

**PROPOSED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF
THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R129-16

August 17, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-10, 13, 16-53, 55, 68, 72 and 73, NRS 424.020; §§11 and 56, NRS 424.020 and 424.030; §§12 and 14, NRS 424.020, 424.030 and 424.045; §15, NRS 424.020 and 424.045; §54, NRS 424.020 and 424.044; §57, NRS 424.093 and 424.094; §§58-63, NRS 424.093; §64, NRS 424.020 and 424.0365; §65, NRS 424.020 and 424.0385; §66, NRS 424.020 and 424.034; §§67 and 69, NRS 424.020 and 424.093; §70, NRS 424.020, 424.037, 424.038 and 424.093; §71, NRS 424.020 and 424.047.

A REGULATION relating to child welfare; establishing a standard for making certain decisions concerning foster children and requiring foster parents and certain other persons to receive training in applying that standard; clarifying that certain persons are required to report child abuse; revising provisions governing the licensing and operation of a foster home; making certain provisions concerning foster care agencies applicable to persons contracted to operate a foster care agency; requiring certain services and notice to be provided to a foster care agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to: (1) establish procedures and requirements for the licensure of family foster homes, specialized foster homes, independent living foster homes and group foster homes; (2) establish reasonable minimum fire prevention standards for such foster homes; and (3) prescribe rules for the regulation of such foster homes. (NRS 424.020) Existing federal law establishes the reasonable and prudent parent standard as a standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. (42 U.S.C. § 675, as amended by section 111 of the Preventing Sex Trafficking and Strengthening Families Act of 2014, Pub. L. 113-183) **Section 4** of this regulation authorizes a foster parent or a designated member of the staff of a foster home to allow a foster child to participate in appropriate educational, enrichment, cultural and social activities if the parent or staff member makes an informed decision to do so using the reasonable and prudent parent standard. **Sections 19, 56, 63 and 64** of this regulation require an applicant to operate a foster home, the director of

a specialized foster home or foster care agency and each member of the direct care staff of a specialized foster home to receive training in how to use and apply the reasonable and prudent parent standard.

Existing law requires certain persons to make a report to a law enforcement agency if, in their professional or occupational capacity, they know or have reasonable cause to believe that a child has been abused or neglected. (NRS 432B.220) **Section 5** of this regulation clarifies that this requirement applies to each person licensed to operate a foster home and each foster parent, member of the staff of a foster home and foster care agency.

Existing law defines “agency which provides child welfare services” to mean: (1) in a county whose population is less than 100,000, the local office of the Division which provides or arranges for necessary child welfare services; or (2) in a county whose population is 100,000 or more, the agency of the county which provides or arranges for such services. (NRS 424.011, 432B.030) Existing regulations ascribe certain duties to the Administrator of the Division. (NAC 424.059, 424.185, 424.205, 424.210, 424.300, 424.800) **Sections 7** of this regulation amend the definition of “Administrator” to instead ascribe these duties to the administrator or other executive head of the agency which provides child welfare services in the applicable jurisdiction, and **section 8** of this regulation makes a conforming change.

Sections 9-11 of this regulation revise certain provisions concerning inspections and tests that must be performed before a foster home may be licensed. **Section 12** of this regulation requires a licensee to apply for a change in its license to operate a foster home if certain children are proposed to be placed in the foster home. **Sections 13-15** amend provisions governing the revocation or denial of a license to operate a foster home.

Section 17 of this regulation revises the required ratios of direct care staff to foster children in a foster home. **Section 18, 30, 40 and 49** of this regulation amend certain duties of foster parents, staff and foster homes. **Section 20** of this regulation: (1) clarifies how the religious and spiritual beliefs and practices of foster parents will be assessed when evaluating their suitability; and (2) prohibits foster parents from preventing foster children from attending appropriate community and religious services and activities due to the religious or spiritual beliefs of the foster parents.

Sections 21-29, 34 and 38 of this regulation revise certain safety requirements governing foster homes and properties. **Section 22** of this regulation also: (1) authorizes the licensing authority to exempt a child from the prohibition on children over 12 months of age sleeping in the same room as an adult upon the written recommendation of certain professionals or a child and family team; and (2) clarifies that a child in foster care who is the parent of a child in the same placement may share a room with the child. **Section 31 and 39** of this regulation revise provisions governing adult visitors and boarders in a foster home. **Section 33** of this regulation requires an agency that places children to assess the ability of a foster family to provide a nurturing home when selecting a foster home for a child. **Section 35** of this regulation requires a licensee to provide immediate verbal notice and written notice within 24 hours to the licensing authority and any caseworker assigned to a child in certain emergency circumstances. **Section 36** of this regulation requires a provider of foster care to make every effort to preserve the

placement of a foster child within the foster home before requesting the removal of the child from the foster home.

Section 43 of this regulation: (1) requires foster children to be provided three healthy meals and access to healthy snacks and drinks between meals; and (2) prohibits discrimination against foster children with regard to meals. **Section 45** of this regulation provides that a foster parent or other member of the household may be required to have a substance abuse evaluation or drug screen under certain circumstances. **Section 46** of this regulation authorizes a licensing authority to exempt the minor children of foster parents from immunization requirements if the foster parents submit written acknowledgements of risks and liability. **Section 47** of this regulation requires: (1) a foster parent to immediately document any medication given to a foster child in the record of medications maintained for the child; and (2) requires that record to include the information sheet concerning the medication provided by the pharmacy. **Section 50** of this regulation requires a foster child's birth parent to be consulted, when applicable, before anything is done to significantly change the child's appearance. **Section 51** of this regulation provides that if a foster child is emancipated or transitioned to another placement, the child must be allowed to take all personal possessions acquired while residing in a foster home. **Sections 53 and 54** of this regulation impose requirements concerning the storage of adult products and firearms in a foster home.

Existing law authorizes, but does not require, a licensing authority to license foster care agencies within its jurisdiction. (NRS 424.094) **Sections 58-62 and 65-67** of this regulation make certain provisions governing auditing and investigations, record keeping and medication management applicable to persons who are contracted to operate a foster care agency in addition to persons who are licensed to do so. **Sections 69 and 70** of this regulation require certain services and notice that are currently provided to a provider of foster care to also be provided to a foster care agency, if applicable. **Section 72** of this regulation requires an independent living foster home to carry liability insurance. **Sections 6, 16, 32, 37, 41, 42, 44, 48, 52, 55, 57, 68 and 71** of this regulation make minor clarifications and non-substantive revisions. **Section 73** of this regulation repeals certain obsolete definitions.

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Normalcy” means the condition of experiencing a typical childhood through participation in activities that are age- or developmentally-appropriate, as defined in 42 U.S.C. § 675, as amended by section 111 of the Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183.*

Sec. 3. *“Reasonable and prudent parent standard” has the meaning ascribed to it in 42 U.S.C. § 675, as amended by section 111 of the Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183.*

Sec. 4. 1. *A foster parent or designated member of the staff of a foster home may allow a foster child to participate in extracurricular, enrichment, cultural and social activities similar to those participated in by peers of the same age, maturity and developmental level. When deciding whether to allow or deny participation in such activities, a foster parent or designated member of the staff of a foster home:*

(a) Must be informed by all information about the activity that is available to the foster parent or staff member; and

(b) Shall use the reasonable and prudent parent standard.

2. *A group foster home operated by staff shall:*

(a) Designate members of the staff of the foster home to make the decisions described in subsection 1; and

(b) Have at least one member of the staff who has been designated pursuant to paragraph (a) available at all times to make such decisions.

3. *If a foster home, foster parent or member of the staff of a foster home has made a decision to allow a child to participate in an activity in the manner prescribed in subsection 1, the licensing authority must not find that the decision or the child’s participation in the activity violates the requirements for foster home care.*

Sec. 5. *Each licensee, foster parent, member of the staff of a foster home or employee of a foster care agency who, in his professional or occupational capacity, knows or has*

reasonable cause to believe that a child has been abused or neglected shall report the abuse or neglect as required by NRS 432B.220.

Sec. 6. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.083, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 7. NAC 424.010 is hereby amended to read as follows:

424.010 “Administrator” means ~~the~~ :

1. In a county whose population is less than 100,000, the Administrator of the Division ~~†~~ ; *or*

2. In a county whose population is 100,000 or more, the administrator or other executive head of the agency of the county which provides or arranges for necessary child welfare services.

Sec. 8. NAC 424.059 is hereby amended to read as follows:

424.059 “Licensing authority representative” means ~~†~~

~~—1. In a county whose population is 100,000 or more, the director of the agency of the county that provides or arranges for necessary child welfare services or a person designated by him or her; or~~

~~—2. In a county whose population is less than 100,000,†~~ the Administrator or a person designated by him or her.

Sec. 9. NAC 424.105 is hereby amended to read as follows:

424.105 The licensing of a foster home by the licensing authority does not obligate the agency which provides child welfare services to support the foster home financially nor obligate

the agency which provides child welfare services to place any certain number of children in the foster home. The licensing of a foster home means only that the licensing authority has evaluated the family, ~~{physical plant}~~ *home, property* and services, and has determined that the foster home is in compliance with licensing requirements.

Sec. 10. NAC 424.130 is hereby amended to read as follows:

424.130 1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if he or she has any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. ~~{The}~~ *A* licensing authority ~~{may require each group foster home to be inspected upon its application for a license by the local building inspector and any local or state health inspector. A subsequent building inspection may be required if any structural remodeling is done. Any such remodeling must adhere to any applicable requirements relating to building set forth in an ordinance of the local government having jurisdiction.}~~ *representative shall inspect the entirety of each foster home and any attached property, including, without limitation, areas of the foster home and property that are not accessible to children, for safety. The licensing authority representative may take notes and photographs during the inspection.*

4. The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.

5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate

governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking. ~~{Bottled water may be required if the water from the individual well is unsafe.}~~

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

Sec. 11. NAC 424.167 is hereby amended to read as follows:

424.167 1. A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence, on a form provided by the licensing authority, that the person and each member of his or her household who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, is free from active tuberculosis. The evidence must be in the form of a report which states that the person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, is free from active tuberculosis and has submitted to a:

(a) Mantoux tuberculin skin test; ~~{or}~~

(b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis ~~{†}~~; *or*

(c) An interferon-gamma release assay tuberculosis blood test that has been approved by the United States Food and Drug Administration,

↪ within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

2. If a license to operate a foster home is issued to the person applying for the license, the licensee shall ensure that each member of the staff of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a person may

comply with the provisions of subsection 1 before beginning employment or volunteer work at the foster home in lieu of complying within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

3. Each person who is required to submit to a *tuberculosis* skin test , ~~or~~ chest radiograph and examination *or interferon-gamma release assay tuberculosis blood test* pursuant to this section and who remains as a member of the household or staff of the foster home shall submit to:

(a) A Mantoux tuberculin skin test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ at least once every 24 months after the date the skin test , ~~or~~ chest radiograph and examination ~~were~~ *or interferon-gamma release assay tuberculosis blood test was* conducted pursuant to subsection 1 or 2.

