

PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

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Blue language is new language from R131-10P.
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CHAPTER 424 - FOSTER HOMES FOR CHILDREN

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GENERAL PROVISIONS

REVISER'S NOTE.

Pursuant to NRS 232.463, the Director of the Department of Human Resources (now the Department of Health and Human Services) issued an order, dated July 11, 1991, and effective on August 1, 1991, assigning to the Division of Child and Family Services the powers and duties of the Welfare Division (now the Division of Welfare and Supportive Services) regarding:

“The provisions of, or the placement of children for protective services, foster care or other services pursuant to chapter 62, 125A, 128, 424 and 432B of NRS * * *.”

Based upon this assignment of authority, the Division of Child and Family Services has adopted regulations regarding foster homes for children, pursuant to NRS 424.020, which amend regulations previously adopted by the Welfare Division.

NAC 424.005 Definitions. (NRS 424.020)

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.

NAC 424.010 “Administrator” defined. “Administrator” means the Administrator of the Division.

(Supplied in codification)

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

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

NAC 424.011 “Applicant” defined. (NRS 424.020)

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, *other than a resident who remains under the jurisdiction of the court pursuant to NRS 432B.594*; and
3. *A volunteer or an employee of a foster home who will be providing foster Direct care . staff.*

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.

NAC 424.015 “Child-placing agency” defined. (NRS 424.020) “Child-placing agency” means a person who places or arranges the placement of children for adoption or permanent free care in accordance with chapter 127 of NRS.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

NAC 424.01X “Child referral source” defined. “Child referral source” means any entity or individual placing a child in a specialized foster home.

NAC 424.020 “Day care” defined. (NRS 424.020) “Day care” means supplemental parental care away from the child’s own home during any portion of the day, but less than 24 hours. This may be either daytime or nighttime care.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

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.

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

~~— [Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

NAC 424.025 “Director” defined. “Director” means the person responsible for the operation of a specialized foster home or foster agency which operates a specialized foster home.

NAC 424.030 “Division” defined. “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

(Supplied in codification)

NAC 424.040 “Emergency shelter care” defined. (NRS 424.020) “Emergency shelter care” means short-term care, usually not to exceed 30 days, provided until long-range plans can be made for a child who cannot be maintained in his/her own home because he/she is in clear and present danger of abuse, neglect or exploitation.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

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

(Supplied in codification)

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

(Supplied in codification)

NAC 424.055 “Group foster home” defined. “Group foster home” has the meaning ascribed to it in [NRS 424.015](#).

(Supplied in codification)

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

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

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

NAC 424.059 “Licensing authority representative” defined. (NRS 424.020) “Licensing authority representative” means:

1. In a county whose population is 100,000 or more, the director of the agency of the county that provides or arranges for necessary child welfare services or a person designated by him; or
2. In a county whose population is less than 100,000, the Administrator or a person designated by him.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

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.

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

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

~~(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)~~

NAC 424.065 “Person” defined. (NRS 424.020) “Person” means any individual, partnership, firm, corporation or association.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

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

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

~~(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)~~

NAC 424.070 “Resident” defined. (NRS 424.020) “Resident” means any person who presents to others the foster home as their home. This may include receipt of mail and phone messages, keeping clothing in the home, occasionally sleeping on the premises, using the facilities for bathing, etc., on a regular basis, inhabiting a recreational vehicle or other dwelling on the property, having regular and unlimited access to the home, etc.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

~~NAC 424.075 “Treatment home” defined. (NRS 424.020) “Treatment home” means a specialized type of foster home that is capable of handling children who require special care for physical, mental or emotional reasons.
— [Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]— (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

NAC 424.080 “Twenty-four hour care” defined. (NRS 424.020) “Twenty-four hour care” means full-time care that is given a child in substitute care.
[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

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.

LICENSING AND ORGANIZATION

NAC 424.100 Purpose of licensing. (NRS 424.020)

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

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.

NAC 424.105 Effect of licensing. (NRS 424.020) The licensing of a foster home by the licensing authority does not obligate the agency which provides child welfare services to support the foster home financially nor obligate the agency which provides child welfare services to place any certain number of children in the foster home. The licensing of a foster home means only that the licensing authority has evaluated the family, physical plant and services, and has determined that the foster home is in compliance with licensing requirements.

[Welfare Div., Req. for Foster Care part § 103.8, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

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

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

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.

NAC 424.115 Withdrawal of application; reapplication. (NRS 424.020) An applicant may withdraw the application for a license at any time. The request to withdraw should be made or confirmed in writing. Reapplication for a license after a withdrawal may be made at any time without penalty.

[Welfare Div., Req. for Foster Care part § 103.3, 10-7-88, eff. 1-1-89]

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

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

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.

NAC 424.125 Release of information for evaluation of foster home. (NRS 424.020) Applicants and licensees are required to provide releases of information as requested by the licensing authority representative authorizing contact with any individual deemed necessary to evaluate the foster home. This may include, without limitation, doctors, employers, school staff and personal references.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

NAC 424.130 Inspections: General requirements. (NRS 424.020)

1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if he has any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. The licensing authority may require each group foster home to be inspected upon its application for a license by the local building inspector and any local or state health inspector. A subsequent building inspection may be required if any structural remodeling is done. Any such remodeling must adhere to any applicable requirements relating to building set forth in an ordinance of the local government having jurisdiction.

4. The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.

5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking. Bottled water may be required if the water from the individual well is unsafe.

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

[Welfare Div., Req. for Foster Care part § 108.1 + § 109, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

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

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

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.

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

~~—1. If the combined total placements of all those homes does not exceed six children, family foster care standards apply.~~

~~—2. If each of those homes has six placements or less, but the combined total exceeds six, each home must be licensed by family foster care standards and 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.~~

~~—[Welfare Div., Req. for Foster Care part § 103.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)~~

NAC 424.145 Requirements for treatment homes and homes providing emergency shelter care. (NRS 424.020)

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

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.

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

~~— [Welfare Div., Req. for Foster Care part § 103.9, 10-7-88, eff. 1-1-89] (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

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

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

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.

NAC 424.165 Initial licensing: Minimum requirements. (NRS 424.020)

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

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.

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

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

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, *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594* 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.

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

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

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 **or 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.

