

FIRST REGULAR SESSION

SENATE BILL NO. 48

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0178S.011

AN ACT

To repeal sections 210.903, 210.909, 210.915 and 210.936, RSMo 2000, relating to child care and elderly care, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 210.903, 210.909, 210.915 and 210.936, RSMo 2000, are repealed and four new sections enacted in lieu thereof, to be known as sections 210.903, 210.909, 210.915 and 210.936, to read as follows:

210.903. 1. To protect children and the elderly in this state, and to promote family and community safety by providing information concerning family caregivers, there is hereby established within the department of health a "Family Care Safety Registry and Access Line" which shall be available by January 1, 2001.

2. The family care safety registry shall contain information on child-care workers' and elder-care workers' background and on child-care and elder-care providers through:

(1) The patrol's criminal record check system pursuant to section 43.540, RSMo, including state and national information, to the extent possible;

(2) Probable cause findings of abuse and neglect pursuant to sections 210.109 to 210.183;

(3) The division of aging's employee disqualification list pursuant to section 660.315, RSMo;

(4) **The department of mental health's employee disqualification list pursuant to section 630.170, RSMo;**

(5) Foster parent licensure denials, revocations and suspensions pursuant to section 210.496;

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

[(5)] (6) Child-care facility license denials, revocations and suspensions pursuant to sections 210.201 to 210.259; and

[(6)] (7) Residential living facility and nursing home license denials, revocations, suspensions and probationary status pursuant to chapter 198, RSMo.

210.909. 1. Upon submission of a completed registration form by a child-care worker or elder-care worker, the department, in coordination with the department of social services, shall:

(1) Determine if a probable cause finding of child abuse or neglect involving the applicant has been recorded pursuant to section 210.145;

(2) Determine if the applicant has been refused licensure or has experienced licensure suspension or revocation pursuant to section 210.496;

(3) Determine if the applicant has been placed on **either or both of** the employee disqualification [list] **lists** pursuant to [section] **sections 630.170 and** 660.315, RSMo;

(4) Determine through a request to the patrol pursuant to section 43.540, RSMo, whether the applicant has any conviction, plea of guilty or nolo contendere, or a suspended execution of sentence to a felony charge of any offense pursuant to chapters 198, 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo; and

(5) If the background check involves a provider, determine if a facility has been refused licensure or has experienced licensure suspension, revocation or probationary status pursuant to sections 210.201 to 210.259 or chapter 198, RSMo.

2. Upon completion of the background check described in subsection 1 of this section, the department shall include information in the registry for each registrant as to whether any felony convictions, employee disqualification listings pursuant to section 660.315, RSMo, probable cause findings, pleas of guilty or nolo contendere, or license denial, revocation or suspension have been documented through the records checks authorized pursuant to the provisions of sections 210.900 to 210.936.

3. The department shall notify such registrant in writing of the results of the determination recorded on the registry pursuant to this section.

210.915. The department of corrections, the department of public safety, **the department of mental health** and the department of social services shall collaborate with the department to compare records on child-care and elder-care workers, and the records of persons with criminal convictions and the background checks pursuant to subdivisions (1) to (6) of subsection 2 of section 210.903, and to enter into any interagency agreements necessary to facilitate the receipt of such information and the ongoing updating of such information. The department, in coordination with the department of social services, shall promulgate rules and regulations concerning such updating, including subsequent background reviews as listed in subsection 1 of section 210.909.

210.936. For purposes of providing background information pursuant to sections 210.900 to 210.936, reports and related information pursuant to sections 198.070 and 198.090, RSMo,

sections 210.109 to 210.183, **section 630.170** and sections 660.300 to 660.315, RSMo, shall be deemed public records.

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