

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 562**  
96TH GENERAL ASSEMBLY

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Reported from the Committee on Small Business, Insurance and Industry, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

0616S.06C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 210.101, 210.102, 210.211, and 210.245, RSMo, and to enact in lieu thereof seven new sections relating to the well-being of children, with a penalty provision.

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

Section A. Sections 210.101, 210.102, 210.211, and 210.245, RSMo, are  
2 repealed and seven new sections enacted in lieu thereof, to be known as sections  
3 210.101, 210.102, 210.105, 210.209, 210.211, 210.245, and 210.265, to read as  
4 follows:

210.101. 1. There is hereby established the "Missouri Children's Services  
2 Commission", which shall be composed of the following members:

3 (1) The director or [deputy director of the department of labor and  
4 industrial relations and the director or deputy director of each state agency,  
5 department, division, or other entity which provides services or programs for  
6 children, including, but not limited to, the department of mental health, the  
7 department of elementary and secondary education, the department of social  
8 services, the department of public safety and the department of health and senior  
9 services] **the director's designee of the following departments: labor and  
10 industrial relations, corrections, elementary and secondary education,  
11 higher education, health and senior services, mental health, public  
12 safety, and social services;**

13 (2) One judge of a **family or** juvenile court, who shall be appointed by the  
14 chief justice of the supreme court;

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

15 (3) [One judge of a family court, who shall be appointed by the chief  
16 justice of the supreme court;

17 (4) **Four] Two** members, [two] **one** from each political party, of the house  
18 of representatives, who shall be appointed by the speaker of the house of  
19 representatives;

20 [(5) **Four] (4) Two** members, [two] **one** from each political party, of the  
21 senate, who shall be appointed by the president pro tempore of the senate;

22 **(5) Five at-large members, at least one of whom shall be from a**  
23 **county of the third classification, who shall be appointed by the**  
24 **governor with the advice and consent of the senate, with one member**  
25 **representing each of the following: pediatricians, family physicians,**  
26 **hospital administrators, children's advocacy organizations, and parents**  
27 **of minor children.**

28 All members shall serve for as long as they hold the position which made them  
29 eligible for appointment to the Missouri children's services commission under this  
30 subsection. All members shall serve without compensation but may be  
31 reimbursed for all actual and necessary expenses incurred in the performance of  
32 their official duties for the commission.

33 2. All meetings of the Missouri children's services commission shall be  
34 open to the public and shall, for all purposes, be deemed open public meetings  
35 under the provisions of sections 610.010 to 610.030. The Missouri children's  
36 services commission shall meet no less than once every two months[, and shall  
37 hold its first meeting no later than sixty days after September 28, 1983]. Notice  
38 of all meetings of the commission shall be given to the general assembly in the  
39 same manner required for notifying the general public of meetings of the general  
40 assembly.

41 3. The Missouri children's services commission may make all rules it  
42 deems necessary to enable it to conduct its meetings, elect its officers, and set the  
43 terms and duties of its officers.

44 4. The commission shall elect from amongst its members a chairman, vice  
45 chairman, a secretary-reporter, and such other officers as it deems necessary.

46 5. The services of the personnel of any agency from which the director or  
47 deputy director is a member of the commission shall be made available to the  
48 commission at the discretion of such director or deputy director. All meetings of  
49 the commission shall be held in the state of Missouri.

50 6. The officers of the commission may hire an executive director. Funding

51 for the executive director may be provided from the Missouri children's services  
52 commission fund or other sources provided by law.

53 7. The commission, by majority vote, may invite individuals representing  
54 local and federal agencies or private organizations and the general public to serve  
55 as ex officio members of the commission. Such individuals shall not have a vote  
56 in commission business and shall serve without compensation but may be  
57 reimbursed for all actual and necessary expenses incurred in the performance of  
58 their official duties for the commission.

