

PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

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NAC: CHAPTER 432 - PUBLIC SERVICES FOR CHILDREN

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**NEW SECTION:
DEVELOPMENT AND IMPLEMENTATION OF DISASTER PLANS**

NAC 432.XXX Definitions. (NRS 432.400)

1. "Disaster" means a fire, flood, earthquake, explosion, civil disturbance or any other occurrence or threatened occurrence that, regardless of cause:

(a) Results in, or may result in, widespread or severe damage to property or injury to, or the death of, children in the custody of an agency which provides child welfare services; or

(b) As determined by the Division, requires immediate action to protect the health, safety and welfare of children in the custody of an agency which provides child welfare services.

NAC 432.XXX Development and implementation of disaster plans.

1. Each agency which provides child welfare services, must develop a plan to ensure the safety, permanency and wellbeing of children in its custody, during a disaster. This requirement includes the development of plans for the care of children in the custody of an agency that provides child welfare services who have been placed in a facility for the detention of children.

2. The plans, developed in consultation with each child welfare agency, must be provided to each person or entity that has physical custody of the children and should be reviewed and updated as a result of drills, exercises, responses, changes in local, state and federal rule-making, updated knowledge about hazards or by incorporating changes based on best practices of other state agencies. In group homes or facilities, disaster plans should be posted in areas available to youth.

3. Plans developed pursuant to Sections 1 and 2 above must include but not be limited to:

(a) A plan for providing temporary shelter to children in the event they are displaced due to a disaster. Shelters may be those facilities or homes which have been identified by the foster home or detention facility as a safe and appropriate place if children must be relocated due to a disaster or, alternate locations such as schools, churches or other facilities identified by State Emergency Management, Red Cross or other authority.

(b) A plan for evacuating children from the home or detention facility which may include evacuation routes, procedures and locations; alternative transportation plans; communication with emergency personnel regarding appropriate routes and locations; procedures for evacuating handicapped or special needs children; and, communication with case managers or appropriate child welfare agency or detention facility staff.

(c) A plan for caring for children with disabilities or who have special medical needs. This may include ensuring access to a current care plan and list of medications from the child(ren)'s physician; access to an additional supply of medications, dietary foods and supplies; provisions for backup systems for medical equipment requiring electricity; and identifying those shelters able to accommodate families and children with special needs.

(d) A plan for communicating with the persons or entities which have physical custody of the children before, during and after a disaster. This may be accomplished by ensuring contact information for staff, families, providers, and youth is included in the foster home disaster plan required by NRS 424.0367. Plans may also require the development or knowledge of communication systems such as 211, calls trees, etc. These plans should be reviewed and updated at regular intervals such as at re-licensing, changes in staffing or contact information.

(e) A plan for coordinating with other emergency management entities and juvenile courts during a disaster. This may include details about who has the authority to activate the plan, essential functions to be performed, and contact information, including volunteers. This may be accomplished by reviewing disaster plans of other entities and ensuring coordination through exercises and training.

(f) A plan for providing services to children to address the emotional impact of the disaster. This may be accomplished by ensuring all programs within the Division, including Children's Mental Health, are made aware of and take part in the development of the plan.

ADMINISTRATION OF CHILDREN'S TRUST ACCOUNT

NAC 432.010 Definitions. (NRS 232.320, 432.133) As used in NAC 432.010 to 432.040, inclusive, unless the context otherwise requires:

1. "Account" means the Children's Trust Account created pursuant to NRS 432.131.

2. "Applicant" means an agency of the State or its political subdivisions, a nonprofit community organization or an educational institution which applies for an award of money from the Account.

3. "Committee" means the Grants Management Advisory Committee created pursuant to NRS 232.383.

(Added to NAC by Com. for Protection of Children, eff. 1-22-86; A by Dep't of Health & Human Services by R168-06, 11-13-2006)

NAC 432.020 Eligibility for money from Account. (NRS 232.320, 432.133)

1. To be eligible for money from the Account, an applicant must provide a program which is designed to prevent the abuse or neglect of children.

