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

CHAPTER 424 - FOSTER HOMES FOR CHILDREN

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II. General Provisions

NAC 424.005 Definitions. (NRS 424.020) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.080, inclusive, have the meanings ascribed to them in those sections.

NAC 424.010 “Administrator” defined. “Administrator” means the administrator of the division.

NAC 424.0105 “Agency which provides child welfare services” defined. (NRS 424.020) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

NAC 424.011 “Applicant” defined. (NRS 424.020) “Applicant” includes:

1. A person applying to be a provider of foster care;
2. A resident of a foster home who is 18 years of age or older; and
3. A volunteer or an employee of a foster home who will be providing foster care.

NAC 424.015 “Child-placing agency” defined. “Child-placing agency” means a person who places or arranges the placement of children for adoption or permanent free care in accordance with chapter 127 of NRS.

NAC 424.020 “Day care” defined. “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.

NAC 424.025 “Director” defined. (NRS 424.020) “Director” means the person responsible for the on-site administration of a foster home *and on-site administration and oversight of a treatment home*.

NAC 424.030 “Division” defined. “Division” means the division of child and family services of the department of health *and human [resources] services*.

NAC 424.040 “Emergency shelter care” defined. “Emergency shelter care” means short-term care, usually not to exceed 30 days, provided until long-range plans can be made for a child who cannot be maintained in his/her own home because he/she is in clear and present danger of abuse, neglect or exploitation.

NAC 424.045 “Family foster home” defined. “Family foster home” has the meaning ascribed to it in NRS 424.013.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.XXX “Financially solvent” defined. “Financially solvent” means a foster or group home has sufficient funds to be able to pay all debt obligations as they become due month to month.

NAC 424.050 “Foster home” defined. “Foster home” has the meaning ascribed to it in NRS 424.014.

NAC 424.055 “Group foster home” defined. “Group foster home” has the meaning ascribed to it in NRS 424.015.

NAC 424.058 “Licensing authority” defined. (NRS 424.020) “Licensing authority” has the meaning ascribed to it in NRS 424.016.

NAC 424.059 “Licensing authority representative” defined. (NRS 424.020) “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
2. In a county whose population is less than 100,000, the administrator or a person designated by him.

NAC 424.061 “Operator” defined. (NRS 424.020) “Operator” means:

1. For a license issued pursuant to NRS 424.030 to operate a family foster home, a provider of family foster care; or
2. For a license issued pursuant to NRS 424.030 to operate a group foster home, the person to whom a license to operate a group foster home is issued and under whose auspices the group foster home operates. This person may be the same person as the director.

NAC 424.065 “Person” defined. “Person” means any individual, partnership, firm, corporation or association.

NAC 424.067 “Provider of family foster care” defined. (NRS 424.020) “Provider of family foster care” has the meaning ascribed to it in NRS 424.017.

NAC 424.070 “Resident” defined. “Resident” means any person who presents to others the foster home as their home. This may include receipt of mail and phone messages, keeping clothing in the home, occasionally sleeping on the premises, using the facilities for bathing, etc., on a regular basis, inhabiting a recreational vehicle or other dwelling on the property, having regular and unlimited access to the home, etc.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.XXX “A safety plan” defined. A “safety plan” is an organized system of rules, guidelines and procedures used to supervise and structure time and space to protect the safety and well-being of residents, including pets and property.

~~[NAC 424.075 “Treatment home” defined. (NRS 424.020) “Treatment home” means a specialized type of foster home that is capable of handling children who require special care for physical, mental or emotional reasons.]~~

NAC 424.075 is hereby amended to read as follows:

NAC 424.075 “Treatment home” defined. (NRS 424.020) *“Treatment home” means a specialized type of family or group foster home that handles children’s mental health treatment in either a family, group and/or staffed (shift staff) home that provides residential mental health treatment services for children and youth with an emotional disturbance.*

NAC 424.080 “Twenty-four hour care” defined. “Twenty-four hour care” means full-time care that is given a child in substitute care.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.XXX “Treatment” defined. “Treatment” means a planned individualized program of interactive psychological, rehabilitative procedures, therapeutic interventions and/or services designed to rehabilitate, relieve or minimize mental, emotional or behavioral disorders.

NAC 424.XXX “Treatment Program” defined. “Treatment Program” means a treatment home which may be a stand alone home or an agency with multiple homes; the business structure may be a corporation, partnership or sole proprietorship which has services and supports that are organized in a coherent manner for a common purpose.

NAC 424.XXX “Treatment Program Supervisor” defined. “Treatment Program Supervisor” means treatment program staff whose primary responsibility is to provide the daily oversight to direct care staff to ensure program compliance with the program’s policies and procedures, treatment effectiveness and with licensing regulations.

NAC 424.XXX “Treatment Team” defined. “Treatment Team” means a family-driven, child-centered, collaborative service team, focusing on the strengths and needs of the child and family. The team consists of the child recipient (as appropriate), parents, and service professionals and may also consist of family members, care providers, and other individuals identified as being integral to the child’s environment of mental health rehabilitation.

NAC 424.XXX “Primary Caregiver/Staff” defined. “Primary Caregiver/Staff” means the person who is the named licensee of the home that provides care to children placed in a foster home, group home, or treatment program.

NAC 424.XXX “Non-Primary Caregiver/Staff” defined. “Non-Primary Caregiver/Staff” means a person who provides direct care of the children in the absence of or in addition to the primary staff in a foster home, group home or treatment program.

NAC 424.XXX “Direct Care Staff” defined. “Direct Care Staff” means any staff responsible for the direct care and supervision of children placed in the treatment program; to include primary staff, non-primary staff and volunteers directly responsible to provide care to children.

NAC 424.XXX “Non-direct Care Staff” defined. “Non-direct Care Staff” means a person not responsible for the direct care or supervision of children.

NAC 424.XXX “Culture” defined. “Culture” means the integrated pattern of human behavior that includes thought, speech and actions; the customary beliefs, social forms and material traits of a racial, religious, social group or class as seen through an individual’s perceptual lens.

NAC.XXX “Cultural Responsiveness” defined. “Cultural responsiveness” means a cultural policy that promotes positive interaction between individuals, families and communities which is effective in the context of cultural differences.

NAC 424.XXX “Physical (manual) Restraint” defined. (NRS 433.5476) “Physical (manual) Restraint” means the use of physical contact to limit a child’s movement or hold a child immobile.

NAC 424.XXX “Mechanical Restraint” defined. (NRS 433.547) “Mechanical Restraint” means the use of devices, including, without limitation, mittens, straps, restraint chairs, handcuffs, belly chains and four-point restraints to limit a child’s movement or hold a person immobile.

NAC 424.XXX “Chemical Restraint” defined. (NRS 433.5456) “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 mental, physical, emotional or behavioral disorders and for assisting a child in gaining self-control over their impulses.

NAC 424.XXX “Seclusion” defined. “Seclusion” means the involuntary confinement of a child in a locked room or a specific area from which the client is physically prevented, or psychologically coerced from leaving. Seclusion does not include the use of time-out. (Commission on Mental Health and Developmental Services)

NAC 424.XXX “Time-out” defined. “Time-out” means the withdrawal of reinforcement for inappropriate behavior, during which a client is not provided the opportunity to participate in the current routine and activity until he or she is less agitated. Time-out is voluntarily allowing the child to be alone in an unlocked room for a limited time, for quiet time purposes, and to promote a calming affect, as well as assist the child with managing his/her behavior, so they may return to the therapeutic milieu. (Commission on Mental Health and Development Services)

LICENSING AND ORGANIZATION

~~*[NAC 424.100 Purpose of licensing. The purpose for licensing foster homes is to protect children from abuse, neglect, exploitation or other mistreatment. The licensing process determines whether the foster home is safe for children and the foster parents can provide suitable care for children.]*~~

NAC 424.100 is hereby amended to read as follows:

NAC 424.100 Purpose of licensing. *The purpose for licensing foster homes is to ensure a living environment where children who are in need of substitute care can be supported in their physical, mental and psychosocial development and to protect children from abuse, neglect, exploitation or other mistreatment. The licensing process determines whether the foster home is safe for children and the foster parents or staff can provide suitable care for children.*

NAC 424.105 Effect of licensing. (NRS 424.020) 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 and services, and has determined that the foster home is in compliance with licensing requirements.

NAC 424.110 is hereby amended to read as follows:

NAC 424.110 Application for license. (NRS 424.020, 424.045)

1. Any person or agency who wishes to operate a foster home must contact the appropriate licensing authority representative for an application and return the completed application to the licensing authority.
2. When a person or agency applies for a license, the application must include information on the director or operator and staff, as applicable. The director or operator of the foster home is responsible for interviewing each prospective employee and submitting a copy of each employment application and résumé to the licensing authority upon request.
3. *To be licensed as a family foster home, a licensee must reside full-time in the home.*
4. *No more than one license may be issued per family foster home.*
5. Intentional misrepresentation or omission of information on a foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

NAC 424.115 Withdrawal of application; reapplication. An applicant may withdraw the application for a license at any time. The request to withdraw should be made or confirmed in writing. Reapplication for a license after a withdrawal may be made at any time without penalty.

NAC 424.120 Investigation of applicant; visits by licensing authority representative; reports. (NRS 424.020, 424.040)

1. A licensing authority representative shall conduct a fair and impartial investigation of each foster home after receipt of an application for the licensing of the home, and shall investigate the home to determine whether the licensing requirements are met and the maximum capacity and range of ages of children for which the home may be licensed. The licensing authority representative shall gather direct and collateral data to complete the licensing study. A licensing authority representative may visit the foster home at any time, announced or unannounced, to determine compliance with licensing requirements and must be available for consultation as appropriate. The licensing authority representative shall visit each foster home at least once during the annual licensing period. That visit may be conducted as part of the initial issuance of a license or the renewal of a license.

2. The director or operator of each foster home shall submit such reports as the agency which provides child welfare services requires.

NAC 424.125 Release of information for evaluation of foster home. (NRS

424.020) Applicants and licensees are required to provide releases of information as requested by the licensing authority representative authorizing contact with any individual deemed necessary to evaluate the foster home. This may include, without limitation, doctors, employers, school staff and personal references.

NAC 424.130 Inspections: General requirements. (NRS 424.020)

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 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 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.

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.

NAC 424.135 Inspections: Safety from fire. (NRS 424.020)

1. Fire safety inspections must be conducted by a licensing authority representative or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a nonambulatory or severely handicapped, disabled or mentally retarded person, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the state fire marshal or his designee shall inspect the home. The state fire marshal may, based upon information he receives regarding the home, designate the licensing authority representative to conduct the inspection.

3. Requirements for safety from fire must be met as established by the state fire marshal considering the number of occupants and their ability to exit in case of a fire.

