

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

LCB File No. R131-10

January 15, 2011

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

AUTHORITY: §§1-14, 38-43, 55-57, 60-65, 71-74, 76-80, 82-97 and 101, NRS 424.020; §§15 and 22, NRS 424.093 and 424.094; §16, NRS 424.093, 424.094 and 424.095; §§17-22, NRS 424.093 and 424.095; §§23 and 24, NRS 424.093, 424.094, 424.095 and 424.096; §§25-27, NRS 424.093 and 424.096; §§28-37, NRS 424.093; §§44-49, NRS 424.020, 424.0365 and 424.093; §§50-54, 69, 70, 81 and 98-100, NRS 424.020 and 424.093; §§58, 66 and 67, NRS 424.020 and 424.045; §59, NRS 424.020 and 424.040; §68, NRS 424.020 and 424.031; §75, NRS 424.020, 424.033 and 424.093.

A REGULATION relating to foster care for children; requiring a person licensed to operate a foster home to notify the licensing authority upon the occurrence of certain significant events; requiring a foster home to develop a disaster plan; prohibiting the use of certain kinds of restraint on a foster child; requiring an agency which provides child welfare services to assign a child and family team to each child placed in a foster home; providing for the licensure of foster care agencies; establishing the qualifications for certain staff of a specialized foster home or a foster care agency; limiting the persons who may supervise foster children in specialized foster homes; providing for the appropriate use and reporting of the use of restraint on children in foster homes; providing for policies on the management and administration of medications in foster homes; providing certain recordkeeping requirements for specialized foster homes or a foster care agency; revising the minimum staffing ratios for various types of foster homes; revising the recommended and restricted forms of discipline that may be used on a foster child; making various other changes concerning the licensure and operation of foster homes; and providing other matters properly relating thereto.

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 54, inclusive, of this regulation.

Sec. 2. *“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 his or her impulses.*

Sec. 3. *“Child and family team” means a team established pursuant to section 14 of this regulation.*

Sec. 4. *“Direct care staff” means a person who is responsible for the direct care or supervision of a child placed in a foster home and includes volunteer staff, but does not include nondirect care staff or a volunteer who provides services on an intermittent basis and who does not have unsupervised contact with a child.*

Sec. 5. *“Licensee” means a person licensed to operate a foster home.*

Sec. 6. *“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 child immobile.*

Sec. 7. *“Nondirect care staff” means a person who provides services or performs duties in a foster home or foster care agency who is not responsible for the direct care or supervision of a child and includes volunteer staff, but does not include direct care staff or a volunteer who provides services on an intermittent basis and who does not have unsupervised contact with a child.*

Sec. 8. *“Physical restraint” means the use of physical contact to limit a child’s movement or hold a child immobile.*

Sec. 9. *“Staff” means any direct care staff and nondirect care staff.*

Sec. 10. *“Volunteer staff” means a person who provides services or performs duties in a foster home or for a foster care agency on a regular basis without compensation.*

Sec. 11. 1. *Upon the occurrence of a significant event set forth in subsection 2, a licensee must notify the licensing authority and any caseworker assigned to a child in the foster home:*

(a) Verbally not later than 24 hours after the occurrence of the event; and

(b) In writing not later than 2 business days after the occurrence of the event.

2. *A significant event that must be reported pursuant to this section includes, without limitation:*

(a) Any injury or trauma to a child which requires the services of a licensed medical professional, including, without limitation, hospitalization or emergency medical attention;

(b) The ingestion of a poison or a drug overdose by a child;

(c) A traumatic incident involving a child, including, without limitation, near drowning, suffocation or shock;

(d) An error in the administration of medication to a child;

(e) The death of a child;

(f) An attempted suicide by a child;

(g) An outbreak of a communicable disease in the foster home;

(h) Any condition or situation that causes the foster home to close and requires a child to be moved from the foster home;

(i) Any physical damage to or failure of necessary electrical systems or plumbing, including, without limitation, heating, cooling, smoke or fire detection systems, of the premises

of the foster home which may affect the safety or shelter of a child and which cannot be repaired within 24 hours after the damage or failure is discovered;

(j) A fire on the premises of the foster home that requires the services of the fire department;

(k) A motor vehicle accident if the child is in the vehicle;

(l) Any change in the foster home which affects compliance with any licensing requirement, including, without limitation, any member of the household or staff who suffers a major illness or injury or is arrested;

(m) A child who is missing, who has been abducted or who has run away from the foster home; and

(n) Any other significant event that may affect the safety, health or well-being of a child or any other person in the foster home.

3. If the significant event is a motor vehicle accident, the licensee must submit a copy of the accident report, if available, with the written notification required pursuant to subsection 1.

4. If the significant event is a missing child, an abducted child or a child who has run away from the foster home, the licensee must, in addition to the notice required pursuant to subsection 1, immediately notify the appropriate law enforcement agency and, if applicable, the child's natural parent or legal guardian.

5. As used in this section:

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

(b) "Outbreak" has the meaning ascribed to it in NAC 441A.130.

Sec. 12. 1. *A licensee shall develop a plan for the foster home concerning the manner in which to respond during a disaster or an emergency. The plan must be posted in a conspicuous location inside the foster home and must include, without limitation:*

(a) The manner in which to evacuate the foster home and the designation of an alternate location where the members of the foster home may reside during an evacuation;

(b) A list of important telephone numbers, including, without limitation, alternate telephone numbers for the staff of the foster home or an agency which provides child welfare services who has placed a child in the foster home; and

(c) A list of critical items to take, if possible, when evacuating the foster home, including, without limitation, medication, medical cards and medically necessary equipment.

2. *The licensee shall ensure that each child placed in the foster home, each family member residing in the foster home and the staff of the foster home are informed about where the plan is posted and receive training about the plan and the appropriate response in the event of a disaster or emergency. The plan must be reviewed with a child within 7 days after the child is placed in the foster home.*

3. *The licensee shall update the plan at least annually. At each annual visit by the licensing authority, the licensee shall provide a copy of the plan to the licensing authority and the licensing authority will review the plan and verify that the plan and important telephone numbers are posted appropriately inside the foster home.*

Sec. 13. *A foster home shall not allow the use of a mechanical restraint, a chemical restraint, involuntary physical confinement or psychological coercion or confinement of a foster child as a form of discipline. Involuntary physical confinement does not include the withdrawal of positive reinforcement for a temporary time for inappropriate behavior,*

including, without limitation, removal of the child from participation in the current routine or activities or allowing the child to voluntarily be alone in a quiet, unlocked room.

Sec. 14. 1. *An agency which provides child welfare services shall assign a child and family team for each child placed in a foster home.*

2. The child and family team must include a foster parent or, if a foster parent is not available, another member of the direct care staff of the foster home and may include, without limitation:

(a) The foster child, if appropriate;

(b) The natural parent or legal guardian of the child;

(c) Such professionals as determined appropriate by the agency which provides child welfare services, which may include, without limitation, a psychologist, a teacher and an attorney; and

(d) Any family member, care provider or other person whom the agency which provides child welfare services determines is integral to the environment of the child or for the rehabilitation of the mental health of the child.

Sec. 15. 1. *The licensing authority shall determine whether to require a license to operate a foster care agency within its jurisdiction.*

2. If a licensing authority requires a license to operate a foster care agency, each person seeking to operate a foster care agency in the jurisdiction must submit an application for a license to operate a foster care agency in the manner provided in this chapter and chapter 424 of NRS.

Sec. 16. *An applicant for a license to operate a foster care agency must submit to the licensing authority a completed application on a form prescribed by the Division. The application must be accompanied by:*

1. If the foster care agency is a business organization that has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS, a copy of the articles of incorporation, bylaws and constitution, and, if applicable, a tax exempt letter from the Internal Revenue Service.

2. A list of the names, telephone numbers and addresses of the current board members or governing body of the foster care agency and any person who holds more than 5 percent ownership in the foster care agency.

3. An organizational chart or other chart showing the structure of the foster care agency.

4. A copy of each professional license or certification issued by this State to any person employed by the foster care agency.

5. A copy of the certificate of accreditation of the foster care agency, if applicable.

6. The fee for licensure in an amount established by the licensing authority pursuant to NRS 424.094.

7. A written statement that describes the services offered by the foster care agency and the scope of its operations, which must include, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster care agency.

8. A copy of the foster care agency's written policies, procedures and practices concerning:

(a) Professional relationships with the family of each child and maintenance of regular contact with the family;

(b) Sharing of information about a child with a child's advocate and the agency which provides child welfare services;

(c) Required training for the staff of the foster care agency;

(d) Activities to ensure the delivery of quality services to children and families;

(e) The frequency of on-site monitoring of foster homes by the director of the foster care agency; and

(f) The methods to be used to identify and reduce risks to the health, safety or well-being of children and the staff of the foster care agency.

9. If the applicant is a foster care agency that is operating in this State or another state, a report from an independent auditor of the complete financial information for the foster care agency or business organization that owns the foster care agency for the fiscal year immediately preceding the date of the application.

10. If the applicant is a foster care agency that is not operating in this State or another state, a proposed itemized budget for the operation of the foster care agency, including, without limitation, the expected expenses and revenue for the first year the foster care agency proposes to provide services in this State.

11. Identification of the geographic area in which the foster care agency proposes to provide services.

12. Evidence that the applicant currently holds and maintains:

(a) Automobile insurance for the normal business of the foster care agency;

(b) Worker's compensation insurance;

(c) Commercial general liability insurance;

(d) Professional liability insurance, if applicable; and

(e) A license to operate a business in this State issued by the Secretary of State or a license to operate a business in a city or county in this State issued by the city or county.

