

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children’s Division
Chapter 71—Licensing Rules for Residential Treatment Agencies for Children and Youth

PROPOSED RULE

13 CSR 35-71.150 Designation Rules for Qualified Residential Treatment Programs

Purpose: This rule sets forth the requirements for the designation of a Qualified Residential Treatment Program (QRTP).

- (1) A qualified residential treatment program (QRTP) means a program that has met all program requirements for designation as a QRTP, as determined herein.
- (2) To qualify for designation as a QRTP, the agency shall meet the requirements set forth below. The designation shall not be considered a license issued by the Department of Social Services, Children’s Division.
- (3) Designation Requirements.
 - (A) The agency shall be a residential treatment agency licensed by Children’s Division at the specialized standards for residential treatment or intensive residential treatment level in accordance with 13 CSR 35-71.
 - (B) The agency shall be accredited by any of the following independent, not-for-profit organizations:
 1. The Commission on Accreditation of Rehabilitation Facilities (CARF);
 2. The Joint Commission (JCO); or
 3. The Council on Accreditation (COA).
 - (C) The agency shall have a trauma-informed treatment model designed to address the needs of children in the program.
 - (D) The agency shall be equipped to meet the clinical needs, as appropriate, of children with serious emotional or behavioral disorders or disturbances, as appropriate for the agency’s residential treatment license.
 - (E) The agency shall be equipped to implement the treatment identified as necessary for the children in the program.
 - (F) The agency shall acquire the services of registered or licensed nursing staff who-
 1. Provide care within the scope of their practice as defined by law;
 2. Are available twenty-four (24) hours a day and seven (7) days a week; and
 3. Are on-site according to the minimum standards set forth in 13 CSR 35-71.
 - (G) The agency shall acquire the services of licensed clinical staff to fulfill the clinical needs of children in the program.
 - (H) The agency shall designate lead personnel (one (1) or more individuals) involved in the implementation of the trauma-informed practices.
 - (I) The agency shall create a family engagement plan to explain how the requirements below will be met for each child-

1. To the extent appropriate, and in accordance with the child's treatment plan, agencies shall facilitate the participation of family members in the child's treatment program by:
 - a. Facilitating outreach to the family members of the child, including siblings. The agency shall maintain documentation demonstrating how the outreach is made (including contact information), and shall maintain contact information for any known biological family and fictive kin of the child;
 - b. Documenting how family members are integrated into the treatment process for the child, including post-discharge, and how sibling connections are maintained; and
 - c. Providing discharge planning and family-based aftercare support for at least six (6) months post-discharge. This service may be performed by the agency or a subcontractor of the agency. Any subcontracting agreements shall be in writing and provided to the Division upon request.
- (J) The agency shall create and follow a family engagement plan, as described in this section, for each child.

(4) Application.

- (A) The agency shall submit written documentation to the Division or the Division's designee to demonstrate the minimum qualifications identified in section three (3) of this regulation utilizing the Qualified Residential Treatment Provider Designation form (RPU-35), which is incorporated by reference and made part of this rule as published by the Department of Social Services at their website at <https://dss.mo.gov/cd/info/forms/pdf/rpu35.pdf>, November 10, 2021. This rule does not incorporate any subsequent amendments or additions.
- (B) The Division or designee may conduct site visits, a review of records, and interviews with staff and residents to assess the application materials and qualifications of the agency in meeting the requirements herein.
- (C) Upon receipt of all documents and information set forth herein, the Division shall review and determine if all QRTP designation requirements are met.
- (D) The Division may request further supporting documentation or information to demonstrate the minimum qualifications herein.
- (E) The Division shall issue a written finding to either approve or deny the agency's application for QRTP designation within forty-five (45) days of receipt of the agency's complete application.
- (F) In the event that the Division denies the agency's application for QRTP designation, the agency shall have the right to administrative review as stated in section six (6) of this regulation. The denial shall be in writing and shall provide the factual basis for the decision.

