

**REVISED PROPOSED REGULATION OF THE
BOARD FOR CHILD CARE**

LCB File No. R203-03

March 12, 2004

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

AUTHORITY: §§1-22, NRS 432A.077.

A REGULATION relating to children; requiring certain employees of a child care facility and certain other persons to complete certain training and to obtain and maintain current certification in the administration of cardiopulmonary resuscitation; prohibiting certain licensees of family or group homes from obtaining multiple licenses to operate child care facilities; expanding the grounds pursuant to which the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Human Resources may suspend or revoke licenses to operate child care facilities; requiring, under certain circumstances, licensees of family and group homes to reside in the facility and provide direct care to the children in the facility; and providing other matters properly relating thereto.

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Department” means the Department of Human Resources.*

Sec. 3. 1. *Each person who is employed in a child care facility, other than in an accommodation facility, shall:*

(a) Except as otherwise provided in subsection 2 and NAC 432A.560 and 432A.570, obtain certification in the administration of cardiopulmonary resuscitation within 90 days after the person commences his employment in the facility; and

(b) Maintain current certification in the administration of cardiopulmonary resuscitation.

2. A person is not required to obtain the certification required pursuant to subsection 1 if on the date that he commences his employment in the facility he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in this section.

3. The certification required pursuant to subsection 1 must include certification in administering cardiopulmonary resuscitation to children and:

(a) To infants, if care is provided to infants at the facility; and

(b) To adults, if necessary to ensure that the person is certified to administer cardiopulmonary resuscitation to children of all ages for which care is provided at the facility.

4. Each course completed to obtain and maintain the certification required pursuant to subsection 1 must be taught by a certified instructor who meets the standards of the American Heart Association or the American National Red Cross.

5. Evidence that an employee has obtained and maintained current certification in the administration of cardiopulmonary resuscitation as required pursuant to this section must be included in his personnel file and must be kept at the facility.

Sec. 4. NAC 432A.010 is hereby amended to read as follows:

432A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432A.012 to 432A.165, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 432A.200 is hereby amended to read as follows:

432A.200 1. An application for an initial license to operate a facility must be:

(a) Submitted to the Bureau on a form supplied by the Bureau; and

(b) Accompanied by the following appropriate fee:

- (1) If the facility is to provide care for 5 or 6 children.....\$20
- (2) If the facility is to provide care for 7 or more but not more than 12 children60
- (3) If the facility is to provide care for 13 or more but not more than 50 children100
- (4) If the facility is to provide care for 51 or more but not more than 100 children150
- (5) If the facility is to provide care for 101 or more but not more than 150 children200
- (6) If the facility is to provide care for 151 or more but not more than 200 children250
- (7) If the facility is to provide care for more than 200 children.....300

2. After receiving a completed application and payment of the appropriate fee, the Bureau will:

(a) Conduct an investigation into the qualifications and background of every applicant and his employees, and every resident of the facility who is 18 years of age or older;

(b) Inspect the buildings of the facility; and

(c) Examine the plans for care of the children and management of the facility.

3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.

4. Fingerprints must be taken and applications for investigations must be made by:

(a) An employee or a resident of the facility within 3 working days after the date of hiring or his presence in the facility, and every 6 years thereafter.

(b) An applicant at the time of an application for initial license.

(c) A licensee every 6 years after the date his license is originally issued.

5. The Bureau will immediately notify the applicant or licensee if the investigation indicates that he or an employee or resident of the facility has been convicted of any offense listed in subsection 2 of NRS 432A.170.

6. The license must not be issued until the Chief *of the Bureau* is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection by the State Fire Marshal or the State Health Officer, finding satisfactory conditions, may be accepted by the Chief as proof of compliance with the applicable regulations.

7. *A licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.*

8. An applicant must, before a license is issued to him, submit to the Bureau a certificate stating that he holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Bureau.

~~8.~~ 9. If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his application and related material and the investigation, a license will be issued to him within 30 days after completion of the investigation.

