

PROPOSED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R013-14

Proposed Regulation Changes

Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

Regulations that met with changes:

- NAC432A. 200.2 (a) (3) *language added*
- NAC432A. 200.4 (a) (c) *language added*
- NAC432A. 230 *language added*
- NAC432A. 300.2 *AB 109 amendment changes integrated*
- NAC432A. 326.1 *AB109 amendment changes integrated (corrected 12.17.2013)*
- NAC432A. 326.1 *language added specifying licensing year and not calendar year*
- NAC432A. 233 *repealed regulation (no replacement reg created)*
- NAC432A.235 *repealed regulation (432A adoption Board of Health Variance process)*
- NAC432A – *Health removed and left with Division*

These changes include:

R010-12 – Administrative Fees

R011-12 – Partial background check removed, full background required for all individuals who with children.

R112-12p – Repealed Regulations

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Section 2. *“Division” has the meaning ascribed to it in NRS 432A.0273.*

Section 3. *1. Except as otherwise provided in subsections 3 or 4, if an inspection of a facility pursuant to NRS 432A.180 reveals that the facility is in violation of any provision of this chapter or chapter 432A of NRS, the Division may issue a notice of violation.*

The notice of violation must:

- (a) Be in writing and describe with particularity the nature of the violation;*
- (b) Include the time permitted to correct the violation; and*
- (c) Inform the person who operates the facility of the provisions of subsection 7.*

2. Except as otherwise provided in subsection 4, if the licensee does not correct a violation, the Division may impose an administrative fine of not more than \$100 per day when the facility:

- a. Fails to correct the violation within the specified timeframe***
- b. Child injury as a direct result of facility negligence***
- c. Employee background investigations are found non-complaint twice in facility licensing year***
- d. Caregiver to child ratios are found non-complaint twice in facility licensing year***
- e. Caregiver trainings have failed to come into compliance by the end of the facility licensing year***

3. The Division may add \$200 to the amount of any administrative fine prescribed by subsection 2 if the violation resulted in an injury to a person.

4. A licensee that receives an administrative fine pursuant to this section may appeal pursuant to the procedures set forth in NAC 439.300 to 439.395.

Section 4. NAC 432A.170 is hereby amended to read as follows:

The ~~Health~~ Division shall:

1. Ensure that every person operating a facility is licensed;
2. Make and maintain files regarding the interpretation by courts of the provisions of this chapter and make these files available for public review;
3. When requested, offer assistance and consultation to licensees of facilities;
4. As determined appropriate by the ~~Health~~ Division, provide technical assistance and support to licensees of facilities and to caregivers;
5. Aid the Board in developing an awareness within local communities of the need to protect children by licensing operators of facilities; and
6. Develop a strong working relationship with local and state zoning, fire, health and safety officials for the purpose of evaluating facilities and licensing their operators.

Section 5. NAC 432A.180 is hereby amended to read as follows:

1. Any county or city which desires to establish or has established a child care licensing agency must file a copy of any proposed ordinance or regulation for licensing facilities with the ~~Health~~ Division for review not later than 30 days before a public hearing is held on the proposed ordinance or regulation. The ordinance or regulation adopted by the county or city must be filed with the ~~Health~~ Division for its approval within 30 days after adoption.

2. Every local licensing agency shall submit on a quarterly basis to the ~~Health~~ Division a roster of all facilities in its jurisdiction which are currently licensed.

Section 6. NAC 432A.190 is hereby amended to read as follows:

1. Inspections of any building or premises of a facility pursuant to NRS 432A.180 may be unannounced and must be made at least two times during the 12-month licensing period or once every 6 months. Any authorized member or employee of the ~~Health~~ Division may enter and inspect any building or premises of a facility at any time pursuant to NRS 432A.180 to secure compliance with or prevent a violation of any provision of this chapter or chapter 432A of NRS.

2. In conducting inspections and investigations, the ~~Health~~ Division may call upon political subdivisions and governmental agencies for assistance. The licensee or applicant shall cooperate with the person conducting the investigation by providing access to the buildings, records and staff of the facility. Failure to provide such access is a ground for revocation of a license or denial of an application for a license.

3. On confirmation of the operation of an unlicensed operator of a facility, the ~~Health~~ Division or the local licensing agency shall investigate and attempt to license the operator of the facility, force discontinuance of the operation of the facility or prosecute the violation.

