



**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233.066
LCB File No. R110-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 424 Foster Homes for Children.

1. A clear and concise explanation of the need for the adopted regulation.

The President signed the Bipartisan Budget Act of 2018, Public Law (P.L.) 115-123 into law on February 9, 2018, which includes the Families First Prevention Services Act (FFPSA) in Division E, Title VII. Section 50731 of the FFPSA directed the U.S. Department of Health and Human Services to “identify reputable model licensing standards with respect to the licensing of foster family homes” (as defined in section 472(c)(1) of the Social Security Act. In response to this directive, the Children’s Bureau issued the National Model Foster Family Home Licensing Standards in ACYF-CB-IM-10-01, which instructed states to submit a title IV-E plan amendment providing specific and detailed information about: whether the agency foster family home licensing standards were consistent with the final model licensing standards identified by HHS and if not, the reason for deviation. The adopted regulation brings NAC 424, Foster Homes for Children, into alignment with the FFPSA Model Licensing Standards so that Nevada may retain the ability to draw federal IV-E funding for foster care maintenance payments.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public Workshop – September 5, 2019

A Public Workshop was held on September 5, 2019 at 401 South Carson Street, Room 2135, Carson City, NV with video conference to 555 E. Washington Avenue, room 4412, Las Vegas, NV. Notice was posted to the DCFS Website and distributed to all persons on the agency’s mailing list for administrative regulations and posted to thirty-seven (37) locations listed on the notice.

Four (4) individuals signed the public workshop sign in sheet for R110-19 in Carson City and nine (9) signed in Las Vegas.

Cara Paoli with Washoe County Human Services Agency testified that they were concerned some of the proposed changes could cause delays for licensing foster parents and there is a foster parent shortage. One such proposed change would be obtaining a divorce decree. They stated the section on safe sleep should include no caregiver may co-sleep, not specify a mother. They agreed to email further concerns about possible changes that would cause a delay for licensing foster parents. Written comments were received by DCFS.

Jill Marano with Clark County Department of Family Services read a statement, which was provided in writing to DCFS, outlining concerns from their agency. Their agency did not believe these federal standards were required to be in state regulations as stated in ACYF-CB-IM-19-01. Their agency did not believe Nevada had to be in line with national standards to be IV-E eligible, they just need to explain why they are not. They noted that Nevada law does not comport with the national model standards regarding licensing people with certain criminal history designated in the Adoptions and Safe Families Act and licensing people with guns and ammunition stored separately. They explained Clark County is facing a shortage of foster homes and they feel the proposed regulations create barriers to licensure without improving safety, such as obtaining a divorce decree, it will take time but not ensure child safety. They stated compliance with these standards could be achieved through instructional memos, state policy or local policy. They stated further dialogue and discussion would be necessary

prior to enactment.

Dave Doyle with the Family Focused Treatment Association testified that they believe all the proposed NAC changes are within good intent; however, they echo Clark County's concerns. They stated there are already barriers to recruiting foster parents and the Families First Prevention Services Act is putting even more pressure with changes to congregate care requirements. They stated asking a foster parent to do a physical evaluation and a mental health evaluation, obtain an influenza shot, the flu shot, whooping cough shot, may be too much for a foster parent to want to do. They stated they believe the proposed changes can be achieved through an instructional memo or a policy.

Contact information for the persons who provided written and public comment can be found on the attached Public Workshop sign in sheets.

Public Hearing – January 15, 2021

A Public Hearing was held on January 15, 2021 via Goto Meeting and without a physical location in compliance with Governor Sisolak's Declaration of Emergency Directive 006. The Public Hearing Notice was posted to the DCFS Website, State of Nevada Register of Administrative Regulations website, Notice NV website and was emailed to the Child Welfare Agencies on or before 12/14/2020 with instructions on how to obtain a copy of the proposed regulations, the Small Business impact Statement and full copy of LCB File No. R110-19.

Prior to the Public Hearing, the following written comment was received and contemplated:

Washoe County Human Services Agency provided the following feedback:

- Section 6, 424.255, 18: concerns that language is vague, concerns the term "communicate" could mean different things such as language or hand gestures, concerns about how they will assess if a foster care provider can communicate proficiently.
- Section 9, 424.400, 6: Concerned about the term "near" being subjective, agency unsure if this means within the bedroom of the foster child or in the hallway.