Sec. 12. NAC 424.175 is hereby amended to read as follows:

424.175 1. A licensee shall notify a licensing authority representative and apply to the licensing authority for a change in its license to operate a foster home if ~~there~~ :

(a) There are changes in the proposed programs, the range of ages or sex of the children in foster care or the total number of children in foster care ~~The~~ ;

(b) A child who has been referred to the juvenile justice system of this State but is not under the jurisdiction of the agency which provides child welfare services is proposed to be placed in the foster home; or

(c) A child is proposed to be placed in the foster home by a person or organization that is not a governmental entity.

2. A request for a change *required by subsection 1* must be in writing and may be submitted with an application for the renewal of the license or at any time during the period the license is effective. If the change is approved, after the licensing authority has ~~conducted a study~~ *evaluated the request* to determine that the relevant requirements have been met, a revised license must be issued. If a request for a change in the license is denied, the licensee may submit a request for a review of the denial to the licensing authority representative. The licensing authority representative shall review the denial but the denial is not subject to appeal.

~~2.~~ 3. A licensing authority representative may revise the contents of a license and shall provide the licensee with a written discussion of any proposed changes. The licensee may submit a request to the licensing authority representative for a review of the proposed changes. The licensing authority representative shall review the proposed changes but the changes are not subject to appeal.

~~3.~~ 4. The licensing authority representative shall conduct any review requested pursuant to this section within 30 days after the licensing authority representative receives the request and shall inform the licensee in writing of his or her decision regarding the review.

Sec. 13. NAC 424.190 is hereby amended to read as follows:

424.190 1. Any applicant for a license to operate a foster home or a licensed provider of foster care ~~is~~ who has been investigated by an agency which provides child welfare services and regarding whom a finding of substantiated abuse or neglect of a child has been made by that agency ~~is or~~ *must be denied a license to operate a foster home or have his or her existing license revoked, as applicable.*

2. *Any applicant for a license to operate a foster home or a licensed provider of foster care* whose own children have been in foster care or otherwise placed outside of his or her home

for the purpose of adoption or foster care ~~[-, must]~~ *may* be denied a license to operate a foster home or have his or her existing license revoked, as applicable.

Sec. 14. NAC 424.205 is hereby amended to read as follows:

424.205 1. The authority to operate a foster home is dependent upon continued compliance with the licensing requirements of the licensing authority.

2. A license to operate a foster home may be revoked by the licensing authority whenever a foster home fails to meet the requirements for a license. A licensing authority representative shall send a written statement to the foster family giving the reasons for revocation of the license and notification of the procedure for hearing grievances relating to the revocation as set forth in NRS 424.045 and NAC 424.210. A revocation is effective ~~[30 days after the date the notice is sent.]~~ *on the date of the notice and remains in effect unless it is overturned by a hearing officer or the designee of the Administrator at a hearing held pursuant to NAC 424.210.*

3. In cases of noncompliance with one or more licensing requirements which are believed to be hazardous to children or which involve a health or safety issue, the licensing authority may suspend a license and require the foster home to cease operation immediately. The suspension of a license pursuant to this subsection is not subject to the procedures set forth in NAC 424.210, but a licensee may submit a request for a review of the suspension by the Administrator. Pursuant to NRS 424.045, the Administrator or the designee of the Administrator shall review the suspension within 30 days after the receipt of the request.

4. When a license to operate a foster home is suspended or revoked, the foster children in the foster home must be removed from the foster home by the agency or other person who placed the child in the foster home within the period determined by the licensing authority.

Sec. 15. NAC 424.210 is hereby amended to read as follows:

424.210 Except as otherwise provided in NAC 424.205, a licensee may, by written request, obtain a hearing regarding ~~{a proposal by}~~ the ~~{licensing authority to revoke or deny}~~ *revocation or denial of the* the renewal of his or her license ~~{}~~ *by the licensing authority*. The request must be received by the licensing authority ~~{before the effective date of the proposed action or}~~ within ~~{3}~~ *14* days after the notice of ~~{action}~~ *revocation or denial* was mailed, including the date of mailing. The hearing must be held before a hearing officer of the ~~{Division}~~ *agency which provides child welfare services* or the designee of the Administrator. The hearing officer or designee, as appropriate, shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

Sec. 16. NAC 424.220 is hereby amended to read as follows:

424.220 1. The licensing authority shall submit a quarterly report to the Division on a form prescribed by the Division or, if available, a report generated by the ~~{Unified Nevada Information Technology for Youth System.}~~ *statewide mechanized data collection and information retrieval system established pursuant to 42 U.S.C. § 674*. The report must include, without limitation, the number of:

(a) Applications for a license to operate a foster home received during the quarter, pending from the previous quarter and denied during the quarter. The information relating to the applications denied during the quarter must include the reasons for the denial.

(b) Waivers or variances granted or denied pursuant to NAC 424.800. The information relating to the waivers and variances that were denied must include the reasons for the denial.

(c) Licenses to operate a foster home that were revoked or suspended and the reasons for each revocation or suspension.

(d) Requests for an administrative hearing, the period within which those requests were received, the period within which the administrative hearings were held, the outcome of the administrative hearings and the period within which written decisions concerning the matters heard were rendered.

(e) Initial licenses to operate a foster home that were issued.

(f) Licenses to operate a foster home that were renewed.

(g) Complaints relating to licensees, other than complaints concerning abuse or neglect, that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(h) Complaints relating to licensees concerning abuse or neglect that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(i) Complaints relating to a foster home for children that is being operated without a license as required by NRS 424.030 that were received and the outcome of each investigation made pursuant to NRS 424.050 concerning such a foster home.

(j) Resources available for placing a child in foster care, including, without limitation:

(1) The number of licensed family foster homes and the number of beds available for foster children in those family foster homes; and

(2) The number of licensed group foster homes and the number of beds available for foster children in those group foster homes.

2. The information required to be included in the quarterly report described in subsection 1 must be reported separately for care given by a person maintaining a foster home who is related to a foster child placed in the foster home and for care given by a person maintaining a foster home who is not related to a foster child who is placed in the foster home.

Sec. 17. NAC 424.250 is hereby amended to read as follows:

424.250 1. A sufficient number of members of the direct care staff must be on duty and available at all times to ensure proper care for *foster* children. Except as otherwise provided in this section, the minimum number of members of the direct care staff in a foster home *per foster child* is:

Type	Age Range	Staff/Child <i>Staff/Foster Child</i> Ratio
Family Foster Homes or Specialized Foster Homes	0-5 years	1:4
	6-18 years	1:6
<i>Family Foster Homes</i>	<i>0-18 years</i>	<i>1:6</i>
Group Foster Homes	0-5 years	1:4
	6-18 <i>0-18</i> years	1:8

Staffing ratios specified in this subsection apply to each foster home in addition to the limitations provided in NAC 424.160.

2. Each specialized foster home must have a minimum of one member of the direct care staff available to provide care within the specialized foster home pursuant to an alternative plan of supervision approved by the child and family team and documented in the treatment plan developed for each child pursuant to NAC 424.630.

3. Each foster home shall ensure that the children in the foster home are cared for as needed. Additional staff may be required at the discretion of the licensing authority if the licensing authority determines it is necessary because of, among other factors, the behavior and treatment needs of the children.

4. When directed by an agency which provides child welfare services, a specialized foster home may be required to provide a minimum of one member of the direct care staff who must be awake and on duty in the home during a child's normal sleeping hours. A specialized foster home may not use an outside child care facility that is not part of the treatment plan of a child to meet staffing requirements.

5. The licensing authority may approve exceptions to the specified staffing ratio upon determining that the needs of the children in foster care will be met and when acceptable alternatives are presented. The limitations set forth in subsection 4 of NAC 424.160 relating to the number of children for which foster care may be provided must not be exceeded.

Sec. 18. NAC 424.255 is hereby amended to read as follows:

424.255 Foster home parents and staff shall:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their *character*, integrity and conduct shall be above reproach, especially ~~{as regards}~~ *with regard* to their role as foster caregivers.

2. Be willing to ~~{be a team member}~~ *cooperate* with the agency in establishing and carrying out agency goals for the child ~~{}~~ *by*:

(a) Providing pertinent information about the child and the needs of the child that the foster home parents and staff have gained by caring for the child on a daily basis; and

(b) Assisting in meeting any identified needs of the child.

3. Possess skills necessary to ~~{live amiably as}~~ *provide* a *nurturing and caring home and family* ~~{group}~~ *environment*.

4. ~~{Have the character and personality to give care to children.}~~ *Welcome each foster child into the foster home as a full member of the family and treat each foster child equally to any children of the foster parent who reside in the foster home, including, without limitation, when according benefits and privileges.*

5. ~~{Accept and respect each child as an individual.~~

~~—6.}~~ Be kind and ~~{friendly.~~

~~—7. Have}~~ *respectful when communicating and interacting with the child and the family of the child and discussing the family of the child.*

6. *Have* knowledge and understanding of ~~{child care and problems of children.~~

~~—8.—Be}~~ *the needs of the child for well-being, safety and permanency.*

7. *Be* flexible ~~{in their approaches}~~ to *best meet the needs of the* child. ~~{care.~~

~~—9.—~~ *Participate in and effectively apply training as required.*

~~—10.—~~ *Be prepared to serve as an appropriate role model for foster children and their parents.*

~~11.~~ 8. Present a positive image *of fostering* to the community.

~~12.~~ 9. Maintain good ~~community~~ relationships ~~with each member of the community~~ *who is involved with the child and the family.*

10. *Be professional in each action taken as a foster parent and caregiver and be a positive role model for each foster child when engaging in daily activities, making decisions, setting boundaries and modeling behaviors.*

11. *Communicate effectively and respectfully with each person involved in the care of a foster child and respect differences and opinions of others.*

12. *Accept additional feedback and participate in additional training to increase the foster parent's or staff member's knowledge and ability to care for a child with unique needs.*

13. *When safe and appropriate, work directly with the parents or other family members of a child in support of the best interests of the child and the permanency goal of the child.*

14. *Possess realistic expectations regarding behaviors of children who have experienced past trauma and be able to remain calm during the emotional and behavioral outbursts of a child.*

15. *Set appropriate verbal and physical boundaries with foster children and their families.*

16. *Recognize and celebrate milestones in the life of a foster child, including, without limitation, birthdays, graduations and holidays.*

17. *Demonstrate sound judgment by making mindful and careful decisions.*

Sec. 19. NAC 424.270 is hereby amended to read as follows:

424.270 1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training in foster parenting provided or approved by the agency which provides child welfare services. If the home has a pool, hot tub or other

freestanding body of water, the applicants must obtain information on water safety and the risk of drowning and must also complete training in pool safety and receive certification in cardiopulmonary resuscitation.

2. Except as otherwise provided in this section, foster parents ~~must~~ *shall* attend *at least* 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

3. The annual training or portions of the annual training required by subsection 2 may for good cause, as determined by the agency which provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency which provides child welfare services, if at least one foster parent participates in the training ~~and~~ *and the training has been preapproved by the agency which provides child welfare services.*

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive ~~any of~~ the training required by ~~this section~~ *subsections 1 and 2* through that agency.

