

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

LCB File No. R120-12

Effective February 20, 2013

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

AUTHORITY: §1, NRS 432.410.

A REGULATION relating to agencies which provide child welfare services; prescribing the requirements for a disaster plan for the care of certain children of an agency which provides child welfare services; and providing other matters properly relating thereto.

Section 1. Chapter 432 of NAC is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services shall include in its plan for the care of children in its custody during a disaster the procedures for:

(a) Providing temporary shelter to the children, including, without limitation, an identification of appropriate shelters to which the children may be placed during the disaster.

(b) Evacuating the children from each foster home or facility for the detention or commitment of children in which the children are placed, including, without limitation:

(1) An identification of potential routes for evacuation;

(2) A plan for the transportation of the children;

(3) The procedures for communicating with emergency personnel;

(4) The procedures for evacuating children with disabilities or who have special medical needs; and

(5) The procedures for communicating with each employee of the agency which provides child welfare services who has any of the children included as a client in the caseload of the employee, the director of each foster home and the superintendent of each facility for the detention or commitment of children in which the children are placed.

(c) Caring for children with disabilities or who have special medical needs which must include, without limitation:

(1) Ensuring that the agency which provides child welfare services has access to the most recent plan of care for any such child;

(2) Ensuring that the agency which provides child welfare services has access to a list of all prescription and nonprescription medication prescribed or recommended for any such child by the provider of health care of the child;

(3) An identification of how the director of a foster home or the superintendent of a facility for the detention or commitment of children can obtain a supply of the prescription and nonprescription medications, special dietary foods or supplies for any such child in his or her custody during a disaster;

(4) The procedure for obtaining emergency electrical power for any medical equipment that any such child uses which requires electricity; and

(5) An identification of shelters which are able to accommodate any such child and, if applicable, his or her family.

(d) Communicating with each person or entity who has physical custody of the children before, during and after a disaster, which must include, without limitation:

(1) The most recent contact information for the employees, director or superintendent, as appropriate, of each foster home or facility for the detention or commitment of children in which the children are placed;

(2) The name, address and telephone number of the parent or legal guardian of any such child or any other appropriate person; and

(3) The name, address and telephone number of any provider of health care who is treating any such child.

(e) Coordinating with emergency management entities and juvenile courts during a disaster, which must include, without limitation, a review of the disaster plans of the emergency management entities and juvenile courts to ensure the plan developed pursuant to this section by the agency which provides child welfare services is consistent with those disaster plans.

(f) Providing services to the children to address the emotional impact of the disaster, which must include, without limitation, the procedure by which the children will have access to mental health services.

2. Each agency which provides child welfare services shall:

(a) Provide its plan for the care of children in its custody during a disaster to the director of each foster home and the superintendent of each facility for the detention or commitment of children in which the children are placed.

(b) Review and update its plan for the care of children in its custody during a disaster annually and any time that the contact information required pursuant to paragraph (d) of subsection 1 is changed. In reviewing and updating the plan, the agency which provides child welfare services shall consider:

- (1) The results of any drills or exercises conducted in preparation for a disaster;*
- (2) The response of the agency which provides child welfare services to a past disaster;*
- (3) Any changes to federal, state and local laws and regulations governing disasters and disaster response;*
- (4) The best practices governing disasters and disaster response used by other state and local agencies; and*
- (5) Any other new information relevant to disasters and disaster response.*

**NOTICE OF ADOPTION OF REGULATION
LCB FILE R120-12**

The Division of Child and Family Services adopted regulations assigned LCB File No. R120-12 which pertain to Chapter 432 of the Nevada Administrative Code on January 4, 2013. A copy of the regulation as adopted is attached hereto.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 432.