NAC 424.140 is hereby repealed

~~[NAC 424.140 Applicability of special licensing procedures. (NRS 424.020) If any person desires to operate more than one foster home, the following special licensing procedures apply:~~

- ~~1. If the combined total placements of all those homes does not exceed six children, family foster care standards apply.~~
- ~~2. If each of those homes has six placements or less, but the combined total exceeds six, each home must be licensed by family foster care standards and group home standards. The licensee may have any number of homes as long as there are six or fewer placements in each home.~~
- ~~3. If each of those homes has more than six placements, each home and the program must be licensed by group home standards.]~~

NAC 424.145 is hereby amended to read as follows:

NAC 424.145 Requirements for treatment homes and homes providing emergency shelter care.

1. Treatment homes ~~[may]~~ **must** meet the criteria of either family or group foster homes.
2. Homes providing emergency shelter care must meet the criteria of a family or group foster home.

NAC 424.150 Nonprofit foster homes: Incorporation in State of Nevada. (NRS 424.020) A nonprofit foster home, or its parent body, must be incorporated in the State of Nevada or be a corporation qualified in this state, and shall operate in accordance with an established constitution and bylaws. The director or operator of a nonprofit foster home shall submit a copy of the articles of incorporation, constitution any bylaws, and tax-exempt letter from the Internal Revenue Service, to the licensing authority.

NAC 424.160 Limitations on number of children. (NRS 424.020)

1. No family foster home may be licensed for more than six children, excluding any children who are related to the foster parent, reside in the home and are not foster children.
2. No group foster home may be licensed for more than 15 children.
3. The total number of children for which a foster home may be licensed must be determined by a licensing authority representative based upon the following factors:
 - (a) The staff's own children under the age of 16 who live in the foster home and the individual needs of these children.
 - (b) The physical facilities, equipment and available space for activities.
 - (c) The skills and abilities of the foster parents and the staff, as applicable.
 - (d) The characteristics of the children in foster care.
 - (e) The services provided and the program description.
 - (f) Other factors the licensing authority determines to be relevant.
4. Foster care must not be provided for more than two children who are under the age of 18 months or four children who are under the age of 5 years, including in that total any children of the foster parents under the age of 18 months or 5 years, without the approval of the licensing authority representative.

~~[NAC 424.165 Initial licensing: Minimum requirements. (NRS 424.020) Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:~~

- ~~1. A satisfactory clearance through local law enforcement and submittal of fingerprints pursuant to NRS 424.033 and NAC 424.195 and 424.280;~~
- ~~2. A satisfactory clearance through the statewide central registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older;~~
- ~~— 3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;~~
- ~~— 4. Receipt of a signed foster home application form;~~
- ~~— 5. Contact, either oral or written, with five satisfactory references; and~~
- ~~— 6. Satisfactory completion of the training specified in NAC 424.270.]~~

NAC 424.165 is hereby amended to read as follows:

NAC 424.165 Initial licensing: Minimum requirements. (NRS 424.020) Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory clearance through local law enforcement and submittal of fingerprints pursuant to NRS 424.033 and NAC 424.195 and 424.280;
2. A satisfactory clearance through the statewide central registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older;
- 3. A request is made for a clearance through the State-maintained Child Abuse and Neglect Registry in each state the applicant(s) and other adult residents of the home have resided in the preceding five (5) years;*
4. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;
5. Receipt of a signed foster home application form;
- 6. Contact, either oral or written, with five satisfactory references;*
7. Satisfactory completion of the training specified in NAC 424.270;

NAC 424.167 Initial licensing: Test for active tuberculosis. (NRS 424.020)

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 he and each member of his household who is 18 years of age or older, 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, 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, he shall ensure that each volunteer or employee of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a volunteer or employee 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 skin test or chest radiograph and examination pursuant to this section and who remains as a member of the household or a volunteer or employee 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 conducted pursuant to subsection 1 or 2.

NAC 424.170 is hereby amended to read as follows:

NAC 424.170 License: Contents; applicability; use. (NRS 424.020)

1. In addition to the matters required by NRS 424.030, a license must show:

(a) The number of nonambulatory or severely handicapped, disabled or mentally retarded persons the foster home is approved to accept, if applicable.

(b) The type of license.

(c) The signature of the licensing authority representative.

2. The current license must be on file in the foster home.

3. The license is nontransferable and applies only to the address *and program/agency* stated on the license.

4. The license becomes invalid when it is voluntarily returned, the foster family moves to another location or it is revoked.

~~5. In the case of multiple foster homes or locations, each foster home must receive a license and have a designated operator who is the caregiver, such as a teaching parent or house parent. The license must be issued in the name of the person operating the multiple foster homes and specify the address and name of the operator of the specific foster home. If the specific operator of the foster home changes, the license becomes invalid.]~~

5. In the case of an agency that has multiple treatment family and/or group homes, the license shall reflect the name of the program agency and primary care giver.

NAC 424.175 Change in license: Application; issuance of revised license on approval; request for review on denial; changes proposed by licensing authority representative. (NRS 424.020, 424.045)

1. The director or operator of a foster home shall notify a licensing authority representative and apply to the licensing authority for a change in its license if 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 request for a change 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 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 director or operator of a foster home 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. 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. 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 decision regarding the review.

NAC 424.180 Renewal of license. (NRS 424.020) A licensee wishing to renew its license to operate a foster home shall apply to the licensing authority for renewal at least 60 days before the license expires. A licensing authority representative shall study the foster home and the license must be renewed if all licensing requirements are met. If the codes for fire and life safety as adopted by the state fire marshal or local fire authority change, the foster home will be allowed 90 days to comply with the new requirement.

NAC 424.185 Denial, suspension or revocation of license: Generally. (NRS 424.020, 424.045)

1. The licensing authority shall deny, suspend or revoke a license to operate a foster home for a failure or refusal to comply with the licensing requirements for a foster home. The licensing authority shall evaluate that compliance based on information gathered as well as on its interpretation of that information considering its experience with foster children and foster homes. The first responsibility of the licensing authority is to ensure licensed foster homes can provide for foster children. The licensing authority is not required to prove noncompliance in those areas which are a matter of judgment but may deny, suspend or revoke licensure based on reasonable doubt.

2. The decision of the licensing authority to deny an initial application may be subject to review by the administrator or the designee of the administrator. However, such denials are not subject to the appeal process. Foster home licensure occurs at the discretion of the licensing authority and is not a right.

3. In the case of multiple foster homes or locations, the denial, suspension or revocation of a license for one foster home may not affect the licensure of other foster homes, if the reason for denial, suspension or revocation is not based on the failure of the program to meet group foster home standards.

4. Whenever initial licensing or relicensing is denied, a licensing authority representative will discuss the reasons for denial with the applicants followed by a written statement giving the reasons for denial.

NAC 424.190 Denial or revocation of license: History of applicant regarding children. (NRS 424.020) Any applicant for a license to operate a foster home or a licensed provider of foster care, 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, or whose own children have been in foster care or otherwise placed outside of his home for the purpose of adoption or foster care, must be denied a license to operate a foster home or have his existing license revoked, as applicable.

NAC 424.195 Denial, suspension or revocation of license: Criminal history of applicant, licensee or prospective employee. (NRS 424.020, 424.031)

1. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if the applicant, licensee holding the license to operate the foster home or a prospective employee of the foster home:

- (a) Has been convicted of a crime involving harm to a child;
- (b) Has charges pending against him for a crime involving harm to a child; or
- (c) Has been arrested and is awaiting final disposition of the charges pending against him for a crime involving harm to a child.

2. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if any person listed in subsection 1 has a felony conviction for, has charges pending against him for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him for a felony conviction for:

- (a) Child abuse or neglect;
- (b) Spousal abuse;
- (c) Any crime against children, including child pornography;
- (d) Any crime involving violence, including rape, sexual assault or homicide, but not including any other physical assault or battery; or
- (e) Physical assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years.

3. If any of the persons listed in subsection 1 has been convicted of, has charges pending against him for, or has been arrested and is awaiting final disposition of the charges pending against him for:

(a) A felony or a gross misdemeanor, the home must not be licensed without the approval of the administrator or the designee of the administrator. The administrator or the designee of the administrator may approve the issuance of a license or the continuance of a license if the applicant or licensee has been convicted of a felony described in subsection 2, has charges pending against him for a felony described in subsection 2 or has been arrested and is awaiting final disposition of the charges pending against him for a felony described in subsection 2, if the administrator or the designee of the administrator determines that such an approval or continuation is in the best interest of the child.

(b) One or more misdemeanors, the home must not be licensed without the approval of the administrator or the designee of the administrator.

NAC 424.200 Violations: Investigation and action by licensing authority. (NRS 424.020, 424.050)

1. Whenever the licensing authority has reason to believe that a foster home is operating without a license, or a licensed foster home is not conforming to the conditions of the license or the requirements for foster home care, the licensing authority shall make an investigation to determine the facts. The licensing authority shall have the authority to inspect the premises where the violation is alleged to occur and to conduct such other investigations as may be indicated.

2. If it is found that a person is operating a foster home without a license, the licensing authority may either issue a license if the person is found to be in compliance with licensing requirements or may refer the matter to the legal counsel of the agency which provides child

welfare services for appropriate action. If it is found that a licensed foster home is not conforming to the requirements for foster home care, the licensing authority may, depending on the circumstances:

(a) Issue a written notice specifying the nature of the noncompliance, a plan of corrective action and the time in which each corrective action must be taken;

(b) If the noncompliance does not involve health or safety issues, continue the license conditioned on the foster home achieving full conformity by a date set forth in the written notice issued pursuant to paragraph (a);

(c) Suspend the license;

(d) Revoke the license; or

(e) Refer the person to the legal counsel of the agency which provides child welfare services for appropriate action.

3. Allegations regarding possible child abuse or neglect of foster children will be investigated in accordance with chapter 432B of NRS.

NAC 424.205 Violations: Revocation or suspension of license. (NRS 424.020, 424.045)

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.

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 that placed the child in the foster home within the period determined by the licensing authority.

NAC 424.210 Hearing on proposal to revoke or deny renewal of license. (NRS 424.020, 424.045) 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 the renewal of his license. The request must be received by the licensing authority before the effective date of the proposed action or within 13 days after the notice of action was mailed, including the date of mailing. The hearing must be held before a hearing officer of the division 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.

Chapter 424 of NAC is hereby amended by adding thereto the provision as set forth below.

NAC 424.2XX Foster parent rights

A written copy identifying the rights of foster parents or treatment foster parents in accordance to NRS 424 shall be provided upon licensure and shall include assurance of basic rights of foster parents.

NAC 424.220 Quarterly report of licensing authority. (NRS 424.020)

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. 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 granted or denied pursuant to NAC 424.800 and the number of approvals granted or denied pursuant to NAC 424.160, 424.195, 424.250, 424.300, 424.375, 424.455, 424.465, 424.535, 424.555, 424.590, 424.655 and 424.680. The information relating to the waivers and approvals 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.

