

LCB File No. R112-05

PROPOSED REGULATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Department of Health and Human Services.

The Department of Health and Human Services will hold a public hearing at 10:00 a.m., on September 12, 2005 at 555 E. Washington Ave., Room 4412, Las Vegas, Nevada, with videoconference to 401 South Carson Street, Room 3138, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 430A (Family Resource Centers) of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. Chapter 430A of the Nevada Revised Statutes (NRS) was amended by Senate Bill 297 from the 2005 Legislative Session. The proposed amendment to NAC corresponds to the statutory changes.
2. The substantive changes are as follows:
 - a) References to "neighborhood" are changed to "community" to better reflect service areas;
 - b) References to "Local Governing Boards" are removed as the related functions have been redirected to department staff and to the Grants Management Advisory Committee.
 - c) Determination of service areas changed to facilitate outreach to all areas of the state, and to coordinate with existing service delivery systems to the extent possible.
 - d) Composition of family resource center council changed to allow greater flexibility in recruiting members, while ensuring a reasonable connection to the service area.
 - e) Requirements for progress reports changed to reflect the elimination of local governing boards, and to allow flexibility with regard to number and timing of reports, depending on the performance of the individual centers, and the aggregate reporting requirements for the department.
 - f) The responsibility for implementing the Request for Application process transferred to the department.
 - g) References to enterprise zones were removed as they are no longer relevant to this program.
 - h) Requirements for Action Plans were changed to reflect current services, which are limited to case management and information and referral. Also added requirement that the Plan include bylaws for the family resource center council, to support implementation of appropriate roles for each council.
 - i) Revised criteria for approval of Action Plan to focus on experience and capacity of service provider, adequacy of Plan for service area, feasibility of achieving outcomes with available resources, and appropriate input from council.
 - j) Revised allocation formula to utilize statistical data relevant to serving at-risk populations.

3. This NAC does not regulate business and will have no immediate or long-term effects on business.
4. Because this is an amendment to existing regulations, no additional costs are estimated for enforcement.
5. There are no other state, local or federal regulations that overlap with the proposed regulation.
6. The proposed regulation is not required pursuant to federal law.
7. The proposed regulation does not include any provisions which are more stringent than federal regulations.
8. The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Department of Health and Human Services may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to Department of Health and Human Services, Grants Management Unit, 505 E. King St., Room 600, Carson City, NV 89701.

Written submissions must be received by the Department of Health and Human Services on or before September 5, 2005. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Health and Human Services may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the following locations:

Department of Health and Human Services, 505 E. King St, Room 600, Carson City
Department of Health and Human Services, 3100 W. Sahara Ave., Suite 208, Las Vegas
Division for Aging Services, 850 Elm Street, Elko
Welfare Division, 725 Avenue K, Ely
Welfare Division, 111 Industrial Way, Fallon
Welfare Division, 1000 "C" Street, Hawthorne
Welfare Division, 3700 E. Charleston Blvd, Las Vegas
Welfare Division, 3697 Kings Row, Reno
Welfare Division, 475 West Haskell Street, #6, Winnemucca
Welfare Division, 215 W. Bridge Street, #6, Yerington
Washoe County Social Services, 1001 East Ninth Street, Reno
Clark County Social Services Agency, 1600 Pinto Lane, Las Vegas

and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

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PROPOSED REGULATION OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHAPTER 430A - FAMILY RESOURCE CENTERS

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NAC 430A.010 **Definitions.** As used in this chapter, unless the context otherwise requires:

1. “At-risk *community* ~~[neighborhood]~~” has the meaning ascribed to it in NRS 430A.020.
2. “Department” means the department of *health and* human ~~[resources]~~ *services*.
3. “Director” means the director of the department of *health and* human ~~[resources]~~ *services*.
4. “Family resource center” has the meaning ascribed to it in NRS 430A.040.

- ~~[5. “Local governing board” has the meaning ascribed to it in NRS 430A.050.]~~
6. “[~~Neighborhood a~~]Action plan” has the meaning ascribed to it in NRS 430A.060.
7. “[~~Neighborhood~~] *Family resource center* council” has the meaning ascribed to it in NRS 430A.070.