210.102. 1. It shall be the duty of the Missouri children's services  
2 commission to:

3 (1) Make recommendations which will encourage greater interagency  
4 coordination, cooperation, more effective utilization of existing resources and less  
5 duplication of effort in activities of state agencies which affect the legal rights  
6 and well-being of children in Missouri;

7 (2) Develop an integrated state plan for the care provided to children in  
8 this state through state programs;

9 (3) Develop a plan to improve the quality of children's programs  
10 statewide. Such plan shall include, but not be limited to:

11 (a) Methods for promoting geographic availability and financial  
12 accessibility for all children and families in need of such services;

13 (b) Program recommendations for children's services which include child  
14 development, education, supervision, health and social services;

15 **(c) Goals with measurable outcomes for state agencies with**  
16 **respect to children's services;**

17 **(d) Policy recommendations to the governor and general**  
18 **assembly;**

19 (4) Design and implement evaluation of the activities of the commission  
20 in fulfilling the duties as set out in this section;

21 (5) Report annually to the governor with five copies each to the house of  
22 representatives and senate about its activities including, but not limited to the  
23 following:

24 (a) A general description of the activities pertaining to children of each  
25 state agency having a member on the commission;

26 (b) A general description of the plans and goals, as they affect children,  
27 of each state agency having a member on the commission;

28 (c) Recommendations for statutory and appropriation initiatives to

29 implement the integrated state plan;

30 (d) A report from the commission regarding the state of children in  
31 Missouri.

32 2. There is hereby established within the children's services commission  
33 the "Coordinating Board for Early Childhood", which shall constitute a body  
34 corporate and politic, and shall include but not be limited to the following  
35 members:

36 (1) A representative from the governor's office;

37 (2) A representative from each of the following departments: health and  
38 senior services, mental health, social services, and elementary and secondary  
39 education;

40 (3) A representative of the judiciary;

41 (4) A representative of the family and community trust board (FACT);

42 (5) A representative from the head start program;

43 (6) Nine members appointed by the governor with the advice and consent  
44 of the senate who are representatives of the groups, such as business,  
45 philanthropy, civic groups, faith-based organizations, parent groups, advocacy  
46 organizations, early childhood service providers, and other stakeholders. The  
47 coordinating board may make all rules it deems necessary to enable it to conduct  
48 its meetings, elect its officers, and set the terms and duties of its officers. The  
49 coordinating board shall elect from amongst its members a chairperson, vice  
50 chairperson, a secretary-reporter, and such other officers as it deems  
51 necessary. Members of the board shall serve without compensation but may be  
52 reimbursed for actual expenses necessary to the performance of their official  
53 duties for the board.

54 3. The coordinating board for early childhood shall have the power to:

55 (1) Develop a comprehensive statewide long-range strategic plan for a  
56 cohesive early childhood system;

57 (2) Confer with public and private entities for the purpose of promoting  
58 and improving the development of children from birth through age five of this  
59 state;

60 (3) Identify legislative recommendations to improve services for children  
61 from birth through age five;

62 (4) Promote coordination of existing services and programs across public  
63 and private entities;

64 (5) Promote research-based approaches to services and ongoing program

65 evaluation;

66 (6) Identify service gaps and advise public and private entities on methods  
67 to close such gaps;

68 (7) Apply for and accept gifts, grants, appropriations, loans, or  
69 contributions to the coordinating board for early childhood fund from any source,  
70 public or private, and enter into contracts or other transactions with any federal  
71 or state agency, any private organizations, or any other source in furtherance of  
72 the purpose of subsections 2 and 3 of this section, and take any and all actions  
73 necessary to avail itself of such aid and cooperation;

74 (8) Direct disbursements from the coordinating board for early childhood  
75 fund as provided in this section;

76 (9) Administer the coordinating board for early childhood fund and invest  
77 any portion of the moneys not required for immediate disbursement in obligations  
78 of the United States or any agency or instrumentality of the United States, in  
79 obligations of the state of Missouri and its political subdivisions, in certificates  
80 of deposit and time deposits, or other obligations of banks and savings and loan  
81 associations, or in such other obligations as may be prescribed by the board;

82 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise,  
83 lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal  
84 with real or personal property or any interests therein, wherever situated;

85 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or  
86 any of its property or any interest therein, wherever situated;

87 (12) Employ and fix the compensation of an executive director and such  
88 other agents or employees as it considers necessary;

89 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations  
90 governing the manner in which its business may be transacted;

91 (14) Adopt and use an official seal;

92 (15) Assess or charge fees as the board determines to be reasonable to  
93 carry out its purposes;

94 (16) Make all expenditures which are incident and necessary to carry out  
95 its purposes;

96 (17) Sue and be sued in its official name;

97 (18) Take such action, enter into such agreements, and exercise all  
98 functions necessary or appropriate to carry out the duties and purposes set forth  
99 in this section.