PERSONNEL AND ADULT RESIDENTS

NAC 424.250 is hereby amended to read as follows:

NAC 424.250 Minimum staffing requirements: Group foster and group emergency shelter homes. (NRS 424.020)

1. A sufficient number of staff must be on duty and available at all times to assure proper care for children. The minimum number of staff employed in a group foster home, excluding staff whose sole functioning is clerical, housekeeping, maintenance and other ancillary services, is:

| Type | Age Range | Staff/Child Ratio |
|-------------------------------|------------|------------------------------|
| Group Foster Homes | 0-18 years | 1:8 or as otherwise approved |
| Group Emergency Shelter Homes | 0-18 years | 1:8 |

Staffing ratios specified in this subsection apply to each residence or dwelling in a foster home system and are inclusive of the staff’s own children, if those children are living in the foster home.

~~[2. Treatment homes may be required to provide a minimum of one responsible adult, who must be awake and on duty in the home during the children’s normal sleeping hours. 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. The agency which provides child welfare services 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.]~~

NAC 424.255 General qualifications. Foster home parents/staff shall:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their integrity and conduct shall be above reproach, especially as regards to their role as foster caregivers.
2. Be willing to be a team member with the agency in establishing and carrying out agency goals for the child.
3. Possess skills necessary to live amiably as a family group.
4. Have the character and personality to give care to children.
5. Accept and respect each child as an individual.
6. Be kind and friendly.
7. Have knowledge and understanding of child care and problems of children.
8. Be flexible in their approaches to 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. Present a positive image to the community.
12. Maintain good community relationships.

NAC 424.260 Age of foster parent. (NRS 424.020) An applicant to be a foster parent must be 21 years of age or older. The age of the foster parent should be considered only as it affects his

physical energy, flexibility or ability to care for a specific child, and in relation to the probable duration of the care of a particular child.

~~[NAC 424.265 Financial responsibility. The foster family or facility must have demonstrated sound money management practices and financial responsibility. Households receiving aid to dependent children or food stamps may apply to become foster parents but should contact their eligibility worker to determine how the foster care payment will affect their benefits under those programs.]~~

NAC 424.265 is hereby amended to read as follows:

NAC 424.265 Financial responsibility. *The foster family or home must be financially solvent and:*

- 1. The prospective foster family must have financial resources to provide basic necessities for themselves and all other residents in the home prior to a foster placement;*
- 2. The prospective foster family must be able to demonstrate they have income to meet the family's obligations without reliance on the foster care payments;*
- 3. All licensed foster parents or treatment home programs agree to maintain clothing and incidental money accounting for each child who is placed under the auspices of a child welfare agency;*
- 4. Upon request of the licensing authority, the licensee shall provide financial records that demonstrate ongoing financial solvency. Public operated programs are exempt.*
- 5. Disclose any bankruptcy; and,*
- 6. All foster home financial records are confidential.*

NAC 424.270 Training. (NRS 424.020)

1. 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 jacuzzi, another free-standing body of water or a sauna, the applicants must also complete training in cardiopulmonary resuscitation and pool safety before licensure.

2. Foster parents must attend 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 pursuant to 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.

4. A 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 through that agency.

NAC 424.275 is hereby amended to read as follows:

NAC 424.275 References. (NRS 424.020)

1. Adults who provide foster care for children shall provide evidence of their character and ability to care for children. The licensing authority must have received at least five satisfactory references for such a person.

2. A negative reference may be grounds to deny an initial application.

3. A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

4. Directors of *treatment programs* shall submit five (5) satisfactory references to the licensing authority on each employee hired to care for children. The licensing authority must receive at least five (5) satisfactory references for the director of a ~~[group]~~ *treatment* foster home, *and for each staff member or employee who has responsibility for or frequent contact with foster children.*

NAC 424.280 is hereby amended to read as follows:

NAC 424.280 Investigations of criminal history of employees and prospective adult residents. (NRS 424.020, 424.031, 424.033)

~~[1. The director of a group foster home is responsible for submitting to the licensing authority or its approved designee two sets of finger print cards for each employee of the foster home. The director of the group foster home shall ensure that each person fingerprinted has signed Law Enforcement Record Form 3321-SA or an equivalent release of law enforcement information.]~~

1. The director of a ~~[group]~~ *treatment* foster home is responsible for submitting *for each employee as directed by the licensing authority or its approved designee:*

a. Two (2) two sets of fingerprint cards; or

b. Electronic finger prints; and,

c. Signed Law Enforcement Record Form or an equivalent release of law enforcement information.

2. Each employee hired by a foster home after the initial licensure of the foster home must be cleared through fingerprinting. Conditional employment will be permitted pending satisfactory clearance through the Federal Bureau of Investigation if:

(a) A local law enforcement agency provides a satisfactory report.

(b) The licensing authority has received at least five satisfactory references regarding the person.

(c) The person's fingerprints have been taken.

A conditional employee is subject to dismissal by the foster home if the Federal Bureau of Investigation indicates the employee has a criminal history. Such history must be discussed with the licensing authority to determine the acceptability of the employee. Failure to dismiss an unacceptable employee is grounds for revocation of the license to operate the foster home.

3. When conditional employment is permitted pending satisfactory clearance through the Federal Bureau of Investigation, the director of the group foster home is responsible for submitting to the licensing authority a satisfactory report on the employee provided by a local law enforcement agency, and for the accuracy and verification of any information obtained regarding the employee.

4. A person who is 18 years of age or older and who wishes to move into a foster home after the initial licensure of the foster home must:

(a) Submit two sets of fingerprint cards *or electronic finger prints and a signed Law Enforcement Record form or an equivalent release of law enforcement information* to the licensing authority or its approved designee.

(b) Except as otherwise provided in subsection 5, be cleared through fingerprinting, before moving into the foster home.

6. A person described in subsection 4 may reside in the foster home pending satisfactory clearance through the Federal Bureau of Investigation if approved by the licensing authority and if:

(a) A local law enforcement agency provides a satisfactory report.

(b) The licensing authority has received at least five satisfactory references regarding the person.

(c) The person has submitted his fingerprint cards to the licensing authority or its approved designee as required by subsection 4.

(d) The licensing authority has received satisfactory clearances from the Statewide Central Registry and a request is made for clearances from any state-maintained Child Abuse and Neglect Registry in each state the person has resided in the preceding five (5) years.

Except as otherwise required in NAC 424.195, if an unsatisfactory report is received from the Federal Bureau of Investigation, the licensing authority shall determine the acceptability of the resident on a case-by-case basis. If unacceptable, the director or the operator of the foster home shall either terminate his license or have the resident move out of the foster home.

NAC 424.285 Consideration of composition and marital status of foster family and staff.

(NRS 424.020) The licensing authority shall consider the composition and marital status of a foster family and staff on an individual basis. Emphasis will be placed on how the composition of the foster family or staff will affect children to be placed in the foster home.

NAC 424.290 Religious beliefs and practices. The religious beliefs and practices of foster parents will be considered in relation to how they will affect foster children placed in the home. Religious beliefs may not be imposed upon foster children nor limit the ability of foster children to celebrate normally observed holidays or special occasions.

NAC 424.295 is hereby amended to read as follows:

NAC 424.295 Members of staff serving as volunteers.

1. Volunteer staff will be subject to the same licensing requirements as other staff, including law enforcement checks and references *and a request is made for a clearance through the State-maintained Child Abuse and Neglect Registry in each state the volunteer staff have resided in the preceding five (5) years.*

2. The duties of volunteer staff must be defined.

NAC 424.300 Approval required for person providing professional care to child to be foster parent for child.

(NRS 424.020) If an applicant or a foster parent is providing professional care directly to a child in the custody of the agency which provides child welfare services, the applicant or foster parent can only be a foster parent for that child with the approval of the administrator or the designee of the administrator. Persons providing professional care include, but are not limited to:

1. A minister who is counseling the child.
2. A psychiatrist or psychologist who is treating the child.
3. A social worker or mental health counselor who is counseling the child.
4. The child's probation officer.
5. The child's teacher.
6. A physician who is treating the child.
7. The guardian ad litem for the child.
8. The child's attorney.
9. A person who is responsible for the child in his capacity as an employee providing child welfare services as defined in NRS 432B.044

III. FACILITIES, GROUNDS AND FURNISHINGS

NAC 424.350 Location of home.

1. The home shall be in an area that is conducive to the physical and emotional health, general welfare and wholesome development of children, and which includes an accessible outdoor play area.
2. It is preferred that the home be located in a residential area. However, commercial or industrial districts may be approved if there are adequate safeguards against traffic and other hazards.

NAC 424.355 Accessibility of home. (NRS 424.020) A foster home should be reasonably accessible to educational and religious facilities, medical care, recreational facilities, special facilities for training and guidance of children to be served, fire services and visits from parents and agency staff. A licensing authority representative shall determine the extent to which a foster home must comply with this requirement after taking into consideration the number, ages and needs of the foster children to be cared for, and accepted local practices.

NAC 424.360 Grounds of home. (NRS 424.020)

1. The grounds of a foster home must include outdoor space as a recreational area suitable for the size, number and age of the children accepted for foster care.
2. Outdoor play space must be fenced when, in the judgment of a licensing authority representative, surrounding hazards, including, without limitation, freeways, railroads, livestock, machinery and irrigation ditches or other bodies of water, suggest the necessity for such protection.
3. The home and outdoor play area must be well-maintained in a clean and safe condition and free from hazards, including, without limitation, trash and debris.
4. The premises of a foster home must be free of accumulated refuse, dilapidated structures, vermin, dangerous conditions capable of harming children and any other health or safety hazard.
5. All land areas must be well-drained, imperviously surfaced if necessary and free of depressions in which water may stand.

NAC 424.365 Living space and furnishings: Generally. (NRS 424.020)

1. The foster home must have at least 200 square feet of living space per occupant, including foster children. As used in this subsection, "living space" includes all areas of the house except an unfinished basement, office or similar area not usually occupied by the family in their daily living.
2. The foster home must have adequate space for individual study and recreation, regardless of the number of children in the foster home.
3. The dining area must be large enough to permit all the family members, staff and foster children to eat together.
4. Cooking and food service areas should be well planned and equipped. The size of the kitchen and the equipment will depend on the number of persons to be served.
5. All rooms used as living or sleeping quarters, including kitchens and lavatories, must be clean, lighted, well-ventilated and heated, except that laundry rooms need not be heated.
7. Rooms must have furnishings comfortable and suitable for use by children as appropriate.

8. Group foster homes must have at least one centrally located living room, for the free and informal use of the children, which is large enough to accommodate the group to be served without crowding. A quiet area for study purposes must be provided. The foster home must have study tables or desks and chairs available for use by the children.

NAC 424.370 Doors and windows. (NRS 424.020)

1. Every opening in the exterior of the residential portion of a group 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 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 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.

NAC 424.375 Sleeping accommodations. (NRS 424.020)

1. Unless an exception is approved by the licensing authority:

(a) Foster children must sleep in a room, designated as a bedroom, which must ensure privacy.

(b) Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep.

(c) 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. Unless an exception is approved by the licensing authority, rooms used by children for sleeping must have a minimum of 35 square feet per child and 3 feet of floor space between beds.