~~9.~~ 10. A licensee shall return to the Bureau his license if he ceases to operate a facility, if the license has been suspended or revoked ~~8.~~ or if his annual license is placed on a provisional basis.

Sec. 6. NAC 432A.230 is hereby amended to read as follows:

432A.230 1. In addition to the grounds set forth in NRS 432A.190, the Bureau may suspend or revoke the license of a licensee on the ground that ~~the~~:

(a) *The* health or safety of a child in the facility is being endangered ~~it~~; or

(b) *The facility is not in compliance with standards for safety from fire and other emergencies or standards for health and sanitation as determined by the Bureau after an inspection of any building or premises of the facility conducted pursuant to NRS 432A.180.*

2. The notice of denial, suspension or revocation required by NRS 432A.200 must be sent by the Bureau within 30 days after its determination to suspend or revoke a license or to deny an application for a license.

Sec. 7. NAC 432A.260 is hereby amended to read as follows:

432A.260 1. To maintain his license, the licensee must ensure that his facility meets all standards for environmental health which are established by the Bureau of Consumer Health Protection of the Health Division of the Department . ~~of Human Resources.~~

2. Reports of inspections concerning the sanitation of a facility must be maintained in a physical file at the facility and available for review at the facility by a parent of a child who attends the facility or a parent who is considering enrolling his child at the facility for at least 2 years after the date of the inspection.

Sec. 8. NAC 432A.306 is hereby amended to read as follows:

432A.306 1. Every caretaker of children in a child care facility must be:

(a) At least 16 years of age;

(b) Able to summon help in an emergency; and

(c) Emotionally and physically qualified to carry out a program which places emphasis on the development of children.

2. ~~Not~~ **Not** more than 50 percent of the caretakers in a child care center, a child care institution or a preschool may be under 18 years of age. Any caretaker who is under 18 years of age and is employed in such a facility must:

(a) Have completed a course in the development of children which is approved by ~~the Chief of the Bureau;~~ :

(1) An agency designated by the Director of the Department; or

(2) If the Director has not designated an agency, the Bureau or the local licensing agency; or

(b) Be currently enrolled in such a course.

3. A child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility.

Sec. 9. NAC 432A.308 is hereby amended to read as follows:

432A.308 1. Whenever a child care facility is in operation, at least one of the caretakers on duty must have completed ~~[, or be in the process of completing,]~~ a program for the recognition of ***signs and*** symptoms of illness and the administration of first aid.

2. The program may be carried out in a classroom or on the job. The program must include training in health and the observation and evaluation of ***signs and*** symptoms of illness and responses to illness and emergencies, including the administration of first aid to victims of fire, serious injury or the ingestion of poison. ***The training must be provided by a licensed health care professional or a representative of a licensed health care agency or clinic, a community***

college, a university, the American National Red Cross, an adult education program in home nursing or another appropriate institution.

3. A licensee of a child care facility must present evidence to ~~[the Bureau]~~ :

(a) An agency designated by the Director of the Department; or

(b) If the Director has not designated an agency, the Bureau or the local licensing agency,

↳ showing that caretakers on duty while the facility is operating are in compliance with the requirements of this section, described in ~~[this subsection.]~~ *subsection 4.*

4. A certificate or other evidence of compliance issued by a ~~[community]~~ *licensed* health *care professional, a licensed health care* agency or clinic, *a* community college, *a* university, the *American National* Red Cross, an adult education program in home nursing or ~~[other]~~ *another* appropriate institution is adequate evidence of compliance. ~~[If training is done on the job, an affidavit signed by the director is adequate evidence of compliance.]~~

Sec. 10. NAC 432A.320 is hereby amended to read as follows:

432A.320 1. Newly employed members of the staff must be given an orientation program and trained by the director in the policies, procedures and programs of the facility . ~~[and the recognition of the symptoms of illness.]~~

2. If required by the director or owner of the facility, a member of the staff shall participate in any specialized training related to child care which is offered in the community where the facility is located.