Section 7. NAC 432A.200 is hereby amended as follows:

1. An application for an initial license to operate a facility must be:

(a) Submitted to the ~~Health~~ Division on a form supplied by the ~~Health~~ Division; and

(b) Accompanied by the following appropriate fee:

(1) If the facility is to provide care for 5 or 6 children.....	\$20
(2) If the facility is to provide care for 7 or more but not more than 12 children.....	60
(3) If the facility is to provide care for 13 or more but not more than 50 children.....	100
(4) If the facility is to provide care for 51 or more but not more than 100 children.....	150
(5) If the facility is to provide care for 101 or more but not more than 150 children.....	200
(6) If the facility is to provide care for 151 or more but not more than 200 children.....	

children..... 250

(7) If the facility is to provide care for more than 200 children..... 300

2. After receiving a completed application and payment of the appropriate fee, the ~~Health~~ Division shall:

(a) Conduct an investigation into the qualifications and background of:

(1) Every applicant and his or her employees, other than an educational intern who provides direct care to children for a period of less than 6 months; and

(2) Every resident of the facility who is 18 years of age or older;

~~[(b) Conduct a partial investigation into the qualifications and background of every resident of the facility who is at least 16 years of age but less than 18 years of age;]~~

~~[(c) Conduct a partial investigation into the background of every volunteer of the facility who is at least 16 years of age and who regularly works for 15 hours or more per week in the facility;]~~ *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594;*

(3) Every participant of in an outdoor youth program who is 18 years of age or older; and

(4) Every volunteer of the facility who is 18 years or age or older

~~[(d)]-(b)~~ Inspect the buildings of the facility; and

~~[(e)]-(c)~~ Examine the plans for care of the children and management of the facility.

3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.

4. Fingerprints must be taken and applications for investigations must be made by:

(a) Every employee or a resident of the facility who is at least 18 years of age and every volunteer *of the facility* who is at least 18 years of age ~~and who regularly works for 15 hours or more per week in the facility within 3 working days]~~ *within 24 hours* after the date of hiring or his or her presence in the facility, and every ~~6]~~ 5 years thereafter.

(b) Every participant in an outdoor youth program who is 18 years or older.

~~[(b)]-(c)~~ An applicant at the time ~~of an]~~ *that his or her* application ~~for initial license]~~ *is submitted for licensure, and then at least once every 5 years after the license is issued.*

~~{(e)}~~ *(d)* A licensee every ~~{6}~~ **5** years after the date his or her license is originally issued.

~~5.—[Every 2 years after the investigation conducted pursuant to subsection 2 is completed, the [Health] Division shall conduct a partial investigation into the background of each volunteer who is at least 16 years of age and who regularly works for 15 hours or more in a facility and into the background of each licensee and employee of a facility.~~

~~—6.]~~ The ~~[Health]~~ Division shall immediately notify the applicant or licensee if the investigation conducted pursuant to subsection 2 ~~{or 5}~~ indicates that he or she or an employee or *a* resident of the facility *who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS432B.594, or a participant in an outdoor youth program who is 18 years or older, or a volunteer of the facility who is 18 years or older and* who ~~{regularly}~~ works ~~{for 15 hours or more per week}~~ in the facility has been convicted of any offense listed in subsection 2 of NRS 432A.170 ~~{+}~~ *or has a substantiated report of child abuse or neglect filed against him or her.*

~~{7}~~ *(6)*. The license must not be issued until the Administrator of the ~~[Health]~~ Division is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection by the State Fire Marshal or the ~~[Health]~~ Division, finding satisfactory conditions, may be accepted by the Administrator as proof of compliance with the applicable regulations.

~~{8}~~ *(7)*. With the exception of a facility that is licensed by a branch of the military or naval service of the United States, a licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.

~~{9}~~ *(8)*. An applicant must, before a license is issued to him or her, submit to the ~~[Health]~~ Division a certificate stating that he or she holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the ~~[Health]~~ Division.

~~{10}~~ *(9)*. If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his or her application and related material and the investigation, a license will be issued to the applicant within 30 days after completion of the investigation.

~~{11}~~ *(10)*. A licensee shall return to the ~~[Health]~~ Division, his or her license if he or she ceases to operate a facility, if the license has been suspended or revoked or if the license is placed on a provisional basis.

~~{12.— As used in this section, “partial investigation” includes, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.}~~

Section 8. NAC 432A.210 is hereby amended as follows:

1. Each license must contain the name of each person authorized to operate the facility, the location of the facility, the number of children for whom care may be provided pursuant to the license and the nature of child care services which may be provided.

2. The current license issued to an operator of a facility must be signed by the Administrator of the ~~{Health}~~ Division *or approved designee* and conspicuously posted in a public place within the facility.