Dr. Shauna Rossington, Executive Director with Sierra NC, a treatment level foster care provider in Reno NV and CA. Dr. Rossington's concern is that the NV process for licensure takes 5 to 6 months versus 30-90 days in CA for the following reasons:

- The public agency has to complete the final step of the licensing process, if the private agency, who begins the process could do it, it would be streamlined.
- 7 references are too many, CA only requires 2.
- Not a regulation issue, but the fingerprint requirement is still paper and takes too long.
- NV requires too much pre service training, require 12 hours before and then the rest within 120 days of licensing.

Eight (8) individuals logged in to the Goto platform for the Public Hearing. No public comment was received during the Public Hearing.

Any other persons interested in obtaining a copy of the summary may email or mail in a request to Molly Blanchette, MSW at the Division of Child and Family Services at:

Division of Child and Family Services
Attn: Molly Blanchette
4126 Technology Way
Carson City, NV 89706
Email: mblanchette@dcfs.nv.gov

3. The number of persons who:

- a. Attended each hearing:** September 5, 2019 – 13; January 15, 2021 – 8

- b. **Testified at each hearing:** September 5, 2019 – 3; January 15, 2021 – 0
- c. **Submitted to the agency written comments:** September 5, 2019 – 3; January 15, 2021 – 2

- 4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified in #3 above, as provided to the agency, can be found on the attached Sign in and Written Information comment received document.**
- 5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Pursuant to NRS 233B.0608, the Division of Child and Family Services requested input from foster care agency owners licensed in Nevada. A Small Business Impact Questionnaire was emailed to licensed foster care agency owners along with the proposed changes to NAC 424 on July 23, 2019. A follow up reminder to complete this questionnaire was sent on July 30, 2019.

Below is a summary of responses to the questionnaire:

- 1. A total of five (5) questionnaires were completed by the small business owners out of twenty-two (22) sent.
- 2. Three (3) of the small business owners did not believe there would be any impact to their small business.
- 3. One (1) small business owner mentioned that they will have to purchase carbon monoxide detectors but that it was not a significant issue.
- 4. One small business owner expressed concern with the term “excessive” as used in the proposed language, where it states, “No use of illegal substances, abuse of alcohol by consuming it in excess, or abuse or prescription or no prescription medications.” The owner’s concern was that the term could be open to interpretation differently by different individuals. The owners hope would be that the language changes to “DUP” or something tangible, enforceable, and that holds everyone accountable; suggesting the proposed changes will be disruptive or hold no meaning.

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Attn: Molly Blanchette
4126 Technology Way
Carson City, NV 89706
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- 6. **If, after consideration of public comment, the regulation was adopted without changing any part of the adopted regulation, a summary of the reasons for adopting the regulation without any change. The statement should also explain the reasons for making any changes to the regulation as adopted.**

Following the Public Workshop, The Division of Child and Family Services completed the following activities to reduce opposition.

The Division of Child and Family Services had two working meetings with the three child welfare agencies in Nevada to come to agreement on the proposed changes to NAC 424, which was submitted to LCB and became R110-19.

Additionally, the Division of Child and Family Services completed further inquiry with the Children’s Bureau as to the language in the Social Security Act that states, “whether the State licensing standards are in accord with model standards identified by the Secretary, and if not, the reason for specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the state.” Guidance from the Children’s Bureau was that any deviation must be reviewed by the

Children's Bureau and determined by them if it is reasonable, therefore some states have opted to just align to avoid the confusion. This guidance was reviewed with the Attorney General's Office and it was determined Nevada should move the proposed changes to NAC 424 forward to avoid the possibility of losing IV-E funding for foster care maintenance payments.

Prior to the Public Hearing, the written comments were reviewed by DCFS and it was determined changes would not be necessary as the changes made in the adopted regulation mirror federal requirements. As there was no public comment received during the Public Hearing, the regulations were adopted as written in the Public Hearing Notice and attachments.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

a. Both adverse and beneficial effects; and

Adverse effect: None

Beneficial effect: None

b. Both immediate and long-term effects.

Immediate effect: None

Long-Term effect: None

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the adopted regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

The adopted regulations do not overlap or duplicate any Nevada state regulations.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The adopted regulations comply with federal standards and do not include provisions that are more stringent than any federal requirement.

11. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the way the money will be used.

This regulation does not provide a new fee or increase an existing fee.

State of Nevada Department of Health and Human Services

Division of Child and Family Services

Thursday, September 5, 2019

NAC 424 Public Workshop to Adopt Regulations – Attendee Sign-In Sheet

Per NRS 233B.066, the following information is required and is to be submitted with the adopted regulations to the Legislative Counsel. Any information on this sheet may become public record.