3. ~~[For the purposes of this section, a]~~ **A** volunteer who works at least 20 hours per week in a facility and participates in specialized child care training, as defined by the director ~~[, is]~~ :

(a) Is a member of the staff of the facility [.]for the purposes of this section; and

(b) Must satisfy the training and certification requirements set forth in NAC 432A.323 and 432A.326 and section 3 of this regulation.

Sec. 11. NAC 432A.323 is hereby amended to read as follows:

432A.323 1. ~~Each person~~ *Except as otherwise provided in subsection 3, within 90 days after commencing his employment in a child care facility, each person* who is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, shall *complete at least 9 hours of training which must include:*

(a) Training received for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to section 3 of this regulation; and

(b) Training concerning:

(1) The administration of first aid;

(2) The recognition of signs and symptoms of illness;

(3) The recognition of child abuse and neglect; and

(4) The reporting requirements relating to child abuse and neglect.

2. *Except as otherwise provided in subsection 3, within 12 months after commencing a position as a director of a child care facility, obtaining a license to operate a child care facility or commencing employment as a caretaker in a child care facility, each such director, licensee and caretaker shall, in addition to completing any training required pursuant to subsection 1 and completing any course in the development of children required pursuant to NAC 432A.306, complete at least ~~6~~:*

(a) Three hours of training by completing a course in the development of children; and

(b) Three hours of training in child care . ~~[, of which not more than 3 hours may be in~~

~~training concerning how to perform cardiopulmonary resuscitation, within 6 months after commencing his employment unless he has completed such]~~

3. *A person is not required to complete:*

(a) *The training required pursuant to subsection 1 for the purpose of obtaining certification in the administration of cardiopulmonary resuscitation if on the date that he commences his employment in the facility he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation.*

(b) *Any other training required pursuant to subsection 1 or 2 if he has completed that training within the previous 12 months.*

~~[2.]~~ 4. *The training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required to be completed pursuant to this section must be provided by one of the persons, agencies or institutions listed in NAC 432A.308 as qualified to provide such training.*

5. The training required pursuant to ~~[subsection]~~ *subsections 1 and 2* must be designed to:

(a) Ensure the protection of the health and safety ~~[:]~~ *of each child accommodated in the facility;* and

(b) Promote the physical, moral and mental well-being ~~[:]~~ *of each child accommodated in the facility.*

6. If the facility is a special needs facility, the training *required pursuant to subsections 1 and 2* must also be designed to provide information on the characteristics of handicapping conditions and appropriate programs for children with special needs. The training must be established or approved by ~~[the Chief of the Bureau.~~

~~—3.] :~~

(a) *An agency designated by the Director of the Department; or*

(b) *If the Director has not designated an agency, the Bureau or the local licensing agency.*

7. Evidence that an employee has completed the training *required pursuant to subsections 1 and 2* must be included in his personnel file *and must be* kept at the facility. *With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.*

Sec. 12. NAC 432A.326 is hereby amended to read as follows:

432A.326 1. ~~[After]~~ *During each 12-month period immediately succeeding the* completion of the initial training required pursuant to NAC 432A.323, each director and licensee of a child care facility and each caretaker who is employed at the facility shall participate in a program of training in child care for at least ~~[12 hours in each year,]~~ *15 hours*, of which not more than 3 hours may be training in ~~[how to perform]~~ *the administration of* cardiopulmonary resuscitation ~~[.]~~, *including a course completed to maintain the certification required pursuant to section 3 of this regulation.* The program may be in the form of:

(a) Workshops or conferences;

(b) Formal training; or

(c) Training at a child care facility during the period of employment.

2. *Any training included in the program relating to the administration of cardiopulmonary resuscitation must be taught by a certified instructor who meets the standards of the American Heart Association or the American National Red Cross.*

3. The program must be provided or approved by ~~[the Chief of the Bureau.] :~~

(a) An agency designated by the Director of the Department; or

(b) If the Director has not designated an agency, the Bureau or the local licensing agency.