3. The license is not transferable from one licensee to another licensee or from a licensee to a person who is not a licensee. A license is valid only for the premises described in the license.

4. Except as otherwise provided in this chapter, a licensee may not care for a greater number of children than the number set forth on the license issued to the licensee.

Section 9. NAC 432A.220 is hereby amended as follows:

1. Except as otherwise provided in NAC 432A.437, a licensee of a facility may apply for reissuance of a license by submitting an application for reissuance which must be received by the ~~{Health}~~ Division, or postmarked if mailed, not later than 45 days before the expiration of the license. The ~~{Health}~~ Division shall provide all forms and materials necessary for reissuance of a license. The ~~{Health}~~ Division shall charge a late fee of \$50 for an application for reissuance of a license that is received or postmarked later than 30 days before the expiration of the license.

2. After receipt of an application for reissuance of a license and the receipt of a fee for reissuance computed in the same manner described in subsection 1 of NAC 432A.200, the ~~{Health}~~ Division shall conduct a survey to determine whether the licensee of a facility meets all of the requirements for issuance of a license set forth in NAC 432A.200.

3. If, after investigation, the ~~{Health}~~ Division determines that the facility complies with the requirements of NAC 432A.200, a license must be reissued for 1 year. A reissued license may be revoked or suspended on the same grounds as an initial license.

Section 10. NAC 432A.225 is hereby amended as follows:

1. A licensee may request that his or her license be transferred to inactive status by the ~~{Health}~~ Division. If the request is approved, the licensee shall, within 15 days after the approval, give written notification to the parents of any children in the facility that the license is inactive.

2. Inactive status does not continue beyond the expiration of the license.

Section 11. NAC 432A.230 is hereby amended as follows:

1. In addition to the grounds set forth in NRS 432A.190, the ~~Health~~ Division may suspend or revoke the license of a licensee on the ground that:

- (a) The health or safety of a child in the facility is being endangered; or

- (b) The facility is not in compliance with standards for safety from fire and other emergencies or standards for health and sanitation as determined by the ~~Health~~ Division after an inspection of any building or premises of the facility conducted pursuant to NRS 432A.180.

2. The notice of denial, suspension or revocation required by NRS 432A.200 must be sent by the ~~Health~~ Division within 30 days after its determination to suspend or revoke a license or to deny an application for a license.

Section 12. NAC 432A.240 is hereby amended as follows:

1. A building used as a facility must, upon a change of operating ownership, comply with the provisions of this chapter and applicable building and safety codes.

2. The building plans for the construction of a new facility or the remodeling of an existing facility must be submitted to the ~~Health~~ Division for review before commencement of actual construction. Review of the plans does not constitute approval of an application for a license.

Section 13. NAC 432A.250 is hereby amended as follows:

1. Except as otherwise provided in this subsection, subsection 3 and NRS 432A.078, in each facility there must be:

- (a) At least 35 square feet of indoor space for each child, exclusive of bathrooms, halls, kitchen, stairs, storage spaces, multipurpose rooms and gymnasiums that are not regularly used.

- (b) At least 37 1/2 square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. An accommodation facility need not provide outdoor play space.

2. Each facility shall:

- (a) Ensure that each room of the facility which is used by children is:

- (1) Maintained free of drafts and at a temperature that is not less than 65 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of October through March and at a temperature that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of April through September; and

(2) Heated, cooled and ventilated to maintain the temperatures required in this paragraph and to avoid the accumulation of odors and fumes;

(b) Ensure that electrical devices or electrical apparatuses which are accessible to children are not located near any type of water source, including, without limitation, any sink, tub, shower area or wading pool; and

(c) Install nonflammable barriers, including, without limitation, permanent guards or shields to cover heating units, including, without limitation, hot water heating pipes and baseboard heaters with a surface temperature that is hotter than 100 degrees Fahrenheit, to ensure that those heating units are inaccessible to children.

3. A facility that provides care for ill children must have:

(a) At least 50 square feet of indoor space for each child, as determined by the maximum number of children stated on the license for the facility, exclusive of bathrooms, halls, kitchen, stairs and storage spaces.

(b) A separate ventilation system if the facility is attached to another building.