13. Unless the applicant is reapplying after being issued a nonrenewable provisional license, evidence satisfactory to the licensing authority that the applicant has adequate money to support and sustain the activities of the foster care agency, including, without limitation, the amount necessary to pay for:

(a) Utilities, rent for commercial property and any other operating costs; and

(b) Salaries and other wages for any staff employed or anticipated to be employed by the foster care agency.

Sec. 17. 1. *In addition to the requirements set forth in section 16 of this regulation, an applicant for a license to operate a foster care agency must submit to the licensing authority:*

(a) Satisfactory proof that the applicant has received the clearances for the director of the foster care agency required pursuant to section 29 of this regulation and that the director has the education and experience required pursuant to section 31 of this regulation; and

(b) References from at least five persons who have known the director of the foster care agency in a professional capacity and can attest to:

(1) The ability of the director as an administrator or leader; and

(2) The integrity of the director and that the conduct of the director is above reproach.

2. The licensing authority shall keep confidential any information received from a reference.

Sec. 18. *In addition to the requirements set forth in sections 16 and 17 of this regulation, if a foster care agency is licensed to operate a foster home, the application for a license to operate a foster care agency must be accompanied by:*

1. *A list of each member of the staff of the foster care agency, including, without limitation, the names, education and experience of each member of the staff;*
2. *A description of the characteristics of the children to be served, including, without limitation, the range of ages, sex, number of children and types and severity of problems of any children that require treatment;*
3. *A description of the duties and responsibilities of the staff of the foster care agency;*
4. *A written statement that describes the services to be offered by any foster home operated by the foster care agency and the scope of the operations of the foster care agency in each such foster home, including, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster home;*
5. *A copy of the foster care agency's written policies, procedures and practices concerning:*
 - (a) *Placement of a child in a foster home operated by the foster care agency and removal of a child from a foster home operated by the foster care agency;*
 - (b) *Education of the staff of the foster care agency concerning the applicable state and federal constitutional and statutory rights of a child placed in a foster home operated by the foster care agency;*
 - (c) *A typical target period by which a child is expected to complete a program of treatment, if any, in one of its foster homes and any limitations on the length of time a child may remain in a foster home operated by the foster care agency;*
 - (d) *Specialized services and behavioral interventions provided by the foster care agency;*
 - (e) *Culturally responsive services provided to a child by the foster care agency;*

(f) The manner in which a foster home operated by the foster care agency will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the foster home;

(g) A plan for the safety of a child placed in a foster home operated by the foster care agency, which must include, without limitation, rules, structures, procedures and supervision of a child designed to modify and reduce the number of children who run away or who engage in other harmful behaviors that create a risk to the child, other persons or property;

(h) Discipline of a child placed in a foster home operated by the foster care agency, including, without limitation, the types of discipline which are not allowed to be used on such a child;

(i) Strategies for behavior management of a child placed in a foster home operated by the foster care agency;

(j) The use of force or restraint on a child placed in a foster home operated by the foster care agency;

(k) The manner in which to recognize suicidal behaviors and the methods for preventing the suicide of a child placed in a foster home operated by the foster care agency;

(l) The administration and monitoring of medications by direct care staff of a foster home operated by the foster care agency and educational requirements relating thereto;

(m) Provisions for respite for foster parents; and

(n) The abuse of controlled substances by the staff; and

6. If the applicant is or has been licensed to provide care for children in another state within the 10 years immediately preceding the date of the application:

(a) A copy of any current or expired licenses;

(b) Contact information for the entity that issued any such license; and

(c) Verification from the entity that issued the license that the applicant had no disciplinary action taken against the applicant while licensed.

Sec. 19. *An applicant for a license to operate a foster care agency is required to provide releases of information as requested by the licensing authority authorizing contact with any person deemed necessary to evaluate the applicant.*

Sec. 20. *The licensing authority may, at the time an application is submitted for a license to operate a foster care agency or for the renewal of a license to operate a foster care agency, investigate and inspect the facilities of the foster care agency, including, without limitation, the office space of the foster care agency and any foster home operated by the foster care agency, to determine if the applicant is in compliance with the provisions of this chapter and chapter 424 of NRS.*

Sec. 21. *An applicant for a license to operate a foster care agency may withdraw the application at any time. The request to withdraw must be made or confirmed in writing to the licensing authority. The applicant may reapply for a license to operate a foster care agency after withdrawing an application at any time without penalty.*

Sec. 22. 1. *If the licensing authority determines that an applicant for a license to operate a foster care agency meets the qualifications for licensure, the licensing authority must issue to the applicant a nonrenewable provisional license or a license to operate a foster care agency as deemed appropriate by the licensing authority.*

2. *A nonrenewable provisional license may only be issued for an initial application, is valid for not more than 1 year and may not be renewed. A license to operate a foster care agency is valid for 2 years.*

3. A license issued pursuant to this section must state the name and address of the foster care agency and the person licensed to operate the foster care agency. If the foster care agency operates a foster home, the license must specify the type of foster home that the foster care agency is licensed to operate.

4. A license issued pursuant to this section is nontransferable.

5. A license issued pursuant to this section must be displayed in the administrative office of the foster care agency at all times.

Sec. 23. 1. *To renew a license to operate a foster care agency, other than a nonrenewable provisional license, the person licensed to operate the foster care agency must submit an application, on a form prescribed by the Division, to the licensing authority at least 60 days before the expiration of the license.*

2. The application must be accompanied by:

(a) The fee for renewal in an amount established by the licensing authority pursuant to NRS 424.094;

(b) A written description of any changes in the foster care agency's tax exempt status or charitable trust registration, if applicable;

(c) A written description of any changes in the services that the foster care agency provides;

(d) A list which includes the name of the director of the foster care agency and the name and title of each member of the staff;

(e) A list of the names, telephone numbers and addresses of the current board members or governing body of the foster care agency and of any person who holds more than 5 percent ownership in the foster care agency;

(f) Any pending investigation of the foster care agency or the person licensed to operate the foster care agency by an entity other than the licensing authority;

(g) A copy of any plan for corrective action made by the foster care agency pursuant to NRS 424.096 in place at the time of the application for renewal; and

(h) Any other information required pursuant to sections 16 and 17 of this regulation, if the information has changed since the license was issued or renewed.

3. After receiving an application for renewal, the licensing authority must review the records of the foster care agency and may conduct the inspection pursuant to section 20 of this regulation.

4. Before renewing a license to operate a foster care agency, the licensing authority may, in addition to any other action:

(a) Conduct a random survey of the parents or legal guardians of any child who has received services from the foster care agency;

(b) Review any incident reports, abuse or neglect reports, financial and payment records and any other records that indicate the level of performance and quality of services provided by the foster care agency;

(c) Interview any staff, legal guardian, children or other clients associated with or receiving services from the foster care agency;

(d) Review the operations, staffing and records of any branch office of the foster care agency;

(e) If the licensing authority has requested that the foster care agency conduct a financial audit, review the results of the financial audit performed by the foster care agency and any documented financial problems of the foster care agency;

(f) Evaluate the number of child abuse or neglect investigations or licensing complaint investigations involving any foster home operated by the foster care agency; or

(g) Take any combination of the actions listed in paragraphs (a) to (f), inclusive.

Sec. 24. *In addition to the requirements of section 23 of this regulation, if a foster care agency is licensed to operate a foster home, the application for renewal of a license to operate the foster care agency must be accompanied by:*

1. A list of the foster homes operated by the foster care agency and the contact information for each foster home, which includes, without limitation, the name, telephone number, address and electronic mail address of each foster home;

2. A list of the name and title of each member of the staff of any foster home operated by the foster care agency; and

3. If requested by the licensing authority, a copy of all licenses to operate a foster home obtained or renewed by the foster care agency since the license was issued or renewed.

Sec. 25. *The licensing authority may deny an application for a license to operate a foster care agency or a nonrenewable provisional license, or may revoke an existing license to operate a foster care agency if the licensing authority determines that the applicant or person licensed to operate the foster care agency has made any intentional material misrepresentation or omission of information on an application for the issuance or renewal of such a license.*

Sec. 26. *1. The licensing authority may, at any time, conduct an audit of the records of a foster care agency to determine whether the foster care agency is in compliance with the provisions of this chapter and chapter 424 of NRS.*

2. If the licensing authority conducts an audit of a foster care agency, the person licensed to operate the foster care agency must provide, upon request, records relating to:

(a) The license to operate the foster care agency and information indicating the name and address of the person licensed to operate the foster care agency;

(b) The services provided by the foster care agency;

(c) Any complaints filed against the foster care agency, including, without limitation, information regarding any investigation of such complaints; and

(d) If the foster care agency participated in a hearing pursuant to NRS 424.096, any records indicating whether the foster care agency corrected any deficiency and whether the foster care agency is currently in compliance with the provisions of this chapter and chapter 424 of NRS.

3. If the licensing authority determines as a result of the audit that the foster care agency is not in compliance with any provision of this chapter or chapter 424 of NRS, the licensing authority must provide notice to the person licensed to operate the foster care agency within 30 days after completing the audit. Such notice must include, without limitation, the grounds on which the licensing authority intends to take action pursuant to NRS 424.096 and the time and place of the hearing.

