

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1515, Page 1, Section A, Line 5, by  
2 inserting immediately after said line the following:

3  
4 “210.209. The amendments to sections 210.211 and 210.245, as enacted by the ninety-  
5 sixth general assembly, second regular session, shall be known and may be cited as "Nathan's  
6 Law".

7 210.211. 1. It shall be unlawful for any person to establish, maintain or operate a  
8 child-care facility for children, or to advertise or hold himself or herself out as being able to  
9 perform any of the services as defined in section 210.201, without having in effect a written  
10 license granted by the department of health and senior services; except that nothing in sections  
11 210.203 to 210.245 shall apply to:

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

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

20 (3) Any person who receives free of charge, and not as a business, for periods not  
21 exceeding ninety consecutive days, as bona fide, occasional and personal guests the child or

1 children of personal friends of such person, and who receives custody of no other unrelated child  
2 or children;

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

6 (5) Any child-care facility maintained or operated under the exclusive control of a  
7 religious organization. When a nonreligious organization, having as its principal purpose the  
8 provision of child-care services, enters into an arrangement with a religious organization for the  
9 maintenance or operation of a child-care facility, the facility is not under the exclusive control of  
10 the religious organization;

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

15 (7) Any nursery school.

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

22 3. Any child-care facility exempt from licensure shall disclose the licensure exempt status  
23 of the facility to the parents or guardians of children for which the facility provides care.

24 210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or  
25 who for such person or for any other person makes materially false statements in order to obtain a  
26 license or the renewal thereof pursuant to sections 210.201 to 210.245, [shall be] is guilty of an

1 infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and  
2 [shall be] is guilty of a class A misdemeanor and shall be assessed a fine of two hundred dollars  
3 per day, not to exceed a total of ten thousand dollars for subsequent offenses. In case such guilty  
4 person is a corporation, association, institution or society, the officers thereof who participate in  
5 such misdemeanor shall be subject to the penalties provided by law.

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

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

22 4. The department of health and senior services may suspend any license simultaneously  
23 with the notice of the proposed action to be taken in subsection 2 of this section, if the department  
24 of health and senior services finds that there is a threat of imminent bodily harm to the children in  
25 care. The notice of suspension shall include the basis of the suspension and the appeal rights of  
26 the licensee pursuant to this section. The licensee may appeal the decision to suspend the license

1 to the department of health and senior services. The appeal shall be filed within ten days from the  
2 delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the  
3 department of health and senior services within ten days from the date the appeal is filed. The  
4 suspension shall continue in effect until the conclusion of the proceedings, including review  
5 thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a  
6 court of competent jurisdiction or stayed by the administrative hearing commission. Any person  
7 aggrieved by a final decision of the department made pursuant to this section shall be entitled to  
8 judicial review in accordance with chapter 536.

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

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

21 7. The department of health and senior services may immediately close any illegally  
22 operating unlicensed child-care facility. The prosecuting attorney of the county where such illegal  
23 child-care facility is located may file suit for a permanent order preventing the operation of a  
24 child-care facility. The order shall remain in effect until such a time as the court determines that  
25 the child-care facility is in compliance with all licensure requirements. Any person who operates  
26 an illegal unlicensed child-care facility is subject to the penalties set forth in subsection 1 of this

1 section.”; and

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3 Further amend said bill by amending the title, enacting clause, and intersectional references

4 accordingly.