4. The play area of each facility must:

(a) Be fenced or enclosed in a manner that prevents the unsupervised departure of children from the area;

(b) Have an adequate drainage system;

(c) Be free of hazards, debris and trash;

(d) If it is an outdoor play area, provide, during the months of April through September, a shade area or shade areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children in the outdoor play area;

(e) Have appropriate, as determined by the ~~Health~~ Division, depths and perimeters of resilient surfacing underneath and surrounding any elevated play equipment;

(f) Have adequate safety barriers around any elevated platforms;

(g) Not have any dangerous or poisonous plants or other vegetative matter located within the boundaries of the play area or in an area that is accessible to children from the play area;

(h) Not be in a location where any bodies of water are accessible to children; and

(i) If it has playground equipment, have only equipment that is:

(1) In good repair;

- (2) Designed and constructed to minimize injury;
- (3) Compatible with the age of the children in the care of the facility;
- (4) Spaced to reduce accidents; and
- (5) Securely anchored.

5. If a facility that provides care for ill children is a component of a child care center and provides outdoor play space, the play space must:

- (a) Be separate from the play space for well children;
- (b) Meet the requirements of paragraph (b) of subsection 1; and
- (c) Meet the requirements of subsection 4.

Section 14. NAC 432A.260 is hereby amended as follows:

1. To maintain his or her license, the licensee must ensure that his or her facility meets all standards for environmental health which are established by the ~~{Bureau of Health Protection Services of the Health}~~ Division of the Department.

2. Reports of inspections concerning the sanitation of a facility must be maintained in a physical file at the facility and available for review at the facility by a parent of a child who attends the facility or a parent who is considering enrolling a child at the facility for at least 2 years after the date of the inspection.

Section 15. NAC 432A.290 is hereby amended as follows:

1. Each licensee of a facility shall have a working telephone listed in a local telephone directory. A current list of emergency telephone numbers, including health agencies, fire and police departments and ambulance services must be posted adjacent to the telephone.

2. Each licensee of a facility shall have a policy of insurance for protection against liability to third persons. A certificate of insurance must be furnished by the licensee of a facility to the ~~{Health}~~ Division as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the ~~{Health}~~ Division ~~{at least 30 days}~~ before cancellation or nonrenewal of the policy. The licensee shall notify the ~~{Health}~~ Division if there is a lapse in the insurance coverage required by this subsection. The policy of insurance must be maintained at the facility. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the ~~{Health}~~ Division.

3. If transportation is provided by the licensee of a facility, all children must be protected by adequate supervision by the staff, safety precautions and adequate insurance which covers

liability for health or injury, medical expenses and damages caused by uninsured motorists. The licensee of a facility shall require that each child is instructed in the conduct required for safe transportation. A driver of a vehicle used by the licensee of a facility shall:

- (a) Possess an appropriate driver's license and adequate insurance;
- (b) Not leave an unattended child in the vehicle at any time;
- (c) Ensure that a parent, or a person designated in writing by the parent, is present to take charge of a child upon delivery of the child to his or her home or the facility;
- (d) Ensure that each child boards or departs the vehicle on the side of the vehicle adjacent to a curb and that the child is safely conducted across any street encountered immediately before boarding or after departing; and
- (e) Ensure that the doors and windows of the vehicle are secure before proceeding.

4. Except as otherwise provided in this section and NAC 432A.532, when transporting children, the licensee of a facility shall ensure that the ratio of caregivers to children in the vehicle satisfies the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.524. When transporting children who are 2 years of age or older, a licensee of a special needs facility shall ensure that the ratio of caregivers to children in the vehicle satisfies the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.532.

5. If, during the time school is in operation, the licensee of a facility provides transportation for children of school age to and from a public or private school, the ratio of staff to children in the vehicle must be not less than one member of the staff for every 15 children.

6. The licensee of a facility shall maintain a log for transportation provided by the licensee of the facility. The log must be maintained at the facility for at least 4 months after the transportation is provided. The log must include:

- (a) The name of each child who was transported;
- (b) The date the transportation was provided by the licensee of the facility;
- (c) The time of departure of the vehicle and the time the vehicle arrived at its destination;
- (d) The signature of the driver of the vehicle;
- (e) The name of each adult who was transported in the vehicle, including, without limitation, the driver of the vehicle; and
- (f) The signed verification required by subsection 7.

7. Upon arrival at the destination, one member of the staff of the facility shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually and physically sweep the vehicle to ensure a child is not left behind in the vehicle, and include in the log signed verification that each child who was transported in the vehicle is accounted for and that the visual and physical sweeps were conducted.