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

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

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.

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

[Welfare Div., Req. for Foster Care § 103.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002)

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

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

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.

NAC 424.190 Denial or revocation of license: History of applicant regarding children. (NRS 424.020) Any applicant for a license to operate a foster home or a licensed provider of foster care, who has been investigated by an agency which provides child welfare services and regarding whom a finding of substantiated abuse or neglect of a child has been made by that agency, or whose own children have been in foster care or otherwise placed outside of his home for the purpose of adoption or foster care, must be denied a license to operate a foster home or have his existing license revoked, as applicable.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R044-02, 7-23-2002)

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

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

1. ~~Except as otherwise provided in subsection 3, a~~ A license to operate a foster home ~~must~~ *may* not be issued, or ~~must~~ *may* 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 *has been investigated or arrested for, has charges pending, or has been convicted of:*
 - (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.]~~
- (b) Murder, voluntary manslaughter or mayhem;*
- (c) Any felony involving the use of a firearm or other deadly weapon;*
- (d) Assault with intent to kill or to commit sexual assault or mayhem;*
- (e) Domestic violence within the preceding 7 years;*
- (f) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure, child pornography or any other sexually related crime;*
- (g) Abuse or neglect of a child or contributory delinquency;*
- (h) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or dangerous drug;*
- (i) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons; and*
- (j) An offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the preceding 7 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.]~~

4. A license to operate a foster home may be suspended or revoked if the licensing authority determines that the licensee has failed to terminate an employee or remove a resident of the foster home who is 18 years of age or older and has been convicted of any crime listed in this subsection.

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

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.

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

1. The authority to operate a foster home is dependent upon continued compliance with the licensing requirements of the licensing authority.

2. A license to operate a foster home may be revoked by the licensing authority whenever a foster home fails to meet the requirements for a license. A licensing authority representative shall send a written statement to the foster family giving the reasons for revocation of the license and notification of the procedure for hearing grievances relating to the revocation as set forth in [NRS 424.045](#) and [NAC 424.210](#). A revocation is effective 30 days after the date the notice is sent.

3. In cases of noncompliance with one or more licensing requirements which are believed to be hazardous to children or which involve a health or safety issue, the licensing authority may suspend a license and require the foster home to cease operation immediately. The suspension of a license pursuant to this subsection is not subject to the procedures set forth in [NAC 424.210](#), but a licensee may submit a request for a review of the suspension by the Administrator. Pursuant to [NRS 424.045](#), the Administrator or the designee of the Administrator shall review the suspension within 30 days after the receipt of the request.

4. When a license to operate a foster home is suspended or revoked, the foster children in the foster home must be removed from the foster home by the agency that placed the child in the foster home within the period determined by the licensing authority.

[Welfare Div., Req. for Foster Care part § 103.6, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002)

NAC 424.210 Hearing on proposal to revoke or deny renewal of license. ([NRS 424.020](#), [424.045](#)) Except as otherwise provided in [NAC 424.205](#), a licensee may, by written request, obtain a hearing regarding a proposal by the licensing authority to revoke or deny the renewal of his license. The request must be received by the licensing authority before the effective date of the proposed action or within 13 days after the notice of action was mailed, including the date of mailing. The hearing must be held before a hearing officer of the Division or the designee of the

Administrator. The hearing officer or designee, as appropriate, shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

[Welfare Div., Req. for Foster Care § 103.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

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

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

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.

PERSONNEL AND ADULT RESIDENTS

NAC 424.250 Minimum staffing requirements. (NRS 424.020)

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
Family Foster Homes or Specialized Foster Homes	0-5 years 6-18 years	1:4 1:6
Group Foster Homes	0-5 years 0-18 6-18 years	1:4 1:8 or as otherwise approved
Group Treatment Homes	0-6 years 6-18 years	1:4 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.

NAC 424.255 General qualifications. (NRS 424.020) Foster home parents/staff shall:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their integrity and conduct shall be above reproach, especially as regards to their role as foster caregivers.

2. Be willing to be a team member with the agency in establishing and carrying out agency goals for the child.

3. Possess skills necessary to live amiably as a family group.

4. Have the character and personality to give care to children.
5. Accept and respect each child as an individual.
6. Be kind and friendly.
7. Have knowledge and understanding of child care and problems of children.
8. Be flexible in their approaches to child care.
9. Participate in and effectively apply training as required.
10. Be prepared to serve as an appropriate role model for foster children and their parents.
11. Present a positive image to the community.
12. Maintain good community relationships.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89]

NAC 424.260 Age of foster parent. (NRS 424.020) An applicant to be a foster parent must be 21 years of age or older. The age of the foster parent should be considered only as it affects his physical energy, flexibility or ability to care for a specific child, and in relation to the probable duration of the care of a particular child.

[Welfare Div., Req. for Foster Care § 104.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99)

NAC 424.265 Financial responsibility. (NRS 424.020)

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

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.

NAC 424.270 Training. (NRS 424.020)

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

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 obtain

information on water safety and the risk of drowning 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.

NAC 424.275 References. (NRS 424.020)

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

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 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.

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

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

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, *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594*, 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, *other than a person who remains under the jurisdiction of a court pursuant to NRS 432B.594*, 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]~~ **A Child Abuse and Neglect Registry check is requested** 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.

8. Upon receipt of a background check report pursuant to this subsection, the licensing authority must determine whether or not the person has been convicted of a crime as listed in section 424.195. If a staff member or resident fails to be cleared by the background checks in subsection 2 per section 424.195 or 424.295 of this Regulation, the staff member or resident must immediately inform the applicant or licensee.

(a) If the applicant or licensee believes the information regarding his or her background is incorrect, he or she shall give the staff member or resident 30 days to correct the information.

i. During the 30 day period in which the staff member or resident seeks to correct the information, it is within the discretion of the applicant or licensee whether or not to allow the staff member or resident to continue to work for, or reside at the foster home. The staff member or resident must not have any unsupervised contact with a child in the foster home during this period.

9. The licensing authority or its designee shall conduct a background investigation which includes fingerprints and a Child Abuse and Neglect Registry check on each member of the staff and resident of a foster home pursuant to this section at least once every five years after the initial investigation.