4. The licensing authority shall hold a hearing with the person licensed to operate the foster care agency to determine whether to revoke the license or require the foster care agency to prepare a plan of corrective action. If the licensing authority requires the person licensed to operate the foster care agency to prepare a plan of corrective action, the person must submit the plan of corrective action to the licensing authority within 30 days after the hearing. The person licensed to operate the foster care agency may use the services of a consultant to develop or carry out the plan of corrective action.

Sec. 27. 1. *If the licensing authority has reason to believe that there are grounds to refuse to issue a license to operate a foster care agency or a nonrenewable provisional license, to revoke an existing license to operate a foster care agency or a nonrenewable provisional license or to refuse to renew a license to operate a foster care agency, the licensing authority shall conduct an investigation.*

2. If the reason for the investigation relates to the financial management of a foster care agency that operates a foster home and such management may affect the health, safety or well-being of children in a foster home operated by the foster care agency, the licensing authority may require an independent financial review of the foster care agency. The report of the financial review must be provided to the licensing authority.

3. If the licensing authority discovers a deficiency, the licensing authority must provide notice to the applicant or person licensed to operate the foster care agency, which must include, without limitation, written notification of the grounds on which the licensing authority intends to take action pursuant to NRS 424.096 and the time and place of a hearing.

Sec. 28. *Except as otherwise required by law:*

1. A licensing authority shall keep confidential any information provided to the licensing authority by a foster care agency pursuant to this chapter and chapter 424 of NRS.

2. A board member, staff, independent contractor and any other person affiliated with a foster care agency shall keep confidential any information regarding any person who receives services from the foster care agency.

Sec. 29. 1. *A foster care agency is responsible for submitting to the licensing authority or its approved designee for all staff and independent contractors of the foster care agency:*

(a) Two sets of fingerprint cards or electronic fingerprints; and

(b) A signed release of law enforcement information.

2. All staff of a foster care agency must be cleared through fingerprinting. The licensing authority may allow conditional employment 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 submitted.

(d) A satisfactory clearance is received from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 regarding the person.

(e) The person has requested clearance in every state in which the person has resided during the immediately preceding 5 years pursuant to subsection 2 of NRS 424.033.

(f) The person is directly supervised and is not allowed to be alone with a foster child until full clearance is completed.

3. A foster care agency must dismiss a conditional member of the staff if the Federal Bureau of Investigation indicates the staff member has a criminal history. The foster care agency must discuss the criminal history of the staff member with the licensing authority to determine whether to accept the staff member. The licensing authority may revoke the license to operate the foster care agency if the foster care agency fails to dismiss an unacceptable member of the staff.

4. When conditional employment is permitted pending satisfactory clearance through the Federal Bureau of Investigation, the foster care agency is responsible for submitting to the

licensing authority a satisfactory report on the member of the staff provided by a local law enforcement agency, and for the accuracy and verification of any information obtained regarding the staff member.

5. The licensing authority shall notify the foster care agency when a member of the staff receives the required clearances pursuant to this section.

Sec. 30. *1. A foster care agency must have a director who is responsible for the overall operation of the foster care agency and, if the foster care agency is so licensed, any foster home operated by the foster care agency.*

2. The director must be at least 21 years of age and must be responsible for:

(a) Administration of the foster care agency in compliance with the requirements set forth in this chapter and chapter 424 of NRS.

(b) Ensuring that the staff are approved by the licensing authority pursuant to section 29 of this regulation through all necessary background checks, reference checks and training before such staff assume any work-related duties. The director shall submit five satisfactory references to the licensing authority for each member of the staff or independent contractor of the foster care agency. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy, treatment and other records.

(d) Screening, hiring, scheduling and supervising the staff while on duty.

(e) Overseeing the operations of the foster care agency, including, without limitation:

(1) The appropriateness of placing a child in a foster home;

(2) Assessments of children and development of treatment plans;

(3) Providing technical assistance to the staff and any agency which provides child welfare services;

(4) Reviewing and updating policies and procedures; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of children receiving services from the foster care agency.

(f) Working collaboratively with the agency which provides child welfare services, the parent or guardian of each child receiving services from the foster care agency and the juvenile court, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of placement or care provided by the foster care agency and the competence of its staff.

3. The director must be present in the foster care agency for at least 25 hours per week to ensure that the staff carry out the operation of the foster care agency in accordance with the philosophy and procedures of the foster care agency. The director shall designate a supervisory staff member to monitor the foster care agency to ensure continuous program compliance during any time that the director is not present in the foster care agency.

4. The director must report any proposed changes in the services, policies or procedures of the foster care agency to the licensing authority at least 30 days before the change is to take effect. The licensing authority must review the proposed change to determine whether the change impacts the validity of the license to operate the foster care agency.

5. If a foster care agency operates one or more specialized foster homes, the director of the foster care agency may also serve as the director of the specialized foster homes. The

director of the foster care agency may serve as the director of any other foster home operated by the foster care agency, even if such foster home is not required to have a director.

Sec. 31. 1. *The director of a foster care agency must have:*

(a) A bachelor's degree or higher from an accredited college or university in social work, social welfare, marriage and family therapy, psychology or a closely related field, including, without limitation, human development, criminal justice or education, and at least 1 year of experience in an administrative or managerial position; or

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

2. The director may serve in another position in the foster care agency or a foster home operated by the foster care agency if the person also meets the qualifications for that position.

Sec. 32. 1. *If the director of a foster care agency resigns or is terminated, the foster care agency must notify the licensing authority in writing not later than 5 business days after the vacancy in the position of director.*

2. In the event of a vacancy in the position of director, the foster care agency may apply to the licensing authority to continue operating the foster care agency without a director for not more than 6 months, unless an extension is granted by the licensing authority.

3. A foster care agency that applies to operate without a director pursuant to subsection 2 shall:

(a) Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of a director pursuant to section 31 of this regulation, unless the foster care agency receives approval from the licensing authority to designate an acting director who does not meet all the requirements of a director;

- (b) Notify the licensing authority within 1 day after the designation of the acting director;*
- (c) Require the acting director to carry out the duties and responsibilities of a director;*
- (d) Ensure that the health, safety and well-being of any child in its care will not be adversely affected; and*
- (e) Immediately begin to recruit a new director.*

Sec. 33. A foster care agency shall:

- 1. Establish and carry out a plan for the management of its financial affairs which ensures that the foster care agency has sufficient money to adequately support the services provided by the foster care agency.*
- 2. Maintain financial records relating to any services provided by the foster care agency, including, without limitation, records of:*
 - (a) Any assets and liabilities;*
 - (b) Any donations received by the foster care agency; and*
 - (c) All receipts collected and disbursements paid.*
- 3. Establish a budget that identifies:*
 - (a) The direct costs of providing services, including, without limitation, salaries and other personnel expenses; and*
 - (b) The indirect costs of providing services, including, without limitation, daily operating costs.*
- 4. Make available to the licensing authority a copy of the budget for the most recent fiscal year and a report of any expenditures relating to the services provided by the foster care agency.*

Sec. 34. A foster care agency that operates a foster home shall, at least every 6 months, conduct a written evaluation of each foster home operated by the foster care agency to determine if the foster home is in compliance with the provisions of this chapter and chapter 424 of NRS and the policies and procedures of the foster care agency. The foster care agency shall maintain a file for each foster home it operates containing the evaluations and make such evaluations available to the licensing authority upon request. The evaluation must include, without limitation:

- 1. Any changes in the composition of the foster home, including, without limitation, the marital or relationship status, death, pregnancy, birth or miscarriage of any resident of the foster home;*
- 2. Any change in the housing provided to residents of the foster home, including, without limitation, changes in rooms, telephone numbers, location or address, remodels or the addition of a pool or other standing body of water;*
- 3. Any change in the employment or income of any member of the foster family, if applicable;*
- 4. Any changes in the mental or physical health of any member of the foster family or staff that may affect his or her ability to provide care to a child placed in the foster home;*
- 5. A review of the file for each foster child, including, without limitation, the child's education, medications, medical or dental services, accounting for clothing expenditures and any incidents involving the child;*
- 6. A review of the training completed by the staff of the foster home;*
- 7. An inspection of the foster home;*
- 8. A review of the documentation regarding the fire drills conducted by the foster home;*

9. *A review of the insurance and registration of any vehicle used by the foster home; and*

10. *A determination of whether the foster home is in compliance with the provisions of this chapter and chapter 424 of NRS and the policies and procedures of the foster care agency.*

Sec. 35. *A foster care agency shall develop a process to allow a child, the parent or guardian of the child and any other person representing the child to file a complaint concerning the foster care agency or a foster home operated by the foster care agency, if any. The process for registering complaints must be clearly defined and include methods for resolving such complaints.*

Sec. 36. *In addition to the requirements set forth in sections 15 to 35, inclusive, of this regulation, a foster care agency that operates a foster home shall comply with the requirements for licensure and operation of a foster home pursuant to this chapter and chapter 424 of NRS.*

Sec. 37. *In addition to any information provided pursuant to sections 15 to 36, inclusive, of this regulation, a foster care agency shall provide to the licensing authority such information as requested by the licensing authority.*

Sec. 38. 1. *A specialized foster home must have a director who is responsible for the overall operation of the specialized foster home.*

2. The director must be at least 21 years of age and must be responsible for:

(a) Administration of the specialized foster home to comply with the requirements set forth in this chapter and chapter 424 of NRS.

(b) Ensuring that the staff are approved by the licensing authority pursuant to NAC 424.280 through all necessary background checks, reference checks and training before such staff assume any work-related duties. The director shall submit five satisfactory references to

the licensing authority for each member of the staff or independent contractor of the specialized foster home. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy, treatment and other records.

