A)1. and 2]*subsection **(3)(C).**

[(D) When the position of administrator/executive director is vacated, the governing body immediately shall designate a qualified person to act as administrator/executive director and the board president/designee shall notify the licensing unit in writing within five (5) working days.

*(E)]***(B)** The administrator/executive director shall designate in writing a qualified staff to be in charge when *[s/he]***he or she** is absent.

*[(F)]***(C)** The program director shall have one (1) of the following:

1. A master's degree in social work or a **related** human service area of study from an accredited school; or
2. A bachelor's degree in social work or a **related** human service area or study from an accredited school plus two (2) years' experience in residential treatment for children and youth services **or other child welfare related field.**

*[(3)]***(4)** Professional Personnel.

(A) A *[n agency]* **facility** shall obtain any professional services required for the implementation of the individual service plan of a child when these services are not available from staff.

(B) Professional staff who perform casework, group work tasks, or planning of services for children and their families, will have at least a bachelor's degree **or higher** in social work, psychology, counseling, or a related field from an accredited college **or university.** *[Professional staff performing individual and/or family therapy shall have a master's degree in social work, psychology, counseling, or closely related field of study from an accredited college.]***Unless otherwise required by law, professional staff without a bachelor's degree or higher described in this section may perform casework, group work tasks, or planning of services for children and their families if such person—**

1. has four (4) years professional experience in casework-related tasks; and
2. works under the close supervision and guidance of professional staff who have a bachelor's degree or higher as described in subsection (4)(B) and licensed as required in subsection (4)(C) and who will be responsible for the professional work performed by staff who lack a bachelor's degree or higher.

(C) Full- or part-time professional staff including psychologists, psychiatrists, social workers, counselors, physicians, teachers, and nurses[,] shall meet the licensing or certification requirements of their profession in Missouri.

(D) The [agency]facility shall have at least one (1) professional staff for every twenty (20) children in care.

(E) The [agency]facility shall designate a supervisor for professional staff when six (6) or more staff are employed. The supervisor shall have a master's degree **or higher** in social work, psychology, counseling, or[closely] related **human service** field of study and at least two (2) years' clinical experience.

(F) [Agencies]Facilities, who by mission, serve a medically fragile and/or drug and alcohol affected population shall employ or contract with and schedule a licensed **or registered nurse qualified to dispense medication and supervise medication management** for not less than twenty (20) hours per week. At least one (1) staff shall be present at all times who is trained in infant/child cardio/ pulmonary resuscitation.

[(4)](5) Direct Care Staff-Staff/Child Ratios.

(A) Direct care staff shall be responsible, mature individuals of reputable character who exercise sound judgment, display the capacity to provide good care and supervision of children and must demonstrate competence in their duties in the following areas:

1. Protecting and nurturing children;
2. Meeting child developmental needs and addressing child developmental delays;
3. Supporting relationships between children and families;
4. Working as a member of a professional team; and
5. Supporting children with lifetime relationships.

(B) Direct care staff shall be at least twenty[-one] ([21] 20) years of age and shall have at least a high school diploma or [general educational development **high school equivalency** certificate.

1. A facility may seek a variance from the division pursuant to 13 CSR 35-71.020(4)(E) to place staff under twenty (20) years of age in a direct care role for educational, internship, or work study opportunities when:

A. The intern or student under twenty (20) years of age is working at the facility as part of an educational program of an accredited institution of higher education; and

B. The intern or student under twenty (20) years of age is supervised by an employee of the facility who is qualified without variance as provided in subsection (5)(B) while serving in a direct care role.

2. In no circumstances shall—

A. any individual less than eighteen (18) years of age be placed in a direct care role, regardless of participation in an educational program or level of supervision; and

B. the division grant any variance for any direct care staff that do not meet the intern or student requirements described in paragraph (5)(B)1.