5. *In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by section 4 of this regulation. The training required by this subsection must be provided or approved by the agency which provides child welfare services.*

6. The requirements of this section are not applicable to any person who is subject to the requirements of NAC 424.712 and 424.714 and completes the training or continuing education required by those sections.

Sec. 20. NAC 424.290 is hereby amended to read as follows:

424.290 The religious *and spiritual* beliefs and practices of foster parents will be ~~considered~~ *assessed* in relation to ~~how they will affect foster children placed in the home.~~ *the willingness of the foster parents to seek medical treatment for a foster child, allow a foster child to celebrate holidays and birthdays and respect the religious and spiritual beliefs of a foster child or his or her family.* Religious *and spiritual* beliefs may not be imposed upon foster children nor ~~limit the ability of~~ *prevent* foster children ~~to celebrate normally observed holidays or special occasions.~~ *from attending appropriate community and religious services and activities.*

Sec. 21. NAC 424.370 is hereby amended to read as follows:

424.370 1. Every ~~opening in the exterior of the residential portion of a group~~ *bedroom window in a foster* home, except those used exclusively as fire exits, must be screened.

2. Each child's room must have at least one window that is accessible for exit in case of fire or other emergency.

3. Every dwelling must have two exits ~~at least 36 inches wide and 80 inches high~~ which provide unobstructed travel to the outside of the building. Exits leading to the outside must not be through intervening rooms subject to locking. All exit corridors or hallways must be clear of obstructions. Mobile homes must have exits located at opposite sides or ends of the home. Apartment buildings with more than one story may be required to submit to an inspection by the local fire department or State Fire Marshal's Office. Flexible ladders may be required for residences with more than one story.

4. Exit doors from buildings *or security doors* may be equipped with a deadbolt lock, security chain or night latch if the lock, chain or latch can be opened from the inside without the use of a key or special knowledge and is mounted no higher than 48 inches from the floor.

5. Every lock on a bathroom door must be designed to permit the opening of the locked door from the outside through means which are readily available.

6. Every closet door must be of a type that can be opened from the inside.

7. No security bars are allowed on bedroom windows or doors used as an emergency exit or route of escape unless they can be opened fully by use of a single-action device located inside of the room or area. Opening mechanisms must be ~~{within the reach}~~ *no higher than 48 inches* from the floor. ~~{of any child for whom the home is licensed.}~~ Security bars must open with no more than two motions of the hand. Children must be trained, upon placement, to operate the mechanism. ~~{Group homes must not have bars over windows.}~~

8. ~~{Doors with security bars must not be locked except when all occupants are absent from the home.}~~ *A door to a bedroom of a child must not be equipped with a lock on the outside of the door that blocks or inhibits exit.*

Sec. 22. NAC 424.375 is hereby amended to read as follows:

424.375 1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.

2. Rooms used by children for sleeping must have ~~{3 feet of}~~ *adequate* floor space between beds ~~{}~~ *to allow foster children and other persons to easily access beds and exits.*

3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. ~~{Children}~~ *Except as otherwise provided in this subsection, children* of the opposite sex who are 5 years of age or older must not share a bedroom, and children over 12 months of age must not sleep in the same room with an adult. *If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or older to share a room or a child over 12 months of age to sleep in the same room with an adult.* A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is appropriate based upon the circumstances and needs of each child. *A child in foster care who is the parent of a child in the same placement may share a room with that child.*

5. The foster parents' bedroom must be located on the same floor as the bedroom of any child under 5 years of age.

6. Except as otherwise provided in this subsection, each child must be provided with his or her own bed, which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of which is elevated off the floor. Siblings of the same sex may share a double bed.

7. Each bed must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

8. Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children under 6 years of age.

9. A complete change of bed linens must be supplied at least once a week or more often if necessary.

10. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

11. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

12. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and must not be:

(a) Allowed to sleep on a soft or semi-soft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

(b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

13. As used in this section, "provider of health care" means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

Sec. 23. NAC 424.380 is hereby amended to read as follows:

424.380 1. A ~~{group foster home must have at least one toilet and one tub or shower for every eight children and at least one washbasin with hot and cold running water for every five children.~~

~~—2.—A family}~~ foster home must have at least *one bathroom for every eight occupants, which must contain at least* one toilet and one tub or shower and at least one ~~{washbasin}~~ *sink* with hot and cold running water.

~~{3.—Lavatory}~~

2. **Bathroom** facilities must be located in such a manner as to be conveniently accessible from areas used for sleeping, living and recreation.

~~{4.}~~ 3. Each child must have his or her own ~~{toilet articles}~~ **personal hygiene products** and be provided with towels and washcloths which are changed as often as is necessary to maintain sanitation and cleanliness.

~~{5.}~~ 4. Provisions must be made for laundry facilities in ~~{group}~~ **foster** homes adequate to meet the needs of the ~~{children and staff}~~ **occupants** of the foster home.

Sec. 24. NAC 424.385 is hereby amended to read as follows:

424.385 1. There must be adequate refrigeration for the protection of perishable foods and adequate kitchen equipment, including adequate dishwashing equipment and ~~{equipment for the}~~ **adequate** storage of dishes.

2. If a refrigerator or freezer is not in use, it must be ~~{removed}~~ **made inaccessible to children through removal** from the premises or **having** its door **locked or** removed.

Sec. 25. NAC 424.395 is hereby amended to read as follows:

1. Electrical cords must be replaced as soon as they show appreciable wear. Special attention shall be given to avoid overloading and tripping ~~{hazards.}~~ **circuit breakers.**

2. Extension cords ~~{shall}~~ **and surge protector cords must** not extend from one room to another. Cords ~~{shall}~~ **must** not be stapled, nailed or otherwise permanently fastened to walls, fixtures, floors or ceilings, and ~~{shall}~~ **must** not be run on the floor under rugs. Extension cords ~~{shall}~~ **and surge protectors must** not be joined together. ~~{Under no circumstances shall extension}~~ **Cords and surge protectors must not create a falling or tripping hazard in walking areas of the home or property. Extension** cords **must not, under any circumstances,** be used as a general wiring method.

3. All electrical equipment, wiring and appliances ~~{shall}~~ **must** be installed and maintained in a safe manner in accordance with all applicable laws.

4. Protective ~~{plugs shall}~~ **covers must** be installed on **unused** electrical outlets accessible to children under 5 years of age.

Sec. 26. NAC 424.400 is hereby amended to read as follows:

424.400 1. All foster homes must have operating, ~~{5-pound}~~ portable fire extinguishers on each story of the structure. Each fire extinguisher must:

(a) Have a minimum rating of 2-A 10BC.

(b) Be mounted or readily available as designated by the licensing authority representative pursuant to the State Fire Marshal's instructions.

(c) Be located within 75 feet of traveling distance from any point within the foster home.

(d) Be in working order.

2. The licensing authority may require at least a type 13-D sprinkler system in any foster home which has three or more nonambulatory persons, or which provides care to three or more children who are under 18 months of age or to five or more children who are under 6 years of age.

3. Any portable fire extinguishers, alarm systems and sprinkler systems must be serviced and tagged annually by a company which is appropriately licensed by the State Fire Marshal.

4. Every foster home must have smoke detectors which conform to ~~{Standard No. 43-6 of}~~ the ~~{Uniform}~~ ***International Building Code*** ~~{}~~, ***in the form most recently published by the International Code Council, which is hereby adopted by reference and is available free of charge at the Internet address <http://codes.iccsafe.org>***. The smoke detectors must be located in every room where foster children sleep and mounted on a ceiling or wall at a point centrally

located in a corridor or area giving access to rooms used for sleeping. Where sleeping rooms are located on an upper level of a building, a smoke detector must be placed at the center of the ceiling directly above the stairway. The smoke detectors may be battery operated or may receive their primary power from the building wiring.

5. Foster homes with 10 or more occupants must meet all requirements for fire extinguishers and alarms as are determined by the State Fire Marshal following an inspection of the foster home.

6. ~~Interior wall and ceiling finishes which are more than 1/28-inch thick must have a flame spread rating of Class III.~~ *A foster home that provides care to a child who requires a wheelchair, stretcher or other special accommodations for exiting must have two exit doors and an accessible ramp which meets the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.*

7. *The Division will review each revision of the publication adopted by reference in subsection 4 to ensure its suitability for this State. If the Division determines that a revision is not suitable for this State, the Division will hold a public hearing to review its determination within 6 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Division does not revise its determination, the Division will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Division does not give such notice, the revision becomes part of the publication adopted by reference in subsection 4.*

Sec. 27. NAC 424.405 is hereby amended to read as follows:

424.405 Handrails *and guard rails* shall be provided on stairs where there are ~~three~~ *four* or more steps.

Sec. 28. NAC 424.415 is hereby amended to read as follows:

424.415 Receptacles for the collection or burning of trash must be covered and separated from areas where children play. Garbage kept outside must be in a tight-fitting container and removed from the ~~{facility}~~ *home and property* at least weekly. Waste containers ~~{shall}~~ *must* be of noncombustible materials.

Sec. 29. NAC 424.420 is hereby amended to read as follows:

424.420 1. *Any standing body of water on the premises of a foster home must be maintained in a condition that is healthy and safe for children.* The water in ~~{pools, hot tubs and saunas must be maintained in a healthy condition which is suitable for use by children.~~

~~Ponds}~~ *any pond* used for swimming must be maintained in ~~{the same}~~ *a healthy and sanitary* condition. ~~{as a pool.}~~

2. ~~{Foster homes which have pools, ponds or other standing bodies of water, as determined by the licensing authority, and which are}~~ *Except as otherwise provided in this subsection, a foster home that has an empty water feature or standing body of water on the premises and is licensed to care for any {toddlers} child under 5 years of age must provide a fence {which is at least 4 feet high} on all sides of the {pool, pond or other} empty water feature or standing body of water, {and which separates the pool, pond or other standing body of water} separating it from the general yard area. If the empty water feature or standing body of water is adjacent to an area of an outside wall of the foster home that has no windows or doors, the wall may function as part of the fence. A fence is not required for a hot tub on the premises of a foster home described in this subsection if the hot tub has a protective cover that is kept in place and locked when the hot tub is not in use.*

3. The fence *required by subsection 2* must:

(a) *Be at least 4 feet high on all sides.*

(b) Have no vertical opening more than 4 inches wide.

~~[(b)]~~ (c) Be of such a design that young children cannot climb it or squeeze under it. *The use of a chain link fence is prohibited.*

~~[(e) Allow a clear]~~

(d) *Not obstruct the* view of the ~~[pool, pond or other]~~ *empty water feature*, standing body of water *or surrounding area* from the house.

~~[→ The gate must be]~~

(e) *Have a gate that is* self-closing ~~[and have]~~, *with* a self-latching mechanism which is in proper working order and out of the reach of young children.