(d) Screening, hiring, scheduling and supervising the staff while on duty.

(e) Overseeing the operations of the specialized foster home, including, without limitation:

(1) The appropriateness of placing a child in the specialized foster home;

(2) Assessments of children and development of treatment plans;

(3) Providing technical assistance to the staff and any agency which provides child welfare services;

(4) Reviewing and updating policies and procedures; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of children placed in the specialized foster home.

(f) Working collaboratively with the agency which provides child welfare services, the parent or guardian of each child placed in the specialized foster home and the juvenile court, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of care provided by the specialized foster home and the competence of its staff.

3. The director must be present in the specialized foster home for at least 25 hours per week to ensure that the staff carry out the operation of the specialized foster home in accordance with the philosophy and procedures of the specialized foster home. The director

shall designate a supervisory staff member to monitor the specialized foster home to ensure continuous program compliance during any time that the director is not present in the specialized foster home.

Sec. 39. 1. *The director of a specialized foster home must have:*

(a) A bachelor's degree or higher from an accredited college or university in social work, social welfare, marriage and family therapy, psychology or a closely related field, including, without limitation, human development, criminal justice or education, and at least 1 year of experience in an administrative or managerial position; or

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

2. *If a specialized foster home specializes in the treatment of sexually aggressive youth, the director or another member of the staff of the specialized foster home must have:*

(a) A master's degree or doctoral degree in psychology, social work, marriage and family therapy or another social science; and

(b) At least 2 years of experience working with juvenile sex offenders.

3. *The director may serve in another position in the specialized foster home if the person also meets the qualifications for that position.*

Sec. 40. 1. *If the director of a specialized foster home resigns or is terminated, the specialized foster home must notify the licensing authority in writing not later than 5 business days after the vacancy in the position of director.*

2. *In the event of a vacancy in the position of director, the specialized foster home may apply to the licensing authority to continue operating the specialized foster home without a director for not more than 6 months, unless an extension is granted by the licensing authority.*

3. *A specialized foster home that applies to operate without a director pursuant to subsection 2 shall:*

(a) Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of a director pursuant to section 39 of this regulation, unless the specialized foster home receives approval from the licensing authority to designate an acting director who does not meet all the requirements of a director;

(b) Notify the licensing authority within 1 day after the designation of the acting director;

(c) Require the acting director to carry out the duties and responsibilities of a director;

(d) Ensure that the health, safety and well-being of any child in its care will not be adversely affected; and

(e) Immediately begin to recruit a new director.

Sec. 41. 1. Each specialized foster home must provide to the licensing authority, with its initial application for a license, a written statement about the programs offered by the specialized foster home, including, without limitation, the models used for treatment, the services it offers and the scope of its programs. Notice of any proposed change in the programs and services offered must be presented to the licensing authority in writing at least 30 days before the change. The licensing authority must assess any proposed changes and determine whether the changes impact the license of the specialized foster home.

2. The statement required by subsection 1 must include, without limitation:

(a) A statement of purpose and the philosophy, goals and objectives of the specialized foster home;

(b) A description of the characteristics of the children to be placed in the specialized foster home, including, without limitation, the range of ages, sex, number of children and types and severity of problems of the children to be treated;

(c) A typical target period by which a child is expected to complete a program of treatment and any limitations on the length of time a child may remain in the specialized foster home;

(d) A description of the services that will be offered by the specialized foster home;

(e) A description of the duties and responsibilities of the staff of the specialized foster home;

(f) A statement concerning staffing patterns and plans to meet the requirements for the supervision of children placed in the specialized foster home, including, without limitation, the number of staff on duty and the availability of additional staff;

(g) A description of the educational requirements, qualifications, level of training and experience required for the staff;

(h) A description of the policy concerning the admission of a child to the specialized foster home and the discharge of a child from the specialized foster home;

(i) A description of the policy for establishing professional relationships with the family of a child placed in the specialized foster home and maintenance of regular contact with the family;

(j) A description of the policy for the sharing of information about a child placed in the specialized foster home with the child's advocate and the agency which provides child welfare services;

(k) A description of the policy for specialized services and behavioral interventions provided by the specialized foster home;

(l) A description of the policy for providing culturally responsive services to a child placed in the specialized foster home;

(m) The manner in which the specialized foster home will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the specialized foster home;

(n) A description of the policy regarding transportation of a child placed in the specialized foster home;

(o) A description of the policy for disciplining a child placed in the specialized foster home, including, without limitation, the types of discipline which are not allowed to be used on such a child;

(p) Activities to ensure the delivery of quality services to a child placed in the specialized foster home and his or her family;

(q) Provisions for respite for foster parents;

(r) A plan for the safety of a child placed in the specialized foster home, which must include, without limitation, rules, structures, procedures and supervision of a child designed to modify and reduce the number of children who run away or who engage in other harmful behaviors that create a risk to the child, other persons or property; and

(s) The methods to be used to identify and reduce risks that may jeopardize the health, safety or well-being of a child placed in the specialized foster home and of the staff.

Sec. 42. 1. *A specialized foster home shall ensure that a child is supervised by a person who is at least 21 years of age and under direct supervision of such person any time the child is in or around a pool or other free-standing body of water.*

2. A specialized foster home shall ensure that a child does not supervise or babysit another child in the specialized foster home unless:

(a) The supervising child is the parent of the child being supervised; and

(b) The child and family team has approved the supervision and documented the supervision in the treatment plan of both children.

3. A specialized foster home shall ensure that a child receives supervision appropriate to the age, development, maturity, behavior and emotional needs of the child and shall ensure that the child is given independence to the extent appropriate with consideration to the child's treatment needs and goals and only to the extent that is approved by the child and family team and documented in the treatment plan of the child established pursuant to section 43 of this regulation.

4. A specialized foster home shall not leave a child in the specialized foster home without supervision by direct care staff unless it is part of the child's treatment plan established pursuant to section 43 of this regulation, and is documented in the child's treatment plan and has been approved by the child and family team.

5. A specialized foster home may use electronic devices to monitor a child during the night, which may include, without limitation, the use of:

(a) Door alarms;

(b) Motion detectors;

(c) Lasers;

(d) Audio surveillance monitors; or

(e) With the approval of the licensing authority, video surveillance monitors.

Sec. 43. 1. *A specialized foster home shall ensure that a child placed in the specialized foster home has a comprehensive treatment plan which identifies treatment strategies that will be used with the child and which correspond to the child's diagnosis. The treatment plan must*

be developed with the participation of the child and family team and must be submitted, within 30 days after placement, to the agency which provides child welfare services, the parent or guardian of the child and the juvenile court, as appropriate. The specialized foster home shall place a copy of the treatment plan in the child's record or file maintained by the specialized foster home and provide a copy of the treatment plan to the licensing authority upon request.

2. Every 90 days, the specialized foster home shall submit a progress report on the child to the agency which provides child welfare services, the parent or guardian of the child and the juvenile court, as appropriate.

3. Within 30 days after the child is discharged from the specialized foster home, the specialized foster home shall provide a summary of the discharge in writing to the agency which provides child welfare services, the parent or guardian of the child and the juvenile court, as appropriate.

Sec. 44. 1. *A specialized foster home and a foster care agency shall ensure that each member of the staff of the specialized foster home or of any foster home operated by the foster care agency, as applicable:*

(a) Is at least 21 years of age; and

(b) Is sufficiently mature to provide effective supervision of a child; and

(c) Possesses the physical and emotional condition to carry out assigned responsibilities in a manner consistent with the program statement.

2. A member of the staff of a specialized foster home or a foster care agency may hold more than one position within the specialized foster home or a foster home operated by the foster care agency, as applicable, if the staff member is qualified to carry out all the responsibilities of the position.

3. *A person employed by a specialized foster home or a foster care agency that operates a foster home as direct care staff must possess a high school diploma or general equivalency diploma.*

4. *A person employed by a specialized foster home or a foster care agency that operates a foster home as a supervisor must submit proof to the specialized foster home or foster care agency that he or she possesses a bachelor's degree in social work, marriage and family counseling, psychology or a closely related field and has at least:*

(a) One year of full-time experience supervising case work or direct care staff in a specialized foster home or a foster home operated by a foster care agency or serving children and families in the field; or

(b) Two years of full-time experience as a caseworker or direct care staff in a specialized foster home or a foster home operated by a foster care agency or serving children and families in the field.

5. *A person employed by a specialized foster home or a foster care agency that operates a foster home as a case manager to provide support and consultation to direct care staff must possess:*

(a) A bachelor's degree in a program of human studies; or

(b) A bachelor's degree in a different field and at least 2 years of experience working with children and families.

6. *A specialized foster home or a foster care agency shall verify the qualifications of any member of the staff hired by the specialized foster home or foster care agency, as applicable.*

Sec. 45. *A specialized foster home or a foster care agency that operates a foster home shall not, without the approval of the Administrator or a designee of the Administrator,*

employ or enter into a contract with a person to provide services if the person has been convicted of a felony, a gross misdemeanor, or one or more misdemeanors.