(5) Designation.

- (A) The QRTP designation shall be valid for a period not to exceed six (6) years and shall be subject to periodic announced and unannounced monitoring, as determined by the Division.

- (B) The agency shall participate in all requests by the Division to review records or documents, or contact agency personnel or residents, related to the trauma-informed model and QRTP designation.
 - (C) The agency shall provide written notice to the Division within five (5) calendar days identifying a personnel change of the lead personnel of the trauma informed practices and shall name a new individual to lead trauma-informed practices within thirty (30) calendar days of the change.
 - (D) The Division shall have the authority to suspend, revoke, or deny the QRTP designation in the event the Division determines the agency does not meet the requirements of 13 CSR 35-71.
 - (E) In the event of non-compliance with the requirements of 13 CSR 35-71, the Division may suspend or revoke the QRTP designation. In the notice of suspension or revocation, the Division shall-
 - 1. Include the factual basis for the suspension or revocation;
 - 2. In the event of a suspension, issue an immediate corrective action plan to mitigate the conditions related to the suspension; and
 - 3. Notify the agency of the right to administrative review pursuant to 13 CSR 35-71.150(7).
 - (F) The agency may rescind the suspension on its own decision in the event that the Division determines-
 - 1. The agency has successfully implemented the corrective action plan requested by the Division to remedy the concerns that resulted in the suspensions of the designation; and
 - 2. The agency meets all criteria set forth in 13 CSR 35-71.150.
 - (G) The failure to correct areas of non-compliance as identified in any request for corrective action shall be grounds for designation revocation.
 - (H) In the event that an agency's QRTP designation has been suspended, the agency shall have a maximum of three (3) months to correct the areas of non-compliance which lead to the suspension action by the Division. If the areas of non-compliance are not corrected after three (3) months, as determined by the Division, or within any timeframes set by the Division, the Division shall have the right to revoke the designation.
 - (I) In the event that an agency's QRTP designation has been revoked, the agency shall wait a period of not less than six (6) months prior to submitting the designation application again.
- (6) Designation Renewal
- (A) The agency shall submit updated application materials as outlined in section (4) of this rule at least three (3) months prior but not more than six (6) months prior to the expiration date of the designation for designation renewal.
 - (B) The Division shall issue a written finding to either approve or deny the agency's renewal for QRTP designation within forty-five (45) days of receipt of the agency's complete renewal application.

(C) The agency shall participate in all requests by the Division to review records or documents, or contact agency personnel or residents, related to the trauma-informed model and QRTP designation, during the renewal application assessment.

(D) The designation shall be valid for a period not to exceed six (6) years.

(7) Administrative Review.

(A) The agency which is aggrieved by the decision of the division to suspend or revoke a QRTP designation shall have the right to a hearing on administrative review of the division's decision.

(B) The division shall provide written notice to the agency of its adverse action against the QRTP designation of an agency. The notice shall—

1. Inform the agency of the nature of the decision;
2. State the factual and legal basis for the division's action;
3. State the effective date of the action, if applicable; and
4. Notify the agency of its right to seek administrative review.

(C) To request a hearing the agency shall submit a written request for administrative review within thirty (30) calendar days of the decision of the division. The request for administrative review shall set forth the basis of the agency's objection to the division's decision.

(D) If the agency requests a hearing the division shall hold an administrative hearing. The hearing shall be held by the director or the director's designee.

(E) The determination of the director or the director's designee shall be the final agency decision.

AUTHORITY: section 207.020, 210.535, RSMo. Original rule filed [date].

PUBLIC COST: The proposed rule will cost state agencies or political subdivisions nine million one hundred nineteen thousand seven hundred ninety-five dollars (\$9,119,795) in the aggregate.

PRIVATE COST: The 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 Missouri Department of Social Services, Legal Services Division-Rulemaking, PO Box 1527 Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comment must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*