- 1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by fax and email to persons who were known to have an interest in the subject of disaster response requirements of child welfare agencies as well as any persons who had specifically requested such notice (none requested). These documents were also made available at the website of the Division of Child and Family Services, <http://www.dafs.state.nv.us/>, sent to all county libraries in Nevada and posted at the following locations:

Bureau of Indian Affairs
311 E Washington Street,
Carson City, NV 89701

Children's Cabinet
1090 S Rock Blvd.,
Reno, NV 89502

Clark County Department of Family Services
601 N Pecos,
Las Vegas, NV 89101

Legislative Counsel Bureau
401 S Carson Street,
Carson City, NV 89701

State of Nevada – Department of Health and Human Services
4126 Technology Way, Suite 101,
Carson City, NV 89706

State of Nevada – Division of Child and Family Services
4126 Technology Way, Third Floor,
Carson City, NV 89706

State of Nevada – Division of Child and Family Services – Nevada Youth Training Center (NYTC)
100 Youth Center Drive
Elko, NV 89803

State of Nevada – Division of Child and Family Services – Youth Parole Bureau
620 Belrose Street,
Las Vegas, NV 89107

State of Nevada – Division of Child and Family Services
1010 Ruby Vista Drive, Suite 101,
Elko, NV 89801

State of Nevada – Division of Child and Family Services – Desert Willow Treatment Center
6171 W Charleston Blvd.,
Las Vegas, NV 89146

State of Nevada – Division of Emergency Management
2478 Fairview Drive,
Carson City, NV 89701

United Way of Southern Nevada
1660 E Flamingo Road,
Las Vegas, NV 89103

Washoe County Department of Social Services
350 S Center Street,
Reno, NV 89501

A workshop was held on November 26, 2012 at 1:00 p.m. and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed regulation.

Thereafter, on or about November 29, 2012 the designee for the Administrator of the Division of Child and Family Services issued a Notice of Intent to Act Upon a Regulation. There were no suggestions to add from the parties attending the November 26th workshop.

An additional public hearing was held on January 2, 2013 at 1:00 p.m. and the minutes of that meeting, attached hereto, contain a summary of the discussion held regarding the proposed regulation.

Copies of the summaries of both the November 26, 2012 workshop and the January 2, 2013 public hearing may be obtained from the Division of Child and Family Services, 4126 Technology Way, Ste 101, Carson City, Nevada 89706, (775)-684-7956, or email to dorothy.edwards@dcsf.nv.gov.

2. **The number persons who:**
 - (a) **Attended each workshop/hearing:** November 26, 2012 - 5; January 2, 2013 - 3
 - (b) **Testified at each workshop/hearing:** November 26, 2012 - 0; January 2, 2013 - 0
 - (c) **Submitted to the agency written comments:** No written comments were submitted.
3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses or agencies in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on January 4, 2013 as originally submitted and reviewed by the Legislative Council Bureau. No comments or suggestions were received at either the November 26, 2012 workshop or the January 2, 2013 public hearing, nor were written comments or suggestions received.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

- a. Business: The agency has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. Therefore, there are no adverse or beneficial effects to a small business. The regulation applies to actions required by an agency which provides child welfare services.
 - i. Adverse: None Anticipated
 - ii. Beneficial: The continued safety and well-being of children during a disaster who are under the care and custody of an agency that provides child welfare services. These processes will expedite emergency actions on the part of the child welfare agency(s) and may require less of public safety services due to a practiced and planned response on the part of child welfare agencies.

- iii. Immediate: Increased safety of children, as well as an increased efficiency in disaster response services.
- iv. Long Term: Same as beneficial and immediate effects noted above
- b. Public:
 - i. Adverse: None anticipated
 - ii. Beneficial: The benefit to the public is the continued safety of children in the care and custody of child welfare agencies during a disaster. A specific plan of action will help to decrease confusion and potential disorder on an already stressed public during an emergency or disaster.
 - iii. Immediate: Same as beneficial effects noted above.
 - iv. Long Term: Same as beneficial effects noted above.

6. The estimated cost to the agency for enforcement of the adopted regulation.
There is no expected additional cost to the agency for the enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

N/A

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

N/A

10. Is the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Administrator and/or designee has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. In making this determination the Director and/or designee considered the fact that the proposed amendment only applies to activity by local and state government officials and imposes no direct requirements on any private businesses.