Section 16. NAC 432A.300 is hereby amended as follows:

1. The licensee of a child care facility ~~{other than a facility that provides care for ill children, an accommodation facility, a special needs facility or a family or group home}~~ shall:

(a) Serve as the director of the facility, if the licensee has the qualifications ~~{of a director}~~ *required by NRS 432A.1773*; or

(b) Appoint a suitably qualified person to serve as the director and *notify the Division of the appointment of this person who has the qualifications required by NRS 432A.1773.*

~~{2. The director of such a facility must be at least 21 years of age and, except as otherwise provided in NAC 432A.485:~~

~~—(a) Have earned a bachelor's or associate's degree and have completed at least 12 semester hours of education, of which:~~

~~——(1) At least 6 semester hours are in child development; and~~

~~——(2) At least 6 semester hours are in child development, child psychology, education-related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,~~

~~Ê and have at least 6 months of verifiable experience which is satisfactory to the Health Division in a program related to child education, early childhood development or child care;~~

~~—(b) Have earned a high school diploma or, if approved by the Administrator of the Health Division, a certificate based on general educational development, and have completed at least 12 semester hours of education, of which:~~

~~——(1) At least 6 semester hours are in child development; and~~

~~——(2) At least 6 semester hours are in child development, child psychology, education-related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,~~

~~Ê and have at least 2 years of verifiable, satisfactory experience in a program related to child education, early childhood development or child care;~~

~~—(c) Have a current credential as a “Child Development Associate,” which has been issued by the Council for Early Childhood Professional Recognition, Washington, D.C. 20005; or~~

~~—(d) Have a combination of education and experience which, in the judgment of the Administrator of the Health Division, is equivalent to that required by paragraph (a), (b) or (c).~~

~~—3.— Before a license is issued to a person to operate any child care facility for which a director is required, the person must submit a completed application for approval of the director. The application must be made on a form supplied by the Health Division. The applicant must sign an authorization which gives the Health Division permission to verify any information given in the application.}~~

Section 16. NAC 432A.304 is hereby amended as follows:

1. The director of a child care facility is responsible for screening, scheduling and supervising the staff of the facility and for the conduct of each member of the staff at the facility.

2. The director shall:

(a) Provide a program for child care for the facility which meets the requirements of this chapter.

(b) Provide space for an office, the storage of records, conferences with parents, meetings of the staff and all other needs of the program for child care.

(c) Maintain organized separate records for each employee that include, without limitation, documents related to training. Such records must include, without limitation:

(1) Documents verifying that the employee has, if applicable:

(I) Completed the training required pursuant to NRS 432A.177;

(II) Received the orientation and basic training required pursuant to NAC 432A.320;

(III) Completed the training required pursuant to NAC 432A.323; and

(IV) Completed the training required pursuant to NAC 432A.326; and

(2) A copy of the documentation concerning, and the results of, the investigation of the employee’s background and personal history which is conducted pursuant to NRS 432A.170, including, without limitation, a clearance letter from the ~~Health~~ Division or a current child care work card, and a release form for this information completed by the employee.

(d) Ensure that each member of the staff of the facility who is not a caregiver, but whose job duties may directly impact children cared for in the facility, has the training necessary to protect the health and safety of the children and the health and safety of the other members of the staff,

including, without limitation, training concerning proper nutrition, methods of sanitation and procedures for maintaining a safe environment in the facility.

(e) Work with parents and include them, whenever possible, in the programming and functioning of activities.

(f) Cooperate with the ~~Health~~ Division and other agencies of government to improve the quality of child care and the competence of caregivers.

(g) Designate a member of the staff who is responsible for the operation of the facility when the director is not present at the facility.

3. If the facility is in operation 25 hours or less, the director must be present in the facility during at least half the hours of operation.

Section 17. NAC 432A.306 is hereby amended as follows:

1. Every caregiver in a child care facility must:

(a) Be at least 16 years of age;

(b) Be able to summon help in an emergency;

(c) Be emotionally and physically qualified to carry out a program which places emphasis on the development of children; and

(d) Except as otherwise provided in subsection 5, within 90 days after the caregiver commences employment in the child care facility, apply with The Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. Not more than 50 percent of the caregivers in a child care center, a child care institution or an early care and education program may be under 18 years of age. Any caregiver who is under 18 years of age and is employed in such a facility must:

(a) Have completed a course in the development of children which is approved by:

(1) The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve such courses; or

(2) If the course has not been approved by The Nevada Registry or its successor organization, and the Director of the Department has not designated another agency to approve such courses, the ~~Health~~ Division or the local licensing agency; or

(b) Be currently enrolled in such a course.

