

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 1111
AN ACT

To repeal sections 210.201, 210.211, 210.252, and 210.275, RSMo, and to enact in lieu thereof ten new sections relating to the regulation of child care.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 210.201, 210.211, 210.252, and 210.275, RSMo, are repealed and ten new sections enacted in lieu thereof, to be known as sections 192.2550, 192.2552, 192.2554, 192.2556, 192.2558, 192.2560, 210.201, 210.211, 210.252, and 210.275, to read as follows:

192.2550. As used in sections 192.2550 to 192.2560, the following terms mean:

(1) "Child", an individual who is under the age of seventeen;

(2) "Department", the department of health and senior services;

(3) "Eligible child", an individual who is under the age of six years and has complex medical needs requiring continuous skilled nursing intervention of at least four hours per day, as ordered by a physician;

(4) "Person", any individual, firm, corporation, partnership, association, agency, incorporated or unincorporated organization, or other legal entity, regardless of the name used;

(5) "Prescribed pediatric extended care facility", a facility providing medically necessary multidisciplinary services to eligible children in a child care facility licensed by the department of elementary and secondary education under chapter 210. Multidisciplinary services

20 include skilled nursing, personal care, nutritional
21 assessment, developmental assessment, and speech, physical,
22 and occupational therapy services, as ordered by a physician;

23 (6) "Prescribed pediatric extended care provider" or
24 "provider", the person or persons licensed or required to be
25 licensed under sections 192.2550 to 192.2560 to establish,
26 conduct, or maintain, a prescribed pediatric extended care
27 facility.

192.2552. 1. Beginning on August 28, 2025, it shall
2 be unlawful for any person to establish, maintain, or
3 operate a prescribed pediatric extended care facility, or to
4 advertise or hold himself or herself out as being able to
5 perform any of the services of a prescribed pediatric
6 extended care facility, without having in effect a written
7 license granted by the department.

8 2. Nothing in sections 192.2550 to 192.2560 shall be
9 construed to apply to:

10 (1) Any child care facility that provides care to
11 eligible children with a caregiver staffing ratio of not
12 fewer than one licensed nurse present for every one eligible
13 child present, unless said facility voluntarily applies for
14 licensure as a prescribed pediatric extended care facility;

15 (2) Any hospital, sanitarium, or home that is
16 conducted in good faith primarily to provide medical
17 treatment or nursing or convalescent care for children; or

18 (3) Any program licensed by the department of mental
19 health under sections 630.705 to 630.760 that provides care,
20 treatment, and habilitation exclusively to children who have
21 a primary diagnosis of mental disorder, mental illness,
22 intellectual disability, or developmental disability, as
23 those terms are defined in section 630.005.

192.2554. 1. The department shall have the following
2 powers and duties:

3 (1) After inspection, to grant licenses to persons to
4 operate prescribed pediatric extended care facilities if
5 satisfied as to the good character and intent of the
6 applicant and that such applicant is qualified and equipped
7 to render care or service conducive to the welfare of
8 children;

9 (2) To inspect the conditions of the places in which
10 the applicant operates a prescribed pediatric extended care
11 facility; inspect their books and records, premises, and
12 children to be served; examine their officers and agents;
13 and deny, immediately suspend, place on probation, or revoke
14 the license of such persons as fail to obey the provisions
15 of sections 192.2550 to 192.2560 or the rules and
16 regulations promulgated by the department. The director may
17 revoke or suspend a license when the licensee surrenders the
18 license; and

19 (3) To promulgate rules and regulations the department
20 deems necessary or proper in order to establish standards of
21 service and care to be rendered by such licensees to
22 children. Such rules and regulations shall include, at a
23 minimum, requirements related to the following:

24 (a) Staffing;

25 (b) Fire safety;

26 (c) Sanitation, including infection control;

27 (d) Equipment; and

28 (e) Record keeping.