NAC 424.285 Consideration of composition ~~[and marital status]~~ of foster family and staff. (NRS 424.020) **Sec. 76.** NAC 424.285 is hereby amended to read as follows:

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.

NAC 424.290 Religious beliefs and practices. (NRS 424.020) The religious beliefs and practices of foster parents will be considered in relation to how they will affect foster children placed in the home. Religious beliefs may not be imposed upon foster children nor limit the ability of foster children to celebrate normally observed holidays or special occasions.

[Welfare Div., Req. for Foster Care § 104.8, 10-7-88, eff. 1-1-89]

NAC 424.295 Members of staff serving as volunteers. (NRS 424.020)

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

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.

NAC 424.300 ~~[Approval required for]~~ Persons providing professional care to child to be foster parent for child. (NRS 424.020) If an applicant or a foster parent is providing professional care directly to a child in the custody of the agency which provides child welfare services, the applicant or foster parent can only be a foster parent for that child ***if he/she can provide a plan as to how it will not interfere with the professional relationship, or that the professional relationship will terminate and not be a detriment to the child and how it is in the***

best interest of the child. ~~[with the approval of the Administrator or the designee of the Administrator.]~~ Persons providing professional care include, but are not limited to:

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

[Welfare Div., Req. for Foster Care § 104.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002)

FACILITIES, GROUNDS AND FURNISHINGS

NAC 424.350 Location of home. ([NRS 424.020](#))

1. The home shall be in an area that is conducive to the physical and emotional health, general welfare and wholesome development of children, and which includes an accessible outdoor play area.

2. It is preferred that the home be located in a residential area. However, commercial or industrial districts may be approved if there are adequate safeguards against traffic and other hazards.

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89]

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

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

NAC 424.360 Grounds of home. ([NRS 424.020](#))

1. The grounds of a foster home must include outdoor space as a recreational area suitable for the size, number and age of the children accepted for foster care.

2. Outdoor play space must be fenced when, in the judgment of a licensing authority representative, surrounding hazards, including, without limitation, freeways, railroads, livestock, machinery and irrigation ditches or other bodies of water, suggest the necessity for such protection.

3. The home and outdoor play area must be well-maintained in a clean and safe condition and free from hazards, including, without limitation, trash and debris.

4. The premises of a foster home must be free of accumulated refuse, dilapidated structures, vermin, dangerous conditions capable of harming children and any other health or safety hazard.

5. All land areas must be well-drained, imperviously surfaced if necessary and free of depressions in which water may stand.

[Welfare Div., Req. for Foster Care part § 107.1 + part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

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

1. The foster home must have ~~at least~~ *approximately* 200 square feet of living space per occupant, including foster children, *the applicant or licensee must be able to demonstrate appropriate living space for all occupants which does not compromise child safety.* As used in this subsection, “living space” includes all areas of the house except an unfinished basement, office or similar area not usually occupied by the family in their daily living.

2. The foster home must have adequate space for individual study and recreation, regardless of the number of children in the foster home.

3. The dining area must be large enough to permit all the family members, staff and foster children to eat together.

4. Cooking and food service areas should be well planned and equipped. The size of the kitchen and the equipment will depend on the number of persons to be served.

5. All rooms used as living or sleeping quarters, including kitchens and lavatories, must be clean, lighted, well-ventilated and heated, except that laundry rooms need not be heated.

6. Rooms must have furnishings comfortable and suitable for use by children as appropriate.

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

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002)

NAC 424.370 Doors and windows. (NRS 424.020)

1. Every opening in the exterior of the residential portion of a group home, except those used exclusively as fire exits, must be screened.

2. Each child’s room must have at least one window that is accessible for exit in case of fire or other emergency.

3. Every dwelling must have two exits at least 36 inches wide and 80 inches high which provide unobstructed travel to the outside of the building. Exits leading to the outside must not be through intervening rooms subject to locking. All exit corridors or hallways must be clear of obstructions. Mobile homes must have exits located at opposite sides or ends of the home. Apartment buildings with more than one story may be required to submit to an inspection by the local fire department or State Fire Marshal’s Office. Flexible ladders may be required for residences with more than one story.

4. Exit doors from buildings may be equipped with a deadbolt lock, security chain or night latch if the lock, chain or latch can be opened from the inside without the use of a key or special knowledge and is mounted no higher than 48 inches from the floor.

5. Every lock on a bathroom door must be designed to permit the opening of the locked door from the outside through means which are readily available.

6. Every closet door must be of a type that can be opened from the inside.

7. No security bars are allowed on bedroom windows or doors used as an emergency exit or route of escape unless they can be opened fully by use of a single-action device located inside of

the room or area. Opening mechanisms must be within the reach from the floor of any child for whom the home is licensed. Security bars must open with no more than two motions of the hand. Children must be trained, upon placement, to operate the mechanism. Group homes must not have bars over windows.

8. Doors with security bars must not be locked except when all occupants are absent from the home.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsections 3 and 7 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

NAC 424.375 Sleeping accommodations. (NRS 424.020) *The following sections outline the recommended sleeping accommodations. All accommodations shall be adhered to unless the applicant or licensee can demonstrate how alternative arrangements are in the best interest of the foster children and how child safety will not be compromised. The alternative plan must be submitted in writing to the licensing authority.*

1. ~~[Unless an exception is approved by the licensing authority—~~
 - ~~(a)~~ Foster children ~~[must]~~ *should* sleep in a room, designated as a bedroom, which ~~[must]~~ *will* ensure privacy.
 - ~~(b)~~ *(a)* Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep.
 - ~~(c)~~ *(b)* No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.
2. ~~[Unless an exception is approved by the licensing authority,]~~ Rooms used by children for sleeping ~~[must]~~ *should* have a minimum of 35 square feet per child and 3 feet of floor space between beds.
3. Dormitories housing more than six children are not allowed ~~[without the approval of the licensing authority]~~. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.
4. ~~[Unless an exception is approved by the licensing authority,]~~ Children of the opposite sex who are 5 years of age or older must not share a bedroom, and children over 12 months of age must not sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is *appropriate based on the circumstances and needs of each individual child* ~~[approved by the licensing authority representative.~~
- ~~5. Unless an exception is approved by the licensing authority,]~~ The foster parents' bedroom ~~[must]~~ *should* be located on the same floor as the bedroom of any child under 8 years of age.
6. ~~[Except as otherwise provided in this subsection or as approved by the licensing authority,]~~ Each child must be provided with his own bed, which ~~[must]~~ *should* be at least 30 inches wide and of a length which is adequate for the child's height, and the bottom of which is at least 6 inches off the floor. Siblings of the same sex may share a double bed.