3. A child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility.

4. A volunteer for a child care facility, regardless of his or her age, and a member of the staff of the facility who is under 18 years of age may not provide direct care to a child at the facility unless the care is provided under the supervision of an employee of the facility who is 18 years of age or older.

5. A caregiver in a child care institution is not required to initially apply with or annually renew his or her registration with The Nevada Registry or its successor organization.

Section 18. NAC 432A.308 is hereby amended as follows:

1. Whenever a child care facility is in operation, each caregiver on duty must have completed training for the recognition of signs and symptoms of illness and the administration of first aid.

2. The training for the recognition of signs and symptoms of illness must include, without limitation, the provision of information concerning health and the observation and evaluation of signs and symptoms of illness and responses to illness and emergencies and training in the prevention of exposure to bloodborne pathogens. The training for the administration of first aid must include, without limitation, the administration of first aid to victims of fire, serious injury or the ingestion of poison. Both types of training must be:

(a) Provided by a licensed health care professional or a representative of a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or an institution approved by The Nevada Registry or its successor organization; and

(b) Approved by:

(1) The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve the training; or

(2) If the training is not approved by The Nevada Registry or its successor organization, and the Director of the Department has not designated another agency to approve the training, the ~~Health~~ Division or the local licensing agency.

3. A certificate or other evidence of compliance issued by a licensed health care professional, a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or an approved provider of such training is adequate evidence of compliance.

Section 19. NAC 432A.321 is hereby amended as follows:

1. The training required pursuant to NRS 432A.177 must be approved by:
 - (a) An agency designated by the Director of the Department to approve such training; or
 - (b) If the director has not designated an agency to approve the training, the ~~Health~~ Division or the local licensing agency.
2. The licensee of a child care facility shall:
 - (a) Include evidence of completion of the training required pursuant to NRS 432A.177 in the personnel file of each employee of the child care facility required to complete the training; and
 - (b) Upon request of the ~~Health~~ Division, submit the evidence of completion of the training for any employee of the child care facility required to complete such training.

Section 20. NAC 432A.323 is hereby amended as follows:

1. Except as otherwise provided in subsection 4 and NAC 432A.521 and NRS 432A.177, within 90 days after commencing his or her employment or position in a child care facility, each person who is employed in a child care facility, other than a person employed in a facility that provides care for ill children, and each director of a child care facility shall complete:
 - (a) Any training required by the facility in which the director serves or in which the person is employed for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to NAC 432A.322;
 - (b) Three or more hours of training in child development or guidance and discipline specific to the age group served by the facility in which the director serves or in which the person is employed;
 - (c) Two or more hours of training in the administration of first aid;
 - (d) Two or more hours of training in the recognition of signs and symptoms of illness, which must include, without limitation, training in the prevention of exposure to bloodborne pathogens;
 - (e) Two or more hours of training in the recognition and reporting of child abuse and neglect; and
 - (f) If the person or director works with infants under 12 months of age, at least 2 hours of training concerning Sudden Infant Death Syndrome.
2. Except as otherwise provided in NAC 432A.521, within 12 months after commencing employment, each person described in subsection 1 shall, in addition to completing any training required pursuant to subsection 1 and completing any course in the development of children required pursuant to NAC 432A.306, complete at least ~~15~~ 24 hours of training in professional development as required pursuant to NAC 432A.326.

3. Except as otherwise provided in NAC 432A.521, within 12 months after commencing employment as a member of the staff of a facility, each member of the staff of a facility who works in a nursery for infants and toddlers shall, in addition to completing any training required pursuant to subsections 1 and 2, and completing any course in the development of children required pursuant to NAC 432A.306, complete at least 2 hours of training concerning Sudden Infant Death Syndrome.

4. At least 2 hours of ~~{such}~~ *the* training *required by subsections 1 and 2 each year* must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

5. The training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required to be completed pursuant to subsection 1 must be provided by one of the persons, agencies or institutions listed in NAC 432A.308 as qualified to provide such training.

6. The training required pursuant to subsections 1, 2 and 3 must be designed to:

(a) Ensure the protection of the health and safety of each child enrolled in the facility; and

(b) Promote the physical, moral and mental well-being of each child enrolled in the facility.

7. If the facility is a special needs facility, the training required pursuant to subsections 1, 2 and 3 must also be designed to provide information on the characteristics of handicapping conditions and appropriate programs for children with special needs. The training must be approved by:

(a) The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve such training; or

(b) If the training has not been approved by The Nevada Registry or its successor organization, and the Director of the Department has not designated another agency to approve such courses, the Health Division or the local licensing agency.