- ~~[NAC 430A.020—Designation of nonprofit associations as local governing boards.~~
- ~~—1. The director shall designate at least two nonprofit associations to act as local governing boards.~~
- ~~—2. To be designated as a local governing board pursuant to this section, a nonprofit agency must demonstrate to the director its experience in the administration of social services, including its capacity and ability to:~~
- ~~—(a) Collaborate effectively with persons and organizations in the community, including, but not limited to, residents of the community, churches, agencies which provide social services and other nonprofit agencies, who have an interest in the establishment and maintenance of a family resource center within that community;~~
- ~~—(b) Identify the needs of an at risk neighborhood; and~~
- ~~—(c) Develop partnerships with members of the community and other local advisory boards.~~
- ~~—3. For the purposes of this chapter, a nonprofit agency may include a collaboration of two or more nonprofit agencies wherein one of the agencies is designated as the fiscal agent for the collaborative nonprofit agency.]~~

NAC 430A.030 Evaluation and determination of [~~neighborhoods~~] service areas proposed to be designated as at-risk [~~neighborhoods~~]; criteria.

1. The department will determine with input from the advisory council the geographic areas to be family resource center service areas. All areas of the state will be within one of the designated service areas.

2. Consideration will be given to existing service delivery systems defined by geographic boundaries.

~~[1. A local governing board shall evaluate the neighborhoods within the geographic area under its jurisdiction which are proposed to be designated as at-risk neighborhoods. A local governing board may recommend that a neighborhood be designated as an at-risk neighborhood if the board determines that at least two of the following criteria exist in that neighborhood:~~

- ~~—(a) At least 35 percent of the residents have an income level which is at or below the federally designated level signifying poverty.~~
- ~~—(b) At least 10 percent of the residents have dropped out of high school and have not obtained a high school diploma, general equivalency diploma or other equivalent certificate.~~
- ~~—(c) At least 30 percent of the residents have lived in the neighborhood for 1 year or less.~~
- ~~—(d) At least 35 percent of the residents are receiving public assistance, including, but not limited to, emergency assistance, food stamps and payments of aid for families with dependent children pursuant to 42 U.S.C. §§ 601 et seq.~~
- ~~—(e) At least 25 percent of the residents are of an ethnic minority.~~
- ~~—(f) The rate of crime in the neighborhood during the previous 12 months is at least 25 percent higher than the average rate of crime for the county in which the neighborhood is located during the same period.~~

~~—(g) The rate of pregnancies in unmarried teen age girls during the previous 12 months is at least 10 percent higher than the average rate of pregnancies in unmarried teen age girls in the State of Nevada during the same period.~~

~~—(h) The number of reports of child abuse and neglect during the previous 12 months is at least 10 percent higher than the average number of such reports in the State of Nevada during the same period.~~

~~—2. The recommendation of the local governing board that a neighborhood be designated as an at risk neighborhood must include an evaluation of the neighborhood.~~

~~—3. As used in this section, federally designated level signifying poverty means the federal guidelines of poverty as established by the United States Department of Health and Human Services.]~~

NAC 430A.040 Composition of ~~[local governing boards and advisory committees; residency requirements]~~ *family resource center council*. ~~[Except as otherwise provided in this section, at least 50 percent of the members of a local governing board which is overseeing a family resource center must be residents from the geographical area served by the local governing board. If a nonprofit association appointed as the local governing board establishes an advisory committee specifically to advise the board in matters relating to the family resource centers under the jurisdiction of the board, at least 50 percent of the members of that advisory committee must be residents from the geographical area served by the local governing board.]~~

1. Each family resource center must establish an advisory council comprised of community residents and collaborative partners to assist and advise in the provision of services to at risk residents of the service area.

2. Family resource center advisory councils must meet a minimum of twice a year.

3. Each family resource center council will develop by-laws.

NAC 430A.050 Submission of ~~[quarterly]~~ *progress reports* by ~~[local governing boards]~~ *family resource centers* ~~[regarding achievements, progress and expenditures]~~. *Each family resource center will submit progress reports as determined by the department.* ~~[local governing board shall submit a quarterly report to the department which outlines its achievements and progress toward reaching the goals set forth in each of its individual neighborhood action plans and accounts for all expenditures of money granted by the department to the local governing board for those plans. The reports required by this section must be submitted to the department on or before the last day of April, July, October and January and must include the activities undertaken by the local governing board to:~~

