

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

13 CSR 35-71.020 License Application, Renewal, and Monitoring

PURPOSE: This rule sets forth the process through which a residential care facility may obtain and renew a license and the division's authority to monitor a facility's compliance with the rules in this chapter through on-site visits and record reviews.

(1) Licensing Authority. Any person who establishes, maintains, or operates a residential care facility, other than persons exempt from licensure requirements under section 210.516, RSMo, must apply for and receive a license from the division prior to accepting any child for care.

(2) Application Procedures.

(A) The applicant facility shall complete an application with the division on forms available on the division's website.

(B) The application shall be signed by an individual with the express authority to sign on behalf of the facility.

(C) In addition to the required application, the facility shall submit the following information in support of the application on forms provided by the division or as separate attachments:

1. Articles of incorporation or organization, bylaws, and a list of any board officers with such officers' contact information.
2. Signed and dated copy of the division's civil rights agreement.
3. Proposed budget for a period of not less than one (1) year, including sources of income.
4. Documentation of professional and commercial liability insurance, worker's compensation insurance, fire and disaster insurance, and insurance for any vehicles operated by the facility (coverage must include personal injury protection for passengers).
5. Document setting forth the authority and responsibilities delegated to the executive director by the board of directors.
6. Chart depicting facility's organizational structure.
7. Personnel manual.
8. Job titles and job descriptions for all staff.
9. Name, phone number, and email address of the designated caregiver authorized by the facility to use the reasonable and prudent parent standard pursuant to 210.665, RSMo, if applicable.
10. Projected staffing plan for the anticipated capacity.
11. Staff training plan.
12. Certification that all individuals required to complete a background check and to be found eligible for employment or presence at the facility pursuant to 13 CSR 35-71.015 have completed the required background check and have been found eligible for employment or presence by the division.
13. Verification of the education, licensing credentials, and experience of all professional staff.
14. Resumes for all professional and administrative staff.
15. Evidence of compliance with local building and zoning requirements.
16. Floor plan of the facility that identifies the specific use of each room.
17. Evidence of compliance with the fire safety requirements required by the State Fire Marshal.
18. Local health department inspection certificates.

A. The facility shall submit local health department inspection certificates for food service and water/sewer, if applicable, for all counties, cities, and towns that require such certificates in which the facility operates.

B. If the facility is unable, after exercising diligent efforts, to obtain a local inspection certificate, then the facility shall submit a statement describing the efforts made to obtain the certificate(s) and the reason why it was unable to obtain the certificate. The facility shall attach copies of any correspondence to or from any local health departments declining to conduct an inspection or to provide a certificate.

19. Documentation that any pool on the grounds is operated in accordance with all applicable ordinances.

20. Program and/or policy manual for the facility that contains the following materials:

A. Description of specific program models, including methods of treatment.

B. Description of the recreational program.

C. Document outlining the respective educational responsibilities of the facility and any local education authority, as applicable.

D. Personnel health verification policy.

E. Intake policy.

F. Health and sick care protocol for residents.

G. Medication policy, including psychotropic medications.

H. Medical record retention policy for residents.

I. Confidentiality policy.

J. Visitation policy.

K. Critical incident reporting policy.

L. Child abuse and neglect reporting policy.

M. Discipline policy for residents.

N. Restraint policy using a recognized and approved physical restraint program.

O. Locked isolation policy.

P. Volunteer policy.

21. Description of facility's religious requirements and practices if applicable.

(D) The application will be complete when the residential care facility submits a completed application with all of the required supporting documents and information, including all required inspection certificates.

(E) Upon receipt of the completed application form and supporting documentation, the division will send a request to the State Fire Marshal to conduct a fire and safety inspection and provide the residential care facility and the division with a copy of the approved fire and safety inspection.

(3) Licensing Assessment. When the application is complete, the division will conduct a thorough assessment of the residential care facility to determine whether the facility meets all of the requirements for licensure set forth in the applicable rules.

(4) The License.

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

(B) The license shall be posted in a conspicuous place on the premises of the operating site.

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

(D) The license shall not be transferable.

(E) A licensed residential care facility (LRCF) may request a temporary variance from one (1) or more of the licensing requirements for a specified period of time on a form prescribed by the division. The division will only approve a variance when the division determines that the variance will not negatively impact child health and safety. No variances will be granted for required third-party inspections, such as fire and safety inspections.

(5) License Amendment.

(A) A LRCF shall file an application to amend its license with the division on a form prescribed by the division at least forty-five (45) days prior to any of the following non-temporary changes:

1. Change in the name of the LRCF;

2. Relocation and/or address change;
3. Addition of new operating site;
4. Change in the capacity, gender served, and/or age range of children; or
5. Any major change in the program.

(B) These changes shall be approved by the division prior to amending the license.

(C) Approval for any temporary changes to items (1) through (5) in subsection A above should be requested through the variance process.

(6) Licensing Renewal.

(A) A LRCF shall submit a completed application for license renewal to the division at least ninety (90) days prior to the expiration of its current license. The LRCF shall use forms provided by the division to apply for renewal. The application form shall be signed by the director of the LRCF or the director's legally authorized designee.

(B) In addition to the completed application form, a LRCF shall submit the following documents with its application for license renewal:

1. Current list of any board officers with such officers' contact information;
2. Documentation of professional and commercial liability insurance, worker's compensation insurance, fire and disaster insurance, and insurance for vehicles operated by the facility (must include passenger liability);
3. Summary of any significant changes to programs since the last application or renewal and copies of any resulting policies or policy changes;
4. Current personnel and/or program manual if there have been changes since last submitted to the licensing unit;
5. Current organization chart, if changes have been made since the last application or renewal;
6. Form prescribed by the division evidencing:
 - A. That all persons required to submit to a background check pursuant to 13 CSR 35-71.015 have completed their background checks and have been found eligible by the division for employment or presence at the LRCF;
 - B. The annual results of a check of the family care safety registry (FCSR) for all staff, interns, contractors, and volunteers; and
 - C. The annual results of a check of the child abuse and neglect registry and criminal records for those staff, interns, contractors, and volunteers that do not reside in Missouri.
7. Document outlining the respective educational responsibilities of the facility and any local education authority, if applicable;
8. Annual staff training plan;
9. Resumes for all administrative and professional staff not previously submitted to the licensing unit;
10. A record of monthly drills for fire and emergency evacuations;
11. Local health department inspection certificates for food service and water/sewer, if applicable, for all counties and cities in which the facility operates, that require such certificates;
12. Evidence of compliance with the fire safety requirements required by the State Fire Marshal;
13. Documentation evidencing that any swimming pool on the grounds is operated and maintained in accordance with all applicable local ordinances; and
14. Name, phone number, and email address of the designated caregiver authorized by the facility to use the reasonable and prudent parent standard pursuant to 210.665, RSMo, if the facility will provide care to Missouri foster children.

(C) 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.

(7) License Monitoring.

(A) Division licensing consultants may make scheduled or unscheduled visits to a facility to determine the facility's compliance with the licensing rules.

(B) Division licensing consultants may review personnel files including criminal/child abuse/neglect/family care safety registry background screening documentation during on site reviews.

(C) Division licensing consultant may review resident records during on site reviews.

(D) Division licensing consultant may review a facility's business records during on site reviews.

AUTHORITY: sections 207.020, 210.506, and 660.017, RSMo 2016, and sections 210.493 and 210.1286, RSMo Supp. 2021. This rule originally filed as 13 CSR 40-71.020. 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. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expired Jan. 30, 2009. Moved to 13 CSR 35-71.020 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 January 18, 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. 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.