2. Money from the Account may not be used to take the place of financial support for current programs.

(Added to NAC by Com. for Protection of Children, eff. 1-22-86; A by Dep't of Health & Human Services by R168-06, 11-13-2006)

NAC 432.030 Requests for money from Account. (NRS 232.320, 432.133) A request for money from the Account must include:

1. A detailed description of the services for which the money would be used; and

2. An assurance from the applicant that the program will comply with all applicable federal and state laws, regulations and conditions.

(Added to NAC by Com. for Protection of Children, eff. 1-22-86; A by Dep't of Health & Human Services by R168-06, 11-13-2006)

NAC 432.040 List of recommended applicants; notification by Director. (NRS 232.320, 432.133)

1. After reviewing all requests, the Committee shall submit to the Director a list of each applicant recommended for funding.

2. The Director will notify each applicant whether its request for funding has been granted.

3. As used in this section, "Director" means the Director of the Department of Health and Human Services.

(Added to NAC by Com. for Protection of Children, eff. 1-22-86; A by Dep't of Health & Human Services by R168-06, 11-13-2006)

PROGRAMS TO ASSIST CERTAIN FOSTER CHILDREN IN MAKING TRANSITION TO ECONOMIC SELF-SUFFICIENCY

General Provisions

NAC 432.050 Definitions. (NRS 432.032) As used in NAC 432.050 to 432.160, inclusive, unless the context otherwise requires, the words and terms defined in NAC 432.060 to 432.090, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.060 "Administrator" defined. (NRS 432.032) "Administrator" means the Administrator of the Division.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.070 "Agency which provides child welfare services" defined. (NRS 432.032) "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 R045-02, eff. 7-23-2002)

NAC 432.080 "Division" defined. (NRS 432.032) "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.090 "Program" defined. (NRS 432.032) "Program" means a program established with money received from the Federal Government pursuant to 42 U.S.C. § 677 and disbursed by the Administrator as set forth in NAC 432.110.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

Administration

NAC 432.100 Provision of services under program. (NRS 432.032) An agency which provides child welfare services that wishes to provide a program must provide services to identify children in foster care who are likely to remain in foster care until 18 years of age and assist those children in making the transition from foster care to economic self-sufficiency. The agency may provide those services:

1. Directly;
2. Through a contract or agreement with a nonprofit community organization; or
3. Through a contract in which the services are provided on a fee-for-service basis.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.110 Determination of amount of quarterly disbursements for programs during fiscal year; requirements for receipt of disbursement. (NRS 432.032)

1. At the beginning of each fiscal year, the Administrator shall determine the amount of money received from the Federal Government pursuant to 42 U.S.C. § 677 to be disbursed quarterly that year to each agency which provides child welfare services that wishes to provide a program. To receive such a disbursement, the agency must submit to the Division:

(a) A written request for such a disbursement; and

(b) A satisfactory plan for the program which is:

(1) Developed with the input and participation from young persons and representatives of public and private organizations and other federal and state programs; and

(2) Consistent with the state plan submitted to the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677.

2. Except as otherwise provided in this subsection, the Administrator shall base the determination made pursuant to subsection 1 upon the proportion of children in foster care who are in the custody of the agency which provides child welfare services and who are at least 15 years of age but are not more than 17 years of age in the year preceding the determination relative to the number of children in foster care in this State who are at least 15 years of age but are not more than 17 years of age in the year preceding the determination. Each agency which provides child welfare services that receives a disbursement of money pursuant to this section must receive not less than 5 percent of the total amount of money available for disbursement pursuant to this section.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.120 Accounting for and use of disbursement for program; return of unspent portion. (NRS 432.032)

1. An agency which provides child welfare services shall account separately for money disbursed to the agency pursuant to NAC 432.110.