29 2. The department shall have the right to enter the
30 premises of an applicant for or holder of a license at any
31 time during the hours of operation of a facility to
32 determine compliance with sections 192.2550 to 192.2560 and
33 applicable rules promulgated pursuant thereto. Entry shall
34 also be granted for investigative purposes involving
35 complaints regarding the operations of a prescribed

36 pediatric extended care facility. The department may make
37 inspections, announced or unannounced, as it deems necessary
38 to carry out the provisions of sections 192.2550 to 192.2560.

39 3. The applicant for or holder of a license shall
40 cooperate with the investigation and inspection.

41 4. Failure to comply with any lawful request of the
42 department in connection with the investigation and
43 inspection is a ground for refusal to issue a license or for
44 the revocation of a license.

45 5. Any prescribed pediatric extended care facility may
46 request a variance from a rule or regulation promulgated
47 pursuant to sections 192.2550 to 192.2560. The request for
48 a variance shall be made in writing to the department and
49 shall include the reasons the facility is requesting the
50 variance. The department shall not approve any variance
51 request that endangers the health or safety of the children
52 served by the facility.

53 6. Any rule or portion of a rule, as that term is
54 defined in section 536.010, that is created under the
55 authority delegated in sections 192.2550 to 192.2560 shall
56 become effective only if it complies with and is subject to
57 all of the provisions of chapter 536 and, if applicable,
58 section 536.028. This section and chapter 536 are
59 nonseverable and if any of the powers vested with the
60 general assembly pursuant to chapter 536 to review, to delay
61 the effective date, or to disapprove and annul a rule are
62 subsequently held unconstitutional, then the grant of
63 rulemaking authority and any rule proposed or adopted after
64 August 28, 2024, shall be invalid and void.

192.2556. 1. All applicants for or holders of a
2 license to operate a prescribed pediatric extended care
3 facility shall have an active, nonsuspended license to

4 operate a child care facility issued by the department of
5 elementary and secondary education.

6 2. All persons employed by the prescribed pediatric
7 extended care facility for compensation, including contract
8 employees or self-employed individuals, and individuals or
9 volunteers whose activities involve the care or supervision
10 of children for a prescribed pediatric extended care
11 provider or unsupervised access to children who are cared
12 for or supervised by a prescribed pediatric extended care
13 provider shall be considered a child care staff member, as
14 that term is defined in section 210.1080, and shall comply
15 with all requirements under that section and regulations
16 promulgated pursuant thereto.

192.2558. 1. If the department proposes to deny,
2 place on probation, or revoke a license, the department
3 shall serve upon the applicant or licensee written notice of
4 the proposed action to be taken. The notice shall contain a
5 statement of the type of action proposed, the basis for it,
6 the date the action will become effective, and a statement
7 that the applicant or licensee shall have thirty days to
8 request in writing a hearing before the administrative
9 hearing commission and that such request shall be made to
10 the department. If no written request for a hearing is
11 received by the department within thirty days of the
12 delivery or mailing by certified mail of the notice to the
13 applicant or licensee, then the proposed discipline shall
14 take effect on the thirty-first day after such delivery or
15 mailing of the notice to the applicant or licensee. If the
16 applicant or licensee makes a written request for a hearing,
17 the department shall file a complaint with the
18 administrative hearing commission within thirty days of
19 receipt of the request for a hearing.

20 2. The department shall immediately suspend and
21 propose to revoke any prescribed pediatric extended care
22 facility license if the department of elementary and
23 secondary education immediately suspends the licensee's
24 license to operate a child care facility. The immediate
25 suspension of the license to operate a child care facility
26 shall be sufficient grounds for the department of health and
27 senior services to immediately suspend and revoke the
28 prescribed pediatric extended care license.

29 3. The department shall immediately suspend and
30 propose to revoke any prescribed pediatric extended care
31 license if the department of elementary and secondary
32 education revokes the licensee's license to operate a child
33 care facility. The revocation of the license to operate a
34 child care facility shall be sufficient grounds for the
35 department of health and senior services to immediately
36 suspend and revoke the prescribed pediatric extended care
37 license.