~~[3.]~~ 4. If a foster home is licensed to care only for children ~~[other than toddlers:]~~ *5 years of age or more:*

(a) ~~[The]~~ *Except as otherwise provided in paragraph (b), the* area surrounding ~~[a pool or hot tub, regardless of whether the pool or hot tub is located in or above the ground,]~~ *an empty water feature or standing body of water* must be fenced and locked in a manner which prevents access by children or others who are not entitled to ~~[use the pool or hot tub;]~~ *be on the premises;* or

(b) If the area surrounding the ~~[pool or hot tub]~~ *empty water feature or standing body of water* is not fenced, there must be a ~~[secured,]~~ *locked*, protective ~~[covering]~~ *cover* which will not allow access by a child. ~~[Pool covers must be completely removed when the pool is in use. When the pool cover is in place, it]~~ *Any pool cover* must be free from standing water.

~~[4.]~~ 5. A reaching pole with a *life* hook, and a ring buoy, must be ~~[provided]~~ *present and accessible at all times* as minimum safety devices unless the ~~[pool, pond or other]~~ standing body

of water is such that a person supervising a child is able , *without entering the water*, to reach the child in the water and remove the child by hand.

~~{5.}~~ 6. Steps leading to an above-ground pool must be removed when the pool is not in use.

~~{6. Saunas, tanning booths and other attractive nuisances}~~

7. *Any sauna or tanning booth on the premises of a foster home* must be locked in a manner which prevents access by children.

~~{7.}~~ 8. If a wading *or inflatable* pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading *or inflatable* pool must be emptied when not in use or comply with all regulations applicable to a ~~{swimming pool.~~

~~8.—A sauna or any freestanding body of water located on the premises of the foster home must be inaccessible to children, including, without limitation, a pool or hot tub. Equipment or materials used by children must not be stored in such areas.}~~ *standing body of water.*

9. *If a foster home has access to a community pool, the foster parents and staff shall ensure that a child does not enter the pool area unless:*

(a) The child is under the direct supervision of a foster parent or staff member; and

(b) The pool is equipped with a reaching pole with a life hook, and a ring buoy.

10. As used in this section, ~~{“toddlers” means children who are at least 12 months of age but less than 5 years of age.}~~ *unless the context otherwise requires:*

(a) “Empty water feature” includes, without limitation, an empty pool.

(b) “Standing body of water” includes, without limitation, any lake, pond or in-ground or above- ground pool, hot tub or large stationary bird bath.

Sec. 30. NAC 424.450 is hereby amended to read as follows:

1. The foster home shall comply with the licensing requirements and with applicable state laws and regulations. The licensee is responsible for ensuring that all members of the foster home household and staff know and comply with licensing requirements.
2. The foster home shall provide foster care only for the number, age and sex of children specified on the license.
3. The foster home shall not discriminate on the basis of race, color, national origin, disability , *religion, gender, age, marital status, political affiliation, sexual orientation* or any other reason in accordance with the United States Constitution, the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.
4. The foster ~~home~~ parent and *direct care* staff shall cooperate as team members with the agency having responsibility for the child in order to establish and carry out the *child's* treatment plan , *the case plan* and , *if applicable, the plan for transition of the child to independent living, including, without limitation,* the goals for the child ~~+~~ *prescribed in such a plan,* e.g., returning the child to the ~~natural~~ *birth* parents, placing the child for adoption, *providing training and experiences for developing independent living skills,* etc.

Sec. 31. NAC 424.455 is hereby amended to read as follows:

424.455 1. If a foster home combines foster care with regular paid care for others, including ~~day~~ *child* care, the licensing authority may place restrictions on the license of the foster home because of the number of children cared for in the foster home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all

requirements relating to staffing in a foster home when it provides both foster care and paid care for others.

2. A foster home may house adult roomers or boarders under the following circumstances:

(a) The roomer or boarder : ~~{must have been in residence 6 months or longer at the time of initial licensing and:}~~

(1) ~~{Be}~~ **Is** considered a part of the family; or

(2) ~~{Have}~~ **Has** been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who remains under the jurisdiction of a court pursuant to NRS 432B.594.

Sec. 32. NAC 424.460 is hereby amended to read as follows:

424.460 Foster homes may contract or execute agreements with agencies that place children to provide services under specified conditions. No foster home may contract or agree to terms which are in violation of any *provision of chapter 424 of NRS or any other* law or of any condition set forth in this chapter.

Sec. 33. NAC 424.465 is hereby amended to read as follows:

424.465 1. The selection of a foster home *for the placement of a child* involves the matching of the child's individual needs to the capacities of the foster family. *The agency that places children shall assess the ability of the foster family to provide the child a nurturing home that supports the emotional, behavioral and developmental well-being and safety of the child.* The *final* decision to place the child in a foster home is jointly made by the child's caseworker, the foster parents, the agency which provides child welfare services or other agency

or person who intends to place the child in a foster home and, if applicable, the foster care agency.

2. The preparation of a child for placement in a foster home is primarily the responsibility of the child's caseworker. The foster parents must also be involved in the preparation planning.

3. Whenever possible, arrangements should be made for the child to visit the foster home before admission, the other children in the foster home should be prepared for the child's arrival and the child's room should be ready for him or her.

4. Preplacement planning may be abbreviated in emergency placement situations.

5. The foster home shall not accept a private placement without the prior approval of a licensing authority representative.

Sec. 34. NAC 424.470 is hereby amended to read as follows:

424.470 Infants born to children in care may be accepted to reside at the foster home if:

1. The mother is also in care.
2. Such action is consistent with the case plan.
3. The infant presents no medical or other problems which would place ~~##~~ *the infant* at risk in such a setting.
4. Sufficient equipment for caring for infants is available on-site.
5. The infant is considered as one of the total number of children for which the facility is licensed. The license issued must encompass the age of the infant.
6. The presence of the infant has no detrimental effect on the program and other children in care.
7. The plan is approved by the mother and her caseworker prior to the placement.

8. The mother of the child is actively involved in the day-to-day care and supervision of her child.

9. The infant sleeps in a crib in a manner that complies with the requirements of NAC 424.375. The infant must not share a bed.

Sec. 35. NAC 424.476 is hereby amended to read as follows:

424.476 1. Upon the occurrence of a serious incident, accident or injury to a child involving a foster home or a child in a foster home, a licensee shall, after contacting necessary emergency personnel, provide notice of the event as provided in this section to the licensing authority and any caseworker assigned to the child.

2. The licensee shall provide verbal ***notice immediately*** and written notice as soon as practicable, but in no event later than the business day immediately following the serious incident, accident or injury, if the event involved:

(a) The death of a child;

(b) An attempted suicide by a child;

(c) The ingestion of a poison or a drug overdose by a child;

(d) A traumatic event involving a child, including, without limitation, near drowning, suffocation or shock; ~~for~~

(e) The abduction of a child ~~H~~;

(f) A child who is missing or has run away from the foster home; or

(g) A discovery that a child is or has been involved in sex trafficking.

3. Except as otherwise required by subsection 2, the licensee shall provide verbal notice within 24 hours, and written notice as soon as practicable, but in no event later than 2 business days after the occurrence of the serious incident, accident or injury, if the event involved:

(a) Any injury or trauma to a child which requires the services of a licensed medical professional, including, without limitation, an injury or trauma which requires hospitalization or emergency medical attention;

(b) An error in the administration of medication to a child;

(c) An occurrence in the foster home of an illness or disease that presents a significant risk to the health of a child;

(d) Any condition or situation that causes the foster home to close and requires a child to be moved out of the foster home;

(e) Any physical damage to or failure of a necessary electrical, heating, cooling, smoke- or fire-detection system, or any physical damage to or failure of any plumbing on the premises of the foster home, which may affect the safety of a child or the habitability of the foster home and which cannot be repaired within 24 hours after the damage or failure is discovered;

(f) A fire on the premises of the foster home which requires a response by a fire-fighting agency;

(g) A motor vehicle accident if a foster child was in the vehicle;

(h) Any change in the foster home which affects compliance with any licensing requirement, including, without limitation, any member of the household or staff who suffers a major illness or injury or who is arrested; *or*

(i) ~~A child who has run away from the foster home; or~~

~~(j)~~ Any other significant event that may affect the safety, health or well-being of a child or any other person in the foster home.

4. If the serious incident, accident or injury is a motor vehicle accident, the licensee shall submit a copy of the accident report, if available, with the written notice required by this section.

5. If the serious incident, accident or injury is a missing child, an abducted child or a child who has run away from the foster home, the licensee shall, in addition to providing the notice required by this section, immediately notify the appropriate law enforcement agency and, if applicable, the ~~natural~~ *birth* parent or legal guardian of the child.

6. As used in this section, “fire-fighting agency” has the meaning ascribed to it in NRS 433A.715.

Sec. 36. NAC 424.478 is hereby amended to read as follows:

424.478 ~~A~~

1. Before requesting the removal of a child from a foster home, a provider of foster care shall *make every effort to preserve the placement of a child within the foster home by working in partnership with the agency responsible for the foster child to support the well-being of the foster child.*

2. A provider of foster care shall provide the agency responsible for a foster child with at least 10 working days’ notice of any request for the removal of the child from the foster home unless:

~~1~~ *(a)* The provider has a written agreement with the agency which provides child welfare services to the contrary; or

~~2~~ *(b)* There is an immediate and unanticipated danger to the foster child or another person if the child is not removed before that notice can be given.

Sec. 37. NAC 424.485 is hereby amended to read as follows:

424.485 1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the children in his or her care and their families. The licensing

authority may revoke or suspend the license to operate a foster home of a foster parent who violates this subsection.

2. The licensee shall ensure that children in the care of that foster home are not identified by name or by clear description, or photographed for any publication or other printed, ~~or~~ broadcast *or social* media ~~+~~ *or any Internet website without the permission of the licensing authority.*

Sec. 38. NAC 424.490 is hereby amended to read as follows:

1. The foster home shall maintain the home and vehicles in safe operating condition.
2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.
3. The foster home shall secure prior approval from the agency with responsibility for the child before taking the child out-of-state or on a trip or vacation which will require the child to be away from the family home for overnight or longer.
4. Any person who provides transportation to a foster child:
 - (a) Must possess at least the minimum liability insurance coverage required by state law;
 - (b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and
 - (c) Shall observe all other laws of this State concerning the operation of a motor vehicle.
5. *If the foster home is located in an area without access to public transportation, the foster home must have a working vehicle that can safely transport all of the children living in the home at one time in case of an emergency.*

Sec. 39. NAC 424.495 is hereby amended to read as follows:

424.495 1. A foster home shall cooperate with the agency placing a child in the home to help the child maintain meaningful ties with his or her family ~~{}~~ *of origin*, including correspondence between parent and child, visits to the child and home visits by the child when appropriate.

2. ~~{Reasonable opportunities must be afforded for the child to maintain contact with all family members and with other persons identified in the child's case plan as important. The opportunity to visit with a parent or guardian must not be denied unless such visits have been denied by court order or the agency placing the child has determined that such visitation would be detrimental to the welfare of the child.~~

~~—3.~~ The foster home shall allow for visits of ~~{children}~~ *the child* with ~~{their natural relatives}~~ *his or her family of origin* only *if ordered by a court or* with the ~~{prior}~~ approval of the agency ~~{with responsibility for the children.}~~ *placing the child or person from whom the child was received. If ordered by a court or with the approval of the agency, the foster home shall afford reasonable opportunities for the child to maintain contact with family members and with other persons identified in the child's case plan as important.*

~~{4.}~~ 3. The foster home shall, upon reasonable request, permit the child to contact the person or agency responsible for his or her placement and allow that person or agency to contact the child. The foster home shall not deny or impede direct access of the agency placing the child to the foster child.