2. Not less than 90 percent of the money disbursed to an agency which provides child welfare services pursuant to NAC 432.110 must be used for services provided directly:

(a) By the agency;

(b) By a nonprofit community organization pursuant to a contract or other agreement entered into with the agency; or

(c) Pursuant to a contract in which the services are provided on a fee-for-service basis.

3. The money disbursed pursuant to NAC 432.110 must be used to identify children who are likely to remain in foster care until they are 18 years of age and to assist those children to make the transition from foster care to economic self-sufficiency by providing services, which may include, without limitation, services relating to:

(a) Obtaining skills required for daily living, including, without limitation, budgeting and financial management;

(b) Career exploration;

(c) Job training;

(d) Obtaining a vocation, including, without limitation, job placement assistance;

(e) Obtaining a high school diploma;

(f) Preparation for postsecondary training and education;

(g) Prevention of substance abuse;

(h) Preventative health activities, including, without limitation, abstention from smoking, nutritional education and prevention of pregnancy;

(i) Providing personal and emotional support through mentors and interactions with adults;

(j) Obtaining knowledge concerning resources that are available locally, including, without limitation, human service agencies and facilities that provide medical and mental health services; and

(k) Obtaining interpersonal skills.

4. The money disbursed pursuant to NAC 432.110 must not be used to:

(a) Supplant money available from other sources for current programs; or

(b) Pay for the room and board or other housing assistance of a child in foster care who is under 18 years of age and is in the care and custody of an agency which provides child welfare services.

5. If the agency has not spent the total amount of money disbursed to it pursuant to NAC 432.110 by the end of the fiscal year in which the money was disbursed, the agency shall remit to the Administrator the unspent portion of the money that was disbursed.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.130 Requirements for foster child to obtain services from program. (NRS 432.032)

1. A child in foster care who is eligible and who wishes to obtain services from a program provided by an agency which provides child welfare services must:

(a) Participate directly in designing his program activities and accept responsibility for achieving self-sufficiency; and

(b) Obtain services pursuant to a program provided by an agency which provides child welfare services that is located in the county in this State in which he resides at the time of obtaining those services.

2. A child in foster care provided by an Indian tribe as defined in NRS 383.150 may obtain services from a program provided by an agency which provides child welfare services if he is otherwise eligible and satisfies the requirements set forth in subsection 1.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.140 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.032)

1. An agency which provides child welfare services that provides a program shall establish and maintain a record for each child in foster care served pursuant to the program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of the children in foster care who received goods or services pursuant to the program;

(b) The type and quantity of goods or services provided to the children in foster care;

(c) The amount of money spent pursuant to the program reported by type of good or service provided; and

(d) The success of the program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.150 Annual disbursement of unspent money for programs. (NRS 432.032) The Administrator may, on an annual basis, disburse any unspent money obtained from the Federal Government pursuant to 42 U.S.C. § 677 to an agency which provides child welfare services in the manner described in NAC 432.110 and for the purposes described in NAC 432.120.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

NAC 432.160 Audit of records by Division to determine compliance with certain provisions. (NRS 432.032) The Division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of 42 U.S.C. § 677. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to a program provided by the agency.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)

ASSISTANCE TO FORMER FOSTER YOUTHS

General Provisions

NAC 432.200 Definitions. (NRS 432.017, 432.032) As used in NAC 432.200 to 432.340, inclusive, unless the context otherwise requires, the words and terms defined in NAC 432.210 to 432.250, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.010)

NAC 432.210 “Administrator” defined. (NRS 432.017, 432.032) “Administrator” means the Administrator of the Division.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.020)

NAC 432.220 “Agency which provides child welfare services” defined. (NRS 432.017, 432.032) “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 R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.030)

NAC 432.230 “Division” defined. (NRS 432.017, 432.032) “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.040)