8. Evidence that an employee has completed the training required pursuant to subsections 1, 2 and 3 must be included in his or her personnel file and must be kept at the facility. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

Section 21. NAC 432A.326 is hereby amended as follows:

1. During each 12-month *licensing* period immediately succeeding the completion of the initial training required pursuant to NAC 432A.323, each director of a child care facility and each caregiver who is employed at the facility *caring for 5 but no more than 12 children* shall complete at least 15 hours of training in professional development, of which not more than 3

hours may be training in the administration of cardiopulmonary resuscitation. The required hours of training *pursuant to this regulation or NRS 432A.1775* may consist of:

(a) Informal training, including, without limitation, on-site training at a facility, community workshops or conferences;

(b) Formal training; or

(c) An early child care and education course offered by a community college or university.

2. Any training relating to the administration of cardiopulmonary resuscitation, *not to exceed 3 hours*, must be taught by a certified instructor who meets the standards of a nationally or internationally recognized provider of training in cardiopulmonary resuscitation, including, without limitation, the American Heart Association, the American National Red Cross, MEDIC FIRST AID International, EMS Safety Services, or the American Safety and Health Institute.

3. The training must be approved by:

(a) The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve such training; or

(b) If the training has not been approved by The Nevada Registry or its successor organization, and the Director of the Department has not designated another agency to approve such courses, the Health Division or the local licensing agency.

4. A director or caregiver described in subsection 1 may not receive credit toward the training required pursuant to subsection 1 for hours of training received concerning the administration of first aid or concerning the recognition of signs and symptoms of illness more than once every 36 months.

Section 22. NAC 432A.350 is hereby amended as follows:

1. Every licensee of a facility shall adopt a written statement which:

(a) Sets forth the general services to be offered to the children;

(b) Provides for the special needs of each child;

(c) States the requirements for admission and procedures for enrollment;

(d) Sets forth fees and any plan for payment of fees;

(e) Provides rules relating to personal belongings brought to the facility;

(f) Covers arrangements for transportation;

(g) Requires written parental permission for trips and activities outside the facility;

(h) Provides for parental involvement in the general functions of the facility;

(i) Gives either or both parents the right to observe the program of the licensee before enrollment and at any time after enrollment of the child;

(j) For a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, notifies either or both parents that smoking of tobacco in any form is prohibited in the facility at all times;

(k) For a facility other than a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, notifies either or both parents if smoking of tobacco is permitted on the premises of the facility in a designated area approved by the fire authority;

(l) Notifies either or both parents if and when a member of the staff who is trained and certified in cardiopulmonary resuscitation is on duty at the facility; and

(m) Notifies either or both parents of the contents of any plan created pursuant to NAC 432A.280 to ensure that the staff of the facility is prepared to respond to an emergency.

2. In addition to the information required by subsection 1, a licensee for a facility that provides care for ill children shall adopt criteria for admission that set forth:

(a) The illnesses and disabilities that are accepted;

(b) The illnesses and disabilities that are not accepted;

(c) The ages of children served by the facility;

(d) The information required from a parent before a child may be admitted to the facility; and

(e) The procedures to be followed by the staff of the facility in the event of an emergency.

3. Every licensee shall provide a copy of the statement described in subsection 1 to each paid or volunteer member of its staff, to each parent of a child enrolled in the facility and to the ~~Health~~ Division.

4. The name, business address and business telephone number of any person who has legal or administrative responsibility for the facility must be provided to each parent of a child enrolled in the facility and to the ~~Health~~ Division.

5. The licensee of a facility shall notify each parent of a child enrolled in the facility and the ~~Health~~ Division of significant changes in the services offered by the facility.

Section 23. NAC 432A.360 is hereby amended as follows:

1. The licensee of a facility shall not disclose to any person who is not a member of the staff of the facility or a member of the licensing staff of the ~~Health~~ Division information pertaining to any child, unless:

(a) The parent has given written permission for the disclosure; or

(b) There is an emergency as determined by the director or the member of the staff who is in charge at the time of the emergency.

2. The licensee of a facility shall have available forms which allow a parent to release information pertaining to his or her child.

Section 24. NAC 432A.378 is hereby amended as follows:

1. Upon the occurrence of any accident or injury which requires emergency professional medical care of a child, the director ~~{operator or owner of each facility}~~ shall report the occurrence to the ~~{Health}~~ Division or local licensing agency as soon as possible and shall keep on file at the facility a report of the occurrence.