~~{5.}~~ 4. The foster home must allow the child to send and receive mail ~~{}~~ *and electronic mail*. Any restrictions on correspondence, *communication and contact* must be *ordered by a court or* approved by the agency placing the child or person from whom the child was received.

~~16.1~~ 5. The foster home shall give the children the opportunity to invite friends to the foster home and to visit in the homes of friends, if appropriate.

~~17.1~~ 6. Foster homes shall use care to ensure that anyone who visits the home over an extended period conducts himself or herself in such a manner as not to jeopardize the safety or well-being of the foster children ~~17.1~~ *and does not have unsupervised contact with the foster children. A foster home shall notify the licensing authority of any adult house guest who stays at the foster home for longer than 1 week or who frequently stays at the foster home.*

Sec. 40. NAC 424.500 is hereby amended to read as follows:

424.500 1. A foster home shall:

- (a) Provide a safe, stable and nurturing environment.
- (b) Encourage a child's autonomy, respect a child's privacy and consider a child's preferences or choices when providing care, supervision, guidance or instruction.
- (c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes, behaviors and culture of a child and his or her family.
- (d) Employ direct care staff who are knowledgeable about and understanding of children who have greater physical or emotional needs.
- (e) Provide effective supervision and employ staff who possess the vitality, interest and understanding to meet the needs of a child in the care of the foster home. Prospective staff must be selected based upon their ability to care for a foster child with consideration of the ages and needs of any other children in the care of the foster home.
- (f) Employ staff who have the ability to work with and guide a child within a group setting or individually. Staff must possess the physical and emotional health to carry out the responsibilities of caring for a child.

(g) Work cooperatively with the agency which provides child welfare services, teachers and other professionals to meet the needs of a child.

(h) Accurately observe and record each child's progress in the foster home.

(i) Provide care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.

(j) *Cooperate with the agency which provides child welfare services to ensure that children placed in the foster home receive quality, nurturing parenting and are able to experience normalcy in their daily lives.*

(k) *Ensure that all decisions concerning children are made using the reasonable and prudent parent standard in the manner prescribed in section 4 of this regulation and in accordance with the requirements of this chapter and chapter 424 of NRS.*

(l) Comply with all requirements of NRS 432.500 to 432.550, inclusive.

2. ~~The foster home shall not release a foster child to anyone for 24-hour care other than the agency from whom the child was received or a person specifically designated by that agency.~~

~~3.~~ The foster home shall plan activities that provide for and stimulate social relationships, creative activities and hobbies. Children must be afforded an opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of each child, which may include, without limitation:

(a) Activities that promote leisure or play;

(b) Activities that promote self-expression and communication;

(c) Appropriate physical exercise to encourage development of gross and fine motor skills;

(d) Activities to encourage mental or intellectual stimulation and development;

(e) Activities appropriate to the child's ethnicity or culture; ~~and~~

(f) Indoor and outdoor recreational activities ~~†~~

~~—4.— Foster homes which care for adolescents shall seek to prepare them for successful independent living by offering “first-hand” experiences in tasks, including, without limitation, budgeting and saving money, obtaining transportation, preparing meals, washing clothes and solving problems.~~

~~—5.— The foster home shall provide each child with an opportunity to earn money or receive an allowance appropriate to the child’s age and commensurate with reasonable peer group standards. The child must be given guidance in the saving and spending of income.~~

~~—6.† ;~~

(g) Activities that promote appropriate socialization and relationships with others; and

(h) Activities that promote normalcy for the child.

3. The foster parent shall be nonjudgmental regarding the child’s parents ~~†~~

~~7.†~~ *and the family of the child.*

4. The foster parent shall ~~assist†~~ :

(a) Assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel.

~~†8.†~~ *(b) Attend any appointment related to the health of the child with the child unless other arrangements are approved by the caseworker of the child.*

5. The foster parent shall assist the agency which provides child welfare services to ensure that the child is provided with ongoing visitation and contact with siblings or other family members, if requested by the caseworker of the child.

~~†9.†~~ 6. The foster home shall see that each child observes curfew and all other requirements specified by law.

~~10.~~ 7. Smoking is prohibited in a foster home and in the direct presence of foster children.

Sec. 41. NAC 424.502 is hereby amended to read as follows:

424.502 1. An agency which provides child welfare services shall assign a child and family team for each child placed in a foster home. The agency which provides child welfare services is responsible for scheduling the meetings of the team.

2. The child and family team must include a foster parent or, if a foster parent is not available, another member of the direct care staff of the foster home and may include, without limitation:

(a) The foster child, if appropriate;

(b) The ~~natural~~ birth parent or legal guardian of the child;

(c) Such professionals as are determined to be appropriate by the agency which provides child welfare services, which may include, without limitation, a psychologist, a teacher or an attorney; and

(d) Any family member, care provider or other person who the agency which provides child welfare services determines is integral to the environment of the child or for the rehabilitation of the mental health of the child.

3. If any member of the child and family team is not able to attend a scheduled meeting of the team, he or she shall notify the agency which provides child welfare services and the agency which provides child welfare services shall determine whether to reschedule the meeting.

Sec. 42. NAC 424.530 is hereby amended to read as follows:

424.530 1. The following are examples of unacceptable disciplinary techniques. The list is not exclusive. Foster parents shall discuss disciplinary techniques with the child's caseworker before they are used. The foster parent shall not:

(a) Subject a child to verbal abuse, humiliate the child, threaten the child or make derogatory remarks about the child or his or her family.

(b) Threaten to subject or subject a child to pushing, punching, shaking, rough handling, force feeding, biting, spanking, hitting of any kind, including with an implement, isolation in a closed space, such as a closet or unlit or unventilated space, or any other corporal punishment or other extreme discipline.

(c) Threaten to remove the child from the foster home.

(d) Threaten a child with the loss of love of any person.

(e) Threaten a child with punishment by a deity.

(f) Threaten to deny or deny food, shelter, medication or rest, or threaten to restrict or restrict the use of a toilet or other bathroom fixture as punishment.

(g) Threaten to subject or subject a child to any form of punishment by other children.

(h) Threaten to subject or subject a child to excessive withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or requiring the child to be alone in a room for an extended period of time.

(i) Threaten to wash or wash a child's mouth out with soap or detergent or any similar threats or acts.

(j) Threaten to tape or tape the mouth of a child or any similar threats or acts.

(k) Threaten to place or place a sauce made from hot peppers or other pungent condiment sauce in the mouth of a child or any similar threats or acts.

(l) Threaten to deprive or deprive a child of visits with significant others in the child's life as a form of punishment when the agency placing the child has identified the visitation as appropriate.

(m) Threaten to withhold or withhold the *personal money of a child or the* allowance of a child provided by the agency which provides child welfare services.

(n) Subject a child to work that does not have a purpose as a means of punishment, including, without limitation, scrubbing the floor with a toothbrush, writing repetitive phrases, pulling weeds in a field of weeds, excessive exercise or any similar acts.

2. The use of a mechanical restraint, chemical restraint, involuntary physical confinement or psychological coercion or confinement of a foster child as a form of discipline is prohibited. Involuntary physical confinement does not include the withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or allowing the child to be alone voluntarily in a quiet, unlocked room.

3. As used in this section:

(a) "Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of a mental, physical, emotional or behavioral disorder and for assisting a child in gaining self-control over his or her impulses.

(b) “Mechanical restraint” means the use of any device, including, without limitation, mittens, straps, a restraint chair, handcuffs, belly chains and a four-point restraint, to limit a child’s movement or hold a child immobile.

Sec. 43. NAC 424.540 is hereby amended to read as follows:

1. ~~Food~~ *Three healthy meals and appropriate snacks* must be provided *daily* in the quantity and quality necessary to meet the child’s dietary , *nutritional and caloric* needs.
2. Consideration must be given to the child’s cultural and religious ~~diet~~ *dietary* preferences.
3. Special diets must be followed as prescribed.
4. Drinking water must be available to all children at all times, ~~except that water may be restricted in evening hours to control bedwetting.~~ *unless a written medical authorization or order of a provider of health care for withholding drinking water is kept on record and is available to the licensing authority.*
5. Only use of pasteurized milk or powder dry milk may be allowed for foster children’s consumption.
6. *Children must have access to healthy snacks and drinks between meals. Except as otherwise provided in this subsection, the kitchen refrigerator must not be locked unless a written medical authorization or order of a provider of health care requiring the restriction of food to a child due to health concerns is provided to the licensing authority. A licensee may use a child-proof latch for the safety of toddlers in the foster home or a refrigerator alarm.*
7. *Foster children must be included with the family during meals and must not be seated separately.*

8. *Foster children must be provided the same quality of food that the foster parents and their family consume in the foster home.*

9. *Nutritious food alternatives must be made available to a foster child if the foster child possesses a known allergy to foods that are served for meals or snacks.*

10. *As used in this section, “provider of health care” means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.*

Sec. 44. NAC 424.545 is hereby amended to read as follows:

1. The home shall have reasonable housekeeping standards, although primary emphasis will be upon homemaking.

2. Sheets, pillowcases and towels shall be laundered *at least* weekly ~~or~~ *and* more often if necessary ~~H~~ *to allow a child, including, without limitation, a child experiencing enuresis or encopresis, to sleep in his or her bed in unsoiled sheets and bedding.*

3. Dirty linens must be stored separately from food, clean linens and other supplies.

4. Bathrooms must be kept clean, safe and sanitary.

5. Personal items, such as combs and toothbrushes, must not be used by more than one person.

6. A first-aid supply is required and must contain a safe germicide, Band-Aids, bandages, tape and a thermometer.

Sec. 45. NAC 424.550 is hereby amended to read as follows:

424.550 Each foster parent must be in sufficiently good physical and mental health, and be physically and emotionally capable, to provide the necessary care to children. A foster parent or other member of the household may be required to have a physical or psychological examination , ~~or~~ a diagnostic test , *a substance abuse evaluation or a drug screen* performed if:

1. There is reason to believe that the foster parent may not be physically or emotionally capable of meeting the needs of foster children; or
2. The licensing authority representative has reason to believe that the health of the child in foster care may be in jeopardy.

Sec. 46. NAC 424.555 is hereby amended to read as follows:

424.555 1. Group foster homes shall adopt a written policy on the services for health care and treatment, and shall follow the policy.

2. The foster ~~home~~ parents or direct care staff shall closely observe children for signs of illness.

3. ~~At~~ *Unless the licensing authority grants an exemption pursuant to this subsection, all* children residing in the foster home must be currently immunized against diseases according to the recommendations set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. The recommendations are available at no cost on the Internet at <http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>. *The licensing authority may grant an exemption from this requirement for minor children of the foster parents if the foster parents submit to the licensing authority:*

(a) A written acknowledgement of their liability for harm to foster children as a result of their refusal to immunize their children; and

(b) A written statement that the foster parents understand the risks of not immunizing their children.

