

State of Nevada Health and Human Services  
Division of Child and Family Services  
LCB File R129-16  
August 31, 2017

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS**  
AS REQUIRED BY NRS 233B.066  
**LCB FILE R129-16**

Attachment A – Small Business Impact Statement  
Attachment B – Attendees of NAC 424 Public Meetings  
Attachment C – Adopted Regulations – LCB file #R129-16

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

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

The need for the adopted foster home regulations are a result of two primary factors, to include: 1) legislative changes to the *Nevada Revised Statutes, Chapter 424-Foster Homes for Children* since May 2014; 2) general review of regulations to determine whether to amend or repeal any of the regulations based upon changes in child welfare practice; changes to standards for regulating foster care; and improved clarity of NRS 424 statutes within regulation. These factors required the amendment of the Nevada Administrative Code, Chapter 424. The revisions made to the recently, adopted regulations provide additional support for the safety and wellbeing of children in the custody of Nevada's child welfare agencies and within their actual placement into safe and caring foster homes.

**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.**

Copies of the proposed regulations, notices of public workshop, public hearing and notice of intent to act upon the regulation and agendas were sent by U.S. mail, fax and/or email on 5/20/2017 to persons known to have an interest in the subject of foster care licensing. These documents were also made available on the website of the Division of Child and Family Services (DCFS), the State of Nevada and the Nevada Legislature. Notices were posted at DCFS offices in every county that DCFS has an office, Clark County Department of Social Services, Washoe County Department of Social Services and in each county library in Nevada. Posting of all public notices were requested for 5/26/17 at the following locations:

- Nevada State Library: 100 N. Stewart St. Carson City, NV 89701
- Carson City Library: 900 N. Roop St. Carson City, NV 89701

- Churchill County Library: 553 So. Maine St. Fallon NV 89406
- Clark County Library: 1401 E. Flamingo Rd. Las Vegas, NV 89119
- Douglas County Public Library: 1625 Library Lane, Minden, NV 89423
- Elko County Library: 720 Court St. Elko, 89081
- Esmeralda County Library; Silverpeak Library 10 Montezuma St. Silverpeak, NV 89407
- Humboldt County Library; 85 East 5Th St. Winnemucca, NV 89445
- Lincoln County Library; 63 Main St. Pioche, NV 89043
- Lyon County Library; 20 Nevin Way, Yerington, NV 89447
- Mineral County Library; 110 First St. Hawthorne, NV 89415
- Tonopah Public Library: 167 So. Central St. Tonopah, NV 89409
- Pershing County Library: 1125 Central Ave. Lovelock NV 89419
- Storey County Library: 95 R. St. Virginia City, NV 89440
- Washoe County Library: 301 S. Center St. Reno, NV 89501
- White Pine County Library: 950 Compton St. Ely, NV 89301
- State of Nevada: Nevada Public Notices Website – [www.nv.gov](http://www.nv.gov)
- Legislative Counsel Bureau: 401 S. Carson Street, Carson City, NV  
<http://leg.state.nv.us/App/Notice/A/>
- State of Nevada Division of Child and Family Services (DCFS): Website – [www.dcms.nv.gov](http://www.dcms.nv.gov)
- State of Nevada DCFS: 6171 W Charleston Blvd. Bldg. #8, Las Vegas, NV
- State of Nevada DCFS: 4126 Technology Wy. Carson City, NV
- State of Nevada DCFS Carson City District Office: 2533 N. Carson St. Carson City, NV 89706
- State of Nevada DCFS Fallon District Office: 1735 Kaiser St. Fallon, NV 89406
- State of Nevada DCFS Elko District Office: 1010 Ruby Vista Dr. Ste. 101, Elko, NV 89801
- State of Nevada DCFS Winnemucca District Office: 475 W. Haskell St. Winnemucca, NV 89445
- State of Nevada DCFS Pahrump District Office: 1780 E. Basin Ave., Ste. 2. Pahrump, NV 89060
- State of Nevada DCFS Ely District Office: 740 Park Ave. Ely, NV 89301
- State of Nevada DCFS Tonopah District Office: #2 Frankee St. Tonopah, NV 89049
- Clark County Dept. of Family Services: 121 S. MLK Blvd. Las Vegas, NV 89106
- Washoe County Dept. of Social Services: 350 S. Center Street, Reno, NV 89520

## **Public Workshop – Summary of responses**

The Public Workshop was held on June 14, 2017 by video conference between Carson City and Las Vegas. There was one (1) attendee in Las Vegas and none in Carson City. The one attendee did not testify either in person or in writing at the Public Workshop.