38 4. The department may immediately suspend any license
39 simultaneously with the notice of the proposed action to be
40 taken in subsection 1 of this section if the department
41 finds that there is a threat of imminent bodily harm to the
42 children in the care of the prescribed pediatric extended
43 care facility.

44 5. The notice of immediate suspension shall include
45 the basis of the immediate suspension and the appeal rights
46 of the licensee pursuant to this section. The licensee may
47 appeal the decision to immediately suspend the license to
48 the department. The appeal shall be filed within ten days
49 from the delivery or mailing by certified mail of the notice
50 of appeal. A hearing shall be conducted by the department
51 within fifteen days from the date the appeal is filed. The
52 immediate suspension shall continue in effect until the

53 conclusion of the proceedings, including review thereof,
54 unless sooner withdrawn by the department or stayed by a
55 court of competent jurisdiction.

56 6. Any person aggrieved by a final decision of the
57 department made in the administration of sections 192.2550
58 to 192.2560 shall be entitled to judicial review thereof as
59 provided in chapter 536.

60 7. In cases of imminent bodily harm to children in the
61 care of a prescribed pediatric extended care facility,
62 including an unlicensed facility not exempt under section
63 192.2552, the department may file suit in the circuit court
64 of the county in which the prescribed pediatric extended
65 care facility is located for injunctive relief, which may
66 include removing children from the facility, overseeing the
67 operation of the facility, or closing the facility. The
68 department may request that the attorney general bring the
69 action in place of the department. Failure by the
70 department to file suit under the provisions of this
71 subsection shall not be construed as creating any civil
72 liability or incurring other obligations or duties, except
73 as otherwise specified.

192.2560. 1. Nothing contained in sections 192.2550
2 to 192.2560 shall permit the public disclosure by the
3 department of confidential medical, social, personal, or
4 financial records of any child in the care of any prescribed
5 pediatric extended care facility, except when disclosed in a
6 manner which does not identify any child or when ordered to
7 do so by a court of competent jurisdiction. Such records
8 shall be accessible without court order for examination and
9 copying only to the following persons or offices, or to
10 their designees:

11 (1) The department or any person or agency designated
12 by the department;

13 (2) The department of elementary and secondary
14 education or any person or agency designated by the
15 department of elementary and secondary education;

16 (3) The department of social services or any person or
17 agency designated by the department of social services;

18 (4) The attorney general;

19 (5) Any appropriate law enforcement agency;

20 (6) Any appropriate prosecutor's office; and

21 (7) The child's parent or guardian, or any other
22 person designated by the child's parent or guardian.

23 2. Inspection reports and written reports of
24 investigations of complaints and complaints received by the
25 department relating to the quality of care of children in
26 the care of a prescribed pediatric extended care provider
27 shall be accessible to the public for examination and
28 copying, provided that such reports are disclosed in a
29 manner which does not identify the complainant or any
30 particular child.

 210.201. As used in sections 210.201 to 210.257, the
2 following terms mean:

3 (1) "Child", an individual who is under the age of
4 seventeen;

5 (2) "Child care", care of a child away from his or her
6 home for any part of the twenty-four-hour day for
7 compensation or otherwise. Child care is a voluntary
8 supplement to parental responsibility for the child's
9 protection, development, and supervision;

10 (3) "Child-care facility" or "child care facility", a
11 house or other place conducted or maintained by any person
12 who advertises or holds himself or herself out as providing
13 child care for any part of the twenty-four-hour day for
14 compensation or otherwise if providing child care to more
15 than:

- 16 (a) Six children; or
- 17 (b) Three children under two years of age;
- 18 (4) "Child care provider" or "provider", the person or
- 19 persons licensed or required to be licensed under section
- 20 210.221 to establish, conduct, or maintain a child care
- 21 facility;
- 22 (5) "Day camp", a program operated by a person or
- 23 organization between the hours of 6:00 a.m. and 7:00 p.m.,
- 24 when a local school system is not in session requiring
- 25 actual pupil attendance, and with the primary function of
- 26 providing a recreational program for children five years of
- 27 age or older who are enrolled in kindergarten or any grade
- 28 above kindergarten, but providing no child care for children
- 29 under five years of age who are not yet enrolled in
- 30 kindergarten in the same space or in the same outdoor play
- 31 area simultaneously;
- 32 (6) "Montessori school", a child care program that is
- 33 either accredited by, actively seeking accreditation by, or
- 34 maintains an active school membership with the American
- 35 Montessori Society, the Association Montessori
- 36 Internationale, the International Montessori Counsel, or the
- 37 Montessori Educational Programs International;
- 38 (7) "Neighborhood youth development program", as
- 39 described in section 210.278;
- 40 (8) "Nursery school", a program operated by a person
- 41 or an organization with the primary function of providing an
- 42 educational program for preschool-age children for no more
- 43 than four hours per day per child;
- 44 (9) "Person", any individual, firm, corporation,
- 45 partnership, association, agency, or an incorporated or
- 46 unincorporated organization regardless of the name used;
- 47 (10) "Religious organization", a church, synagogue or
- 48 mosque; an entity that has or would qualify for federal tax-

49 exempt status as a nonprofit religious organization under
50 Section 501(c) of the Internal Revenue Code; or an entity
51 whose real estate on which the child-care facility is
52 located is exempt from taxation because it is used for
53 religious purposes;

54 (11) "School-age child", any child five years of age
55 or older who is in kindergarten or above;

56 (12) "School system", a program established primarily
57 for education and that meets the following criteria:

58 (a) Provides education in at least the first to the
59 sixth grade; and

60 (b) Provides evidence that the school system's records
61 will be accepted by a public or private school for the
62 transfer of any student;

63 [(12)] (13) "Summer camp", a program operated from May
64 to September by a person or organization with the primary
65 function of providing a summer recreational program for
66 children five years of age or older and providing no child
67 care for children under five years of age in the same space
68 or in the same outdoor play area simultaneously.

210.211. 1. It shall be unlawful for any person to
2 establish, maintain or operate a child-care facility for
3 children, or to advertise or hold himself or herself out as
4 being able to perform any of the services as defined in
5 section 210.201, without having in effect a written license
6 granted by the department of elementary and secondary
7 education; except that nothing in sections 210.203 to
8 210.245 shall apply to:

9 (1) Any person who is caring for six or fewer
10 children, including a maximum of three children under the
11 age of two, at the same physical address. For purposes of
12 this subdivision, children who live in the caregiver's home
13 and who are eligible for enrollment in a public

14 kindergarten, elementary, or high school shall not be
15 considered in the total number of children being cared for;

16 (2) Any person who receives free of charge, and not as
17 a business, for periods not exceeding ninety consecutive
18 days, as bona fide, occasional and personal guests the child
19 or children of personal friends of such person, and who
20 receives custody of no other unrelated child or children;

21 (3) Any graded boarding school that is conducted in
22 good faith primarily to provide education;

23 (4) Any summer or day camp that is conducted in good
24 faith primarily to provide recreation;

25 (5) Any hospital, sanitarium, or home that is
26 conducted in good faith primarily to provide medical
27 treatment or nursing or convalescent care for children;

28 (6) Any residential facility or day program licensed
29 by the department of mental health under sections 630.705 to
30 630.760 that provides care, treatment, and habilitation
31 exclusively to children who have a primary diagnosis of
32 mental disorder, mental illness, intellectual disability, or
33 developmental disability, as those terms are defined in
34 section 630.005;

35 (7) Any school system as defined in section 210.201;

36 (8) Any Montessori school as defined in section
37 210.201;