3. Dormitories housing more than six children are not allowed without the approval of the licensing authority. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. Unless an exception is approved by the licensing authority, 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. 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 approved by the licensing authority representative.

5. Unless an exception is approved by the licensing authority, the foster parents' bedroom must be located on the same floor as the bedroom of any child under 8 years of age.

6. Except as otherwise provided in this subsection or as approved by the licensing authority, each child must be provided with his own bed, which must be at least 30 inches wide and of a length which is adequate for the child's height, and the bottom of which is at least 6 inches off the floor. Siblings of the same sex may share a double-bed.

7. Each bed or crib 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. Unless an exception is approved by the licensing authority, 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 8 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 sleeping area unless another arrangement is approved by the licensing authority.

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

NAC 424.380 Lavatories and toiletries; laundry. (NRS 424.020)

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 toilet and one tub or shower and at least one washbasin with hot and cold running water.

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

4. Each child must have his own toilet articles and be provided with towels and washcloths which are changed as often as is necessary to maintain sanitation and cleanliness.

5. Provisions must be made for laundry facilities in group homes adequate to meet the needs of the children and staff of the foster home.

NAC 424.385 Equipment for kitchens and refrigeration. (NRS 424.020)

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

2. If a refrigerator or freezer is not in use, it must be removed from the premises or its door removed.

NAC 424.390 is hereby amended to read as follows:

NAC 424.390 Equipment for heating, ventilation and air-conditioning. (NRS 424.020)

1. If the heating, ventilation or air-conditioning system has an output of more than 2,000 cubic feet per minute, it must have an automatic shutdown.
2. Wood stoves are permitted if they have been properly installed and approved by the appropriate governmental authority.
3. Adequate precautions must be taken to ensure the safety of children in homes where stoves and heating appliances are used.
4. Portable heaters are prohibited.
5. The heating system, including any chimney, must be safe, maintained in good repair and of sufficient size to keep the house comfortably warm.
6. Gas water heaters must be vented to the outside. All water heaters must have a pop-off valve and allow for adequate drainage *and meets industry standards to prevent scalding*.
7. Unvented heaters which use liquid, solid or gas fuels are prohibited.

NAC 424.395 Electrical equipment.

1. Electrical cords must be replaced as soon as they show appreciable wear. Special attention shall be given to avoid overloading and tripping hazards.
2. Extension cords shall not extend from one room to another. Cords shall not be stapled, nailed or otherwise permanently fastened to walls, fixtures, floors or ceilings, and shall not be run on the floor under rugs. Extension cords shall not be joined together. Under no circumstances shall extension cords be used as a general wiring method.
3. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws.
4. Protective plugs shall be installed on electrical outlets accessible to children under five years of age.

NAC 424.400 is hereby amended to read as follows:

NAC 424.400 Safety from fire: Equipment; walls and ceilings. (NRS 424.020)

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; and
 - (d) Be in working order.
 - (e) *Additional fire extinguishers may be required under the discretion of the licensing authority.*
2. The licensing authority may require at least a type 13-D sprinkler system in any foster home which has three or more non-ambulatory 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 Building Code*. 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.

NAC 424.405 Handrails. Handrails shall be provided on stairs where there are three or more steps.

NAC 424.410 is hereby amended to read as follows:

NAC 424.410 Telephones. ~~[Family foster homes shall have a telephone where available. Group homes and any home providing emergency shelter care must have a telephone.]~~ *All licensed homes shall have an operable telephone accessible in the home at all times.* Emergency telephone numbers, including health agencies, fire and police departments and ambulance services, shall be posted by the telephone.

NAC 424.415 Refuse. 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 at least weekly. Waste containers shall be of noncombustible materials.

NAC 424.420 is hereby amended to read as follows:

NAC 424.420 Pools, ponds, hot tubs, saunas and tanning booths. (NRS 424.020)

1. The water in pools, hot tubs and saunas must be maintained in a healthy condition which is suitable for use by children. Ponds used for swimming must be maintained in the same condition as a pool.

2. Foster homes which have pools, ponds, *or other water hazards as determined by the licensing authority and* which are licensed to care for any toddlers must provide a fence which is at least 4 feet high on all sides of the pool, pond, *or other water hazards* and which separates the pool or pond from the general yard area. The fence must:

- (a) Have no vertical opening more than 4 inches wide.
- (b) Be of such a design that young children cannot climb it or squeeze under it.
- (c) Allow a clear view of the pool from the house.

The gate must be self-closing and have a self-latching mechanism which is in proper working order and out of the reach of young children.

3. If a foster home is licensed to care only for children other than toddlers:

(a) The area surrounding a pool or hot tub, regardless of whether the pool or hot tub is located in or above the ground, 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; or

(b) If the area surrounding the pool or hot tub is not fenced, there must be a secured, protective covering 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 must be free from standing water.

4. A reaching pole with a hook, and a ring buoy, must be provided as minimum safety devices.

5. 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 must be locked in a manner which prevents access by children

7. If a wading pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children.

8. A sauna or any free-standing body of water located on the premises of the foster home must be inaccessible to children, including, without limitation, a pool, hot tub or jacuzzi.

Equipment or materials used by children must not be stored in such areas.

9. As used in this section, "toddlers" means children who are at least 12 months of age but less than 5 years of age.

NAC 424.425 Mobile homes. Mobile homes shall be skirted with latticed or solid skirting, and securely anchored to the ground by cables or tie-down straps.

IV. OPERATION

NAC 424.450 Duties of foster home: General requirements.

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/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, handicap 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/staff shall cooperate as team members with the agency having responsibility for the child in order to establish and carry out the treatment plan and the goals for the child, e.g., returning the child to the natural parents, placing the child for adoption, etc.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below:

NAC 424.4XX General qualifications and principles for care.

1. The treatment program shall do all of the following:

(a) Provide a safe, stable, and humane environment.

(b) Encourage a child's autonomy, respect a child's need for privacy and consider a child's preferences and choices while providing care, supervision, guidance and instruction.

(c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes and behaviors of children and families of various cultures.

(d) Have knowledge and understanding of child(ren) who have increased physical, medical, mental, emotional or behavioral needs.

(e) Be mature to provide effective supervision and possess the vitality, interest and understanding to meet the needs of children accepted for treatment care, when appropriate.

Prospective parents or staff shall be selected for their ability to care for children in relation to the ages and needs of the children to be accepted for care.

(f) Have the ability to work with and guide children both within a group setting and individually. Parents and/or staff must also have physical and emotional health to carry out assigned responsibilities involved in caring for children in a manner consistent with the program or home's operation.

(g) Work cooperatively with caseworkers, teacher and other professionals in carrying out the plan to meet the individual child's needs.

(h) Accurately observe and report each child's progress in carrying out a treatment plan.

(i) Treatment staff not responsible for direct care shall be able to understand inconsistencies in child behavior to better support the work of staff with direct responsibility for carrying out a treatment plan.

NAC 424.455 Restrictions on provision of care other than foster care and on housing of roomers or boarders. (NRS 424.020)

1. A foster home must not combine foster care with regular paid care for others, including day care, without the approval of the administrator or the designee of the administrator.

2. A foster home may house adult roomers or boarders under the following circumstances, if approved by the licensing authority:

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

(1) Be considered a part of the family; or

(2) Have 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.

NAC 424.460 Agreements between foster homes and agencies that place children for provision of services. (NRS 424.020) 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 law or of any condition set forth in this chapter.

NAC 424.465 Placement of child in foster home. (NRS 424.020)

1. The selection of a foster home involves the matching of the child's individual needs to the capacities of the foster family. The decision to place the child in a foster home is jointly made by the child's worker and the foster parents.

2. The preparation of a child for placement in a foster home is primarily the responsibility of the child's worker. 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.

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

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

NAC 424.470 Acceptance of children born to children in care. 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 it 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.

NAC 424.475 Requirements for notification and reporting. (NRS 424.020) The director or operator of a foster home shall notify:

1. A licensing authority representative if the foster home will accept placements from more than one agency.
2. A licensing authority representative within 1 working day after a foster child is placed in the foster home or removed from the foster home by any agency or person other than the agency which provides child welfare services unless an agency, other than the agency which provides child welfare services, has an exclusive contract with the foster home to provide the agency which provides child welfare services with a monthly report of placements.
3. A licensing authority representative within 72 hours after the occurrence of any changes in the foster home which affect its continuing conformance with the requirements for foster home care, including, without limitation:
 - (a) Any major illness occurring to any member of the household; and
 - (b) Any major illness or injury occurring to any foster child.
4. A licensing authority representative before the occurrence of any of the following changes:
 - (a) A move from one home to another.
 - (b) A member of the household or staff leaves or a new member joins the household or staff.
 - (c) A decision to remodel the home.
 - (d) A decision to discontinue providing foster home care.
 - (e) Any significant change in the routines used with the child, including, but not limited to, the imposition of a new program of house rules concerning discipline.
5. The appropriate law enforcement personnel as soon as it has been determined that a child has run away. The agency with responsibility for the child must be notified within 1 working day after the event.
6. The social worker of the placing agency responsible for a child before any volunteer staff or other persons begin to have regular contact with the child.

NAC 424.478 Notice of request to remove child from family foster home. (NRS 424.020) A provider of family foster care shall provide the agency responsible for a foster child with at least 10 working days' notice of any request by the provider for the removal of the child from the family foster home unless:

1. The provider has a written agreement with the agency which provides child welfare services to the contrary; or
2. 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.

NAC 424.480 Maintenance, availability and disposition of records regarding children.

1. The foster home shall maintain ongoing records on the child's development, behavior and treatment, which may include a daily log and a monthly evaluation, as prescribed by the agency with responsibility for the child. Such records shall be made available upon request to the child's caseworker or to the licensing worker.
2. The foster home shall inventory the child's clothing and belongings when the child is placed in the home and when the placement ends.
3. The foster home shall maintain records on the child's medical/dental care.
4. When a child leaves the foster home, all records shall be given to the child's caseworker.

NAC 424.485 Confidentiality regarding children; penalty for violation. (NRS 424.020)

1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the children in his 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 director or an operator of a foster home 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 media.

NAC 424.490 is hereby amended to read as follows:

NAC 424.490 Maintenance of home and vehicles; transportation of children.

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. *Nevada* State law regarding ~~ear-seats~~ *child restraint system (NRS 484.474)* and seat belts must be observed at all times when transporting foster children.
4. *While transporting placed children, foster parents and staff of foster homes are to follow safe driving practices and defensive driving guidelines outlined in the Nevada Drivers Handbook.*
5. 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.
6. Any person who provides transportation to a foster child in a private motor vehicle shall possess at least the minimum liability insurance coverage required by state law.
7. *Smoking is prohibited while transporting foster children.*

NAC 424.495 Communication and visitation with family and others. (NRS 424.020)

1. A foster home shall cooperate with the agency placing a child in the home to help the child maintain meaningful ties with his family, 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 with their natural relatives only with the prior approval of the agency with responsibility for the children.