7. Each bed ~~[or crib]~~ must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

8. ~~[Unless an exception is approved by the licensing authority,]~~ Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks ~~[must]~~ *should* not be used by children under 8 years of age.

9. A complete change of bed linens must be supplied at least once a week or more often if necessary.

10. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his sleeping area ~~[unless another arrangement is approved by the licensing authority].~~

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

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

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

1. A group foster home must have at least one toilet and one tub or shower for every eight children and at least one washbasin with hot and cold running water for every five children.

2. A family foster home must have at least one toilet and one tub or shower and at least one washbasin with hot and cold running water.

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

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

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

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

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

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

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

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

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

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

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~~ **and be set at a maximum water temperature of 120 degrees.**
7. Unvented heaters which use liquid, solid or gas fuels are prohibited.

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsection 4 and is the source of subsection 1 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

NAC 424.395 Electrical equipment. (NRS 424.020)

1. Electrical cords must be replaced as soon as they show appreciable wear. Special attention shall be given to avoid overloading and tripping hazards.
2. Extension cords shall not extend from one room to another. Cords shall not be stapled, nailed or otherwise permanently fastened to walls, fixtures, floors or ceilings, and shall not be run on the floor under rugs. Extension cords shall not be joined together. Under no circumstances shall extension cords be used as a general wiring method.
3. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws.
4. Protective plugs shall be installed on electrical outlets accessible to children under 5 years of age.

[Welfare Div., Req. for Foster Care § 108.8, 10-7-88, eff. 1-1-89]

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

1. All foster homes must have operating, 5-pound portable fire extinguishers on each story of the structure. Each fire extinguisher must:
 - (a) Have a minimum rating of 2-A 10BC.
 - (b) Be mounted or readily available as designated by the licensing authority representative pursuant to the State Fire Marshal's instructions.
 - (c) Be located within 75 feet of traveling distance from any point within the foster home.
 - (d) Be in working order.
2. The licensing authority may require at least a type 13-D sprinkler system in any foster home which has three or more nonambulatory persons, or which provides care to three or more children who are under 18 months of age or to five or more children who are under 6 years of age.
3. Any portable fire extinguishers, alarm systems and sprinkler systems must be serviced and tagged annually by a company which is appropriately licensed by the State Fire Marshal.
4. Every foster home must have smoke detectors which conform to Standard No. 43-6 of the Uniform Building Code. The smoke detectors must be located in every room where foster children sleep and mounted on a ceiling or wall at a point centrally located in a corridor or area giving access to rooms used for sleeping. Where sleeping rooms are located on an upper level of

a building, a smoke detector must be placed at the center of the ceiling directly above the stairway. The smoke detectors may be battery operated or may receive their primary power from the building wiring.

5. Foster homes with 10 or more occupants must meet all requirements for fire extinguishers and alarms as are determined by the State Fire Marshal following an inspection of the foster home.

6. Interior wall and ceiling finishes which are more than 1/28-inch thick must have a flame spread rating of Class III.

[Welfare Div., Req. for Foster Care part § 108.1, eff. 10-19-90; + part § 108.6, 10-7-88, eff. 1-1-89; A 5-19-89; 10-19-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002)

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsection 1 and is the source of subsections 2 and 6 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

NAC 424.405 Handrails. ([NRS 424.020](#)) Handrails shall be provided on stairs where there are three or more steps.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]

NAC 424.410 Telephones. ([NRS 424.020](#))

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

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 while the home is occupied. Emergency telephone numbers, including , without limitation, health agencies, fire and police departments and ambulance services, ~~{shall}~~ must be posted ~~{by the telephone}~~ in a central location.

NAC 424.415 Refuse. ([NRS 424.020](#)) Receptacles for the collection or burning of trash must be covered and separated from areas where children play. Garbage kept outside must be in a tight-fitting container and removed from the facility at least weekly. Waste containers shall be of noncombustible materials.

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89; A 10-19-90]

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which is the source of the last sentence of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

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

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

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 ***unless the only body of water on the premises is of a size in which an adult can reach across in order to rescue a person by hand.***
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. ***All wading pools must be empty when not in use, or must follow all regulations as a swimming pool.***
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 ~~[]~~ **or** 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.

NAC 424.425 Mobile homes. ([NRS 424.020](#)) Mobile homes shall be skirted with latticed or solid skirting, and securely anchored to the ground by cables or tie-down straps.
 [Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]

OPERATION

NAC 424.450 Duties of foster home: General requirements. ([NRS 424.020](#))

1. The foster home shall comply with the licensing requirements and with applicable state laws and regulations. The licensee is responsible for ensuring that all members of the foster home household/staff know and comply with licensing requirements.

2. The foster home shall provide foster care only for the number, age and sex of children specified on the license.

3. The foster home shall not discriminate on the basis of race, color, national origin, disability or any other reason in accordance with the United States Constitution, the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.

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

[Welfare Div., Req. for Foster Care part § 105.1, 10-7-88, eff. 1-1-89]

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

1. A foster home must ~~[not combine foster care]~~ *request permission from the licensing authority prior to combining foster care* with regular paid care for others, including day care. ~~[without the approval of the Administrator or the designee of the Administrator.]~~ *If the applicant or licensee provides paid care for others, the licensing authority may place restrictions on the foster home license due to the number of children being cared for in the home on a regular basis, and may require the licensee to discontinue paid care for others if it adversely affects their ability to provide foster care. Foster home staffing requirements will be adhered to for all children in care while providing multiple types of care.*

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

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

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

(2) Have been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594.*

[Welfare Div., Req. for Foster Care § 105.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

NAC 424.460 Agreements between foster homes and agencies that place children for provision of services. (NRS 424.020) Foster homes may contract or execute agreements with agencies that place children to provide services under specified conditions. No foster home may contract or agree to terms which are in violation of any law or of any condition set forth in this chapter.