4. The services of specialists for treatment and consultation will be obtained when referred by a licensed practitioner and approved by the agency placing the child.

5. The licensee shall ensure that any program of medication, physical therapy, special exercises or other activity prescribed by a licensed medical practitioner for a child in the care of the foster home is adhered to.

6. A dental health program must be designed to effect good oral hygiene, education and practice.

7. No foster care provider may have a child tested for the acquired immune deficiency syndrome virus without the consent of the agency which provides child welfare services or the agency placing the child.

Sec. 47. NAC 424.560 is hereby amended to read as follows:

424.560 1. The foster home parents or direct care staff shall supervise or administer all prescription and nonprescription medication taken by a foster child ~~and~~ *and immediately document the medication in the record maintained pursuant to subsection 4.*

2. Any nonprescription medication must be administered only for the purpose indicated by the manufacturer on the label of the medication or as prescribed or recommended in writing by a licensed medical practitioner.

3. Prescription medication must be prescribed by a licensed medical practitioner. The licensee shall request information regarding the medication from the medical practitioner as required by NRS 424.0383. Medication must be given only to the child for whom it has been prescribed and only in the prescribed dosage.

4. A record for each child must be maintained on all prescription and nonprescription medications administered to the child. The record must become part of the child's permanent file of medications. ~~The~~ *For prescription medications, the* record must include, without limitation, the information received from the medical practitioner pursuant to NRS 424.0383 and ~~a~~ *the*

information sheet concerning the medication provided by the pharmacy. A copy of the information must be provided to the licensing authority and the agency which provides child welfare services within 10 business days after receipt of the information.

5. Except as otherwise provided in this subsection, all medication must be kept in a locked place, including, without limitation, any medication that requires refrigeration. Medication that must be kept with a child pursuant to the instructions of a physician is not required to be kept in a locked place.

6. All unused prescribed medication must be destroyed in a manner:

- (a) Recommended for such destruction on the label of the medication; or
- (b) Determined by the local health authority.

7. In addition to complying with this section, a licensee who operates a group foster home shall have and carry out a *written* policy on the management and administration of medication in compliance with NRS 424.0385 and in the manner prescribed by NAC 424.720.

Sec. 48. NAC 424.565 is hereby amended to read as follows:

424.565 1. A foster home, in cooperation with the agency placing a child in the home, shall arrange for any needed services for the care or treatment of the mental, *behavioral* and emotional health of the child.

2. The foster home shall observe children closely for signs of change in emotional, *behavioral* or mental functioning, including improvement or deterioration in behavior, social interaction, talk about suicide, running away and other factors. Any observed signs of change must be ~~noted~~ *documented* in the child's record and reported to the agency placing the child in the home.

Sec. 49. NAC 424.570 is hereby amended to read as follows:

1. The foster home shall ensure that each child attends school as required by law and shall provide or cooperate with persons responsible for the educational planning for each child. Each child must be afforded the opportunity to complete schooling or training in accordance with his or her aptitude.

2. The foster home parents and direct care staff shall:

(a) Provide social, physical and emotional nurturing to help the child to develop and maintain his or her full potential and acceptable social behavior.

(b) Cooperate with the school in assignments, discipline and school activities.

(c) Ensure attendance in the appropriate school, special education or training program, in accordance with the agency's direction.

(d) Provide an adequate study environment.

(e) Notify the child's caseworker if the child requires additional educational supports to be successful in school.

3. When the foster home enrolls a child in an elementary school, the foster home shall inform the school district where the child is to attend school that the child is in foster care so that the elementary school may prepare an academic plan for the child as required pursuant to NRS 388.155. The foster home shall provide a copy of the academic plan to the child's caseworker not later than 10 business days after receiving the plan.

Sec. 50. NAC 424.580 is hereby amended to read as follows:

1. The foster home shall provide training in good health practices, including proper habits in eating, bathing, personal grooming and hygiene, suitable to the child's age.

2. Children in care must be kept clean and well groomed.

3. The child's caseworker *and the child's birth parent, if applicable*, must be consulted before anything is done to *significantly or permanently* change the child's personal appearance, i.e., major changes in hair length or hair ~~styles,~~ *color, tattooing*, ear piercing, etc.

4. Unless the foster home parents or direct care staff are skilled in hair cutting, the children in care must have professional haircuts.

Sec. 51. NAC 424.585 is hereby amended to read as follows:

424.585 1. Each child must have his or her own clothing and personal possessions as well as storage space for them. Children must not be required to share personal clothing items with other children.

2. Clothing must be of the correct size and type, and appropriate to climatic conditions, and must be kept clean and in good repair. Clothing allowances issued or authorizations to purchase clothing must be used for the child intended and only for clothing items. The receipts for the purchase of such clothing items must be maintained by the foster home.

3. Each child's clothes and personal possessions are the property of the child and must be inventoried, on a form provided by the agency which provides child welfare services, at the time of placement and discharge from a foster home and sent with the child when he or she leaves the placement. *If a child is emancipated or transitioned into another placement, the child must be given and allowed to take with him or her all clothing and other personal possessions that the child acquired while residing at a foster home.* As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.

Sec. 52. NAC 424.590 is hereby amended to read as follows:

424.590 1. Immunization of all household pets *that require immunization* must be up to date, regardless of whether the pets are kept inside or outside the foster home. The presence of

any pet deemed potentially hazardous to a child is cause for the denial or revocation of a license to operate a foster home. Exotic or potentially dangerous pets or other animals are prohibited unless the licensee has obtained any required permit or license to keep the pet or animal and has provided the licensing authority with a written plan documenting the reasons that the pet or animal does not present a threat to the safety of a child in the home.

2. Pets are permitted in a foster home if they are:

(a) In good health, present no problems of sanitation and have a temperament which is not hazardous or frightening to children.

(b) Handled in a manner which protects the well-being of the children and the pet.

(c) Inoculated as often as prescribed by a veterinarian.

(d) Restricted from areas where food is prepared *while the food is being prepared* and from eating areas while meals are being served. A cage is adequate restriction.

(e) Kept in compliance with all city, county and state ordinances, laws and regulations concerning animals.

3. Any litter boxes must be kept out of the reach of young children, and play areas must be cleaned of all animal feces before children are allowed access to those areas.

Sec. 53. NAC 424.595 is hereby amended to read as follows:

1. All hazardous chemicals, tools and other equipment, including , *without limitation*, matches, plastic bags, paints, gasoline, insecticides, and cleaning and laundry ~~materials,~~ *products*, must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children. Products which could cause poisoning or contamination must not be stored with food products.

2. Not more than 10 gallons of flammable liquid may be stored on the premises, and any such liquid must be stored in approved storage containers or within the requirements of the local regulatory agency.

3. Items or products intended only for adult use, including, without limitation, alcohol, tobacco products, alternative nicotine products, vapor products and lighters, must be reasonably stored and inaccessible to children.

4. As used in this section, “alternative nicotine product” and “vapor product” have the meanings ascribed to them in NRS 202.2485.

Sec. 54. NAC 424.600 is hereby amended to read as follows:

424.600 ~~{Any}~~

1. Except as otherwise provided in NRS 424.044, any weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, shall be ~~{unstrung and}~~ unloaded at all times when children are in the home. They shall be stored in locked containers ~~{or rooms out of the reach of children}~~ or made inoperable. Ammunition and arrows shall be stored in separate locked containers. Weapons shall not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible.

2. A person described in subsection 1 of NRS 424.044 who wishes to possess a firearm or ammunition on the premises of a family foster home in accordance with the provisions of NRS 424.044 shall provide the licensing authority with appropriate documentation demonstrating that the person is a person described in subsection 1 of NRS 424.044. A person who has not met the requirements of this subsection must comply with the requirements of subsection 1.

Sec. 55. NAC 424.610 is hereby amended to read as follows:

424.610 The agency which provides child welfare services may require the foster parents *or licensee* to establish a safety plan jointly with the agency that sets forth the methods to be used to protect a child in foster care from abuse , ~~and~~ neglect ~~+~~ *and other safety concerns*.

Sec. 56. NAC 424.620 is hereby amended to read as follows:

424.620 1. A specialized foster home must have a director who is responsible for the overall operation of the specialized foster home.

2. The responsibilities of the director include, without limitation:

(a) Ensuring that the specialized foster home remains in compliance with the requirements of this chapter and chapter 424 of NRS.

(b) Ensuring that the investigations required pursuant to NRS 424.031 and 424.033 are successfully completed for each member of the staff of the specialized foster home. The director shall submit five satisfactory references to the licensing authority for each member of the staff of the specialized foster home. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy and treatment and any other records.

(d) Screening, hiring, scheduling and supervising the staff of the specialized foster home while on duty.

(e) Overseeing the operations of the specialized foster home, including, without limitation:

- (1) Determinations of the appropriateness of placing a child in the specialized foster home;
- (2) Assessments of children and the development of treatment plans;
- (3) Providing technical assistance to the staff of the specialized foster home and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the specialized foster home;

~~and~~

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children placed in the specialized foster home ~~and~~; and

(6) Ensuring that the specialized foster home supports normalcy for children and that all decisions concerning children and described in section 4 of this regulation are made using the reasonable and prudent parent standard in the manner prescribed in that section and in accordance with the requirements of this chapter and chapter 424 of NRS.

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and the parent or guardian of each child placed in the specialized foster home, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of care provided by the specialized foster home and the competence of its staff.

(h) Receiving training upon hire in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by section 4 of this regulation. The training required by this paragraph must be provided or approved by the agency which provides child welfare services.

3. The director shall report any proposed change in the programs and services offered by the specialized foster home to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall review the proposed change to determine whether the change may affect the status of the license of the specialized foster home.

4. The director must be physically present on-site for at least 25 hours per week to ensure that the staff of the specialized foster home carry out the operations of the specialized foster home in accordance with the philosophy and procedures of the specialized foster home. The director shall designate a supervisory staff member to monitor the specialized foster home to ensure continuous compliance with the provisions of this chapter and chapter 424 of NRS during any time that the director is not present at the specialized foster home.

Sec. 57. NAC 424.642 is hereby amended to read as follows:

424.642 An application for a license to operate a foster care agency submitted to the licensing authority pursuant to NRS 424.095 must be accompanied by:

1. A copy of the articles of incorporation, constitution and bylaws of the foster care agency and, if applicable, a copy of its certification of tax-exempt status from the Internal Revenue Service.
2. The name, address, contact information, position held on the governing body and any other information required by the licensing authority for each of the current members of the governing body of the foster care agency and any person who holds more than 5 percent ownership in the foster care agency.
3. An organizational chart or other chart showing the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.
4. A copy of any professional license or certification issued by this State to each person employed by the foster care agency, if the license or certification is relevant to the duties of the person or the programs and services provided by the foster care agency.
5. A copy of the certificate of accreditation of the foster care agency, if applicable.

6. The fee for licensure set by the licensing authority as authorized pursuant to NRS 424.094.

7. A written statement that describes the programs and services to be offered by the foster care agency and the scope of its operations, which must include, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster care agency.