38 (9) Any business that operates a child care program
39 for the convenience of its customers or its employees if the
40 following conditions are met:

41 (a) The business provides child care for customers' or
42 employees' children for no more than four hours per day; and

43 (b) Customers or employees remain on site while their
44 children are being cared for by the business establishment;

45 (10) Any home school as defined in section 167.031;

46 (11) Any religious organization academic preschool or
47 kindergarten for four- and five-year-old children;

48 (12) Any weekly Sunday or Sabbath school, a vacation
49 bible school, or child care made available while the parents
50 or guardians are attending worship services or other
51 meetings and activities conducted or sponsored by a
52 religious organization;

53 (13) Any neighborhood youth development program under
54 section 210.278;

55 (14) Any program serving only children enrolled in
56 grade six or above;

57 (15) Any religious organization elementary or
58 secondary school;

59 [(15)] (16) Any private organization elementary or
60 secondary school system providing child care to children
61 younger than school age. If a facility or program is exempt
62 from licensure based upon this exception, such facility or
63 program shall submit documentation annually to the
64 department to verify its licensure-exempt status;

65 [(16)] (17) Any nursery school as defined in section
66 210.201; and

67 [(17)] (18) Any child care facility maintained or
68 operated under the exclusive control of a religious
69 organization. If a nonreligious organization having as its
70 principal purpose the provision of child care services
71 enters into an arrangement with a religious organization for
72 the maintenance or operation of a child care facility, the
73 facility is not under the exclusive control of the religious
74 organization.

75 2. Notwithstanding the provisions of subsection 1 of
76 this section, no child-care facility shall be exempt from
77 licensure if such facility receives any state or federal
78 funds for providing care for children, except for federal

79 funds for those programs which meet the requirements for
80 participation in the Child and Adult Care Food Program
81 pursuant to 42 U.S.C. Section 1766. Grants to parents for
82 child care pursuant to sections 210.201 to 210.257 shall not
83 be construed to be funds received by a person or facility
84 listed in subdivisions (1) and ~~[(17)]~~ (18) of subsection 1
85 of this section.

86 3. Every child care facility shall disclose the
87 licensure status of the facility to the parents or guardians
88 of children for which the facility provides care. No child
89 care facility exempt from licensure shall represent to any
90 parent or guardian of children for which the facility
91 provides care that the facility is licensed when such
92 facility is in fact not licensed. A parent or guardian
93 utilizing an unlicensed child care facility shall sign a
94 written notice indicating he or she is aware of the
95 unlicensed status of the facility. The facility shall keep
96 a copy of this signed written notice on file. All child
97 care facilities shall provide the parent or guardian
98 enrolling a child in the facility with a written explanation
99 of the disciplinary philosophy and policies of the child
100 care facility.

101 4. Up to two children who are five years of age or
102 older and who are related within the third degree of
103 consanguinity or affinity to, adopted by, or under court
104 appointed guardianship or legal custody of a child care
105 provider who is responsible for the daily operation of a
106 licensed family child care home that is organized as a
107 corporation, association, firm, partnership, limited
108 liability company, sole proprietorship, or any other type of
109 business entity in this state shall not be included in the
110 number of children counted toward the maximum number of
111 children for which the family child care home is licensed

112 under section 210.221. If more than one member of the
113 corporation, association, firm, partnership, limited
114 liability company, or other business entity is responsible
115 for the daily operation of the licensed family child care
116 home, then the related children of only one such member
117 shall be excluded. A family child care home caring for
118 children not counted in the maximum number of children, as
119 permitted under this subsection, shall disclose this to
120 parents or guardians on the written notice required under
121 subsection 3 of this section. If a family child care home
122 begins caring for children not counted in the maximum number
123 of children after a parent or guardian has signed the
124 written notice required under subsection 3 of this section,
125 the family child care home shall provide a separate notice
126 to the parent or guardian that the family child care home is
127 caring for children not counted in the maximum number of
128 children for which the family child care home is licensed
129 and shall keep a copy of the signed notice on file.