(C) *[A staffing plan shall be developed which allows for]* **Direct care staff shall record and maintain shift notes in sufficient detail to ensure consistency of care [through communication between different shifts of care regarding] across all staff who provide care to a child which shall include any activities, [or special] needs, medication management or problems [of children] that may be specific to the child.**

[(C)](D) The ratio of direct care staff to children shall be *[dependent on the needs of the children, but the staff/child ratio during waking hours shall not be less than one to four (1:4) for children birth to six (6) years of age.]* **consistent with the minimum ratios represented on the reference chart in this subsection unless the division requires a higher ratio pursuant to subsection (I) of this section or unless a higher staff ratio is required by 13 CSR 35-71.130 or 13 CSR 35-71.140.**

(D) The staff/child ratio during waking hours shall not be less than one to six (1:6) for children six (6) to eight (8) years of age.

(E) The staff/child ratio during waking hours shall not be less than one to ten (1:10) for children eight (8) years of age and over.

(F) Staff in agencies serving children ages birth through six (6) years shall be awake during sleeping hours with a ratio of not less than one to six (1:6).

(G) For children ages six (6) to eight (8) years of age, the staff/child ratios during sleeping hours, for staff on duty but asleep, shall not be less than one to ten (1:10). If staff on duty remain awake, a ratio of not less than one to twelve (1:12) shall be required.

(H) For children over eight (8) years of age, the staff/child ratios during sleeping hours, for staff on duty but asleep, shall not be less than one to ten (1:10). If staff on duty remain awake, a ratio of not less than one to twelve (1:12) shall be required.]

Reference Chart

The ratio of direct care staff to children shall be dependent on the needs of the children.

Age Range	Level of Care	Direct Care Staff to Resident Ratio	
		Awake	Asleep
Birth to six (6) years	Basic Core	One (1) staff per four (4) children	One (1) staff per six (6) children. Staff must remain awake.
Six to eight (6-8) years	Basic Core	One (1) staff per six (6) children	One (1) staff per ten (10) children (If the staff is on duty, but also sleeping). Or One (1) staff per twelve (12) children (if staff on duty remain awake).
Over eight (8) years	Basic Core	One (1) staff per ten (10) children	One (1) staff per ten (10) children (If the staff is on duty, but also sleeping).

			Or One (1) staff per twelve (12) children (if staff on duty remain awake).
--	--	--	---

[(I)](E) *[Agencies]***Facilities** must have a **minimum of two (2)** staff available **on-site** at all times, even if their staff/child ratio is lower than required above. One (1) staff may be sleeping, but available for emergency situations. When a *[n agency]* **facility** has multiple cottages/units on campus or in a large congregate care setting, *[an awake,]roving[.]* staff may serve the purpose of maintaining the required staff/child ratio by maintaining a presence in the cottages/units on a rotating, regular, and timely basis.

[(J)](F) Appropriate staff/child ratios must be maintained at all times **on campus and during off-grounds group activities. However, transportation of a child to an appointment may be made by one (1) staff as long as the staff can adequately supervise the child without compromising the safety of each child or the staff. The safety needs of each child during transportation shall be assessed individually.**

[(K)](G) Any children of live-in staff shall be included in the required staff/child ratios.

[(L)](H) The division may require a higher staff/child ratio if on site review indicates a need for more supervision to maintain control, discipline, and adequate care, or the division may approve a lower staff/child ratio if on site review indicates adequate care, discipline, and control can be maintained at a lower staff/child ratio.