[Welfare Div., Req. for Foster Care part § 105.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

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

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

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.

NAC 424.470 Acceptance of children born to children in care. ([NRS 424.020](#)) Infants born to children in care may be accepted to reside at the foster home if:

1. The mother is also in care.
2. Such action is consistent with the case plan.
3. The infant presents no medical or other problems which would place it at risk in such a setting.
4. Sufficient equipment for caring for infants is available on-site.
5. The infant is considered as one of the total number of children for which the facility is licensed. The license issued must encompass the age of the infant.
6. The presence of the infant has no detrimental effect on the program and other children in care.
7. The plan is approved by the mother and her caseworker prior to the placement.
8. The mother of the child is actively involved in the day-to-day care and supervision of her child.

[Welfare Div., Req. for Foster Care part § 106.3, 10-7-88, eff. 1-1-89]

NAC 424.475 Requirements for notification and reporting. ([NRS 424.020](#))

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

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.

NAC 424.478 Notice of request to remove child from family foster home. (NRS 424.020)

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

A provider of family foster care shall provide the agency responsible for a foster child with at least 10 working days' notice of any request by the provider for the removal of the child from the family foster home unless:

1. The provider has a written agreement with the agency which provides child welfare services to the contrary; or
2. There is an immediate and unanticipated danger to the foster child or another person if the child is not removed before that notice can be given.

NAC 424.480 Maintenance, availability and disposition of records regarding children. (NRS 424.020)

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

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.

NAC 424.4XX Maintenance, availability and disposition of records regarding staff members and residents.

1. ***Except as otherwise provided in section 54 of this regulation, the licensee shall maintain records of the information concerning members of the staff or residents of the foster home who are 18 years of age or older, other than those who are under the jurisdiction of a court pursuant to NRS 432B.594. The records must include, without limitation:***
 - a. ***A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the staff member or resident;***
 - b. ***Proof that the fingerprints of the employee or resident were submitted to the Central Repository; and***
 - c. ***Any other documentation of the information collected pursuant to the staff member or resident's criminal background check or child abuse and neglect screening.***

2. *The records must be maintained:*

- a. For the period of the staff member's employment with, or the resident's presence at, the foster home; and***
- b. To be available for inspection by the licensing authority or its approved designee, and copies thereof must be furnished upon request.***

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

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

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.

NAC 424.490 Maintenance of home and vehicles; transportation of children. ([NRS 424.020](#))

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

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.

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

1. A foster home shall cooperate with the agency placing a child in the home to help the child maintain meaningful ties with his family, including correspondence between parent and child, visits to the child and home visits by the child when appropriate.
2. Reasonable opportunities must be afforded for the child to maintain contact with all family members and with other persons identified in the child's case plan as important. The opportunity to visit with a parent or guardian must not be denied unless such visits have been denied by court

order or the agency placing the child has determined that such visitation would be detrimental to the welfare of the child.

3. The foster home shall allow for visits of children with their natural relatives only with the prior approval of the agency with responsibility for the children.

4. The foster home shall, upon reasonable request, permit the child to contact the person or agency responsible for his placement and allow that person or agency to contact the child. The foster home shall not deny or impede direct access of the agency placing the child to the foster child.

5. The foster home must allow the child to send and receive mail. Any restrictions on correspondence must be approved by the agency placing the child or person from whom the child was received.

6. The foster home shall give the children the opportunity to invite friends to the foster home and to visit in the homes of friends, if appropriate.

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

[Welfare Div., Req. for Foster Care part § 105.1 + part § 106.1 + § 106.14, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

Sec. 14. Child and family team;

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.

3. The agency which provides child welfare services will decide whether or not a child and family team meeting can occur when one or more members of the child and family team is unable to attend.

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

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

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.

NAC 424.5XX Foster Youth Bill of Rights (NRS 432.500)

1. A child placed in a foster home by an agency which provides child welfare services has the rights afforded to him or her as stated in NRS 432.525-550.

2. A provider of family foster care that places a child in a foster home shall:

a. Inform the child of his or her rights;

- b. *Provide the child with a written copy of those rights; and*
 - c. *Provide an additional written copy of those rights to the child upon request.*
- 3. *A group foster home shall post a written copy of the rights in a conspicuous place inside the group foster home.*
- 4. *A child who believes his or her rights have been violated may raise and redress a grievance with, without limitation;*
 - a. *A provider of foster care;*
 - b. *An employee of a family foster home, group foster home or specialized foster home;*
 - c. *An agency with provides child welfare services to the child, and any employee thereof;*
 - d. *A juvenile court with jurisdiction over the child;*
 - e. *A guardian ad litem for the child; or*
 - f. *An attorney for the child.*
- 5. *A child cannot be threatened or punished for reporting any alleged violation of his or her rights.*
- 6. *A provider of family foster care may impose reasonable restrictions on the time, place, and manner in which a child may exercise his rights, if the provider of family foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.*

NAC 424.505 Supervision of children. (NRS 424.020)

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

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, *appropriate to the foster children's age and maturity*. Adults **shall must** not allow themselves to be distracted by **household chores**. daily activities.

NAC 424.510 Emergency shelter care: Employment of parent outside home. (NRS 424.020) The requirements for appropriate supervision of children and the foster parent's ability to meet the children's needs must be met if the shelter home parent or both parents are employed outside the home.

[Welfare Div., Req. for Foster Care § 104.11, 10-7-88, eff. 1-1-89]

NAC 424.515 Discipline of children: Aims. (NRS 424.020) The aims of discipline are threefold:

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

[Welfare Div., Req. for Foster Care part § 106.5, 10-7-88, eff. 1-1-89]

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

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

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.

NAC 424.525 Discipline of children: Recommended techniques for management of behavior. (NRS 424.020)

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

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.**

NAC 424.530 Discipline of children: Restrictions. (NRS 424.020)

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

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.](#)

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

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

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.

NAC 424.540 Provision of food and water to children. ([NRS 424.020](#))

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

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.