4. The foster home shall, upon reasonable request, permit the child to contact the person or agency responsible for his 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. The foster home must allow the child to send and receive mail. Any restrictions on correspondence must be approved by the agency placing the child or person from whom the child was received.

6. 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.

7. Foster homes shall use care to ensure that anyone who visits the home over an extended period conducts himself in such a manner as not to jeopardize the safety or well-being of the foster children.

NAC 424.500 is hereby amended to read as follows:

NAC 424.500 Care and treatment of children: General requirements. (NRS 424.020)

1. A foster home shall provide care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.

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.

4. Foster homes which care for adolescents shall seek to prepare them for successful independent living by offering "first-hand" experiences in tasks such as 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. The foster parent shall be nonjudgmental regarding the child's parents.

7. The foster home shall see that each child observes curfew and all other requirements specified by law.

8. Smoking is prohibited in the facilities of group *and treatment* homes.

NAC 424.505 Supervision of children.

1. Minors shall not supervise foster children unless approved by the child's social worker.
2. Foster children must be given supervision appropriate to their age and maturity.
3. Foster children shall not supervise or baby sit other children unless approved by the foster child's social worker.
4. Children shall always be supervised by an adult when in or around a pool. Adults shall not allow themselves to be distracted by household chores.

NAC 424.510 Emergency shelter care: Employment of parent outside home. The requirements for appropriate supervision of children and the foster parent's ability to meet the children's needs must be met if the shelter home parent or both parents are employed outside the home.

NAC 424.515 Discipline of children: Aims. The aims of discipline are threefold:

1. To help the child accept his responsibility to others;
2. To help the child realize that others also have responsibilities and privileges; and
3. To help the child accept the fact there are unpleasant and difficult things which everyone must do at times.

NAC 424.520 Discipline of children: General requirements. (NRS 424.020)

1. Discipline, to be effective, must be fair, reasonable, consistent and related to the offense.
2. Discipline must be handled with kindness and understanding and administered in such a way as to help the child develop self-control and to assume responsibility for his own behavior.
3. Well-defined rules setting limits on behavior must be established and made known to each child. When appropriate, children must be allowed to participate in establishing the rules which must be displayed.
4. Appropriate and timely remedial action must be taken when children in foster care exhibit inappropriate behavior, are out of control or commit delinquent acts.
5. Consent by parents or others to punish a child contrary to the provisions of this section is void.
6. When serious physical intervention is required by the caregiver to protect the child, other persons or property, an incident report must be filed within 48 hours with a licensing authority representative and the social worker of the agency responsible for the child.

NAC 424.525 Discipline of children: Recommended techniques for management of behavior. The following are recommended behavior management techniques:

1. Restraining by holding a child who is physically aggressive in order to protect oneself, staff, the child or others from harm.
2. Picking up a child who is out of control and removing him from the setting. This is appropriate only to younger children whose size and weight enable such action.
3. Informing the child in a simple and positive manner what conduct is expected.
4. Restriction to the child's room or other area and/or withholding privileges such as attending social gatherings or watching television.
5. Sitting with a child until he gains control of his behavior and can return to normal activities.
6. Redirecting the child to a new or different activity.

7. Praising and recognizing a child who behaves in the expected manner.
8. The use of a point system to recognize good behavior and create an incentive to improve inappropriate behavior.

Chapter 424 of NAC is hereby amended by changing thereto the provisions as set forth below:

NAC 424.530 Discipline of children: *Behavior management and restrictions.* (NRS 424.020)

1. The following are examples of unacceptable disciplinary techniques. The list is not exclusive. Foster parents shall discuss disciplinary techniques with the child's social worker 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 family.
 - (b) *Use spanking or any corporal punishment.*
 - (c) *Threaten to remove the child from a treatment home.*
 - (d) Threaten to subject or subject a child to pushing, punching, shaking, rough handling, force feeding, biting, hitting of any kind, including with an implement, isolation in a closed space, such as a closet or unlit or unventilated space, or other extreme discipline.
 - (e) Threaten a child with the loss of love of any person.
 - (f) Threaten a child with punishment by a deity.
 - (g) 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.]~~ *facilities unless it is part of a treatment plan and prescribed by a physician.*
 - (h) Threaten to subject or subject a child to any form of punishment by other children.
 - (i) Threaten to subject or subject a child to excessive time out.
 - (j) Threaten to wash or wash a child's mouth out with soap or detergent or threaten to tape or tape the mouth of a child, *place hot sauce in their mouth, or any other such threats or acts.*
 - (k) 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.
 - (l) Threaten to withhold or withhold the allowance of a child provided by the agency which provides child welfare services.
 - (m) *Subject a child to meaningless work as punishment, i.e., scrubbing the floor with a toothbrush, writing repetitive menial sentences, pulling weeds in a field of weeds, excessive exercise, or other such similar actions.*
- ~~[2. The threat of or use of spanking as a form of discipline is prohibited.]~~
2. *Acceptable behavior management strategies include:*
- (a) *Use of behavior management strategies to teach pro-social, adaptive behavior and includes reference to use of positive reinforcement (e.g. point or token system, or other clinically recognized treatment strategies.)*
 - (b) *Assigns consequences that are specifically related to the child's behavior.*
 - (c) *Addresses interventions that are used to identify and de-escalate situations that could lead to use of restraint.*

NAC 424.535 Assignment of chores and other work to children. (NRS 424.020)

1. Children must be encouraged to participate in the daily chores or work activities.
2. Tasks and work assignments must be appropriate to the child's age, health and ability.
3. Excessive work assignments interfering with normal development, school, health or necessary recreation are not permitted.
4. The director or operator of a foster home shall ensure that children in the care of that foster home are not used for money-making endeavors or for soliciting on behalf of the foster home except as approved by the agency which provides child welfare services.

NAC 424.540 is hereby amended to read as follows:

NAC 424.540 Provision of food and water to children.

1. Food shall be provided and stored on site in the quantity, quality, and variety necessary to meet the child's dietary needs.
2. Consideration shall be given to the child's cultural and religious diet preferences.
3. Special diets shall be followed as prescribed.
4. Drinking water shall be available to all children at all times, except that water may be restricted in evening hours to control bedwetting.
5. ~~[A group foster home shall provide or arrange for appropriate nutritional information and consultation.]~~
6. Only use of pasteurized milk or powder dry milk will be allowed for foster children's consumption.

NAC 424.545 Housekeeping and sanitation; supplies for first aid.

1. The home shall have reasonable housekeeping standards, although primary emphasis will be upon homemaking.
2. Sheets, pillowcases and towels shall be laundered weekly or more often if necessary.
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, bandaids, bandages, tape and a thermometer.

NAC 424.550 Physical and mental health of foster parents and members of household.

(NRS 424.020)

1. All members of the household of the foster home must be free from communicable disease. 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 member of the household may be required to have a physical or psychological examination or a diagnostic test performed as required pursuant to NAC 424.167 or when one of the following conditions exist:
 - (a) A serious health problem or communicable disease was present in the household during the previous year.
 - (b) There is reason to believe that the foster parent may not be physically or emotionally capable of meeting the needs of foster children.
 - (c) The licensing authority representative has reason to believe that the health of the child in foster care may be in jeopardy.

2. If the foster parent has reason to believe that a communicable disease is or might be present in the foster home, regardless of its source, he shall so notify the health authority and a licensing authority representative as soon as possible, but not later than 72 hours after the time of the initial suspicion.

3. As used in this section:

(a) "Communicable disease" has the meaning ascribed to it in NAC 441A.040.

(b) "Health authority" has the meaning ascribed to it in NRS 441A.050.

NAC 424.555 Provision of health care to children. (NRS 424.020)

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

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

3. All children residing in the foster home must be currently immunized against any communicable and contagious disease, including, without limitation, measles, mumps and rubella.

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 director or operator of a foster home 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.

NAC 424.560 is hereby amended to read as follows:

NAC 424.560 Medicine, medications, stimulants and poisons. (NRS 424.020)

1. The foster home parents or staff shall supervise or administer all prescription and nonprescription medication.

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. 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 prescribed *and over-the-counter* medications. The record must become part of the child's permanent file of ~~{prescriptions}~~ *medications*.

~~[5. In a family foster home, medication must be kept in a place inaccessible to children. In a group foster home, medication must be kept in a locked place, with the exception of medication that requires refrigeration.]~~

5. All medication must be kept in a locked place, including medication requiring refrigeration which is to be placed inside a locked boxed in the refrigerator. Medications which must be kept on a person per doctor's order are exempt from being kept in a locked place.

6. Except as otherwise provided in this subsection, medicines and stimulants must be plainly labeled and stored in an orderly fashion in a locked cupboard, box or cabinet or other location inaccessible to children. Poisons or medications for external use only must be kept in a separate area, also inaccessible to children. Medicine may be accessible to a child if a licensing authority representative determines it is appropriate for the child to have access to the medicine, based on the age and stage of development of the child.

7. All unused prescribed medications 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.

NAC 424.565 Provision of care for mental and emotional health of children. (NRS 424.020)

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 and emotional health of the child.

2. The foster home shall observe children closely for signs of change in emotional 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 in the child's record and reported to the agency placing the child in the home.

NAC 424.570 Education of children.

1. The foster home shall see 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 shall be afforded the opportunity to complete schooling or training in accordance with his or her aptitude.

2. The foster home parents and staff shall:

- (a) Provide social, physical and emotional nurturing to help the child to develop and maintain his 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.

NAC 424.575 Moral and religious training of children. The foster home shall provide for the moral training of children in care. Children shall be permitted to participate in religious activities and to attend a church of their faith or that of their parents when possible. Children may not be given religious training, be baptized nor formally inducted into a faith different than the child's or child's parent's religious beliefs without the written consent of the parents or agency responsible for the child's care.

NAC 424.580 Training in personal health; personal hygiene and grooming.

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 shall be kept clean and well groomed.

3. The child's worker shall be consulted before anything is done to change the child's personal appearance, i.e., major changes in hair length or hair styles, ear piercing, etc.

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

NAC 424.585 Clothing and personal possessions of children. (NRS 424.020)

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. As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.

NAC 424.590 Pets. (NRS 424.020)

1. Immunization of all household pets 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, including ferrets and boa constrictors, are prohibited without the written approval of a licensing authority representative.

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 and from eating areas while meals are being served. A cage is adequate restriction.

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.

NAC 424.595 Hazardous materials and chemicals.

1. All hazardous chemicals, tools and other equipment, including matches, plastic bags, paints, gasoline, medicines, insecticides and cleaning and laundry materials, shall be stored out of the reach of young children. Products which could cause poisoning or contamination shall be stored separately from food products and out of the reach of children.

2. There shall be no more than 10 gallons of flammable liquid stored on the premises in approved storage containers, or within the requirements of the local regulatory agency.

NAC 424.600 Weapons and ammunition. 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.