8. A copy of the foster care agency's written policies, procedures and practices concerning:

(a) The maintenance of a professional relationship and regular contact between the staff of the foster care agency and the family of each child served by the foster care agency;

(b) The sharing of information about a child served by the foster care agency with the child's advocate and the agency which provides child welfare services or other agency or person who placed the child in foster care;

(c) Required training for the staff of the foster care agency;

(d) Activities to ensure the delivery of quality programs and services to children served by the foster care agency and their families;

(e) The frequency of on-site monitoring of a foster home by the director of the foster care agency; and

(f) The methods to be used to identify and reduce risks to the health, safety and well-being of children served by and the staff of the foster care agency.

9. If the applicant is a foster care agency that is operating in this State or another state, a *complete financial* report ~~{from an independent auditor of the complete financial information}~~, *deemed acceptable by the licensing authority*, for the foster care agency or business organization that owns the foster care agency for the fiscal year immediately preceding the date of the application.

10. If the applicant is a foster care agency that is not currently operating in this State or another state, a proposed itemized budget for the operation of the foster care agency, including, without limitation, the expected expenses and revenue for the first year the foster care agency proposes to provide programs and services in this State.

11. A statement identifying the geographic area in which the foster care agency proposes to provide programs and services in this State.

12. Evidence that the applicant currently holds and maintains:

(a) Motor vehicle liability insurance covering the motor vehicles used to conduct the normal business of the foster care agency;

(b) Workers' compensation insurance;

(c) Commercial general liability insurance;

(d) Professional liability insurance, if applicable; and

(e) A ~~license to operate a~~ *state* business ~~in this State~~ *registration* issued by the Secretary of State and a license to operate a business in a city or county in this State issued by that city or county.

13. Evidence satisfactory to the licensing authority that the applicant has adequate money to support and sustain the activities of the foster care agency, including, without limitation, an amount adequate to pay for:

(a) Utilities, rent for commercial property and any other operating costs; and

(b) The salaries and other wages of any staff employed or anticipated to be employed by the foster care agency.

Sec. 58. NAC 424.664 is hereby amended to read as follows:

424.664 The licensing authority may deny an application for the issuance or renewal of a license to operate a foster care agency , ~~for may~~ revoke an existing license to operate a foster care agency *or terminate a contract to operate a foster care agency* if the licensing authority determines that the applicant or person licensed *or contracted* to operate the foster care agency has made any intentional material misrepresentation or omission of information on an application for the issuance or renewal of such a license ~~+~~ *or in the process of obtaining the contract.*

Sec. 59. NAC 424.666 is hereby amended to read as follows:

424.666 1. The licensing authority may, at any time, conduct an audit of the records of a foster care agency to determine whether the foster care agency is in compliance with the provisions of this chapter and chapter 424 of NRS.

2. If the licensing authority conducts an audit of a foster care agency pursuant to this section, the person licensed *or contracted* to operate the foster care agency shall provide, upon request, records relating to:

(a) ~~The~~ *If applicable, the* license to operate the foster care agency ~~and the~~ ;

(b) *The* name and address of the person licensed *or contracted* to operate the foster care agency;

~~(b)~~ (c) The programs and services provided by the foster care agency;

~~(e)~~ (d) Any complaint filed against the foster care agency, including, without limitation, information regarding any investigation of such a complaint; and

~~(d)~~ (e) If the foster care agency has participated in a hearing pursuant to NRS 424.096, any records indicating whether the foster care agency has corrected any deficiency and whether the foster care agency is currently in compliance with the provisions of this chapter and chapter 424 of NRS.

3. Within 30 days after completing the audit, if the licensing authority determines that the foster care agency is not in compliance with any provision of this chapter or chapter 424 of NRS, the licensing authority shall provide written notice of that determination to the person licensed *or contracted* to operate the foster care agency. If the licensing authority determines that grounds exist to revoke or refuse to renew the license of the foster care agency ~~§~~ *or terminate the contract of the foster care agency*, the notice must comply with the requirements of NAC 424.672 and the licensing authority must conduct a hearing in accordance with that section.

Sec. 60. NAC 424.668 is hereby amended to read as follows:

424.668 1. The licensing authority must conduct an investigation whenever it has reason to believe that there are grounds:

(a) To refuse to issue or renew a license to operate a foster care agency; or

(b) To revoke a license to operate a foster care agency ~~§~~ *or terminate a contract with a foster care agency*.

2. The licensing authority may require an independent financial review of a foster care agency if the financial management of the foster care agency is being investigated and may affect the health, safety or well-being of the children in a foster home with which the foster care agency has entered into a contract. The report of any such financial review must be provided to the licensing authority.

Sec. 61. NAC 424.672 is hereby amended to read as follows:

424.672 1. If the licensing authority determines after conducting an audit pursuant to NAC 424.666 or an investigation pursuant to NAC 424.668 that grounds exist to revoke or refuse to issue or renew a license to operate a foster care agency ~~§~~ *or to terminate the contract of a foster care agency*, the licensing authority must conduct a hearing in accordance with this

section and NRS 424.096 after providing written notice to the applicant or the person licensed to operate the foster care agency. The notice must include, without limitation, a statement of the grounds for the licensing authority's determination and the time and place of the hearing.

2. The licensing authority shall hold a hearing with the applicant or the person licensed *or contracted* to operate the foster care agency to determine whether to take any of the actions enumerated in NRS 424.096 ~~H~~ *or to terminate the contract, as applicable*. If the licensing authority requires the person licensed *or contracted* to operate the foster care agency to prepare a plan of corrective action, the person shall submit the plan of corrective action to the licensing authority for review and approval within 30 days after the hearing. The person licensed *or contracted* to operate the foster care agency may use the services of a consultant to develop or carry out the plan of corrective action.

Sec. 62. NAC 424.674 is hereby amended to read as follows:

424.674 Except as otherwise required by law:

1. The licensing authority shall keep confidential any information provided to the licensing authority by a foster care agency pursuant to this chapter and chapter 424 of NRS.

2. A foster care agency must ensure that the person licensed *or contracted* to operate the foster care agency, each owner and each member of the governing body of the foster care agency, the staff of the foster care agency, any paid consultant, contractor, volunteer or vendor of the foster care agency and any other person affiliated with the foster care agency keeps confidential any information regarding a person who receives services from the foster care agency.

Sec. 63. NAC 424.676 is hereby amended to read as follows:

424.676 1. A foster care agency shall have a director who is responsible for the overall operation of the foster care agency.

2. The director must be at least 21 years of age and must meet the qualifications set forth in NRS 424.115.

3. The responsibilities of the director include, without limitation:

(a) Ensuring that the foster care agency remains in compliance with the requirements of this chapter and chapter 424 of NRS.

(b) Ensuring that the investigations required pursuant to NRS 424.145 and 424.155 are successfully completed before any person for whom such an investigation is required is allowed to have direct contact with children without supervision. The director shall submit five satisfactory references to the licensing authority for each person for whom an investigation is required. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy and treatment and any other records.

(d) Screening, hiring, scheduling and supervising the staff of the foster care agency while on duty.

(e) Overseeing the operations of the foster care agency, including, without limitation:

(1) Determinations of the appropriateness of placing a child in a foster home;

(2) Assessments of children and the development of treatment plans;

(3) Providing technical assistance to the staff of the foster care agency and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the foster care agency; ~~and~~

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children receiving services from the foster care agency ~~H~~; and

(6) Ensuring that each foster home with which the foster care agency has entered into a contract supports normalcy for children and that all decisions concerning children are made using the reasonable and prudent parent standard in the manner prescribed in section 4 of this regulation and in accordance with the requirements of this chapter and chapter 424 of NRS.

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and any other agency or person receiving services from the foster care agency, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of placement or care provided by the foster care agency and the competence of its staff.

(h) Receiving training upon hire in the use and application of the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by section 4 of this regulation. The training required by this paragraph must be provided or approved by the agency which provides child welfare services.

4. The director must be physically present ~~on-site~~ *in a foster home, in the field or in the office of the foster care agency* for at least 25 hours per week to ensure that the staff of the foster care agency carry out the operations of the foster care agency in accordance with the philosophy and procedures of the foster care agency. The director shall designate a supervisory staff member to monitor the foster care agency to ensure continuous compliance with the provisions of this

chapter and chapter 424 of NRS during any time that the director is not present at the foster care agency.

5. The director shall report any proposed change in the programs, services, policies or procedures of the foster care agency to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall review the proposed change to determine whether the change may affect the status of the license to operate the foster care agency.

6. If a foster care agency enters into a contract with one or more specialized foster homes, the director of the foster care agency may also serve as the director of any such specialized foster home. The director of the foster care agency may serve as the director of any other foster home with which the foster care agency has entered into a contract, even if the foster home is not required to have a director.

7. The director of a foster care agency may serve in another position in the foster care agency or a foster home with which the foster care agency has entered into a contract if the director also meets the qualifications for that position.

Sec. 64. NAC 424.712 is hereby amended to read as follows:

424.712 1. Each member of the direct care staff of a specialized foster home or a foster care agency must complete training which meets the requirements of NRS 424.0365 within 30 days after beginning his or her employment and annually thereafter. Such training must include, without limitation, techniques for managing behavior and information concerning the type of discipline that is recommended and prohibited by NAC 424.525 and 424.530.

2. Each member of the direct care staff of a specialized foster home or a foster care agency must complete not less than 40 hours of training before providing supervision or direct care of a child or beginning any other responsibilities related to the supervision or direct care of children.

3. The training required by subsection 2 must include instruction concerning:

(a) Reporting requirements and information on the manner in which to identify and report child abuse or neglect;

(b) Policies, procedures and practices of the specialized foster home or foster care agency to ensure privacy and confidentiality of information about any child in the specialized foster home or a foster home with which the foster care agency has entered into a contract and the family of such a child;

(c) The relevant laws on the licensing of a specialized foster home or any other type of foster home with which the foster care agency has entered into a contract;

(d) The impact on the caregiver of providing care to a foster child;

(e) The stages of child development and the potential behaviors of a child who has suffered abuse, neglect or trauma, with emphasis on these behaviors during each stage of child development;

(f) Management of symptomatic behaviors associated with various mental health diagnoses;

(g) The manner in which to address the unique needs or issues of children who are accepted by the specialized foster home or a foster home with which the foster care agency has entered into a contract, if applicable, which may include, without limitation, the manner in which to address issues relating to gender identification, pregnancy, sexual abuse, sexually aggressive behavior, developmental disabilities, the juvenile justice system or complex medical problems;

(h) Appropriate methods for documenting activity within the specialized foster home or a foster home with which the foster care agency has entered into a contract, including, without limitation, progress notes or reports, treatment plans, medication logs and incident reports;

(i) Issues relating to separation, loss and attachment; ~~and~~

(j) Techniques for talking down or defusing a potentially violent situation or crisis ~~+~~ ; *and*

(k) The use and application of the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by section 4 of this regulation. The training required by this paragraph must be provided or approved by the agency which provides child welfare services.

4. In addition to the training required by subsections 1 and 2, each member of the direct care staff of a specialized foster home or a foster care agency must complete training within 90 days after beginning employment concerning:

(a) Additional factors that may impact the life of a child, including, without limitation, child welfare services, juvenile justice and the role of staff in relation to those factors;

(b) Resources available to a child within the educational system and the role of staff in collaborating with and advocating for the child within the educational system;

(c) The importance of establishing permanency for a child;

(d) Identifying and responding to the diversity and cultural background of a child; and

(e) Working appropriately with families.