NAC 424.545 Housekeeping and sanitation; supplies for first aid. ([NRS 424.020](#))

1. The home shall have reasonable housekeeping standards, although primary emphasis will be upon homemaking.
2. Sheets, pillowcases and towels shall be laundered weekly or more often if necessary.
3. Dirty linens must be stored separately from food, clean linens and other supplies.
4. Bathrooms must be kept clean, safe and sanitary.
5. Personal items, such as combs and toothbrushes, must not be used by more than one person.
6. A first-aid supply is required and must contain a safe germicide, Band-Aids, bandages, tape and a thermometer.

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89]

NAC 424.550 Physical and mental health of foster parents and members of household. ([NRS 424.020](#))

1. All members of the household of the foster home must be free from communicable disease. Each foster parent must be in sufficiently good physical and mental health, and be physically and emotionally capable, to provide the necessary care to children. A member of the household may be required to have a physical or psychological examination or a diagnostic test performed as required pursuant to [NAC 424.167](#) or when one of the following conditions exist:

(a) A serious health problem or communicable disease was present in the household during the previous year.

(b) There is reason to believe that the foster parent may not be physically or emotionally capable of meeting the needs of foster children.

(c) The licensing authority representative has reason to believe that the health of the child in foster care may be in jeopardy.

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

3. As used in this section:

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

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

[Welfare Div., Req. for Foster Care part § 104.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002)

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

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

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.

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

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

Except as otherwise provided in sections 50, 51, **and NAC 424.5XX** 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, **and the licensee must request the physician or other medical practitioner to provide a written explanation about the need for the medication and the affect of the medication on the child.** 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. The file must also contain the explanation of all prescription medications provided by the medical practitioner, and copies of each explanation must be provided to the agency which provides child welfare services within 10 business days of receipt.**
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.

8. *Group foster homes must comply with the requirements set forth in this subsection in addition to the policy requirements contained in section 50.*

NAC 424.5XX Psychiatric Care and Medications

1. The licensee or staff of a foster home may administer psychiatric care and medications to a child only under the provisions of NRS 432B.4687.

2. The licensee or staff of a foster home may be appointed as the person who is legally responsible for the psychiatric care of a child and must comply with all of the requirements set forth in NRS 432B.4686.

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

1. A foster home, in cooperation with the agency placing a child in the home, shall arrange for any needed services for the care or treatment of the mental and emotional health of the child.

2. The foster home shall observe children closely for signs of change in emotional or mental functioning, including improvement or deterioration in behavior, social interaction, talk about suicide, running away and other factors. Any observed signs of change must be noted in the child's record and reported to the agency placing the child in the home.

{Welfare Div., Req. for Foster Care § 106.9, 10-7-88, eff. 1-1-89}—(NAC A by Div. of Child & Fam. Services, 11-14-97)

NAC 424.570 Education of children. ([NRS 424.020](#))

1. The foster home shall see that each child attends school as required by law and shall provide or cooperate with persons responsible for the educational planning for each child. Each child shall be afforded the opportunity to complete schooling or training in accordance with his or her aptitude.

2. The foster home parents and staff shall:

(a) Provide social, physical and emotional nurturing to help the child to develop and maintain his full potential and acceptable social behavior.

(b) Cooperate with the school in assignments, discipline and school activities.

(c) Ensure attendance in the appropriate school, special education or training program, in accordance with the agency's direction.

(d) Provide an adequate study environment.

3. The licensee must inform the school district when a foster child is enrolled in an elementary school within the school district so the elementary school may prepare an academic plan for the child.

a. The licensee must provide the agency which provides child welfare services with a copy of the academic plan received pursuant to this subsection within 10 business days of receipt.

[Welfare Div., Req. for Foster Care part § 106.1 + § 106.10, 10-7-88, eff. 1-1-89]

NAC 424.575 Moral and religious training of children. ([NRS 424.020](#)) The foster home shall provide for the moral training of children in care. Children shall be permitted to participate in religious activities and to attend a church of their faith or that of their parents when possible. Children may not be given religious training, be baptized nor formally inducted into a faith different than the child's or child's parent's religious beliefs without the written consent of the parents or agency responsible for the child's care.

[Welfare Div., Req. for Foster Care § 106.11, 10-7-88, eff. 1-1-89]

NAC 424.580 Training in personal health; personal hygiene and grooming. ([NRS 424.020](#))

1. The foster home shall provide training in good health practices, including proper habits in eating, bathing, personal grooming and hygiene, suitable to the child's age.

2. Children in care shall be kept clean and well groomed.

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

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

[Welfare Div., Req. for Foster Care part § 106.1 + § 106.13, 10-7-88, eff. 1-1-89]

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

1. Each child must have his or her own clothing and personal possessions as well as storage space for them. Children must not be required to share personal clothing items with other children.

2. Clothing must be of the correct size and type, and appropriate to climatic conditions, and must be kept clean and in good repair. Clothing allowances issued or authorizations to purchase clothing must be used for the child intended and only for clothing items. The receipts for the purchase of such clothing items must be maintained by the foster home.

3. Each child's clothes and personal possessions are the property of the child and must be inventoried, on a form provided by the agency which provides child welfare services, at the time of placement and discharge from a foster home and sent with the child when he or she leaves the placement. As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.

[Welfare Div., Req. for Foster Care § 106.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

NAC 424.590 Pets. ([NRS 424.020](#))

1. Immunization of all household pets must be up to date, regardless of whether the pets are kept inside or outside the foster home. The presence of any pet deemed potentially hazardous to a child is cause for the denial or revocation of a license to operate a foster home. Exotic or potentially dangerous pets or other animals ~~[, including ferrets and boa constrictors,]~~ are prohibited ~~[without the written approval of a licensing authority representative]~~ *unless an exotic*

pet has all required permits and/or licenses and the licensee can document how the pet is not a threat to child safety through a written plan.

2. Pets are permitted in a foster home if they are:

(a) In good health, present no problems of sanitation and have a temperament which is not hazardous or frightening to children.

(b) Handled in a manner which protects the well-being of the children and the pet.

(c) Inoculated as often as prescribed by a veterinarian.

(d) Restricted from areas where food is prepared and from eating areas while meals are being served. A cage is adequate restriction.

3. Any litter boxes must be kept out of the reach of young children, and play areas must be cleaned of all animal feces before children are allowed access to those areas.

[Welfare Div., Req. for Foster Care § 108.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002)

NAC 424.595 Hazardous materials and chemicals. (NRS 424.020)

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

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.