~~—1. Identify and assess at risk neighborhoods;~~

~~—2. Assist in establishing family resource centers, including consultation and training provided at individual family resource centers; and~~

~~—3. Evaluate the success of the family resource centers.]~~

~~[NAC 430A.060 Submission of quarterly progress reports regarding projected outcomes of neighborhood action plan.—The local governing board shall submit to the department a quarterly report for each of its neighborhood action plans which identifies the projected outcomes of the plan, the measurements of those outcomes and the progress made by the board and family resource center in reaching those outcomes. The measurements of the outcomes must be approved by the department before the local governing board may allocate money to the family~~

~~resource center. The progress reports required by this section must be submitted to the department on or before the last day of April, July, October and January. The measurements of the outcomes must be stated in terms of changed conditions or characteristics, or both, of children, families and neighborhoods. The local governing board shall, at a minimum, demonstrate in its progress report for each neighborhood action plan that:~~

~~—1. The family resource center provides valuable resources and services to the neighborhood and the residents therein.~~

~~—2. The services provided, and referrals to outside agencies or programs, are positive and successful.~~

~~—3. The family resource center has improved access to and decreased duplication of services which are needed for and requested by the residents of the neighborhood, or that the measurements of outcomes in the neighborhood, as identified by the local governing board in accordance with this section, have improved. These improved measurements may include, without limitation, measurements which indicate a decrease in the rate of crime and criminal activity in the neighborhood, a decrease in the rate of pregnancies among unmarried teen-age girls, a decrease in the number of substantiated reports of child abuse and neglect, and an increase in school attendance.]~~

NAC 430A.070 Requests for ~~[proposals]~~ *applications* from organizations that want to be designated as a family resource center.

1. ~~[A local governing board]~~ *The department's grant management unit* shall advertise and conduct a request for ~~[proposals]~~ *applications* to identify and evaluate applicants that want to be designated as a family resource center.

2. An existing organization may be designated as a family resource center.

~~[NAC 430A.080—Submission of plan of collaboration by family resource center which is awarded certain governmental funding.—If a family resource center which is awarded funding by the local governing board is located in a geographical area which has also been awarded funding:~~

~~—1. As an enterprise zone and community pursuant to 45 C.F.R. Part 96, as that part existed on November 29, 1995; or~~

~~—2. Pursuant to the Family Preservation and Support Program, 45 C.F.R. Part 92, as that part existed on November 29, 1995,~~

~~the family resource center shall provide to the department a plan which outlines its collaboration with the governmental agency which provides that funding.]~~

NAC 430A.090 Matching money required from family resource center.~~[; submission of description of in-kind resources to local governing boards.]~~ A family resource center must provide an amount of money which is equal to at least 10 percent of the *family resource center grant from the department*. ~~[to be made by the local governing board. A family resource center shall provide to the local governing board a description of all in-kind resources which the center will provide.]~~

NAC 430A.100 ~~[Neighborhood a]~~ Action plans: Content. An ~~[neighborhood]~~ action plan which is recommended to the director for his approval must contain the following information:

1. A description of how information, referral, and case management will be provided to the residents of the service area;

~~[1.—The activities, including, but not limited to, surveys, town meetings and focus groups, which are or will be used to assess the needs of the targeted neighborhood;]~~

2. Specific measurements of outcomes for children, families, and service areas in terms of changed conditions and characteristics;

3. Documentation that the plan includes the active involvement of the ~~[residents and businesses of the neighborhood]~~ family resource center council;

~~[3]4. The names and occupations of the persons who are serving on the [neighborhood] family resource center council and;~~

~~[4.—A list of the services and activities offered, or to be offered, through the family resource center, and a detailed description on how these services and activities will be provided to the residents of the neighborhood;]~~

5. A copy of the current by-laws approved by the family resource center council which provides its rules of governance. [detailed description of how the family resource center will raise the amount of matching money required pursuant to NAC 430A.090; and

~~—6.—Specific measurements of outcomes for children, families and neighborhoods in terms of changed conditions and characteristics.]~~

NAC 430A.110 ~~[Neighborhood a]~~**Action plans: Recommendation of proposed plan; criteria. The director shall approve the action plan based on the following criteria: [A local governing board shall make its recommendation on a proposed neighborhood action plan and submit that recommendation to the department using the following criteria:**