100 4. There is hereby created the "Coordinating Board for Early Childhood

101 Fund" which shall consist of the following:

102 (1) Any moneys appropriated by the general assembly for use by the board  
103 in carrying out the powers set out in subsections 2 and 3 of this section;

104 (2) Any moneys received from grants or which are given, donated, or  
105 contributed to the fund from any source;

106 (3) Any moneys received as fees authorized under subsections 2 and 3 of  
107 this section;

108 (4) Any moneys received as interest on deposits or as income on approved  
109 investments of the fund;

110 (5) Any moneys obtained from any other available  
111 source. Notwithstanding the provisions of section 33.080 to the contrary, any  
112 moneys remaining in the coordinating board for early childhood fund at the end  
113 of the biennium shall not revert to the credit of the general revenue fund.

**210.105. 1. The general assembly finds and declares:**

2 (1) **Premature or preterm birth is the leading cause of infant  
3 death in Missouri. Premature infants are more than fifteen times as  
4 likely as other infants to die in the first year of life;**

5 (2) **Infants born preterm are more than twice as likely as full-  
6 term infants to have major birth defects;**

7 (3) **Birth defects are the second leading cause of infant death in  
8 Missouri;**

9 (4) **Missouri ranks thirty-third in the nation in the rate of infant  
10 mortality, with a statewide rate of seven and four-tenths deaths per one  
11 thousand live births;**

12 (5) **Between 2004 and 2008, prematurity conditions accounted for  
13 six and one-half deaths per one thousand live births in Missouri;**

14 (6) **Approximately eight babies, twelve and three-tenths percent  
15 born in Missouri, are born prematurely, or more than ten thousand  
16 babies born prior to thirty-seven weeks gestation annually;**

17 (7) **In 2006, the Institute of Medicine's Preterm Birth report  
18 found that annual United States costs associated with prematurity  
19 totaled twenty-six and one-half billion dollars or an average of fifty-one  
20 thousand six hundred dollars per premature infant, more than tenfold  
21 greater than the three thousand three hundred twenty-five dollar  
22 average medical costs of a full-term infant;**

23 (8) **The average length of hospital stay in 2005 was nearly nine**

24 times as long for a preterm infant, or thirteen days, compared with an  
25 average one and one-half day stay for an infant born at term;

26 (9) Preterm babies have an increased risk of short-term and long-  
27 term medical and developmental problems, such as intellectual  
28 disabilities, blindness, chronic lung disease and cerebral palsy, in  
29 comparison to full-term infants. Children born prematurely are also  
30 more likely to be enrolled in special education classes compared to  
31 children born at term;

32 (10) Approximately seventy percent of premature births occur in  
33 the late preterm period between thirty-four weeks and thirty-six weeks  
34 gestation;

35 (11) Standard practices of clinicians during the late preterm  
36 period vary across the state;

37 (12) Smoking, a modifiable risk factor, is the leading behavioral  
38 contributor to prematurity and in 2006, seventeen and six-tenths  
39 percent of Missouri pregnant women smoked. Smoking-attributable  
40 neonatal health care costs for Medicaid are approximately seven  
41 hundred thirty-eight dollars per pregnant smoker;

42 (13) Smoking during pregnancy is linked to some birth defects  
43 and the sudden infant death syndrome, the third leading cause of infant  
44 mortality;

45 (14) Women who receive prenatal care are more likely to have  
46 access to:

47 (a) Health services that identify problems early;

48 (b) Managements for developing and existing problems; and

49 (c) Education, counseling, and referral to reduce risky behaviors,  
50 including but not limited to substance abuse and poor nutrition; and

51 (15) Effective neonatal care improves the health of both mothers  
52 and infants.