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which is the source of subsection 2 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

NAC 424.600 Weapons and ammunition. (NRS 424.020) Any weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, shall be unstrung and unloaded at all times when children are in the home. They shall be stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition and arrows shall be stored in separate locked containers. Weapons shall not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible. ***The requirements set forth in this section do not apply to active duty law enforcement who keep their weapon on their person or stored in a locked safe.***

[Welfare Div., Req. for Foster Care § 108.4, 10-7-88, eff. 1-1-89]

Sec. 11. Incidents and incident reporting

1. Upon the occurrence of a significant event set forth in subsections 2 **and 3**, a licensee must notify the licensing **[authority] representative** and **[any] the** child welfare caseworker assigned to **[a] the child_or children involved in the incident** in the foster home.

2. A significant event that must be reported *verbally, immediately after contacting necessary emergency personnel, and in writing, not later than the next business day after the occurrence of the event*, pursuant to this section includes, without limitation:

(a) The death of a child;

(b) An attempted suicide by a child;

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

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

(e) A child abduction.

3. A significant event that must be reported verbally not later than 24 hours after the occurrence of the event, and in writing not later than 2 business days after the occurrence of the event, 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) An error in the administration of medication to a child;

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

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

(e) 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;

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

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

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

(i) A child who has run away from the foster home; and

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

4. 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 3.

5. 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 subsections 2 and 3, immediately notify the appropriate law enforcement agency and, if applicable, the child's natural parent or legal guardian.

6. 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.

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

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

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.

REVISER'S NOTE.

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsection 2 of this section regarding the frequency of fire drills, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

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

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

Sec. 12. Disaster Plan

1. A licensee shall develop a plan for the foster home concerning the manner in which to respond during a disaster or an emergency *as defined in NRS 432.400*. The plan must be *submitted to the licensing authority and ~~posted in a conspicuous~~ readily available for review and kept in a central* 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 *which will accommodate all members of the foster home which may include children with disabilities or special medical needs*;

(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, *or other child referral source*, who has placed a child in the foster home, *and the licensing authority*; ~~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 *for children that may have special medical needs or who are disabled*;

(d) *A plan for communicating with the persons or entities that have physical custody of the children placed in the foster home before evacuation if possible, during the time evacuated from the foster home, and after the disaster*;

(e) *A plan for how the licensee will receive information from emergency management entities, i.e. a battery operated radio will be packed with evacuation supplies, as well as how the licensee or staff of a foster home plan to coordinate with emergency personnel or juvenile courts if necessary*;

(f) *How the evacuation will proceed if the children are in various locations, i.e at school, and what the plan is for the children who are away from the home during the evacuation*; and

(g) *A description of how the licensee will make services available to the children placed in the foster home in order to address the emotional impact the disaster may have on the children.*

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~~ *kept* 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~~ *make* the plan *available to review by* the licensing authority and the licensing authority will review the plan and verify that the plan *contains the required information* and important telephone numbers. ~~are posted appropriately inside the foster home.~~ *Each time the disaster plan is updated, the licensee shall provide a copy of the plan to the licensing authority.*

4. *The licensing authority will make available to the applicant or an example or template in order to assist in the development of an individualized disaster plan.*

REPEALED **[TREATMENT HOMES**

~~NAC 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 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.~~

~~—[Welfare Div., Req. for Foster Care part § 110.4, 10-7-88, eff. 1-1-89; A 5-19-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

~~—NAC 424.655 Director: Qualifications. (NRS 424.020)~~

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

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

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

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

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

~~— [Welfare Div., Req. for Foster Care part § 110.4, 10-7-88, eff. 1-1-89] (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

~~— **NAC 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.~~

~~— [Welfare Div., Req. for Foster Care § 110.6, 10-7-88, eff. 1-1-89]~~

~~— **NAC 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.~~

~~— [Welfare Div., Req. for Foster Care part § 110.5, 10-7-88, eff. 1-1-89]~~

~~— **NAC 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.~~

~~— [Welfare Div., Req. for Foster Care part § 110.5, 10-7-88, eff. 1-1-89]~~

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

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

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

~~— [Welfare Div., Req. for Foster Care § 110.2, 10-7-88, eff. 1-1-89]— (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)~~

~~— **NAC 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 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 services upon factual verification of rehabilitation. Each person's background must be evaluated for the position for which he will be employed or will fill as a volunteer and reviewed by the Administrator or the designee of the Administrator.~~

~~— [Welfare Div., Req. for Foster Care § 110.3, 10-7-88, eff. 1-1-89]— (NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)~~

~~— **NAC 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.~~
- ~~— [Welfare Div., Req. for Foster Care part § 110.7, 10-7-88, eff. 1-1-89] (NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002)~~

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

~~— [Welfare Div., Req. for Foster Care part § 110.7, 10-7-88, eff. 1-1-89] (NAC A by Div. of Child & Fam. Services, 11-14-97)~~

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

- ~~— 1. The name of the child.~~
- ~~— 2. The date of birth of the child.~~
- ~~— 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.~~

~~— [Welfare Div., Req. for Foster Care part § 110.8, 10-7-88, eff. 1-1-89] (NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002)~~

~~— NAC 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.~~

~~— [Welfare Div., Req. for Foster Care part § 110.8, 10-7-88, eff. 1-1-89]]~~

SPECIALIZED FOSTER HOME

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]~~ *available in person* 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; *or*

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

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 *structured therapeutic environment* and 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 or other child referral source;~~
- ~~(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) h) 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) i) Activities to ensure the delivery of quality services to a child placed in the specialized foster home and his or her family;~~
- ~~(q) j) Provisions for respite for foster parents;~~
- ~~(r) k) 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;~~
- ~~(s) l) 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; and~~
- (m) A description of the following policies:*