NAC 424.605 Safety from fire: Plan for evacuation; drills. (NRS 424.020)

1. The director or operator of each foster home shall have a written fire evacuation plan for the foster home. The director or operator of a foster home with 10 or more occupants shall ensure that the fire evacuation plan is posted in the foster home.

2. A fire drill must be held at least once a month and recorded documentation of the activity must be posted in each foster home and must be made available for inspection by the licensing authority.

NAC 424.610 Safety plan to protect child from abuse and neglect. (NRS 424.020) The agency which provides child welfare services may require the foster parents to establish a safety plan jointly with the agency that sets forth the methods to be used to protect a child in foster care.

V. TREATMENT HOMES

NAC 424.650 is hereby amended to read as follows:

NAC 424.650 Director: Requirement; minimum age; duties. (NRS 424.020)

1. Every ~~{group}~~ treatment *program* must have a director who is responsible for the overall operation of the treatment ~~{home}~~ *program*.

2. A director of a ~~{group}~~ treatment ~~{home}~~ *program* must be over 21 years of age and must be responsible for:

(a) Administrating the ~~{group}~~ treatment ~~{home}~~ *program* to meet the licensing requirements;

~~{(b) Maintaining personnel, occupancy and other records.}~~

~~{(c) Screening, hiring, scheduling and supervising the staff of the group treatment home, and for the conduct of any member of the staff of the group treatment home while on duty.}~~

~~{(d) Working with the agency responsible for the child and including them in the program treatment planning.}~~

~~{(e) Cooperating with the agency which provides child welfare services and other governmental agencies to improve the quality of foster care provided in group treatment homes and the competence of caregivers.}~~

~~{(f) Developing and carrying out a plan to create understanding and acceptance by community leaders and neighbors.}~~

(b) Ensuring all program staff and volunteers have been approved through the licensing authority with background clearances, reference checks and necessary pre-service training prior to initiating duties;

(c) Overseeing program areas and development to include:

1. The appropriateness of admission of each child.

2. Resident assessments and treatment plans.

3. Technical assistance to the treatment staff and partnering agencies.

4. Review and update treatment program policies and procedures.

5. Risk management procedures.

(d) Maintaining personnel, occupancy and other treatment program records;

(e) Ensuring screening, hiring, training, scheduling and supervising the staff of the treatment program, and for the conduct of all staff of the treatment program while on duty;

(f) Working collaboratively with the guardian responsible for the child;

(g) Cooperating with the agency which provides child welfare services and other governmental agencies to improve the quality of care provided in treatment homes and the competence of caregivers.

3. The director of a ~~[group]~~ treatment ~~[home]~~ program must be present on-site *with such a frequency as to ensure program staff are following the philosophy and procedures of the treatment program.* The director shall appoint someone to be in charge while he is away from the ~~[group]~~ treatment ~~[home]~~ program. In the case of multiple ~~[group]~~ treatment homes, the director must ~~[be present on site monitoring the program for a total minimum of 20 hours per week.]~~ *provide on-site monitoring by designated program supervisory staff to ensure program compliance.*

NAC 424.655 is hereby amended to read as follows:

NAC 424.655 Director: Qualifications. (NRS 424.020)

~~[1. The director of a group treatment home must have either:~~

~~(a) A bachelor's degree with at least 12 semester hours in human growth and development, counseling and guidance, child psychology, education related to the health of children, or in courses directly related to these fields, and at least 6 months of verifiable experience which is satisfactory to the licensing authority in a program related to human growth and development or counseling and guidance;~~

~~(b) A high school diploma, a general equivalency diploma or equivalent certificate or a certificate based on general education development, if approved by the licensing authority, and at least 6 semester hours in human growth and development, guidance and counseling, child psychology, education related to the health of children, or in courses directly related to these fields, and at least 2 years of verifiable satisfactory experience in a program related to human growth and development or counseling and guidance; or~~

~~(c) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to paragraphs (a) and (b).]~~

1. All treatment programs shall have a Director who shall meet one of the following requirements:

(a) A bachelor's degree or higher from an accredited school in social work or social welfare, marriage and family therapy, psychology or closely related field including, but not limited to, human development, criminal justice, or education. In addition, the Director shall have a minimum of one year of experience which has been in an administrative or managerial position.

(b) Treatment programs that specialize in sexually aggressive youth must have a director who has obtained a masters degree or doctorate degree in psychology, social work, marriage and family therapy or other social science and has two (2) years of experience with the juvenile sex offender populations.

(c) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to paragraph (a).

(d) Treatment Program Directors hired before (upon LCB approval), do not have to meet the qualification for this section provided they have no break in service exceeding three (3) consecutive years in employment of a Treatment Program.

(e) The Director may also serve in another personnel capacity provided he/she meets the applicable qualifications of those positions, such as Director and Treatment Supervisor.

2. The director of a ~~[group]~~ treatment ~~[home]~~ *program* must provide the agency which provides child welfare services with verification that educational requirements are met.

NAC 424.660 is hereby amended to read as follows:

NAC 424.660 Vacancy in position of director.

~~[1. In the event of a vacancy created by the resignation, termination, etc., of the director, a provisional license, not to be renewed, may be issued to the group foster home for 3 months with the following conditions:~~

~~—(a) The health, safety and well-being of the group home residents will not be threatened or jeopardized; and~~

~~—(b) There is adequate staff present, at all times, to ensure minimum staff coverage.]~~

1. In the event of a vacancy created by the resignation, termination, etc., of the director, *approval* may be *granted by the* licensing authority to the treatment *program* for *no longer than a period of six (6) months unless an extension is granted by the licensing authority* ~~[with the following conditions]~~. *In addition,*

(a) The treatment program must notify the licensing authority in writing of the vacancy of the director position within 5 business days; and

(b) An interim staff person, who meets all licensing clearance standards, is designated within 14 calendar days by the treatment program to serve as acting director and the licensing authority shall be notified within 1 business day of such decision. The acting director will ensure that the treatment program homes/facilities are properly supervised.

(c) The health, safety and well-being of the treatment program residents will not be threatened or jeopardized; and

(d) There is adequate staff present, at all times, to ensure minimum staff coverage per NAC XXX.XX (TBD) staffing ratios.

(e) An immediate and active recruitment for a new director is initiated.

NAC 424.665 is hereby amended to read as follows:

NAC 424.665 Staff: Qualifications.

~~[1. Group home staff shall be sufficiently mature to provide effective supervision and possess the vitality, interest and understanding to meet the needs of children. Prospective group home staff shall be selected for their ability to care for children in relation to the ages and needs of the children to be accepted for care.~~

~~— 2. The education background of group foster home staff should be appropriate to the position for which they are hired. A combination of experience and education will be taken into consideration.~~

~~— 3. Group home staff must be able to work with and control children in group.~~

~~— 4. Group home staff must be able to work cooperatively with caseworkers, teachers and other professional personnel in carrying out a treatment plan to meet the individual child's needs.~~

~~— 5. Group home personnel who have responsibility for working directly with children and families shall be able to:~~

~~—(a) Work with and guide children in a group;~~

~~—(b) Deal with the individual needs of each child;~~

~~—(c) Work cooperatively with caseworkers, the court, teachers, counselors and other professionals to develop and carry out the treatment plan; and~~

~~— (d) Accurately observe and report each child's progress in carrying out the treatment plan.~~

~~— 6. Ancillary staff, including cooks, housekeepers, drivers or other persons not having the direct responsibility for the care and guidance of the children, shall be able to understand inconsistencies in child behavior and support the work of staff who have direct responsibility for carrying out the treatment plan.~~

~~— 7. All group home staff must have sufficient physical and emotional strength and vigor to carry out assigned responsibilities involved in caring for a group of children in a manner consistent with the facility's program and designated level of care.]~~

1. Treatment Program staff shall be a minimum of 21 years of age and be able to demonstrate maturity to provide effective supervision.

a. All Treatment Program staff must have physical and emotional health to carry out assigned responsibilities involved in caring for a group of children having increased physical, medical, mental, emotional or behavioral needs in a manner consistent with the Program Statement.

b. Treatment Program staff may hold more than one position within a treatment program; such staff shall meet all position qualifications and fulfill all required responsibilities.

2. Persons who function as Treatment Program Supervisors shall meet the following education and experience requirements:

a. A licensed qualified mental health professional (as defined in NRS 433) with a Master's or Ph.D.; or

b. Master's degree in social work, marriage and family counseling, psychology or closely related field with one year of full-time casework or direct care staff experience in a treatment program or in the field serving children and families; or

c. Bachelor's degree in social work, marriage and family counseling, psychology or closely related field with experience as follows:

1. One year of full-time experience supervising casework or direct care staff in a treatment program or in the field serving children and families; or

2. Two years of full-time casework or direct care staff employment in a treatment program or in the field serving children and families.

3. Treatment Program Supervisors who are hired on or after (upon approval) who do not meet the requirements listed in the section above shall be required to successfully meet those requirements (18 months later- 3 semesters) in order to remain employed as a Treatment Provider supervisor. Treatment Program Supervisors who were hired prior to (upon approval) shall not be required to meet the requirements of this section.

4. Programs who utilize case workers who take primary responsibility for the development of treatment plans and who provide support and consultation to direct care staff shall have a minimum of:

a. A Master's degree in a human services field; or

b. A Bachelor's Degree in a human service, or;

c. A Bachelor's Degree in a non-human services field and two years' experience working with children and families.

5. Primary and non-primary staff (direct care staff) hired on or after (upon approval) shall have a minimum of a GED or high school diploma.

6. Agencies hiring staff shall verify qualifications required by the standards listed above.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.670 [~~Staff: Training.~~] *Preservice training; Primary staff.*

~~[1. Newly employed members of the staff of a group home must be given an orientation program and trained by the director in the policies, procedures and programs of the group home.~~

~~—2. Members of the child care staff shall participate in any specialized training appropriate to the position for which they were hired and which is offered in the community where the group home is located. A minimum of 20 hours per year shall be required and documented.]~~

Prior to providing supervision and direct care to children, primary staff shall complete pre-service training.

1. The licensing authority shall approve the existence of pre-service training curriculum of a treatment program prior to their initiating the training program.

2. The training may include a variety of formats and procedures such as treatment specific, in-home training provided by Program staff, group presentations or program-approved external training. Training records shall be submitted to the licensing authority upon request.

3. Primary staff shall receive a minimum of 40 hours of pre-service prior to initiating direct care duties, topics must include, but not limited to:

(a) Mandated reporting requirements and information on how to identify and report abuse or neglect situations.

(b) Policies, procedures of the program and practices to ensure privacy and confidentiality of child and family information.

(c) NAC 424 – Foster Care Licensing Regulations.

(d) The effects of care giving on the caregiver.

(e) Stages of child development and potential behaviors of children who have suffered abuse, neglect, and trauma; with emphasis on the related behaviors during each stages of childhood development, birth-18 years.

(f) Information about other systems that impact the life of the child and the primary treatment staff's role in relation to systems such as the child welfare and court system.