53 2. There is hereby created the "Missouri Task Force on  
54 Prematurity and Infant Mortality" within the children's services  
55 commission to consist of the following twenty-three members:

56 (1) The following six members of the general assembly:

57 (a) Three members of the house of representatives, with two  
58 members to be appointed by the speaker of the house and one member  
59 to be appointed by the minority leader of the house;

60 (b) Three members of the senate, with two members to be

61 appointed by the president pro tem of the senate and one member to be  
62 appointed by the minority leader of the senate;

63 (2) The director of the department of health and senior services,  
64 or the director's designee;

65 (3) The director of the department of social services, or the  
66 director's designee;

67 (4) The director of the department of insurance, financial  
68 institutions and professional registration, or the director's designee;

69 (5) One member representing the March of Dimes, Greater  
70 Missouri Chapter;

71 (6) One member representing the American College of Obstetrics  
72 and Gynecology;

73 (7) One member representing the American Academy of  
74 Pediatrics;

75 (8) One member representing the American Academy of Family  
76 Physicians;

77 (9) One member representing the American Board of Perinatal  
78 Medicine who is a practicing perinatologist;

79 (10) One member representing the Association of Women's  
80 Health, Obstetric and Neonatal Nurses;

81 (11) One member representing the Missouri Hospital Association;

82 (12) One member representing the Missouri hospital members of  
83 the National Association of Children's Hospitals and Related  
84 Institutions (NACHRI);

85 (13) One member representing the American Board of Perinatal  
86 Medicine who is a practicing neonatologist;

87 (14) Two consumer representatives who are parents of  
88 individuals born prematurely, including one parent of an individual  
89 under the age of eighteen;

90 (15) Two members representing insurance providers in the state  
91 of Missouri; and

92 (16) One member representing the Mother and Child Health  
93 Coalition of Kansas City, Missouri.

94 Members of the task force, other than the legislative members and  
95 directors of state agencies, shall be appointed by the governor with the  
96 advice and consent of the senate by September 15, 2011.

97 3. Members of the task force shall serve at the pleasure of the



98 **appointing authority.**

99 **4. A majority of a quorum from among the task force membership**  
100 **shall elect co-chairs of the task force.**

101 **5. A majority vote of a quorum of the task force is required for**  
102 **any action.**

103 **6. The chairperson of the children's services commission shall**  
104 **convene the initial meeting of the task force by no later than October**  
105 **15, 2011. The task force shall meet at least quarterly; except that the**  
106 **task force shall meet at least twice prior to the end of calendar year**  
107 **2011. Meetings may be held by telephone or video conference at the**  
108 **discretion of the co-chairs.**

109 **7. Members shall serve on the commission without compensation,**  
110 **but may, subject to appropriation, be reimbursed for actual and**  
111 **necessary expenses incurred in the performance of their official duties**  
112 **as members of the task force.**

113 **8. The goal of the task force is to measurably reduce Missouri's**  
114 **preterm birth and infant mortality rates through advocacy of evidence-**  
115 **based approaches facilitated through proposals for legislation,**  
116 **regulation, and public policy change.**

117 **9. The task force shall:**

118 **(1) Collaborate with and make recommendations to the general**  
119 **assembly;**

120 **(2) Review appropriate and relevant evidence-based research**  
121 **regarding the causes and effects of prematurity and birth defects in**  
122 **Missouri;**

123 **(3) Examine existing public and private entities currently**  
124 **associated with the prevention and treatment of prematurity and infant**  
125 **mortality in Missouri;**

126 **(4) Develop strategies to reduce prematurity and infant**  
127 **mortality, including but not limited to:**

128 **(a) Smoking cessation programs specifically targeting pregnant**  
129 **women;**

130 **(b) Standards for care for premature infants born less than**  
131 **thirty-seven weeks gestational age, including recommendations to**  
132 **improve hospital discharge and follow-up care procedures;**

133 **(c) Identify gaps in public reporting measures and possible**  
134 **effects of such measures on prematurity rates;**

135           **(d) Coordinate and execute an information and communications**  
136 **program among the appropriate professional communities on the**  
137 **causes and effects of premature births; and**

138           **(e) Identify evidence-based strategies to reduce the number of**  
139 **later preterm infants delivered in Missouri; and**

140           **(5) Issue findings and propose to the appropriate public and**  
141 **private organizations goals, objectives, strategies, and tactics designed**  
142 **to reduce prematurity and infant mortality in Missouri, including**  
143 **drafting legislation on public policy for consideration during the next**  
144 **appropriate session of the general assembly.**

145           **10. (1) On or before March 1, 2012, the task force shall submit a**  
146 **report on the current state of prematurity in Missouri to the governor**  
147 **and general assembly.**