Sec. 46. 1. *Any person employed by a specialized foster home or a foster care agency that operates a foster home as direct care staff must complete not less than 40 hours of training before providing supervision or direct care of a child or beginning any other responsibilities related to the supervision or direct care of children.*

2. *The training required by subsection 1 must include, without limitation, training regarding:*

(a) Reporting requirements and information concerning the manner in which to identify and report child abuse or neglect;

(b) Policies, procedures and practices of the specialized foster home or foster care agency to ensure privacy and confidentiality of information about any child in the specialized foster home or a foster home operated by the foster care agency and the family of such a child;

(c) The relevant laws concerning licensing of a specialized foster home or a foster home operated by a foster care agency;

(d) The impact on the caregiver of providing care to a foster child;

(e) The stages of child development and the potential behaviors of a child who has suffered abuse, neglect or trauma, with emphasis on these behaviors during each stage of child development;

(f) Information on other factors that may impact the life of a child, including, without limitation, child welfare services, juvenile justice and the role of staff in relation to those factors;

(g) Information concerning resources within the educational system available to a child and the role of staff in collaborating with and advocating for the child within the educational system;

(h) Management of symptomatic behaviors associated with various mental health diagnoses;

(i) If the specialized foster home or a foster home operated by the foster care agency serves a special population or accepts referrals of children who have unique needs or particular issues that require attention, including, without limitation, issues relating to gender identification, pregnancy, sexual abuse, sexually aggressive behavior, developmental disabilities, the juvenile justice system or complex medical problems, specialized training to address those unique needs or particular issues;

(j) Appropriate methods for documenting activity within the specialized foster home or a foster home operated by the foster care agency, including, without limitation, progress notes or reports, treatment plans, medication logs or incident reports;

(k) The need for establishing permanency for a child;

(l) How to work appropriately with families;

(m) Identifying and responding to the diversity and cultural background of a child;

(n) Topics related to separation, loss and attachment; and

(o) Techniques for talking down or diffusing a potentially violent situation or crisis.

3. Before providing training pursuant to this section, a specialized foster home or a foster care agency must submit the curriculum for the training to the licensing authority for approval. The training program may be presented using any appropriate format, including,

without limitation, treatment-specific training, in-home training provided by staff, group presentations or external training.

4. Except as otherwise provided in this subsection, a specialized foster home or a foster care agency shall ensure that a member of the direct care staff who has transferred from another specialized foster home or a foster home operated by a foster care agency completes the training required by this section, except that the direct care staff member is not required to complete the training if the member of the direct care staff provides evidence that he or she previously completed the training. A direct care staff member who provides evidence that he or she previously completed the training required by this section at a different foster home must receive training on the policies, procedures and practices of the current foster home.

Sec. 47. *Any member of the staff of a specialized foster home or a foster home operated by a foster care agency who has direct contact with a child shall complete training within 30 days after beginning his or her employment and annually thereafter which meets the requirements of NRS 424.0365 and which includes, without limitation, techniques for behavior management and for disciplining children that are recommended and prohibited pursuant to NAC 424.525 and 424.530.*

Sec. 48. *1. Except as otherwise provided in this section, a specialized foster home and a foster care agency that operates a foster home shall ensure that each member of the direct care staff completes not less than 20 hours of continuing education annually. The continuing education required by this subsection must be appropriate to the position held by the person.*

2. The continuing education courses must emphasize advanced skill development in any specialized training appropriate to the position for which the person was hired and which is offered in the community where the specialized foster home or a foster home operated by the

foster care agency is located, including, without limitation, the best practices for meeting the needs of a child placed in the specialized foster home or a foster home operated by the foster care agency. The continuing education may be presented using any appropriate format, including, without limitation, training provided by staff in the specialized foster home or a foster home operated by the foster care agency, as applicable, presentations made by or to a group, external training or any other appropriate method.

3. Hours of continuing education completed by a member of the direct care staff that is required to maintain a professional license and that is relevant may be counted towards the hours of continuing education required pursuant to subsection 1.

4. All direct care staff must obtain and maintain certification on the use of physical restraint from a nationally recognized program or a program approved by the licensing authority before providing care to a child in the specialized foster home or a foster home operated by the foster care agency and must receive additional training annually to maintain the certification.

5. Any member of the direct care staff who will be responsible for administering medication to a child must receive training on the management and administration of medication within 30 days after the person's date of hire and annually thereafter.

6. The licensing authority may approve an exception to the requirements for continuing education provided in this section.

Sec. 49. 1. *A specialized foster home and a foster care agency that operates a foster home shall document all training provided to staff pursuant to sections 46, 47 and 48 of this regulation in a training log. The training log must include, without limitation:*

(a) The name of the person who attended the training;

(b) The date of the training;

(c) The number of hours of the training;

(d) The name of the training course and the topics covered in the training; and

(e) The name and credentials of the instructor.

2. A specialized foster home and a foster care agency that operates a foster home shall keep a copy of the curriculum or outline of each course of training or continuing education course that is attended by direct care staff.

3. A specialized foster home and a foster care agency that operates a foster home must provide a certificate of completion to a staff member or foster parent for any training provided to the staff member or foster parent and keep copies of any such certificates.

4. A specialized foster home and a foster care agency that operates a foster home must submit the training records required by this section to the licensing authority upon request.

Sec. 50. *Each specialized foster home and foster care agency that operates a foster home must have and carry out a policy on medication management and administration of prescription and nonprescription medication. The policy must include, without limitation:*

1. Training requirements for any direct care staff who will be responsible for administering medication;

2. Except for medications which must be kept with a child pursuant to the instructions of a physician, provisions for storing medications, including, without limitation, a requirement that all medications be kept in a locked container or cabinet;

3. A manual or other record which provides information on the potential side effects of each medication that is administered by the direct care staff;

4. Procedures for documenting and managing any adverse reaction to medication, including, without limitation, procedures for notifying the physician of a child in the case of a minor reaction or notifying emergency medical personnel in the case of a severe reaction;

5. Procedures for reporting an incident relating to the administration of medication to a child, including, without limitation, documentation and reporting to a physician any severe reaction to medication or errors in administering medication; and

6. Procedures for the disposal of medication that complies with any standards for the disposal of medication or drugs required by law.

Sec. 51. *A specialized foster home or a foster home operated by a foster care agency that administers any prescription and nonprescription medication to a child shall maintain a record of each medication administered to a child. The record must contain:*

- 1. The name, age and any known allergies of the child;*
- 2. Written consent by the parent or legal guardian of the child for the administration of any psychotropic, prescription or nonprescription medication and for any change in the administration of such medications, including the name of the medication and the dosage to be administered;*
- 3. Separate sections for each prescribed medication which must contain the name and dosage of the medication, the recommended frequency of administration and the purpose for the medication;*
- 4. The date and time any medication is actually administered and the initials of the member of the direct care staff who administered the medication;*

5. *Documentation of any medical information provided to the child, including, without limitation, the name and dosage of the medication, the recommended schedule for administering the medication and the purpose for the medication;*

6. *A notation that the member of the direct care staff observed that the medication was taken properly and not saved by the child;*

7. *A notation or other documentation of potential and anticipated effects of the medication, including, without limitation, any desired, expected or unexpected effects, as observed by direct care staff; and*

8. *Documentation of any errors related to the management or administration of the medication, including, without limitation:*

(a) Administration of the medication to the child that has not been authorized;

(b) Administration of the incorrect medication to the child;

(c) Failure to provide a dose of the medication to the child;

(d) Administration of the incorrect dose of the medication to the child;

(e) Administration of the medication to the child at the incorrect time; and

(f) Failure to provide the medication because of the refusal of the child to take the medication, including the circumstances surrounding the refusal.

Sec. 52. 1. *A member of the direct care staff in a specialized foster home or a foster home operated by a foster care agency may use physical restraint on a child placed in the specialized foster home or the foster home operated by the foster care agency only if:*

(a) The physical restraint is used to protect the safety of the child or other persons from imminent threat of physical injury or to prevent severe property damage; and

(b) The member of the direct care staff using physical restraint has completed the training required pursuant to section 48 of this regulation.

2. If a member of the direct care staff in a specialized foster home or a foster home operated by a foster care agency uses or witnesses the use of physical restraint on a child placed in the specialized foster home or foster home operated by a foster care agency, the member of the direct care staff must, within 24 hours after the incident, provide the director of the specialized foster home or foster care agency, as applicable, with a written report describing the incident.

3. If a specialized foster home or foster care agency receives a report pursuant to subsection 2, the director or the director's designee must:

(a) Verbally notify the caseworker of the child not later than 24 hours after receiving the report; and

(b) Provide a copy of the report to the caseworker and the licensing authority not later than 7 calendar days after the date of the incident.

Sec. 53. *1. A specialized foster home and a foster care agency that operates a foster home shall maintain a record for each child placed in the specialized foster home or a foster home operated by the foster care agency, as applicable. The record must be:*

(a) Kept in a secure location to ensure confidentiality and protection from unauthorized access;

(b) Protected from loss, damage or alteration;

(c) Current and accurate;

(d) Made available to the licensing authority upon request for review, copying or auditing and the agency which provides child welfare services at reasonable times;

(e) Retained for 6 years after the date of discharge of the child or closure of the child's case; and

(f) Destroyed in a manner that information from the record cannot be reconstructed to ensure protection of the child's information after the period of retention.