NAC 432.240 “Former foster youth” defined. (NRS 432.017, 432.032) “Former foster youth” means a person who attained the age of 18 years while in the custody of an agency which provides child welfare services or in foster care provided by an Indian tribe as defined in NRS 383.150 and who has not attained the age of 21 years.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.050)

NAC 432.250 “Self-sufficiency program” defined. (NRS 432.017, 432.032) “Self-sufficiency program” means a program established:

1. For the purpose of assisting a former foster youth to attain economic self-sufficiency by providing goods and services to him, including, without limitation, job training, housing assistance, case management and medical insurance; and

2. With money disbursed by the Administrator as set forth in NAC 432.280.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.060)

Self-Sufficiency Programs

NAC 432.260 Administration of program: Provision of goods and services. (NRS 432.017, 432.032) An agency which provides child welfare services that wishes to provide a self-sufficiency program must provide goods and services to former foster youths for the purpose of assisting the former foster youths to attain economic self-sufficiency, including, without limitation, job training, housing assistance, case management and medical insurance. The agency may provide those goods and services directly or through a contract or agreement with a nonprofit community organization.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.100)

NAC 432.270 Administration of program: Establishment and duties of oversight committee. (NRS 432.017, 432.032)

1. In addition to the requirements set forth in NAC 432.260, an agency which provides child welfare services that wishes to provide a self-sufficiency program must establish an oversight committee that consists of at least:

- (a) One child in foster care;
- (b) One former foster youth;
- (c) One foster parent who provides care to older children in foster care; and
- (d) One caseworker who provides child welfare services to older children in foster care.

2. The oversight committee shall:

(a) Develop a plan for the self-sufficiency program that is consistent with the state plan submitted to the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677;

(b) Update the plan developed pursuant to paragraph (a) on or before April 1 of each year; and

(c) Meet at least two times a year to review the progress of the self-sufficiency program.

3. The plan developed pursuant to subsection 2 must include a description of:

(a) The manner in which the needs of former foster youth will be assessed;

(b) A procedure to be used to involve former foster youth in designing the activities of the self-sufficiency program;

- (c) The manner in which former foster youth will access goods and services; and
- (d) The goals and objectives of the self-sufficiency program.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.110)

NAC 432.280 Determination of amount of quarterly disbursements for programs during fiscal year; requirements for receipt of disbursement. (NRS 432.017, 432.032)

1. At the beginning of each fiscal year, the Administrator shall determine the amount of money in the Account established pursuant to NRS 432.017 and received from the Federal Government pursuant to 42 U.S.C. § 677 to assist former foster youth to be disbursed quarterly that year to each agency which provides child welfare services that wishes to provide or that provides a self-sufficiency program. To receive such a disbursement, the agency must:

- (a) Satisfy the requirements set forth in NAC 432.260 and 432.270;
- (b) Submit to the Division a written request for a disbursement from the Account established pursuant to NRS 432.017 as required by that section; and
- (c) Submit to the Division a satisfactory plan for the self-sufficiency program or an update of such a plan developed pursuant to NAC 432.270.

2. Except as otherwise provided in this subsection, the Administrator shall base the determination made pursuant to subsection 1 upon the proportion of children in foster care who are in the custody of the agency and who will attain the age of 17 years in the year preceding the determination relative to the number of children in foster care in this State who will attain the age of 17 years in the year preceding the determination. Each agency which provides child welfare services that receives a disbursement of money pursuant to this section must receive not less than 10 percent of the total amount of money available for disbursement pursuant to this section.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.120)

NAC 432.290 Requirements for receipt of disbursement for program during next fiscal year. (NRS 432.017, 432.032) An agency which provides child welfare services that provides a self-sufficiency program and wishes to receive a disbursement pursuant to NAC 432.280 during the next fiscal year must submit to the Division an updated plan for the self-sufficiency program on or before May 1 of the immediately preceding fiscal year.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.130)

NAC 432.300 Accounting for and use of disbursement for program. (NRS 432.017, 432.032)

1. An agency which provides child welfare services shall account separately for money disbursed to the agency pursuant to NAC 432.280.