- 1. Admission and discharge of a child to a specialized foster home;*
- 2. Establishing a professional relationship with the family of a child placed in the specialized foster home and maintenance of regular contact with the family;*
- 3. 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 or other child referral source;*
- 4. Behavior management utilizing a standardized curriculum that targets the emotional and behavioral issues of children in specialized foster care;*
- 5. Providing culturally responsive services to a child placed in the specialized foster home;*
- 6. The transportation of children placed in the specialized foster home;*
- 7. The discipline of children placed in the specialized foster home, including without limitation, the types of discipline which are not allowed to be used on a child;*
- 8. Medication education, administration and monitoring to ensure safe medication management and administration of prescription and over the counter medication;*
- 9. Client privacy and confidentiality;*
- 10. Suicide awareness and prevention;*
- 11. Crisis triage to address screening and responding to crises and emergencies such as runaway, acute psychiatric episodes, suicidal ideation or attempts, injury, missing or seriously ill in need of hospitalization;*
- 12. Seclusion and restraint; and*
- 13. The receiving, resolving, and documenting of disputes and/or complaints from youth, families, and/or stakeholders.*

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 monitoring *in common areas if permission is requested from the licensing authority and with the consensus of the child's treatment team that it is deemed necessary for the safety of the child or others.*

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 *or other child referral source*, 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 *or other child referral source*, 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 *or other child referral source*, the parent or guardian of the child and the juvenile court, as appropriate.

FOSTER CARE AGENCY AND SPECIALIZED FOSTER HOME STAFF QUALIFICATIONS, TRAINING, RECORD KEEPING

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 *group foster home*, 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 licensee shall ensure that each employee of the specialized foster home who will administer medication to a child receives a copy of and understands the policy.*** The policy must include, without limitation:

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

2. Procedures for administering medications to a child;

~~[2.]~~ 3. 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.]~~ 4. A manual or other record which includes the ***orders of the treating physician for each child and*** ~~[provides]~~ information on the potential side effects of each medication that is administered by the direct care staff;

~~[4.]~~ 5. 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.]~~ 6. 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;

~~[6.]~~ 7. Procedures for the ***handling and*** disposal of medication that complies with any standards for the disposal of medication or drugs required by law;

8. *Procedures for administering medication, which include documenting the administration of medication and any errors that occur upon administration; and*
9. *How to minimize and address errors in the administration of medication.*

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. *Except for as stated in section 424.5XX*, 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]~~ ***meet the requirements set forth in section 424.4XX, and must also 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]~~ ***A copy of the staff member or licensee's driver's license if he/she is transporting foster children, as well as a copy of his/her current automobile insurance if a personal vehicle is used;*** 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. 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.

FOSTER CARE AGENCY

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

2. If ~~[a]~~ *the* 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.

3. *If the licensing authority within a jurisdiction requires foster care agencies to obtain a license, all licensees that wish to operate more than one foster home, group home or specialized foster home must become licensed as a foster care agency.*

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 *or other child referral source*;
 - (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]~~ ***been convicted of a crime as listed in section 424.195.*** ~~[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 *or other child referral source, 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.

AGENCIES WHICH PROVIDE CHILD WELFARE SERVICES

NAC 424.750 Audit of records; notice of finding of noncompliance; plan of action; reevaluation; revocation or suspension of license for foster home. ([NRS 424.020](#))

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

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

MISCELLANEOUS PROVISIONS

NAC 424.800 Waiver of requirements. ([NRS 424.020](#)) Except as otherwise provided in [NAC 424.195](#), the Administrator or, if he chooses to designate a designee, the designee of the Administrator may, on a case-by-case basis, waive a specific requirement of this chapter if the waiver is for the betterment of the foster care program and child and is not in violation of any statute of this State or federal law.

[Welfare Div., Req. for Foster Care § 101.2, eff. 4-27-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

NAC 424.80X Variance. *A variance is allowable by the licensing authority if the applicant or licensee can prove that the requirement is met for a specific standard by an alternative equivalent method which ensures the health, safety, and well-being of the foster children.*

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

1. The agency which provides child welfare services shall provide direct services to foster parents who are caring for children in the custody of the agency which provides child welfare services. Those services include, without limitation:

(a) Thoroughly discussing the child's situation and needs, and assisting foster parents to develop their capability to meet those needs.

(b) Responding in a timely manner to foster parents' requests for assistance in meeting the child's needs.

(c) Sharing the plan of the agency which provides child welfare services for the child with the foster parents and considering their suggestions, even though the agency which provides child welfare services must make the planning decision.

2. In addition to the services provided to foster parents pursuant to subsection 1, the licensing authority shall, using funding available to providers of family foster care, provide a program of respite care, develop guidelines for access to any other program of respite care and ensure that those guidelines are provided to providers of family foster care.

3. As used in this section, "respite care" means temporary care that:

(a) Is provided to a child who is placed in a family foster home;

(b) Is provided by a person other than the current foster parent of the child; and

(c) Provides a respite for the foster parent of the child from the stresses and responsibilities that result from the daily care of the child.

[Welfare Div., Req. for Foster Care part § 103.8, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

NAC 424.810 Provision of information concerning child to provider of family foster care. (NRS 424.020, 424.038) The licensing authority shall, within 10 working days after it obtains any information regarding a child which it is required to provide to a provider of family foster care pursuant to [NRS 424.037](#) or [424.038](#), provide that information to the provider of family foster care on a form prescribed by the agency which provides child welfare services.

(Added to NAC by Div. of Child & Fam. Services, eff. 11-14-97; A by R044-02, 7-23-2002)

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

1. For the purposes of [NRS 424.047](#):

(a) A provider of family foster care must submit his request for information to the licensing authority in writing on a form provided by the licensing authority. The licensing authority shall set a date and time, which must be not more than 30 days after the request is received by the licensing authority, for the provider to inspect the requested information. The provider must provide the licensing authority with a form of identification that contains his photograph before the licensing authority shall allow the provider to conduct the inspection.

(b) "Information" does not include any matter which is made confidential by state or federal statute or regulation, except that the licensing authority shall identify confidential records concerning a provider by designating the category or source of the record or, when practicable, provide summaries of confidential records concerning a provider which omit the confidential portion of those records.

(c) "References" includes any personal opinions concerning a provider which are communicated to the licensing authority.

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

(Added to NAC by Div. of Child & Fam. Services, eff. 11-14-97; A by R044-02, 7-23-2002)

NAC 424.820 Liability insurance: Maintenance; notification of cancellation or nonrenewal. ([NRS 424.020](#))

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

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.

GRANDFATHER CLAUSE(S)

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.

REPEALED SECTION NUMBERS

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