130 5. Nothing in this section shall prevent the
131 department from enforcing licensing regulations promulgated
132 under this chapter, including, but not limited to,
133 supervision requirements and capacity limitations based on
134 the amount of child care space available.

210.252. 1. All buildings and premises used by a
2 child-care facility to care for more than six children
3 except those exempted from the licensing provisions of the
4 department of elementary and secondary education pursuant to
5 subdivisions (1) to ~~[(15)]~~ (16) of subsection 1 of section
6 210.211, shall be inspected annually for fire and safety by
7 the state fire marshal, the marshal's designee or officials
8 of a local fire district and for health and sanitation by
9 the department of elementary and secondary education or the
10 department's designee, including officials of the department

11 of health and senior services, or officials of the local
12 health department. Evidence of compliance with the
13 inspections required by this section shall be kept on file
14 and available to parents of children enrolling in the child-
15 care facility.

16 2. Local inspection of child-care facilities may be
17 accomplished if the standards employed by local personnel
18 are substantially equivalent to state standards and local
19 personnel are available for enforcement of such standards.

20 3. Any child-care facility may request a variance from
21 a rule or regulation promulgated pursuant to this section.
22 The request for a variance shall be made in writing to the
23 department of elementary and secondary education and shall
24 include the reasons the facility is requesting the
25 variance. The department shall approve any variance request
26 that does not endanger the health or safety of the children
27 served by the facility. The burden of proof at any appeal
28 of a disapproval of a variance application shall be with the
29 department of elementary and secondary education. Local
30 inspectors may grant a variance, subject to approval by the
31 department of elementary and secondary education.

32 4. The department of elementary and secondary
33 education shall administer the provisions of sections
34 210.252 to 210.256, with the cooperation of the state fire
35 marshal, the department of health and senior services, local
36 fire departments and local health agencies.

37 5. The department of elementary and secondary
38 education shall promulgate rules and regulations to
39 implement and administer the provisions of sections 210.252
40 to 210.256. Such rules and regulations shall provide for
41 the protection of children in all child-care facilities
42 whether or not such facility is subject to the licensing
43 provisions of sections 210.201 to 210.245.

44 6. The department of health and senior services, after
45 consultation with the department of elementary and secondary
46 education, may promulgate rules and regulations to implement
47 and administer the provisions of this section related to
48 sanitation requirements. Such rules and regulations shall
49 provide for the protection of children in all child-care
50 facilities whether or not such facility is subject to the
51 licensing provisions of sections 210.201 to 210.245.

52 7. Any rule or portion of a rule, as that term is
53 defined in section 536.010, that is created under the
54 authority delegated in sections 210.252 to 210.256 shall
55 become effective only if it complies with and is subject to
56 all of the provisions of chapter 536 and, if applicable,
57 section 536.028. All rulemaking authority delegated prior
58 to August 28, 1999, is of no force and effect and repealed.
59 Nothing in this section shall be interpreted to repeal or
60 affect the validity of any rule filed or adopted prior to
61 August 28, 1999, if it fully complied with all applicable
62 provisions of law. This section and chapter 536 are
63 nonseverable and if any of the powers vested with the
64 general assembly pursuant to chapter 536 to review, to delay
65 the effective date or to disapprove and annul a rule are
66 subsequently held unconstitutional, then the grant of
67 rulemaking authority and any rule proposed or adopted after
68 August 28, 1999, shall be invalid and void.

 210.275. Any program licensed by the department of
2 elementary and secondary education pursuant to this chapter
3 providing child care to only school-age children [that is
4 located and operated on elementary or secondary school
5 property] shall comply with the child-care licensure
6 provisions in this chapter; except that, for safety, health
7 and fire purposes, all buildings and premises for any such

8 programs shall be deemed to be in compliance with the child-
9 care licensure provisions in this chapter.