

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Marla McDade
Williams, MPA
Administrator

DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 / Fax (775) 684-4455
dcfs.nv.gov

March 4, 2024

Small Business Impact Statement

Proposed Regulations

Qualified Residential Treatment Program (Q RTP)
NAC 432B, NRS 432A.0245, 432A.131(5), 432A.190(2)
(Prepared Pursuant to Nevada Revised Statutes 233B.0608)

Pertaining to

Proposed Amendments per the federal Family First Prevention Services Act of 2018 (FFPSA);
Qualified Residential Treatment Program (Q RTP) to the Nevada Administrative Code (NAC)
Chapter 432A – *Services and Facilities for Care of Children, and,*
Chapter 432B – *Protection of Children from Abuse and Neglect*

The new programmatic and licensing regulations in the proposed revisions to NAC Chapter 432A – *Services and Facilities for Care of Children, and to NAC Chapter 432B – Protection of Children from Abuse and Neglect* are a result of the requirement for states to comply with the recently established requirements within the Family First Prevention Services Act of 2018 (FFPSA) specific to *Qualified Residential Treatment Programs*. In order to stand up this type of foster home and maintain Nevada's ability to bill for the maintenance costs of caring for children in foster care, through the Federal Social Security Act Title IV-E, Nevada must be in compliance with the new FFPSA requirements.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

On December 21, 2023, the Division of Child and Family Services sent a small business impact questionnaire via electronic mail to ten (10) foster care agency owners, who may be impacted by changes to NAC Chapter 432A and NAC Chapter 432B. These small business owners were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than January 4, 2024, regarding the effect these proposed changes may have on their small business. A reminder was also sent out to the small business owners on January 2, 2024, to complete the questionnaire.

1. No questionnaires were completed or returned by the small business owners.

On February 7, 2024, the Division of Child and Family Services sent a second small business impact questionnaire via electronic mail to eleven (11) licensed facilities, who may be impacted by changes to NAC Chapter 432A and NAC Chapter

432B. These licensed facilities were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than February 19, 2024, regarding the effect these proposed changes may have on their small business.

1. One response was received, and the facility that responded to the questionnaire indicated the proposed regulations would not have an adverse effect on their facility.

This Small Business Impact Statement summary is in its entirety.

2. The manner in which the analysis was conducted.

All revisions made to NAC Chapters 432B will allow for the establishment and operation of qualified residential treatment programs in Nevada. This will provide a trauma focused multidisciplinary placement option for youth in need of a higher level of care. The Family Programs Office analyzed the results of the completed Small Business Impact Questionnaires in the development of this statement.

3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

No questionnaires were completed or returned by the small business owners. One licensed facility responded to the questionnaire. The proposed regulations do not appear to have an economic effect on small businesses in the state.

4. A description of the methods that the DCFS considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used those methods.

Based on the responses, DCFS did not consider any other methods to reduce the impact because there was no assertion these regulations impacted small business.

5. The estimated cost to the agency for enforcement of proposed regulations.

DCFS considers there is a potential increase in costs to the agency for the following:

- The additional monthly foster care payments per this type of placement. With licensed placements, the agency will be able to claim reimbursable Title IV-E costs.
- Administrative costs to the agency to process, monitor, and renew licenses for QRTPs.

6. Total amount the agency which provides child welfare services expects to collect from any fees and the manner in which the money will be used.

The fees are established in NAC 432A.200. The number of facilities anticipated to be licensed is less than 10 with an anticipated average facility size of less than 10 residents. Using these figures, we can make a rough estimate of \$600.

7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or stringent provisions were created within the proposed regulations.

8. The reasons for the conclusions of the agency regarding the impact of the proposed regulation on small business.

It is the conclusion of DCFS that there is no significant impact from the proposed regulation on small business.

By my signature below, I certify that, to the best of my knowledge, the information contained in this statement was prepared properly and is accurate.



Marla McDade Williams, *DCFS Administrator*

3/6/2024

Date