5. Before providing training pursuant to this section, a specialized foster home or a foster home with which a foster care agency has entered into a contract must submit the curriculum for the training to the licensing authority for approval. The training program may be presented using any appropriate format, including, without limitation, treatment-specific training, presentations

made by or to a group, external training or training provided by staff in the specialized foster home or a foster home with which the foster care agency has entered into a contract, as applicable.

6. Except as otherwise provided in this subsection, a specialized foster home and a foster care agency shall ensure that any member of their direct care staff who has transferred from another specialized foster home or a foster home with which the foster care agency has entered into a contract completes the training required by this section, except that the member of the direct care staff is not required to complete the training if he or she provides evidence of having previously completed such training within the relevant period. A member of the direct care staff who provides such evidence must receive training on the policies, procedures and practices of the specialized foster home or foster care agency, as applicable.

Sec. 65. NAC 424.720 is hereby amended to read as follows:

424.720 1. Each specialized foster home and foster care agency shall adopt and enforce a policy on medication management and the administration of prescription and nonprescription medication which is consistent with NRS 424.0385. The licensee of the specialized foster home or person licensed *or contracted* to operate the foster care agency, as applicable, shall ensure that each employee of the specialized foster home or a foster home with which the foster care agency has entered into a contract, as applicable, who will be responsible for administering medication to a child receives a copy of and understands the policy.

2. The policy adopted pursuant to subsection 1 must include, without limitation:

(a) Training requirements for any member of the direct care staff who will be responsible for administering medication to a child;

- (b) Procedures for administering medication to a child, including, without limitation, documenting the administration of medication and any error in administration;
- (c) Except for medication which must be kept with a child pursuant to the instructions of a physician, provisions for storing medication, including, without limitation, a requirement that all medication be kept in a locked container or cabinet;
- (d) Provisions for a manual or other record which includes the orders of the treating physician for each child and information on the potential side effects of each medication that is administered by direct care staff;
- (e) Procedures for documenting and managing any adverse reaction to medication, including, without limitation, procedures for notifying the physician of a child in the case of a minor reaction or notifying emergency medical personnel in the case of a severe reaction;
- (f) Procedures for reporting any incident relating to the administration of medication to a child, including, without limitation, documentation and reporting to a physician any severe reaction to medication or errors in administering medication;
- (g) Procedures for handling and disposing of medication that comply with any standards for disposing of medication or drugs required by law; and
- (h) Procedures for minimizing and addressing errors that occur in the administration of medication.

Sec. 66. NAC 424.728 is hereby amended to read as follows:

424.728 1. A specialized foster home and a foster care agency shall maintain records of all staff and foster parents employed by the specialized foster home or foster care agency. The records must comply with the requirements of NRS 424.034 and must also include, without limitation:

- (a) Applications for employment, including, without limitation, an employment history and any needed authorizations for the release of information relating to the staff member or foster parent;
- (b) References provided for the staff member or foster parent;
- (c) Results of tuberculosis tests submitted pursuant to NAC 424.167;
- (d) Records of relevant training;
- (e) Performance evaluations;
- (f) Copies of any current professional licenses issued by this State to a staff member or foster parent, if the licenses are relevant to the duties of the staff member or foster parent or the services provided by the specialized foster home or foster care agency;
- (g) For any licensee, person licensed *or contracted* to operate the foster care agency or staff member who transports foster children by motor vehicle, a copy of his or her current driver's license and, if a personal vehicle is used for this purpose, a copy of his or her current motor vehicle liability insurance policy; and
- (h) Any other necessary information, which may include, without limitation, incident reports or moving traffic violations involving a staff member or foster parent.

2. A specialized foster home or foster care agency shall notify the licensing authority when a staff member or foster parent is no longer employed by the specialized foster home or foster care agency.

Sec. 67. NAC 424.750 is hereby amended to read as follows:

424.750 1. The Division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of this chapter, chapter 424 of NRS, any other applicable state and federal law and any written agreements entered into with the Division

or the Department of Health and Human Services. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to:

(a) An application for a license to operate a foster home or foster care agency, including, without limitation, an evaluation and an assessment of the family of the applicant, if appropriate;

(b) The disposition of an application described in paragraph (a);

(c) A license to operate a foster home or foster care agency issued by the licensing authority, including information indicating the name and address of the licensee or person licensed to operate the foster care agency, any limitation on the number of children that may be placed in a foster home and any other limitations of the license;

(d) The renewal of a license described in paragraph (c);

(e) A checklist developed to meet licensing requirements of a foster home concerning human health, fire and safety, and such additional information as the Division may require, including, without limitation, information relating to an inspection or analysis of well water, a septic tank or a sewer, individual treatment plans, medical records, incident reports, and personnel and training records;

(f) A complaint concerning a licensee or person licensed *or contracted* to operate the foster care agency, including the investigation of such a complaint;

(g) Whether the requirements for notification set forth in NAC 424.205 and the procedure for hearing grievances relating to a license to operate a foster home set forth in NRS 424.045 and NAC 424.210 were satisfied;

(h) A case file maintained concerning a foster home or foster care agency, including any notes in such a case file; and

(i) Any waivers or variances granted pursuant to NAC 424.624, 424.678 or 424.800.

2. Within 30 days after the completion of an audit performed pursuant to subsection 1, the Division will issue a written notice to the agency which provides child welfare services if the Division determines as a result of the audit that the agency is not in compliance with the provisions of this chapter, chapter 424 of NRS, any applicable state or federal law, or any written agreements entered into with the Division or the Department of Health and Human Services. The notice must set forth the nature of the noncompliance.

3. Within 30 days after receipt of a notice issued pursuant to subsection 2, the agency which provides child welfare services shall submit to the Division a plan of action to address the areas of noncompliance. The agency may use the services of a consultant to develop or carry out the plan of action. Upon request by an agency which provides child welfare services, the Division will provide assistance to the agency relating to carrying out a plan of action.

4. The Division will reevaluate the areas of noncompliance within 4 to 6 months after the completion of the audit. Within 6 months after completion of the audit, the agency which provides child welfare services shall complete the plan of action or demonstrate that it has made significant progress, as determined by the Division, towards completing the plan of action. If the Division determines that the agency has demonstrated that it has made significant progress towards completing the plan of action, the Division may grant the agency an additional 3 months to complete the plan.

5. The Division may direct the licensing authority to revoke or suspend a license to operate a foster home or foster care agency *or terminate the contract of a foster care agency* and to remove any foster children placed in the foster home based upon a failure to comply with the provisions of this chapter or chapter 424 of NRS by the agency which provides child welfare

services, the foster home or the foster care agency as determined by the Division as a result of an audit performed pursuant to subsection 1.

Sec. 68. NAC 424.800 is hereby amended to read as follows:

424.800 1. The Administrator or, if he or she chooses to designate a designee, the designee of the Administrator may, on a case-by-case basis, waive a specific requirement of this chapter if the waiver is for the betterment of the foster care program ~~and~~ *or in the best interests of a* child and is not in violation of any statute of this State or federal law.

2. The licensing authority may, on a case-by-case basis, allow for a variance from a specific requirement of this chapter applicable to any applicant or the holder of any license upon request if:

- (a) The applicant or the holder of the license demonstrates that the alternative proposed is equally effective and will not endanger the health, safety or well-being of a foster child; and
- (b) The variance is not in violation of any state or federal law.

Sec. 69. NAC 424.805 is hereby amended to read as follows:

424.805 1. The agency which provides child welfare services shall provide direct services to foster parents *and foster care agencies* who are caring for children in the custody of the agency which provides child welfare services. Those services include, without limitation:

- (a) Thoroughly discussing the child's situation and needs, and assisting foster parents to develop their capability to meet those needs.
- (b) Responding in a timely manner to ~~foster parents'~~ requests *of foster parents and foster care agencies* for assistance in meeting the child's needs.

(c) Sharing the plan of the agency which provides child welfare services for the child with the foster parents *and, if applicable, the foster care agency* and considering their suggestions, even though the agency which provides child welfare services must make the planning decision.

2. In addition to the services provided to foster parents pursuant to subsection 1, the licensing authority shall, using funding available to providers of family foster care, provide a program of respite care, develop guidelines for access to any other program of respite care and ensure that those guidelines are provided to providers of family foster care.

3. As used in this section, “respite care” means temporary care that:

(a) Is provided to a child who is placed in a family foster home;

(b) Is provided by a person other than the current foster parent of the child; and

(c) Provides a respite for the foster parent of the child from the stresses and responsibilities that result from the daily care of the child.

Sec. 70. NAC 424.810 is hereby amended to read as follows:

424.810 The licensing authority shall, within 10 working days after it obtains any information regarding a child which it is required to provide to a provider of ~~family~~ foster care pursuant to NRS 424.037 or 424.038, provide that information to the provider of ~~family~~ foster care *and any applicable foster care agency* on a form prescribed by the agency which provides child welfare services.

Sec. 71. NAC 424.815 is hereby amended to read as follows:

424.815 1. For the purposes of NRS 424.047:

(a) A provider of ~~family~~ foster care must submit his or her request for information to the licensing authority in writing on a form provided by the licensing authority. The licensing authority shall set a date and time, which must be not more than 30 days after the request is

received by the licensing authority, for the provider to inspect the requested information. The provider must provide the licensing authority with a form of identification that contains the provider's photograph before the licensing authority shall allow the provider to conduct the inspection.

(b) "Information" does not include any matter which is made confidential by state or federal statute or regulation, except that the licensing authority shall identify confidential records concerning a provider by designating the category or source of the record or, when practicable, provide summaries of confidential records concerning a provider which omit the confidential portion of those records.

(c) "References" includes any personal opinions concerning a provider which are communicated to the licensing authority ~~+~~ *as confidential information.*

2. A provider of ~~family~~ foster care shall not remove from the records maintained by the licensing authority any information to which the provider is provided access pursuant to NRS 424.047.

Sec. 72. NAC 424.820 is hereby amended to read as follows:

424.820 Each group foster home, specialized foster home , *independent living foster home* and foster care agency shall carry liability insurance in the amounts appropriate for the protection of all concerned. No license may be issued until verification has been obtained that the policy is in force. If the liability policy is cancelled or not renewed, the director shall notify the licensing authority not less than 20 days before the effective date of cancellation or nonrenewal. Failure to maintain the insurance in force is a basis for the revocation of a license.

Sec. 73. NAC 424.017, 424.020 and 424.065 are hereby repealed.

TEXT OF REPEALED SECTIONS

424.017 “Communicable disease” defined. (NRS 424.020) “Communicable disease” has the meaning ascribed to it in NAC 441A.040.

424.020 “Day care” defined. (NRS 424.020) “Day care” means supplemental parental care away from the child’s own home during any portion of the day, but less than 24 hours. This may be either daytime or nighttime care.

424.065 “Person” defined. (NRS 424.020) “Person” means any individual, partnership, firm, corporation or association.