(g) Information about resources within the education system and the primary treatment staff's role in collaborating with and advocating for the child within that system.

(h) Specialized training if the treatment program serves a specialized population or takes referrals of children with unique needs such as gender issues, teen moms, sexual abuse and/or sexually aggressive children/youth, children with developmental disabilities, youth in the juvenile justice system or children with complex medical problems, and the impact of abuse and neglect on young children.

(i) Program documentation; i.e., progress notes, treatment plans, progress reports, medication log, incident reports, etc.

(j) Permanency for children.

(k) Working with primary families.

(l) Cultural and diversity competence.

(m) Separation, loss and attachment.

(n) Verbal de-escalation techniques.

4. In addition, Primary Staff must complete NAC 424.6XX.

5. *Primary staff can transfer pre-service training from one program to another if evidence is provided to the licensing authority except sections (b) and (h) above.*

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.6XX Service training; Direct care staff.

1. *All primary and non-primary staff of a treatment program shall receive training within 30 days from employment and annually thereafter, to include:*

(a) *Prohibited and basic behavior management strategies as referenced in NAC 424.XXX;*

(b) *Policies and procedures concerning the use of force and restraint on children;*

(c) *Suicide awareness and prevention;*

(d) *The administration of medication to children;*

(e) *Applicable state and federal constitutional and statutory rights of children in the home;*

Chapter 424 of NAC is hereby amended by adding thereto the provision as set forth below.

NAC 424.6XX Non-direct care staff. Upon employment, all non-direct care staff shall complete a non-direct care staff application and pass a background clearance and a child abuse and neglect clearance as referenced in NAC 424.195.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.6XX Continuing education training.

1. *Training shall emphasize advanced skill development within the same or similar topics as pre-service training and continued knowledge acquisition related to best practice in meeting the needs of children placed within a treatment program. Staff shall participate in specialized training appropriate to the position for which they were hired. All continuing education training must be completed prior to or within 30 days of annual hire date.*

2. *The training may include a variety of formats and procedures such as treatment specific, in-home training provided by Program staff, group presentations or program-approved external training.*

3. *Relevant continuing education hours obtained for professional licenses may be substituted for required training.*

4. *Primary care staff must have 20 hours of relevant training annually.*

5. *Any exceptions from continuing education training requirements must be approved by the licensing authority.*

NAC 424.675 is hereby amended to read as follows:

~~[NAC 424.675 Director and staff: References. (NRS 424.020) The licensing authority must receive at least five satisfactory references for:~~

~~—1. A director of a group treatment home; and~~

~~—2. Each member of the staff of a group treatment home.]~~

NAC 424.675 Training documentation:

1. *All training for program staff shall be recorded within a training log and include:*

(a) *name of staff,*

- (b) *date of training,*
 - (c) *number of hours,*
 - (d) *name of training/course and topic(s), and*
 - (e) *name and credentials of trainer.*
2. *Completed training certificates shall be copied and kept in each staff's personnel file.*
 3. *The treatment program shall maintain a copy of the curriculum outline for each training that staff attends.*
 4. *Training information shall be provided to the licensing authority upon request.*

NAC 424.680 is hereby amended to read as follows:

NAC 424.680 Director, foster parents and staff: Criminal history. (NRS 424.020)

1. Any person employed as a director *or staff* of a ~~[group]~~ treatment ~~[home]~~ *program* or applying to be a foster parent *or staff of a treatment program* who has been convicted of:

(a) A felony or gross misdemeanor must not be employed in that position without the approval of the administrator or the designee of the administrator.

(b) One or more misdemeanors must not be employed in that position without the approval of the administrator or the designee of the administrator.

2. Except as otherwise provided in NAC 424.195, any other person employed or volunteering his services within a treatment *program* who has been convicted of a felony or gross misdemeanor or one or more misdemeanors may be employed or may volunteer his services upon factual verification of rehabilitation. Each person's background must be evaluated for the position for which he/*she* will be employed or will fill as a volunteer and reviewed by the administrator or the designee of the administrator.

NAC 424.690 is hereby amended to read as follows:

NAC 424.690 Description of services offered and scope of program: Submission to division; contents. (NRS 424.020)

1. Each treatment ~~[home]~~ *program* must provide, upon its initial application for a license, a written ~~[description of]~~ *scope of program describing* the services it offers and the scope of its program. Notice of any proposed changes in the program and services offered must be presented to the licensing authority in writing at least 30 days before the change. The licensing authority will assess the proposed changes *for impact on licensing*.

2. The *written scope of program* description required by subsection 1 must include:

(a) A statement of purpose and the philosophy, goals and objectives of the treatment ~~[home]~~ *program*.

(b) The characteristics of the children to be served, including the range of ages, sex, number of children, *types and* severity of problems to be treated.

(c) A target period for a child typically to complete the program and any limitations, if any, on the length of time a child may remain in the care of the treatment ~~[home]~~ *program*.

(d) A statement of services to be offered on-site.

(e) A statement about staffing patterns and plans to meet requirements for supervision, including the number of staff on duty, ancillary staff available and general information about the educational qualifications of the staff, including the level of training and experience required.

(f) A statement of the policy for admissions *and discharges*.

(g) A plan for establishing a professional relationship with each child's family and for maintaining regular contact.

(h) A plan for sharing information with a child’s advocate and the agency placing the child in the treatment ~~[home]~~ program.

(i) A plan for providing ~~[social and psychological services]~~ *treatment services and behavioral management interventions.*

(j) *A plan for providing culturally responsive services.*

(k) A plan for meeting the *medical*, educational, vocational, recreational and *spiritual* needs of children.

(l) A statement regarding the provision of transportation.

(m) *A description of the program’s discipline policy; including types of discipline not permitted.*

(n) *A plan for treatment program staff and volunteers to meet all required training per NAC 424.XXX.*

(o) *A description of quality assurance activities.*

(p) *Provisions for treatment staff respite.*

(q) *A statement of the program’s policy for safety planning for children.*

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.6XX Minimum staffing requirements: Treatment homes. (NRS 424.020)

1. A sufficient number of staff must be on duty and available at all times to assure proper care for children, each facility/home shall have a minimum of one staff available at all times to provide care within the treatment facility or otherwise shall have a strong contingency plan that has been approved by the treatment team and is documented in the child’s treatment plan. The minimum number of staff employed within a treatment facility/home, excluding staff whose sole functioning is clerical, housekeeping, maintenance and other ancillary services, is:

| <i>Type</i> | <i>Age Range</i> | <i>Staff/Child Ratio</i> |
|------------------------|-------------------|--------------------------|
| <i>Treatment Homes</i> | <i>0-5 years</i> | <i>1:4</i> |
| | <i>6-18 years</i> | <i>1:6</i> |

Staffing ratios specified in this subsection apply to each treatment home and are inclusive of the staff’s own children, if those children are living in the home.

2. Care must not be provided for more than two children who are under the age of 18 months or four children who are under the age of 5 years, including in that total any children of staff (treatment parents) under the age of 18 months or 5 years, without the approval of the licensing authority representative.

3. Treatment programs shall be required to have staff available to provide for the care of younger children in the treatment home or facility; the use of an outside child care facility for the convenience of treatment staff or that is not part of the child’s documented treatment plan is not an option.

4. Staff must assure that children are responded to as needed.

(a) Treatment homes may be required to provide a minimum of one direct care staff, who must be awake and on duty in the home during the children’s normal sleeping hours.

(b) 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.

(c) The agency which provides child welfare services may approve exceptions to the specified staffing ratio upon determining that the needs of the children in 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 care may be provided must not be exceeded.

5. Additional monitoring mechanisms for night time hours may be approved by the licensing authority and may include, but not limited to:

(a) use of door alarms,

(b) motion detectors,

(c) laser,

(d) lights,

(e) audio monitors, or

(f) video monitors may be used only with the licensing authority's approval.

6. No child may be in the treatment home without supervision by a staff member unless it is specific to an independent living plan, has been approved by the child's treatment team, and documented in the child's treatment plan.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below:

NAC 424.6XX Supervision of children.

1. No person under the age of 21 shall supervise children in treatment care.

2. Children in treatment care shall not supervise or baby-sit other children in the treatment home or outside the home unless the child in treatment care is also the parent of the identified infant/child being supervised and it is approved by the treatment team and documented in the child's treatment plan.

3. Children shall always be directly supervised by an adult, age 21 or older, when in or around a pool or other water hazards.

4. A child shall receive supervision appropriate to the child's age, maturity and behavior.

5. A child shall only receive the level of independence which is appropriate to their treatment needs and goals, as approved by the treatment team and documented in their treatment plan.

~~[NAC 424.695 Plan of treatment: Preparation and submission. (NRS 424.020) A group foster home shall prepare a comprehensive plan of treatment for each child and submit it to the agency placing the child in the home within 30 days after placement. The plan must be worked out jointly with the child, the child's caseworker and natural parents, and any other appropriate persons. The plan must address projected planning for the child's return home or to an alternative placement in the community.]~~

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below:

NAC 424.695 Care Requirements.

1. A treatment program shall provide care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.

2. *The treatment program shall not release a child to anyone for outside care or supervision unless:*

(a) Such person is the child's family member, CASA, therapist, attorney or other appropriate person; and has received approval by the agency which provides child welfare services, juvenile parole/probation officer or legal guardian and is documented in the child's treatment plan.

(b) The respite care provider has received clearance from the licensing authority as a non-primary staff.

3. *The treatment program shall have planned activities that are appropriate to the child's development, age and functioning, such as 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. Opportunities may include:*

(a) Social, friendships, school and community activities.

(b) Leisure time activities.

(c) Self expression and communication.

(d) Appropriate physical exercise to encourage gross and fine motor skill development.

(e) Activities to encourage mental/intellectual stimulation and development.

(f) Activities appropriate to a child's ethnicity or culture.

(g) Activities geared toward a child's individual interests.

(h) Various indoor and outdoor recreational activities and necessary play equipment.

4. *Treatment programs which care for adolescents shall seek to prepare them for successful independent living by offering "first-hand" experiences in tasks such as budgeting, and saving money, grocery shopping, preparing meals, obtaining public transportation, washing clothes, problem solving and other daily living activities and skills.*

5. *The treatment program 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. *Care giver/staff shall be nonjudgmental regarding the child's parents.*

7. *Care giver/staff shall see that each child observes curfew and all other requirements specified by law.*

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.6XX Treatment planning and progress review: Preparation and submission. (NRS 424.020)

1. **Treatment planning:** *Each child in a treatment home shall have a comprehensive treatment plan developed with the participation of the child's treatment team and shall be submitted to the agency providing child welfare services, the legal guardian and/or juvenile parole/probation within 30 days after placement. A completed treatment plan shall be placed in the child's file of record maintained by the treatment program and available upon request by the licensing authority.*

2. **Progress report:** *Every 90 days a progress report shall be submitted to the agency providing child welfare services, the legal guardian and/or juvenile parole/probation.*

3. Discharge summary: Within 30 days of discharge the treatment program shall provide to child welfare services, the legal guardian and/or juvenile parole/probation who placed the child a written Discharge Summary.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.6XX Seclusion and restraint.