148           **(2) On or before January 15, 2013, the task force shall submit its**  
149 **final recommendations, including any recommendations for legislation**  
150 **necessary for implementation, to the governor and general assembly.**

151           **(3) On or before January 15, 2015, the task force shall submit a**  
152 **final report evaluating the impact of the implementation of the**  
153 **recommendations from the report required under subdivision (2) of this**  
154 **subsection.**

155           **11. The task force shall expire on January 31, 2015, or upon**  
156 **submission of a final report under subdivision (3) of subsection 10 of**  
157 **this section, whichever is earlier.**

**210.209. The amendments to sections 210.211 and 210.245, as**  
2 **enacted by the ninety-sixth general assembly, first regular session,**  
3 **shall be known and may be cited as "Nathan's Law".**

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

7           **(1) Any person who is caring for four or fewer children. For purposes of**  
8 **this subdivision, children who are related by blood, marriage or adoption to such**  
9 **person within the third degree shall [not be considered] be included in the total**  
10 **number of children being cared for; except that, children of such person**  
11 **who live in the home and attend school for a full school day shall not**

12 **be included in the total number of children cared for;**

13 (2) Any person who has been duly appointed by a court of competent  
14 jurisdiction the guardian of the person of the child or children, or the person who  
15 has legal custody of the child or children;

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

20 (4) Any graded boarding school, summer camp, hospital, sanitarium or  
21 home which is conducted in good faith primarily to provide education, recreation,  
22 medical treatment, or nursing or convalescent care for children;

23 (5) Any child-care facility maintained or operated under the exclusive  
24 control of a religious organization. When a nonreligious organization, having as  
25 its principal purpose the provision of child-care services, enters into an  
26 arrangement with a religious organization for the maintenance or operation of a  
27 child-care facility, the facility is not under the exclusive control of the religious  
28 organization;

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

34 (7) Any nursery school.

35 2. Notwithstanding the provisions of subsection 1 of this section, no  
36 child-care facility shall be exempt from licensure if such facility receives any state  
37 or federal funds for providing care for children, except for federal funds for those  
38 programs which meet the requirements for participation in the Child and Adult  
39 Care Food Program pursuant to 42 U.S.C. 1766. Grants to parents for child care  
40 pursuant to sections 210.201 to 210.257 shall not be construed to be funds  
41 received by a person or facility listed in subdivisions (1) and (5) of subsection 1  
42 of this section.

43 **3. Any child-care facility exempt from licensure shall disclose the**  
44 **licensure exempt status of the facility to the parents or guardians of**  
45 **children for which the facility provides care.**

210.245. 1. Any person who violates any provision of sections 210.201 to  
2 210.245, or who for such person or for any other person makes materially false

3 statements in order to obtain a license or the renewal thereof pursuant to sections  
4 210.201 to 210.245, [shall be] is guilty of an infraction for the first offense and  
5 shall be assessed a fine not to exceed two hundred dollars and [shall be] is guilty  
6 of a class A misdemeanor **and shall be assessed a fine of two hundred**  
7 **dollars per day, not to exceed a total of ten thousand dollars** for  
8 subsequent offenses. In case such guilty person is a corporation, association,  
9 institution or society, the officers thereof who participate in such misdemeanor  
10 shall be subject to the penalties provided by law.

11           2. If the department of health and senior services proposes to deny,  
12 suspend, place on probation or revoke a license, the department of health and  
13 senior services shall serve upon the applicant or licensee written notice of the  
14 proposed action to be taken. The notice shall contain a statement of the type of  
15 action proposed, the basis for it, the date the action will become effective, and a  
16 statement that the applicant or licensee shall have thirty days to request in  
17 writing a hearing before the administrative hearing commission and that such  
18 request shall be made to the department of health and senior services. If no  
19 written request for a hearing is received by the department of health and senior  
20 services within thirty days of the delivery or mailing by certified mail of the  
21 notice to the applicant or licensee, the proposed discipline shall take effect on the  
22 thirty-first day after such delivery or mailing of the notice to the applicant or  
23 licensee. If the applicant or licensee makes a written request for a hearing, the  
24 department of health and senior services shall file a complaint with the  
25 administrative hearing commission within ninety days of receipt of the request  
26 for a hearing.