4. A director, licensee or caretaker described in subsection 1 may not receive credit toward the program of training required pursuant to subsection 1 for hours of training received concerning the administration of first aid or concerning the recognition of signs and symptoms of illness more than once every 36 months.

Sec. 13. NAC 432A.534 is hereby amended to read as follows:

432A.534 1. In a family home, ~~no~~ *not* more than four of the children may be less than 2 years of age, and ~~no~~ *not* more than two of the children may be less than 1 year of age.

2. A licensee of a family home shall:

(a) Have one caretaker on duty at all times;

(b) Have a second caretaker on duty whenever four or more of the children in the facility are children with special needs; and

(c) Provide an alternate caretaker in case of an emergency.

3. If a licensee of a family home is:

(a) A natural person, the licensee shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS

432A.150 as a person authorized to operate the facility shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

Sec. 14. NAC 432A.536 is hereby amended to read as follows:

432A.536 1. In a group home, ~~no~~ *not* more than eight of the children may be less than 3 years of age, and ~~no~~ *not* more than four of the children may be less than 1 year of age.

2. A group home must have one caretaker on duty at all times. An additional caretaker must be on duty whenever one or more of the following conditions exist:

- (a) More than six children are in the facility;
- (b) More than four of the children are less than 2 years of age; or
- (c) More than two of the children are less than 1 year of age.

↪ Three caretakers must be on duty whenever eight or more of the children in the facility are children with special needs.

3. If a licensee of a group home is:

(a) A natural person, the licensee shall:

- (1) Reside in the facility; and***
- (2) Provide direct care to the children in the facility.***

(b) Not a natural person, one of the persons listed on the license pursuant to NRS

432A.150 as a person authorized to operate the facility shall:

- (1) Reside in the facility; and***
- (2) Provide direct care to the children in the facility.***

Sec. 15. NAC 432A.560 is hereby amended to read as follows:

432A.560 1. The director of a facility that provides care for ill children must be:

- (a) A physician as defined in NRS 630.014;
- (b) A physician assistant as defined in NRS 630.015;
- (c) An advanced practitioner of nursing, as defined in NRS 632.012, who has a specialty in pediatrics;

(d) A registered nurse as defined in NRS 632.019; or

(e) A licensed practical nurse, as defined in NRS 632.016, who has 2 years of experience in pediatric nursing.

2. The director shall complete at least 60 hours of initial training in:

(a) The control of communicable diseases; and

(b) The recognition of *signs and* symptoms *of childhood illnesses* and the care of childhood illnesses.

3. The director must be ~~at~~:

(a) *At* least 21 years of age ~~is~~; *and*

(b) *Certified in the administration of cardiopulmonary resuscitation.*

4. The certification in the administration of cardiopulmonary resuscitation set forth in subsection 3 must be obtained before a person may hold the position of director of a facility that provides care for ill children.

Sec. 16. NAC 432A.570 is hereby amended to read as follows:

432A.570 1. Each member of the staff of a facility that provides care for ill children:

(a) Must be at least 18 years of age.

(b) Must be trained and certified in first aid and *in the administration of* cardiopulmonary resuscitation.

(c) Shall earn a total of 3 hours of training each year in the control of communicable diseases and the recognition and treatment of childhood illnesses.

(d) ~~Shall~~ *Must* provide to the facility his record of immunizations before beginning employment.

2. *The certification in the administration of cardiopulmonary resuscitation set forth in subsection 1 must be obtained before a person may be employed as a member of the staff of a facility that provides care for ill children.*

3. Evidence that a member of the staff has completed the requirements of paragraphs (b), (c) and (d) of subsection 1 must be included in his personnel file *and must be* kept at the facility.

Sec. 17. NAC 432A.685 is hereby amended to read as follows:

432A.685 1. The provider shall establish and maintain a personnel file for each employee.