2. Each record maintained by a specialized foster home or a foster care agency pursuant to subsection 1 must include, without limitation:

(a) The name of the child and any aliases used by the child;

(b) The date of birth of the child;

(c) The race and ethnicity of the child;

(d) A photograph of the child, taken on the day of admission to the specialized foster home or foster home operated by the foster care agency and annually thereafter;

(e) The intake, referral and assessment information collected for admission of the child, including, without limitation, psychological, psychiatric, social or physical evaluations and admission summaries;

(f) The date of admission of the child to the specialized foster home or foster home operated by the foster care agency;

(g) The contact information of any parent, guardian, custodian and caseworker of the child and the agency which provides child welfare services;

(h) Emergency contact information for any parent, guardian, custodian, caseworker and physician of the child;

(i) The medical history of the child, including, without limitation:

(1) The name of each physician, dentist and other treatment provider of the child;

(2) A record of any medical care, dental care and immunizations received by the child, including, without limitation, diagnostic information, the name of the physician and plan for treatment during placement in the specialized foster home or foster home operated by the foster care agency;

(3) A record of any illness or significant symptoms of illness the child experienced while in foster care;

(4) A record of any medication administered to the child; and

(5) Any known allergies or physical limitations of the child;

(j) Any records or reports regarding the child's education and educational needs;

(k) Any plan of treatment for the child, ongoing progress reports, summaries of discharge from medical centers and requests for prior authorization for medical services or other documented authorization requests;

(l) Any accident reports and incident reports regarding the child;

(m) Any restrictions on visits with or activities of the child;

(n) A record of the child's clothing and personal property recorded at the time of admission to and discharge from the specialized foster home or foster home operated by the foster care agency;

(o) Signed releases of information or other required releases;

(p) A record of any rights of the child that are denied or limited and the disposition of any complaints involving the child; and

(q) Progress notes of observations made by staff of the child's behavior, progress or contact with others in the specialized foster home or foster home operated by the foster care agency or with regard to the child's care or treatment.

Sec. 54. 1. *A specialized foster home and a foster care agency that operates a foster home shall maintain records of all staff, which must include, without limitation:*

(a) Applications for employment, including, without limitation, an employment history and any needed releases of information;

(b) References provided for the staff member or foster parent;

(c) Results of tuberculosis tests submitted pursuant to NAC 424.167;

(d) Records of training;

(e) Any other needed information, such as incident reports, moving traffic violations or other issues regarding the staff member or foster parent;

(f) Performance evaluations;

(g) Documentation of required law enforcement checks; and

(h) Copies of current professional licenses issued by this State, if applicable.

2. *The specialized foster home or foster care agency must notify the licensing authority when a staff member or foster parent is no longer employed by the specialized foster home or foster care agency.*

Sec. 55. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.080, inclusive, *and sections 2 to 10, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 56. NAC 424.011 is hereby amended to read as follows:

424.011 “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}~~ *Direct* care ~~{}~~ *staff*.

Sec. 57. NAC 424.100 is hereby amended to read as follows:

424.100 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 emotional 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}~~ *staff* can provide suitable care for children.

Sec. 58. NAC 424.110 is hereby amended to read as follows:

424.110 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 person or agency applying for the license, the director ~~{or operator}~~ and staff, as applicable.

3. The director or ~~{operator}~~ *licensee* of the foster home is responsible for interviewing ~~{each}~~ prospective ~~{employee}~~ *staff* and submitting a copy of each employment application and resume to the licensing authority upon request.

~~{3}~~ 4. 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.

Sec. 59. NAC 424.120 is hereby amended to read as follows:

424.120 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.]~~ *annually*. That visit may be conducted as part of the initial issuance of a license ~~[or the renewal of a license.]~~ *and annually thereafter*.

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

Sec. 60. NAC 424.135 is hereby amended to read as follows:

424.135 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 person who is nonambulatory ~~[,]~~ *or* a person with a severe disability, ~~[or a person with mental retardation,]~~ 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 or her designee shall inspect the home. The State Fire Marshal may, based upon information he or she 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.

Sec. 61. NAC 424.145 is hereby amended to read as follows:

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

Sec. 62. NAC 424.160 is hereby amended to read as follows:

424.160 1. No family foster home *or specialized 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.

Sec. 63. NAC 424.165 is hereby amended to read as follows:

424.165 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 *for the Collection of Information Concerning the Abuse or Neglect of a Child* 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,}~~ *Documentation of contact*, either oral or written, with five satisfactory references; and
6. Satisfactory completion of the training specified in NAC 424.270.

Sec. 64. NAC 424.167 is hereby amended to read as follows:

424.167 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 the person and each member of his or her 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 or she~~ *the licensee* shall ensure that ~~each volunteer or employee~~ *the staff* of the foster home ~~provides~~ *provide* the written evidence set forth in subsection 1 to the licensing authority, except that ~~such a volunteer or employee~~ *the staff* 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~~ *staff* 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.

Sec. 65. NAC 424.170 is hereby amended to read as follows:

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

(a) The number of persons who are nonambulatory or who have severe disabilities ~~for persons with mental retardation~~ *that* 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 the licensee* stated on the license.

4. The license becomes invalid when it is voluntarily returned, the foster family moves to another location , *the licensee is no longer affiliated with the foster home* or ~~it~~ *the license* is revoked.

5. In the case of *a licensee with* multiple foster homes or locations, *including multiple foster homes or locations operated by a foster care agency*, each foster home must receive a license and have a designated ~~operator~~ *person* 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~~ *person who is the caregiver* of the specific foster home. If the specific ~~operator~~ *caregiver* of the foster home changes, the license becomes invalid.

6. Not more than one license of each type of license as a foster home may be issued to a family foster home.

Sec. 66. NAC 424.175 is hereby amended to read as follows:

424.175 1. The ~~[director or operator of a foster home]~~ *licensee* shall notify a licensing authority representative and apply to the licensing authority for a change in its license *to operate a foster home* 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]~~ *licensee* 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 or her decision regarding the review.

Sec. 67. NAC 424.185 is hereby amended to read as follows:

424.185 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 *a licensee with* multiple foster homes or locations, *including multiple foster homes or locations operated by a foster care agency*, 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]~~ *licensee* 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.

Sec. 68. NAC 424.195 is hereby amended to read as follows:

424.195 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]~~ *staff* of the foster home:

- (a) Has been convicted of a crime involving harm to a child;
- (b) Has charges pending against him or her for a crime involving harm to a child; or
- (c) Has been arrested and is awaiting final disposition of the charges pending against him or her 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 or her for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him or her 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 or her for, or has been arrested and is awaiting final disposition of the charges pending against him or her 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 or her for a felony described in subsection 2 or has been arrested and is awaiting final disposition of the charges pending against him or her 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.

Sec. 69. NAC 424.200 is hereby amended to read as follows:

424.200 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. *A foster care agency shall participate in such an inspection to the extent requested by the licensing authority.*

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.

Sec. 70. NAC 424.220 is hereby amended to read as follows:

424.220 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 ~~[,]~~ and 424.590 ~~[, 424.655 and 424.680.]~~ and sections 32, 40 and 45 of this regulation. 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.

Sec. 71. NAC 424.250 is hereby amended to read as follows:

424.250 1. A sufficient number of *direct care* staff must be on duty and available at all times to ~~[assure]~~ *ensure* proper care for children. ~~[The]~~ *Except as otherwise provided in this section, the* minimum number of *direct care* staff ~~[employed]~~ in a ~~[group]~~ foster home ~~[-, excluding staff or volunteer staff whose sole functioning is clerical, housekeeping, maintenance and other ancillary services,]~~ is:

Type	Age Range	Staff/Child Ratio
<i>Family Foster Homes or Specialized</i>	<i>0-5 years</i>	<i>1:4</i>
<i>Foster Homes</i>	<i>6-18 years</i>	<i>1:6</i>
Group Foster Homes	<i>0-5 years</i>	<i>1:4</i>
	[0-18] <i>6-18 years</i>	1:8 [or as otherwise]
		[approved]
Group Treatment Homes	0-6 years	1:4
	6-18 years	1:6
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.]~~ *in addition to the limitations provided in NAC 424.160.*

2. ~~[Treatment homes may be required to provide]~~ *Each specialized foster home must have a minimum of one [responsible adult, who must be awake and on duty in the home during the children's normal sleeping hours.] member of the direct care staff available to provide care within the specialized foster home pursuant to an alternative plan of supervision approved by the child and family team and documented in the treatment plan for the child.*

3. *Each foster home shall ensure that the children in the foster home are cared for as needed.* 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]~~

4. *When directed by the licensing authority, a specialized foster home may be required to provide a minimum of one member of the direct care staff who must be awake and on duty in the home during a child's normal sleeping hours. A specialized foster home may not use an outside child care facility that is not part of the treatment plan of the child to meet staffing requirements.*

5. *The licensing authority* 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.

Sec. 72. NAC 424.265 is hereby amended to read as follows:

424.265 ~~[The]~~

1. The licensing authority shall ensure that a foster home is financially solvent. A 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.]~~ *home must:*

(a) Have adequate financial resources to provide basic necessities for all the persons residing in the home before a child is placed into the care of the foster home;

(b) Demonstrate the ability to meet all financial obligations regardless of whether the foster home receives payments for providing foster care;

(c) Agree as a condition of licensure to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;

(d) Unless the foster home is operated as a public program, provide financial records to the licensing authority that demonstrate ongoing financial solvency upon the request of the licensing authority; and

(e) Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

Sec. 73. NAC 424.270 is hereby amended to read as follows:

424.270 1. ~~[Applicants]~~ *Except as otherwise provided in sections 46, 47 and 48 of this regulation, 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]~~ *The* applicants must also complete training *and receive certification* in

cardiopulmonary resuscitation and ~~pool~~, *if the foster home has a pool, hot tub, whirlpool bath or other standing body of water, training in water* safety before licensure.