~~—1.—The potential provider’s understanding of the need for and scope of the services being solicited in the request for proposals.~~

~~—2] 1. The [potential provider’s past] applicant’s experience and [current] capabilities to provide family resource center services. [perform duties of a type reasonably related to those being solicited in the request for proposals.~~

~~—3]2. The adequacy of the plan [proposed approach of management which includes evidence that the approach is:~~

~~—(a) Tailored] to meet the specific needs of the service area [local community; and~~

~~—(b) Supported by the active involvement of the residents and businesses of the neighborhood, including evidence on how recipients of the program will be involved in providing input or feedback, or both, to the family resource center.~~

~~—4.—The feasibility of the plan in relation to the resources available to the family resource center to which the plan applies.~~

~~—5.—The adequacy of the proposed approach of management which specifies how that approach will be translated into a model which will actually deliver the services to the neighborhood and the residents therein.~~

~~—6.—The reasonableness of the measurements of the projected outcomes.]~~

3. The feasibility of successful outcomes based upon available resources as outlined in the action plan;

4. Documentation in the action plan that the plan has been developed with input from the family resource center council.

NAC 430A.120 Formula for allocation of money by director. The director will allocate money from the state general fund to *support* ~~[establish and fund a]~~ family resource center *service areas. The funding formula will be based on at-risk indicators including child abuse statistics and poverty levels.* ~~[based on the following formula:~~

- ~~—1. Sixty-five percent of the money will be allocated to Clark County and the unincorporated town of Pahrump.~~
- ~~—2. Nineteen percent of the money will be allocated to Washoe County.~~
- ~~—3. Sixteen percent of the money will be allocated among all of the remaining counties.]~~

~~[NAC 430A.130—Distribution of grant of money to local governing boards; allocation to family resource centers.— Any grant of money by the director from the state general fund to establish and fund a family resource center will be made to the local governing board for allocation to the family resource center under the jurisdiction of the board in accordance with the terms of the grant and the provisions of chapter 430A of NRS and this chapter.]~~

~~[NAC 430A.140—Limitation on use of money granted by director to local governing boards. The local governing board may use not more than 15 percent of the money received from the director pursuant to the provisions of chapter 430A of NRS and this chapter on behalf of family resource centers for the board's costs for administration, training and consultation in support of those family resource centers. All remaining money must be allocated by the local governing board to the family resource centers for carrying out its responsibilities under an approved neighborhood action plan.]~~

~~[NAC 430A.150—Recommendation by local governing board for grant of money for family resource center; content of recommendation.— A local governing board shall submit its recommendation for a grant for each family resource center located within the jurisdiction of the board and the amount of the requested funding to the director within the time specified in a signed contract with the director. The recommendation must include:~~

- ~~—1. The name of the family resource center;~~
- ~~—2. The geographic boundaries served, or to be served, by the family resource center, and the justification for these boundaries;~~
- ~~—3. The process used to advertise and select the site for the family resource center;~~
- ~~—4. Documentation that the family resource center:~~
 - ~~—(a) Is located in an area which meets the criteria outlined for an at-risk neighborhood as set forth in NRS 430A.020;~~
 - ~~—(b) Has established a neighborhood council in accordance with NRS 430A.150; and~~
 - ~~—(c) Has submitted an appropriate neighborhood action plan, in accordance with NRS 430A.140 and NAC 430A.100 and 430A.110;~~
- ~~—5. The names and occupations of the members of the neighborhood council of the family resource center;~~
- ~~—6. A copy of the neighborhood action plan;~~
- ~~—7. Documentation that the residents of the neighborhood have been actively involved in the planning of the family resource center, including, but not limited to, evidence of open public meetings;~~
- ~~—8. An assessment of the needs and assets of the neighborhood to be served by the family resource center; and~~

~~—9. Key indicators, including crime statistics, health statistics, school related statistics and other similar conditions, which will be used to measure the general health and well being of the neighborhood and residents therein.]~~

~~[NAC 430A.160 Determination of amount of grant of money by director. The director shall determine the amount of the grants to be provided to a local governing board for allocation to family resource centers. In determining the amount of the grant, the director shall consider the amount of money available, the formula for allocating money as set forth in NAC 430A.120 and the proposed neighborhood action plan of the family resource center to receive the money.]~~