Each individual file must include:

(a) The person's application for employment, including a record of his previous employment and related references.

(b) Evidence of his applicable credentials and certifications.

(c) An initial medical evaluation, including the results of a tuberculin test.

(d) A current record of all related training successfully completed *and certification obtained* by the employee, including training in such areas as the administration of first aid and *the certification in the administration of* cardiopulmonary resuscitation ~~is~~ *required pursuant to section 3 of this regulation.*

(e) A copy of each evaluation of his work performance.

(f) A copy of his registration as an alien, if applicable.

(g) A copy of the results of the investigation of his background and personal history which is conducted pursuant to NRS 432A.170.

(h) A copy of the rules of conduct for employees which has been signed by the employee indicating that he has received and understands the rules.

2. The field administrator shall allow each employee reasonable access to his respective personnel file and shall allow the employee to insert written statements in the file. The provider shall retain the personnel file of an employee for at least 1 year after the termination of his employment.

Sec. 18. NAC 432A.690 is hereby amended to read as follows:

432A.690 1. The field administrator of a program which uses volunteers or student interns shall adopt a written plan for using such assistance. The plan must address such issues as:

- (a) The necessary direct supervision of the volunteer or intern by a paid member of the staff.
- (b) The manner and extent of required orientation and training of the volunteer or intern regarding the philosophy of the program, the needs of the clients and the methods of meeting those needs.

2. The field administrator shall maintain a personnel file on each volunteer or intern. The file must include all of the information required for employees pursuant to NAC 432A.685 ~~+~~ *except that the record of all related training successfully completed and certification obtained is only required if that training or certification is required pursuant to NAC 432A.320.*

Sec. 19. 1. Each person who on the effective date of this regulation is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, or is required pursuant to the amendatory provisions of NAC 432A.320 to satisfy the training and certification requirements set forth in NAC 432A.323 and section 3 of this regulation, shall:

- (a) Complete the 9 hours of training required pursuant to the amendatory provisions of NAC 432A.320 or subsection 1 of NAC 432A.323; and

(b) Obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of NAC 432A.320 or section 3 of this regulation,

↳ within 12 months after the effective date of this regulation unless the person has completed the training within the 12 months before the effective date of this regulation or unless on the effective date of this regulation the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation.

2. Evidence that such a person has completed the training required pursuant to subsection 1 and has obtained certification in the administration of cardiopulmonary resuscitation as required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

3. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required pursuant to the amendatory provisions of NAC 432A.323, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

Sec. 20. Each person who on the effective date of this regulation is a director or licensee of a child care facility or is a caretaker employed in a child care facility shall, within 12 months after the effective date of this regulation and in addition to completing any training required pursuant to section 19 of this regulation and completing any course in the development of children required pursuant to NAC 432A.306, complete at least:

1. Three hours of training by completing a course in the development of children; and
2. Three hours of training in child care,

↳ unless the person has completed the training within the 12 months before the effective date of this regulation.

Sec. 21. Notwithstanding the amendatory provisions of subsection 7 of NAC 432A.200, a licensee of a family home or a licensee of a group home who has more than one license to operate a child care facility on the effective date of this regulation may:

1. Apply, pursuant to NAC 432A.220, for the reissuance of each of those licenses held on the effective date of this regulation; and
2. Continue to operate each child care facility for which he has a license until his license to operate that child care facility is suspended, revoked or is otherwise terminated.

Sec. 22. 1. Notwithstanding the amendatory provisions of NAC 432A.560 and subsection 2 of NAC 432A.570, each person who on the effective date of this regulation is a director of a facility that provides care for ill children or a member of the staff of such a facility shall obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of section 3 of this regulation within 12 months after the effective date of this regulation unless on the effective date of this regulation the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation.

2. Evidence that the director of the facility or the member of the staff of the facility has completed the requirements of subsection 1 must be included in his personnel file and must be kept at the facility.