2. ~~Foster~~ *Except as otherwise provided in sections 46, 47 and 48 of this regulation, 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 *family* 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.

Sec. 74. NAC 424.275 is hereby amended to read as follows:

424.275 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. ~~Directors of group foster homes home shall submit five satisfactory references to the licensing authority on each employee hired to care for children. The licensing authority must receive at least five satisfactory references for the director of a group foster home.~~

~~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.

3. *A licensing authority may deny an application for an initial license to operate a foster home based upon a negative reference.*

Sec. 75. NAC 424.280 is hereby amended to read as follows:

424.280 1. The ~~[director of a group foster home]~~ *licensee* is responsible for submitting to the licensing authority or its approved designee ~~[two sets of fingerprint cards]~~ for each ~~[employee]~~ *member of the staff and any independent contractors or adult residents* of the foster home ~~[. The director of the group foster home shall ensure that each person fingerprinted has]~~ :

(a) *Two sets of fingerprint cards or electronic fingerprints; and*

(b) A signed ~~[Law Enforcement Record Form 3321-SA or an equivalent]~~ release of law enforcement information.

2. ~~[Each employee hired by]~~ *All staff of* a foster home ~~[after the initial licensure of the foster home]~~ must be cleared through fingerprinting. ~~[Conditional]~~ *The licensing authority may allow 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]~~ *submitted.*

(d) *A satisfactory clearance is received from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 regarding the person.*

(e) *The person has requested clearance in every state in which the person has resided during the immediately preceding 5 years pursuant to subsection 2 of NRS 424.033.*

(f) *The person is directly supervised and is not allowed to be alone with a foster child until full clearance is completed.*

3. *A foster home must dismiss a conditional ~~[employee is subject to dismissal by the foster home]~~ member of the staff if the Federal Bureau of Investigation indicates the ~~[employee]~~ staff member has a criminal history. ~~[Such history must be discussed]~~ The licensee must discuss the criminal history of the staff member with the licensing authority to determine the acceptability of the ~~[employee. Failure]~~ staff member. The licensing authority may revoke the license to operate the foster home, and, if the foster home is operated by a foster care agency, the license to operate the foster care agency, if the foster home fails to dismiss an unacceptable ~~[employee is grounds for revocation of the license to operate the foster home.~~*

~~—3.]~~ *member of the staff.*

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

~~—4.]~~ *staff member.*

5. 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 fingerprints and a signed release of law enforcement information* to the licensing authority or its approved designee; and

(b) Except as otherwise provided in subsection ~~[5.]~~ 6, be cleared through fingerprinting,
↳ before moving into the foster home.

~~[5.]~~ 6. A person described in subsection ~~[4]~~ 5 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 or her fingerprint cards *or electronic fingerprints and a signed Law Enforcement Record Form or an equivalent release of law enforcement information* to the licensing authority or its approved designee as required by subsection ~~[4.]~~ 5.

(d) *The licensing authority has received a satisfactory clearance from the Statewide Central Registry established pursuant to NRS 432.100 regarding the person.*

(e) *Satisfactory clearance is received from every state in which the person has resided during the immediately preceding 5 years pursuant to subsection 2 of NRS 424.033.*

↳ 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]~~ *licensee* shall either terminate his or her license or have the resident move out of the foster home.

7. The licensing authority shall notify the licensee when an employee or adult resident receives the required clearances pursuant to this section.

Sec. 76. NAC 424.285 is hereby amended to read as follows:

424.285 The licensing authority shall consider the composition ~~[and marital status]~~ of a foster family and *the staff of a foster home* 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.

Sec. 77. NAC 424.295 is hereby amended to read as follows:

424.295 1. Volunteer staff will be subject to the same ~~[licensing]~~ requirements *of this chapter and chapter 424 of NRS* as other staff, including , *but not limited to*, law enforcement checks *and satisfactory clearances* and references.

2. The duties of volunteer staff must be defined.

Sec. 78. NAC 424.390 is hereby amended to read as follows:

424.390 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.]~~ *meet industry standards for safety to prevent a person from getting scalded.*

7. Unvented heaters which use liquid, solid or gas fuels are prohibited.

Sec. 79. NAC 424.410 is hereby amended to read as follows:

424.410 ~~{Family}~~ **All** foster homes ~~{shall}~~ **must** have ~~{a}~~ **an operable** telephone ~~{where available. Group homes and any home providing emergency shelter care must have a telephone.}~~ **that is not a cellular telephone accessible in the foster home.** Emergency telephone numbers, including **, without limitation,** health agencies, fire and police departments and ambulance services, ~~{shall}~~ **must** be posted by the telephone.

Sec. 80. NAC 424.420 is hereby amended to read as follows:

424.420 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 **, {or} ponds *or other standing bodies of water, 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 **, {or} pond *{,} or other standing body of water,*** and which separates the pool **, {or} pond *or other standing body of water*** 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 **, *pond or other standing body of water*** 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~~ *whirlpool bath*. 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.

Sec. 81. NAC 424.465 is hereby amended to read as follows:

424.465 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 ~~[-]~~ *and the foster care agency, if applicable.*

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 or her.

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.

Sec. 82. NAC 424.475 is hereby amended to read as follows:

424.475 ~~[The]~~ *Except as otherwise provided in sections 15 to 54, inclusive, of this regulation, in addition to the requirements of NAC 424.478, the* director or ~~[operator]~~ *licensee* 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.]~~ 4. The ~~[social worker]~~ *caseworker* of the placing agency responsible for a child before any ~~[volunteer staff or]~~ other persons begin to have regular contact with the child.

Sec. 83. NAC 424.478 is hereby amended to read as follows:

424.478 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.

Sec. 84. NAC 424.480 is hereby amended to read as follows:

424.480 1. ~~[The]~~ *Except as otherwise provided in section 53 of this regulation, 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.]~~ *agency which provides child welfare services.*

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]~~ *Except as otherwise provided in section 53 of this regulation, the* foster home shall maintain records on the child's medical and dental care.

4. ~~[When]~~ *Except as otherwise provided in section 53 of this regulation, when* a child leaves the foster home, all records shall be given to the child's caseworker.

Sec. 85. NAC 424.485 is hereby amended to read as follows:

424.485 1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the children in his or her 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]~~ *licensee* 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.

Sec. 86. NAC 424.490 is hereby amended to read as follows:

424.490 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. ~~[State law regarding car seats and seat belts must be observed at all times when transporting foster children.~~

~~—4.]~~ 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.

~~[5.]~~ 4. Any person who provides transportation to a foster child ~~[in a private motor vehicle]~~ shall ~~[possess]~~:

(a) *Possess* at least the minimum liability insurance coverage required by state law ~~[.]~~;

(b) *Observe state law regarding child restraint systems set forth in to NRS 484B.157 and seat belts at all times when transporting foster children;*

(c) *Observe all the laws of this State concerning the operation of a motor vehicle; and*

(d) *Not, while operating the motor vehicle, use a cellular telephone, handheld electronic device or similar device that may distract the person.*

Sec. 87. NAC 424.500 is hereby amended to read as follows:

424.500 1. A foster home shall ~~provide~~ :

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

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

(c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes, behaviors and culture of a child or family.

(d) Employ direct care staff who are knowledgeable about and understanding of children who have greater physical or emotional needs.

(e) Provide effective supervision and employ staff who possess the vitality, interest and understanding to meet the needs of a child in its care. Prospective staff must be selected based upon their ability to care for a foster child with consideration of the age and needs of any other children in the care of the foster home.

(f) Employ staff who have the ability to work with and guide a child within a group setting or individually. Staff must possess the physical and emotional health to carry out the responsibilities of caring for a child.

(g) Work cooperatively with agencies which provide child welfare services, teachers and other professionals to meet the needs of a child.

(h) Accurately observe and report each child's progress in the foster home.

(i) 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 ~~§~~, *which may include, without limitation:*

(a) Activities that promote leisure or play;

(b) Activities that promote self-expression and communication;

(c) Appropriate physical exercise to encourage development of gross and fine motor skills;

(d) Activities to encourage mental or intellectual stimulation and development;

(e) Activities appropriate to the child's ethnicity or culture; and

(f) Indoor and outdoor recreational activities.

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 parent shall assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel.

8. The foster parent shall assist the agency which provides child welfare services to ensure that the child is provided with ongoing visitation and contact with siblings or other family members, if requested by the caseworker of the child.

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

~~{8.}~~ 10. Smoking is prohibited in ~~{the facilities of group}~~ foster homes ~~{.}~~ and in the presence of foster children.

Sec. 88. NAC 424.505 is hereby amended to read as follows:

424.505 *Except as otherwise provided in section 42 of this regulation, a foster home shall ensure foster children are supervised in the following manner:*

1. Minors shall not supervise foster children unless approved by the foster child's ~~{social worker.}~~ caseworker.
2. Foster children must be given supervision appropriate to their age and maturity.
3. Foster children ~~{shall}~~ must not supervise or babysit other children unless approved by the foster child's ~~{social worker.}~~ caseworker.
4. ~~{Children shall}~~ Foster children must always be supervised by an adult when in or around a pool ~~{.}~~ or other standing body of water. Adults ~~{shall}~~ must not allow themselves to be distracted by ~~{household chores.}~~ daily activities.

Sec. 89. NAC 424.520 is hereby amended to read as follows:

424.520 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 or her 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]~~ *caseworker* of the agency responsible for the child.