Name	Carol Paoli
Address (business)	350 S. Center St
Phone	775-345-5736
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Organization	WCHSA
Business Phone	
Name	Kathryn Roose
Address (business)	4126 Technology Way Carson City, NV 89706
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Organization	DCFS
Business Phone	
Name	Molly Blanchette
Address (business)	4126 Technology Way Carson City NV 89706
Phone	775 684-7956
Email	mblanchette@dcs.nv.gov
Organization	DCFS
Business Phone	
Name	Dorothy Pomicini
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Phone	
Email	dpomicini@dcs.nv.gov
Organization	DCFS
Business Phone	

State of Nevada Department of Health and Human Services

Division of Child and Family Services

Thursday, September 5, 2019

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Name	Kerri Korin
Address (business)	3155 E. Patrick Lane Suite 1, LV, NV 89128
Phone	702-992-0576
Email	kerrick@applegrovefostercare.com
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Business Phone	Same as above
Name	Dave Doyle
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Organization	FETA
Business Phone	702 376-0612
Name	Valerie Hicks
Address (business)	4285 N. Rancho #130
Phone	702-385-5331
Email	hicks@SAFY.org
Organization	SAFY
Business Phone	702-385-5331
Name	Jill Marano
Address (business)	121 S. McKinley Blvd.
Phone	702-455-4602
Email	jill.marano@clarkcountynv.gov
Organization	DFC
Business Phone	

State of Nevada Department of Health and Human Services

Division of Child and Family Services

Thursday, September 5, 2019

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Per NRS 233B.066, the following information is required and is to be submitted with the adopted regulations to the Legislative Counsel. Any information on this sheet may become public record.

Name	Bianca Patti
Address (business)	98 E. Lake Mead Pkwy Henderson 89015
Phone	702.433.3030
Email	bianca@bamboosunrise.net
Organization	Bamboo Sunrise LLC
Business Phone	
Name	Andrea Lorenz
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Phone	
Email	lorenza@safy.org
Organization	SAFY
Business Phone	702-385-5331
Name	Dashun Jackson
Address (business)	50 5258 S. Eastern Ave. Ste. 151
Phone	702-762-2377
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Organization	Children's Advocacy Alliance
Business Phone	702-228-1033
Name	Caitlin Basye
Address (business)	485 N. Rancho Dr. Ste 160, LV 89130
Phone	
Email	caitlin-basye@olivecrest.org
Organization	Olive Crest
Business Phone	702-835-1913

State of Nevada Department of Health and Human Services

Division of Child and Family Services

Thursday, September 5, 2019

NAC 424 Public Workshop to Adopt Regulations – Attendee Sign-In Sheet

Per NRS 233B.066, the following information is required and is to be submitted with the adopted regulations to the Legislative Counsel. Any information on this sheet may become public record.

Name	Jennifer Bevaacqua
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Organization	
Business Phone	
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Phone	
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Organization	
Business Phone	
Name	
Address (business)	
Phone	
Email	
Organization	
Business Phone	

NAC 424 Public Hearing Attendees

Summary

Meeting Date

January 15, 2021 8:58 AM PST

Meeting Duration

12 minutes

Number of Attendees

9

Details

Name

Angela Highsmith
Cara Paoli
DCFS IMS
Kathryn Roose
Molly Blanchette
Ross Armstrong
Stephen Reagan
Susan Palmer
Sydney Banks

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Join Time

9:04 AM
9:07 AM
9:00 AM
8:59 AM
8:58 AM
8:58 AM
8:58 AM
8:59 AM
8:58 AM

NAC 424 Written Comment Received Contact Information

Written comment received for Public Workshop on September 5, 2019

- Cara Paoli, Washoe County Human Services Agency, 350 S. Center St, Reno NV, 775-345-5736, cpaoli@washoecounty.us
- Dave Doyle, FFTA, 3680 North Rancho Dr, Las Vegas NV 89130, 702-376-0612, didoyle@eaglequest.us.com
- Jill Marano, Department of Family Services, 121 S. MLK Blvd, Las Vegas NV, 702-455-4602, jill.marano@clarkcountynv.gov

Written comment received for Public Hearing on January 15, 2021

- Dr. Shauna Rossington, Sierra NC, 2550 Floral Ave. Ste #20, Chico, CA 95973, 530-895-1110, drossington@sierranc.org
- Amy Sandvik, Washoe County Human Services Agency, ASandvik@washoecounty.us