1. The use of mechanical restraint, chemical restraint or seclusion is strictly PROHIBITED.

2. A physical restraint shall only be used to protect the safety of the child and/or others from imminent threat of physical injury or severe property damage.

3. Staff cannot perform physical restraints without prior training and certification from a nationally recognized program or one approved by the State of Nevada Department of Health and Human Services (DHHS).

4. All staff must maintain certification from a nationally recognized program or one approved by the DHHS.

5. Staff shall receive updates as required to maintain ongoing and continuous certification.

6. Proof of certification shall be made available to the licensing authority upon request.

7. Each staff member who uses a physical restraint or who witnesses the use of a physical restraint shall, within 24 hours of each incident, provide the treatment program director a written incident report describing the occurrence.

8. The director or designee shall verbally notify the caseworker within 24 hours from time of report and provide a copy of the incident report to the licensing authority and placing caseworker no later than 7 calendar days from the date of the incident.

~~[NAC 424.700 Records: Children. (NRS 424.020) A treatment home shall keep records of a child's activities and progress and additional records as required by the agency placing the child in the treatment home. All such records must be available for review, copying or auditing by authorized representatives of the agency which provides child welfare services and the agency placing the child at reasonable times, without prior notice, during normal business hours. A folder for each child accepted for foster care must be maintained and include, without limitation:~~

~~—1. The name of the child.~~

~~—2. The date of birth of the child.~~

~~4. The date of admission of the child to the treatment home.~~

~~5. The name of the agency placing the child in the treatment home and the caseworker.~~

~~6. The medical history of the child, including a record of any medical care, dental care and immunizations received, and any medication regimen carried out, while in foster care.~~

~~—6. Any records and reports regarding the education of the child.~~

~~—7. A plan of treatment for the child.~~

~~—8. The case history of the child.~~

~~—9. Any progress reports, accident reports and incident reports regarding the child.~~

~~—10. Any restrictions on visits or activities.~~

~~—11. A record of the child's clothing at the time of admission and discharge.~~

~~—12. The date and reason for the child's discharge and the name of the person to whom the child is discharged.]~~

NAC 424.700 is hereby amended to read as follows:

NAC 424.700 Records: Children. (NRS 424.020)

1. A treatment program shall ensure an individual record is maintained for each child placed in the treatment home and the record is:

(a) Maintained in a secure location to ensure confidentiality and protected from unauthorized access.

(b) Protected from loss, damage, or alteration.

(c) Current and accurate.

(d) Made available upon request for review, copying or auditing by authorized representatives of the agency which provides child welfare services and the agency placing the child at reasonable times.

(e) Retained for six (6) years from date of discharge or case closure.

(f) Destroyed in a way that the information cannot be reconstructed and that protects client confidentiality when the retention period has been satisfied.

2. The treatment home provider agency shall ensure each record contains the following information:

(a) Child's identifying information;

(b) Photograph taken at the time of admission and annually thereafter;

(c) Intake, referral, and child assessment information required for admission such as evaluations (psychological, psychiatric, social, physical, etc) and admission summaries;

(d) Date of admission to the treatment home;

(e) Current contact information for child's parent, guardian, custodian, caseworker; and placement agency;

(f) Emergency contact information for parent, case worker, and physician;

(g) Medical information that includes:

1. Names of physician, dentist, and other treatment providers.

2. Record of all medical/dental care or immunizations child received during placement including diagnostic information, name of treating physician, and record or plan for follow up treatment.

3. Record of illnesses child experienced during placement.

4. Record of medication(s) administered to the child.

5. Known allergies or physical limitations.

(h) School information: records and reports regarding child's educational needs;

(i) A rehabilitative plan of treatment for the child, ongoing progress review reports, and discharge planning summaries;

(j) Accident and incident reports regarding the child;

(k) Restrictions on visits or activities;

(l) Record of the child's clothing and personal possessions, recorded at the time of admission and discharge;

(m) Signed releases of information or other required authorization forms;

(n) Record of any client rights that are denied or limited to the child and the disposition of any grievances; and,

(o) Progress notes of observations of child's behavior, progress in the treatment home and contacts with others regarding the child's care or treatment.

~~*[NAC 424.705 Records: Staff. Treatment homes will maintain personnel records for all employees, which shall include:*~~

~~*1. Application for employment, which shall include an employment history and any needed release of information forms.*~~

~~*—2. References.*~~

~~*—3. Health reports.*~~

- ~~—4. Record of training-~~
- ~~—5. Any other needed information, such as incident reports, regarding the employee.~~
- ~~—6. Regular supervisor's evaluations-~~
- ~~—7. Law enforcement checks.]~~

NAC 424.705 is hereby amended to read as follows:

NAC 424.705 Records: Staff. *Treatment programs shall maintain personnel records for all employees, which shall include:*

- 1. Application for employment, which shall include an employment history and any needed release of information forms.*
- 2. References.*
- 3. Current TB test results.*
- 4. Record of training.*
- 5. Any other needed information, such as incident reports, regarding the employee.*
- 6. Regular supervisor's evaluations.*
- 7. Documentation of required law enforcement checks.*

Staff clearance documents must be forwarded to the licensing authority upon initial hire and be kept updated throughout the course of his/her employment. The licensing authority shall determine when the staff member meets requirements and notify the agency in writing when both conditional and permanent requirements have been met. The licensing authority must be notified in writing when a staff leaves employment.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.XXX: Medication management – prescribed and over-the-counter.

A. Each treatment home program shall have a policy on medication management and administration of prescription and over-the-counter medication that includes:

(1) Documentation that any staff administering medication will have completed orientation training on medication management within the first 30 days of employment and annually thereafter;

(2) Provision for locked storage of all medications including those that must be refrigerated;

(3) Provision of a medication manual for each site which gives information on side-effects of medication or a record of drug side-effects for each medication;

(4) A medication administration record for each child who receives prescription and over-the-counter drugs which includes:

(a) name, age, and any known allergies of the youth;

(b) a section for each prescribed medication which includes the name of the medication, the dosage and times for administration and the purpose of the medication;

(c) dates and times for staff to initial the prescription or over-the counter medication was administered;

(d) documentation of medication information provided to the client – name of medication, purpose and dosage schedule;

(e) observe medication was taken properly and not cheeked and saved by the client;

(f) any refusal of medication; and,

(g) observation and documentation of any effects of medication – the desired or expected effect or an unexpected effect.

(4) Review of medication log to identify any medication errors;

- (5) A procedure for documenting and managing adverse reactions including notifying the physician of minor reactions or emergency personnel in case of severe reactions; and,*
(6) Documentation of any severe reactions and medication errors through the incident reporting system.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC424.7XX Incidents and incident reporting.

The agency providing child welfare services, the legal guardian and/or juvenile probation/parole shall be notified verbally within 24 hours and within 2 work days in writing when any of the following occur to children in the care of the Division/Department:

1. Any injury or trauma to a resident or staff member for which the resident or staff member requires the services of a licensed medical professional including all of the following, but not limited to:

- a. Any time a child receives emergency medical attention;*
- b. A broken bone, a burn, a concussion, a wound requiring medical attention;*
- c. the ingestion of poison or drug overdose;*
- d. A traumatic incident such as a resident who nearly drowns or suffocates or who goes into shock;*
- e. An error in medication administration by either a resident or staff member requiring a physician to be called or a child to receive emergency room treatment or hospitalization. (An error is defined as a failure to follow directions for administration of one or more medication);*
- f. Death of a resident;*
- g. A suicide attempt by a resident;*
- h. Outbreak of a reportable communicable disease;*
- i. Any condition or situation that requires the removal of residents from the home or the closure of the home;*
- j. Any physical damage to the premise that would affect the safe shelter of children including failure in heating, cooling, electrical, plumbing, or smoke or fire detection system that is not repaired or that cannot be repaired within 24 hours after the failure occurs or becomes known; or*
- k. A fire on the premises that required the services of a fire department.*

2. The licensee shall submit a copy of a vehicle accident report where a child has been involved that results in a police report.

3. Occurrence of any changes in the foster home which affect its continuing conformance with the requirements for foster home care, including, without limitation, any major illness, major injury or arrest of any individual living or working in the home.

4. When a child runs away, is missing or abducted, the appropriate law enforcement personnel and agency placing the child shall be notified as soon as it has been determined a child is gone.

b) AGENCIES WHICH PROVIDE CHILD WELFARE SERVICES

NAC 424.750 is hereby amended to read as follows:

NAC 424.750 Audit of records: Notice of finding of noncompliance; plan of action; reevaluation; possible revocation or suspension of license. (NRS 424.020)

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 [resources] 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, *group home or treatment program* including, without limitation, an evaluation and an assessment of the family of the applicant;

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

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

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

(e) A checklist 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, *treatment plans, medical records, incidents, personnel and training requirements*.

(f) A complaint concerning a licensee, 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, including any notes in such a case file; and

(i) Any waivers granted pursuant to NAC 424.800 and any approvals granted pursuant to NAC 424.160, 424.195, 424.250, 424.300, 424.375, 424.455, 424.465, 424.535, 424.555, 424.590, 424.655 and 424.680.

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 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, *group home or treatment program* and to remove any foster children placed in the foster/*group home or treatment program* 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 or the foster home as determined by the division as a result of an audit performed pursuant to subsection 1.

c) MISCELLANEOUS PROVISIONS

NAC 424.800 Waiver of requirements. (NRS 424.020) Except as otherwise provided in NAC 424.195, the administrator or, if he 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 child and is not in violation of any statute of this state or federal law.

NAC 424.805 Provision of services to foster parents caring for children in custody of agency which provides child welfare services. (NRS 424.020, 424.077)

1. The agency which provides child welfare services shall provide direct services to foster parents 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 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 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.

NAC 424.810 Provision of information concerning child to provider of family foster care. (NRS 424.020, 424.038) 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 on a form prescribed by the agency which provides child welfare services.

NAC 424.815 Access by provider of family foster care to information maintained by licensing authority concerning provider. (NRS 424.020, 424.047)

1. For the purposes of NRS 424.047:

(a) A provider of family foster care must submit his 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 his 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.

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

NAC 424.820 Liability insurance: Maintenance; notification of cancellation or non-renewal. (NRS 424.020) Each ~~[group foster home]~~ *treatment home* 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 canceled or not renewed, the director shall notify the licensing authority 20 days before the effective date of cancellation or non-renewal. Failure to maintain the insurance in force is a basis for the revocation of a license.

Chapter 424 of NAC is hereby amended by adding thereto the provisions as set forth below.

NAC 424.XXX: Disaster and evacuation plan. Each licensed home shall develop a Disaster and Evacuation Plan, including shelter in place that, at a minimum, includes a plan to evacuate and provision to notify the licensing authority of the emergency location of children in substitute care.