27           3. The department of health and senior services may issue letters of  
28 censure or warning without formal notice or hearing. Additionally, the  
29 department of health and senior services may place a licensee on probation  
30 pursuant to chapter 621.

31           4. The department of health and senior services may suspend any license  
32 simultaneously with the notice of the proposed action to be taken in subsection  
33 2 of this section, if the department of health and senior services finds that there  
34 is a threat of imminent bodily harm to the children in care. The notice of  
35 suspension shall include the basis of the suspension and the appeal rights of the  
36 licensee pursuant to this section. The licensee may appeal the decision to  
37 suspend the license to the department of health and senior services. The appeal  
38 shall be filed within ten days from the delivery or mailing by certified mail of the

39 notice of appeal. A hearing shall be conducted by the department of health and  
40 senior services within ten days from the date the appeal is filed. The suspension  
41 shall continue in effect until the conclusion of the proceedings, including review  
42 thereof, unless sooner withdrawn by the department of health and senior services,  
43 dissolved by a court of competent jurisdiction or stayed by the administrative  
44 hearing commission. Any person aggrieved by a final decision of the department  
45 made pursuant to this section shall be entitled to judicial review in accordance  
46 with chapter 536.

47         5. In addition to initiating proceedings pursuant to subsection 1 of this  
48 section, or in lieu thereof, the prosecuting attorney of the county where the  
49 child-care facility is located may file suit for a preliminary and permanent order  
50 overseeing or preventing the operation of a child-care facility for violating any  
51 provision of sections 210.201 to 210.245. The order shall remain in force until  
52 such a time as the court determines that the child-care facility is in substantial  
53 compliance. If the prosecuting attorney refuses to act or fails to act after receipt  
54 of notice from the department of health and senior services, the department of  
55 health and senior services may request that the attorney general seek an  
56 injunction of the operation of such child-care facility.

57         6. In cases of imminent bodily harm to children in the care of a child-care  
58 facility, the department may file suit in the circuit court of the county in which  
59 the child-care facility is located for injunctive relief, which may include removing  
60 the children from the facility, overseeing the operation of the facility or closing  
61 the facility.

62         **7. The department of health and senior services may immediately**  
63 **close any illegally operating unlicensed child-care facility. The**  
64 **prosecuting attorney of the county where such illegal child-care facility**  
65 **is located may file suit for a permanent order preventing the operation**  
66 **of a child-care facility. The order shall remain in effect until such a**  
67 **time as the court determines that the child-care facility is in**  
68 **compliance with all licensure requirements. Any person who operates**  
69 **an illegal unlicensed child-care facility is subject to the penalties set**  
70 **forth in subsection 1 of this section.**

**210.265. 1. This section shall be known and may be cited as "Sam**  
2 **Pratt's Law".**

3         **2. If the department of health and senior services is notified or**  
4 **determines that a child care provider exempt from the licensure**

5 requirements of sections 210.201 to 210.211 has any pending criminal  
6 charges against such child care provider, the department is authorized  
7 to conduct an investigation regarding such child care provider in the  
8 same manner as such an investigation would occur for a licensed child  
9 care provider, except that the provisions of this section shall not apply  
10 to any child care provider who is providing care only to children who  
11 are related by blood, marriage, or adoption to such provider in the  
12 third degree nor shall this section apply to any child care provider as  
13 described in subdivision (5) of subsection 1 of section 210.211.

14 3. If the department determines that the pending criminal  
15 charges against a child care provider exempt from the licensure  
16 requirements of sections 210.201 and 210.211 would similarly result in  
17 the sanction of the license of a licensed child care provider based on  
18 such pending criminal charges, the department shall notify such child  
19 care provider that such provider is prohibited from continuing to  
20 provide child care services in this state pending a resolution of such  
21 criminal charges in favor of such child care provider.

22 4. Any child care provider exempt from the licensure  
23 requirements of sections 210.201 and 210.211 who continues to provide  
24 child care services following notification by the department to cease  
25 such child care services is guilty of a class B misdemeanor. Any second  
26 or subsequent violation of this section is a class A misdemeanor.

27 5. The department shall report any known violations of this  
28 section to the appropriate prosecuting attorney's office or law  
29 enforcement agency.

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