2. Not less than 90 percent of the money disbursed to an agency which provides child welfare services pursuant to NAC 432.280 must be used for services provided directly by the agency or by a nonprofit community organization pursuant to a contract or other agreement entered into with the agency.

3. The money disbursed pursuant to NAC 432.280 must be used for the purpose required by NRS 432.017 which may include obtaining goods and services for former foster youth, including, without limitation:

- (a) Room and board;
- (b) Housing assistance;
- (c) Job training;
- (d) Vocational services, including, without limitation, job placement assistance;
- (e) Educational assistance;

- (f) Medical insurance;
- (g) Services to reduce high-risk behaviors in the former foster youth; and
- (h) Mental health services.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.140)

NAC 432.310 Procedures for former foster youth to obtain goods and services from program. (NRS 432.017, 432.032)

1. Each former foster youth who wishes to obtain goods or services from a self-sufficiency program provided by an agency which provides child welfare services must:

- (a) Submit a signed, written release authorizing the agency which provides child welfare services to verify that he was formerly in foster care;
- (b) Participate directly in designing his program activities and accept responsibility for achieving self-sufficiency; and
- (c) Obtain goods or services pursuant to a self-sufficiency program provided by an agency which provides child welfare services that is located in the county in this State in which he resides at the time of obtaining those goods or services regardless of which county in this State the former foster youth resided in on his 18th birthday.

2. The agency which provides child welfare services that provides a self-sufficiency program shall request that each former foster youth who wishes to obtain goods or services from the self-sufficiency program sign an agreement stating that he will participate in any evaluations or other studies conducted pursuant to the self-sufficiency program.

3. An agency which provides child welfare services must not deny goods or services to a former foster youth based on a failure to sign an agreement described in subsection 2.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.150)

NAC 432.320 Maintenance of records regarding program; submission of reports and information to Division. (NRS 432.017, 432.032)

1. An agency which provides child welfare services that provides a self-sufficiency program shall establish and maintain a record for each former foster youth served pursuant to the self-sufficiency program.

2. The agency which provides child welfare services shall maintain sufficient information as part of a record pursuant to subsection 1 to allow the agency to monitor the information required to be reported to the Division pursuant to subsection 3.

3. The agency which provides child welfare services shall submit a report relating to the self-sufficiency program to the Administrator on a quarterly basis. The report must include, without limitation, information relating to:

(a) The number and characteristics of former foster youth who received goods or services pursuant to the self-sufficiency program;

(b) The type and quantity of goods or services provided to the former foster youth;

(c) The amount of money spent pursuant to the self-sufficiency program reported by type of good or service provided; and

(d) The success of the self-sufficiency program as measured by the outcome measures developed by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 677(f)(1)(A).

4. The agency which provides child welfare services shall provide to the Division such additional information as the Division may require.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.160)

NAC 432.330 Annual disbursement of unspent money for programs. (NRS 432.017, 432.032) The Administrator may, on an annual basis, disburse to an agency which provides child welfare services in the manner described in NAC 432.280 and for the purposes described in NAC 432.300 any unspent money in the Account established pursuant to NRS 432.017 or received from the Federal Government pursuant to 42 U.S.C. § 677 to assist former foster youth.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.170)

NAC 432.340 Audit of records by Division to determine compliance with certain provisions. (NRS 432.017, 432.032) The Division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of NAC 432.200 to 432.340, inclusive, chapter 423 of NRS and 42 U.S.C. § 677. The records that are subject to such an audit include, without limitation, information contained in the files of the agency which provides child welfare services relating to a self-sufficiency program provided by the agency.

(Added to NAC by Div. of Child & Fam. Services by R045-02, eff. 7-23-2002)—(Substituted in revision for NAC 423.180)