Sec. 90. NAC 424.525 is hereby amended to read as follows:

424.525 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 or her from the setting. This is appropriate only to younger children whose size and weight enable such action.

~~[3.]~~ 2. Informing the child in a simple and positive manner what conduct is expected.

~~[4.]~~ 3. Restriction to the child's room or other area ~~[and/or]~~ *or* withholding privileges such as attending social gatherings or watching television.

~~[5.]~~ *As used in this subsection, "social gathering" does not include an approved visit with any member of a child's family.*

4. Sitting with a child until the child gains control of his or her behavior and can return to normal activities.

~~{6.}~~ 5. Redirecting the child to a new or different activity.

~~{7.}~~ 6. Praising and recognizing a child who behaves in the expected manner.

~~{8.}~~ 7. The use of a point system to recognize good behavior and create an incentive to improve inappropriate behavior.

8. The withdrawal of positive reinforcement for a temporary time for inappropriate behavior, including, without limitation, removal from participation in the current routine or activities or allowing the child to be alone voluntarily in a quiet, unlocked room.

9. Strategies to teach adaptive behavior which includes the use of positive reinforcement.

10. Assigning consequences that are specifically related to the child's behavior.

Sec. 91. NAC 424.530 is hereby amended to read as follows:

424.530 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}~~ *caseworker* 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 or her family.

(b) Threaten to subject or subject a child to pushing, punching, shaking, rough handling, force feeding, biting, *spanking*, hitting of any kind, including with an implement, isolation in a closed space, such as a closet or unlit or unventilated space, or *any other corporal punishment* *or* other extreme discipline.

(c) *Threaten to remove the child from the foster home.*

(d) Threaten a child with the loss of love of any person.

~~{(d)}~~ (e) Threaten a child with punishment by a deity.

~~[(e)]~~ (f) 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.

~~[(f)]~~ (g) Threaten to subject or subject a child to any form of punishment by other children.

~~[(g)]~~ (h) Threaten to subject or subject a child to excessive ~~time-out.~~

~~[(h)]~~ *withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities or requiring the child to be alone in a room for an extended period of time.*

(i) Threaten to wash or wash a child's mouth out with soap or detergent ~~[or threaten]~~ *or any similar threats or acts.*

(j) *Threaten* to tape or tape the mouth of a child ~~[-~~

~~[(i)]~~ *or any similar threats or acts.*

(k) *Threaten to place a sauce made from hot peppers or other pungent condiment sauce in the mouth of a child or any similar threats or acts.*

(l) 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.

~~[(j)]~~ (m) Threaten to withhold or withhold the allowance of a child provided by the agency which provides child welfare services.

(n) *Subject a child to work that does not have a purpose as punishment, including, without limitation, scrubbing the floor with a toothbrush, writing repetitive phrases, pulling weeds in a field of weeds, excessive exercise or any similar acts.*

2. The ~~[threat of or]~~ use of ~~[spanking]~~ *a mechanical restraint, chemical restraint, involuntary physical confinement or psychological coercion or confinement of a foster child* as

a form of discipline is prohibited. *Involuntary physical confinement does not include the withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities or allowing the child to be alone voluntarily in a quiet, unlocked room.*

Sec. 92. NAC 424.535 is hereby amended to read as follows:

424.535 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~~ *licensee* 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.

Sec. 93. NAC 424.540 is hereby amended to read as follows:

424.540 1. Food shall be provided in the quantity and quality 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.

Sec. 94. NAC 424.555 is hereby amended to read as follows:

424.555 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]~~ *licensee* 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.

Sec. 95. NAC 424.560 is hereby amended to read as follows:

424.560 *Except as otherwise provided in sections 50 and 51 of this regulation, a foster home shall administer medication in a foster home in the following manner:*

1. The foster home parents or staff shall supervise or administer all prescription and nonprescription medication ~~[]~~ *to a foster child.*
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 *or nonprescription* medications ~~[]~~ *administered to the child.* The record must become part of the child's permanent file of ~~prescriptions.~~
- ~~—5.— In a family foster home, medication must be kept in a place inaccessible to children. In a group foster home,] medications.~~
5. All medication must be kept in a locked place, ~~[with the exception of]~~ *including, without limitation, medication that requires refrigeration. Medication which must be kept with a child pursuant to the instructions of a physician is not required to be 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.

Sec. 96. NAC 424.595 is hereby amended to read as follows:

- 424.595 1. All hazardous chemicals, tools and other equipment, including matches, plastic bags, paints, gasoline, ~~medicines,~~ insecticides, and cleaning and laundry materials, shall be *secured and* stored ~~out of the reach of young children.~~ *in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children.* Products which could cause poisoning or contamination shall *not* be stored ~~separately from~~ *with* 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.

Sec. 97. NAC 424.605 is hereby amended to read as follows:

- 424.605 1. The ~~director or operator of each foster home~~ *licensee* shall have a written fire evacuation plan for the foster home. The ~~director or operator~~ *licensee* 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.

Sec. 98. NAC 424.750 is hereby amended to read as follows:

- 424.750 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 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 ~~[;]~~ *or foster care agency*, including, without limitation, an evaluation and an assessment of the family of the applicant ~~[;]~~, *if appropriate;*

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

(c) A license to operate a foster home *or foster care agency* issued by the licensing authority, including information indicating the name and address of the licensee ~~[;]~~ *or person licensed to operate the foster care agency*, any limitation on the number of children that may be placed in ~~[the]~~ *a* foster home and any other limitations of the license;

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

(e) A checklist developed 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 ~~[;]~~, *individual treatment plans, medical records, incident reports, personnel and training requirements;*

(f) A complaint concerning a licensee ~~[;]~~ *or person licensed to operate the foster care agency*, 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 ~~[;]~~ *or foster care agency*, 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 ~~[,]~~ *and* 424.590 ~~[, 424.655 and 424.680.]~~ *and sections 32, 40 and 45 of this regulation.*

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 *develop or* 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 *or foster care agency* and to remove any foster children placed in the foster home

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, ~~for~~ the foster home *or the foster care agency* as determined by the Division as a result of an audit performed pursuant to subsection 1.

Sec. 99. NAC 424.820 is hereby amended to read as follows:

424.820 Each group foster home, *specialized foster home and foster care agency that operates a foster 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 cancelled or not renewed, the director shall notify the licensing authority 20 days before the effective date of cancellation or nonrenewal. Failure to maintain the insurance in force is a basis for the revocation of a license.

Sec. 100. 1. The amendatory provisions of sections 31 and 39 of this regulation do not apply to a person who was hired as a director of a foster care agency or treatment home, now known as a specialized foster home, respectively, before the effective date of this regulation if the person has been continuously employed in any capacity by the foster care agency or specialized foster home with no separation from employment since January 1, 2008.

2. The amendatory provisions of section 44 of this regulation do not apply to a person who was hired as a supervisor of or a case manager for a specialized foster home or a foster home operated by a foster care agency before the effective date of this regulation.

3. Notwithstanding the provisions of section 44 of this regulation, until July 1, 2013, a specialized foster home or a foster home operated by a foster care agency may hire a person who does not meet the qualifications set forth in section 44 of this regulation as a supervisor of or a case manager for a specialized foster home or foster home operated by a foster care agency so long as the person hired meets those qualifications within 18 months after the date of hire.

Sec. 101. NAC 424.025, 424.061, 424.067, 424.075, 424.140, 424.150, 424.650, 424.655, 424.660, 424.665, 424.670, 424.675, 424.680, 424.690, 424.695, 424.700 and 424.705 are hereby repealed.

TEXT OF REPEALED SECTIONS

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

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.

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.

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.

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 the program by 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.

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 and bylaws, and tax-exempt letter from the Internal Revenue Service, to the licensing authority.

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

1. Every group treatment home must have a director who is responsible for the overall operation of the group treatment home.

2. A director of a group treatment home 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.

3. The director of a group treatment home must be present on-site an average of 20 hours per week. The director shall appoint someone to be in charge while he or she is away from the group treatment home. 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.

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).

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

424.660 Vacancy in position of director. (NRS 424.020)

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.

2. During the 3-month provisional licensing period, the hiring authority for the group home must be actively recruiting a new director. Approval of a new or proposed director shall take place during this 3-month period.

424.660 Vacancy in position of director. (NRS 424.020)

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.

2. During the 3-month provisional licensing period, the hiring authority for the group home must be actively recruiting a new director. Approval of a new or proposed director shall take place during this 3-month period.

424.665 Staff: Qualifications. (NRS 424.020)

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 educational 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 a 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.

424.670 Staff: Training. (NRS 424.020)

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.

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.

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

1. Any person employed as a director of a group treatment home or applying to be a foster parent 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 or her services within a group foster home who has been convicted of a felony or gross misdemeanor or one or more misdemeanors may be employed or may volunteer his or her services upon factual verification of rehabilitation. Each person's background must be evaluated for the position for which the person will be employed or will fill as a volunteer and reviewed by the Administrator or the designee of the Administrator.

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

1. Each treatment home must provide, upon its initial application for a license, a written description of 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.

2. The description required by subsection 1 must include:

- (a) A statement of purpose and the philosophy, goals and objectives of the treatment home.
- (b) The characteristics of the children to be served, including the range of ages, sex, number of children 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.
- (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.

(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.

(i) A plan for providing social and psychological services.

(j) A plan for meeting the medical needs of children.

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

(l) A statement regarding the provision of transportation.

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.

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.
3. The date of admission of the child to the treatment home.

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

424.705 Records: Staff. (NRS 424.020) 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.