[(M)] *Staff/child ratios shall be maintained at all group off-grounds activities.*

(N) *Agencies]***(I) Facilities** employing twelve (12) or more direct care staff shall designate staff to be primarily responsible for supervising, evaluating, and monitoring the daily work and progress of the direct care workers. *[who shall have one (1) of the following:*

1. A bachelor's degree and one (1) year of work experience in a residential treatment agency for children and youth;

2. Two (2) years' college and two (2) years' work experience in a residential treatment agency for children and youth; or

3. A high school diploma and three (3) years' work experience in a residential treatment agency for children and youth.] **Such direct care supervisory staff shall meet the minimum qualifications set forth in subsection (5)(B) and two (2) years of direct care experience.**

[(5)](6) Relief Staff. The *[agency]***facility** shall provide planned relief for direct care staff and shall have qualified relief staff to substitute for direct care staff *[for]***during** sick leave, vacation, relief time, and other absences **from the facility as well as breaks or other temporary absences during shifts.**

[(6)](7) Interns, Students, Work Study Participants. *[Graduate or undergraduate]* All interns, students, and work study participants *[in a field work placement]* at the *[agency]* facility shall be subject to the general personnel policies of the *[agency]* facility, but shall not be considered or used as substitutes for **qualified and** employed staff.

[(7)](8) Educational Staff. A *[n agency]* facility operating an on-grounds school shall:

(A) **be fully accredited in good standing by the State of Missouri Department of Elementary and Secondary Education to provide educational services or be administered and supervised by a fully accredited educational institution; and**

(B) **all personnel providing educational services shall comply with the training and licensure requirements of the** *[demonstrate compliance with the]* Missouri State Department of Elementary and Secondary Education *[certification requirements for teachers/administrators/counselors]*.

[(8)](9) Recreational and Activity Staff.

[(A)] The *[agency]* facility shall develop and coordinate *[the agency's]* recreational and activity programs *[by designating staff qualified by experience, education, or training, or both, or certified to carry out the program outlined in the recreation plan.*

(B) *An agency facility]* **and** shall assign recreation-al/activity staff on basis of experience, education, and/or training in working with groups of children whose recreational needs and interests vary. Additional training shall be provided for this staff to enhance his/her ability to perform his/her assigned duties.

[(9)](10) Clerical Staff. Clerical staff shall be employed as needed for general clerical duties such as typing, recordkeeping, bookkeeping, and filing. Clerical staff shall not supervise or assist in the care of children without being qualified according to these rules.

[(10)](11) Other Staff. A *[n agency]* facility shall employ, as needed, cooks, kitchen helpers, maintenance, custodial, and other support staff to perform housekeeping and maintenance functions. **Such other staff shall not supervise or assist in the care of children without being qualified according to these rules.**

[(11)](12) Volunteers. If a *[n agency]* facility uses volunteers as part of its program of services, the *[agency]* facility shall have written policies, **subject to review and approval by the division**, which include:

(A) A clear description of the *[agency's]* facility's purposes and goals;

(B) A clear job description for the *[director of]* **individual tasked with overseeing** volunteers and for each category of volunteers;

(C) A clear differentiation of functions and activities appropriate for paid staff members and volunteers in policy-making, advocacy, administrative, and direct service roles. If volunteers are counted toward the staff/child ratio, a *[n agency]* facility supervisory employee must be present and available at the operating site;

(D) A process for screening and selecting volunteers, who have direct contact with children *[similar to that used for paid staff members]* **consistent with section 210.493, RSMo. and 13 CSR 35-71.015;**

(E) A defined line of supervision, with clear written expectations of the supervisor and the volunteers;

(F) Orientation, preservice and in-service training activities in the volunteers' specified roles;

(G) Procedures for monitoring and evaluating volunteer activities and contributions;

(H) Procedures for observing professional ethics and confidentiality;

(I) *[Procedures for reimbursement of travel and other expenses; and*

J)] Procedures for handling conflicts between paid staff members and volunteers.

[(12) Visiting Resources.

(A) Visiting resources shall be approved by individual resident's parent(s), legal guardian, or legal custodian.]

AUTHORITY: sections [210.481, 210.486,] 207.020, 210.506, 660.017 and 210.511, RSMo [2000] 2016. This rule originally filed as 13 CSR 40-71.050. 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. Moved to 13 CSR 35-71.050, effective Oct. 30, 2008. Amended: Filed Dec. 16, 2013, effective June 30, 2014. Amended: Filed August 12, 2025.*

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. 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.*