No changes were made to LCB R129-16 from this Public Workshop.

## **Public Hearing – Summary of responses**

Prior to the Public Hearing held on June 29, 2017, DCFS received four different emailed comments, representing the views of ten different people and supported by ten separate Nevada medical organizations. All written comments were in objection to the amended language in NAC 424.555. The amended language allowed foster parents to receive an exemption from the licensing authority, for their biological minor children, from the regulatory requirement for all children in a foster home to receive all childhood immunizations as recommended by the Center for Disease Control and Prevention (CDC).

The written comments identified the various reasons for professional objections to the amended language in NAC 424.555. After thorough consideration of the written comments by the DCFS Administrator, Kelly Wooldridge, it was decided to remove the amended language within NAC 424.555 based upon the expert opinions. This decision, to remove the new language from NAC 424.555 was directly identified and addressed during the Public Hearing.

In Carson City there were two (2) attendees at the Public Hearing and one (1) in Las Vegas. None of the attendee testified during the Public Hearing once hearing about the removal of the revised language in NAC 424.555.

*Persons interested in the transcript from either of the above public meetings can request a copy by contacting the Division of Child and Family Services, Attn: D Pomin; 4126 Technology Way, 3<sup>rd</sup> Floor; Carson City, NV 89706.*

### **3. PUBLIC WORKSHOP/PUBLIC HEARING Attendees**

<b>6/14/2017 – Public Workshop (Video Cast)</b> Las Vegas - Grant Sawyer Building Carson City – Laxalt Building	<b>6/29/2017 – Public Hearing to Adopt Regulations (Video Cast)</b> Las Vegas - Grant Sawyer Building Carson City – Laxalt Building
<b>Number of Persons –</b> Attending: 1 Testified: 0 Submitted written comments: 0	<b>Number of Persons –</b> Attending: 3 Testified: 0 Submitted written comments: 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 above in #3, as provided to the agency.**

See Attachment B.

### **4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

On March 24, 2017, the R129-16/NAC 424-Proposed Regulations of the Division of Child and Family Services and a Small Business Impact Questionnaire NAC 424 were posted on the DCFS website; additionally, both a mailed letter and an email were sent out on March 27, 2017 to all 36 Nevada Foster Care Agencies and stand-alone Specialized Foster Home businesses. These communications provided small businesses with all necessary information for reviewing the proposed regulations. A Small Business Impact Survey was also included, whereby small

businesses could provide information back to DCFS regarding any known positive or negative impact to their businesses. To ensure participation, two separate emails were sent out to all 37 small businesses to remind them of the deadline to submit back their completed surveys and ensure that any concerns were identified. (See item #7 for actual responses)

The Small Business Impact Statement was posted on 5/20/2017 and made publically available on the DCFS website at [www.dcfhs.nv.us](http://www.dcfhs.nv.us) under the "Important Links" section on the top, right-hand side of the webpage.

**5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Not applicable. A revision was made to the proposed regulation prior to adoption based upon public written comment by Nevada experts in the field of childhood immunizations.

**6. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

**BUSINESS:**

**ADVERSE EFFECTS: Comments from Small Business Impact Survey:**

- When asked in the Small Business Impact Survey if there will be an adverse economic effect of the proposed regulation on your small business, all responded **"No."**

**BENEFICIAL EFFECTS: Comments from Small Business Impact Survey:**

- When asked if there will be a beneficial economic effect upon your business from the proposed regulations, all responded **"No."**

**IMMEDIATE EFFECTS: Comments from Small Business Impact Survey:**

- When asked, do you anticipate any direct effects upon your business, all responded **"No."**

**LONG TERM EFFECTS:**

- When asked, do you anticipate any indirect effects upon your business, all responded **"No."**

**PUBLIC:**

**ADVERSE:** None anticipated.

**BENEFICIAL:** The benefit to the public is the increased safety and well-being of children in the foster care system. Foster parent/caregiver increased understanding and compliance with the regulation, thus supporting better consistency of care and practice within the foster care system statewide.

**IMMEDIATE:** Better understanding of regulations.

**LONG TERM:** Better understanding of regulations.

**7. 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.

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

There are no other state or government agency regulations that the adopted regulation duplicates.

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

The adopted regulations are not more stringent than federal regulation.

**10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

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