2. If the director ~~{operator or owner of a facility}~~ finds that any reportable communicable disease may be present in the facility, he or she shall report that condition to the ~~{Health}~~ Division or local licensing agency as soon as possible. The ~~{Health}~~ Division or local licensing agency shall provide the list of reportable communicable diseases to all licensees and applicants.

3. The director ~~{operator or owners of each facility}~~ shall report as soon as possible to the ~~{Health}~~ Division or local licensing agency the death of any child who attends or lives in the facility.

Section 25. NAC 432A.380 is hereby amended as follows:

1. To the extent set forth in subsections 3 and 4, a licensee of a facility shall meet the daily nutritional needs of each child. Meals and snacks must be of a quality and quantity which supplement the food served at home. Cultural and ethnic foods which are appropriate for children must be considered in planning meals. To the extent possible, information provided by parents concerning their child's eating habits and preferences or special needs regarding food must be considered in planning for meals.

2. A licensee of a facility shall consult the ~~{Health}~~ Division or local licensing agency or some other public agency for nutritional information which is applicable to children of ages receiving care at the facility.

3. A child who stays in a facility:

(a) For 10 hours or less in 1 day must be offered at least one meal and two snacks or two meals and one snack; and

(b) For more than 10 hours in 1 day must be offered at least two meals and two snacks or one meal and three snacks.

4. A nutritious snack must be offered to all children in the midmorning and the midafternoon. Each child must be offered food at intervals that are at least 2 hours apart and, unless the child is asleep during that time, are not more than 3 hours apart.

5. Foods and beverages which are sweet or have little nutritional value must not be served to children except as an addition to the meals or snacks served to comply with the requirements of subsections 3 and 4.

6. Every menu must be in writing, dated, planned a week in advance, and kept on file in the facility for at least 90 days after the corresponding meal is served. The licensee of a facility shall post the current menu, including any changes, in the kitchen and in a public place within the facility convenient for parental inspection. Family homes and group homes are exempt from the requirements of this subsection.

7. Meals may be brought from home to a facility for a child to consume at the facility. The bag or other container used to bring the meal to the facility must be labeled with the child's first and last name. A facility shall inform the parents of each child who is cared for in the facility that perishable items must be stored or packed in a manner that maintains the temperature of the contents.

8. A child is not allowed in the kitchen of any facility unless he or she is supervised.

9. Whenever possible, members of the staff of the facility must eat with the children and encourage them to eat a variety of food and observe table manners.

10. Drinking water must be freely available to all children at all times.

11. Food must not be used as a basis for discipline or reward. Children should be encouraged, but must not be forced, to eat.

Section 26. NAC 432A.410 is hereby amended as follows:

If any person suspects that child abuse or neglect is occurring in a facility, the person may immediately report such suspicions to the ~~Health~~ Division. Every licensee or employee of a facility who has reason to believe child abuse or neglect is occurring in the facility, in the child's home or elsewhere shall report such beliefs to the appropriate authority as required in NRS 432B.220.

Section 27. NAC 432A.414 is hereby amended as follows:

1. A carpeted floor or rug on a floor that is too large to wash in a washing machine must be vacuumed not less than one time each day or more often if necessary and cleaned not less than one time every 3 months or more often if necessary. If the carpeted floor or rug is cleaned by a member of the staff of the facility using a carpet cleaning machine, the ~~Health~~ Division may

require the carpeted floor or rug to be professionally cleaned if the carpeted floor or rug does not appear to be clean.

2. Each floor of a facility that is not carpeted must be swept and mopped not less than one time each day or more often if necessary.

3. When cleaning a nonporous surface in a facility, including, without limitation, cleaning toys, cribs, tables, high chairs and surfaces used to change diapers, the staff of the facility shall:

(a) Clean the surface first with soap and water to remove any dirt or debris; and

(b) Disinfect the surface with a disinfecting agent.

4. The disinfecting agent used pursuant to subsection 3 must consist of:

(a) One-fourth of a cup of liquid chlorine bleach added to 1 gallon of water that is prepared fresh daily and kept in a closed container;

(b) One tablespoon of liquid chlorine bleach added to 1 quart of water that is prepared fresh daily; or

(c) A solution that is approved by the appropriate state or local agency and is at least as effective as the solutions described in paragraphs (a) and (b).

Section 28. NAC 432A.416 is hereby amended as follows:

1. Each member of the staff of a facility that is necessary to meet the applicable requirement for the ratio of caregivers to children set forth in NAC 432A.526 for napping or sleeping children must be on the same floor in the same building where the children are napping or sleeping. Members of the staff of each facility must be readily accessible and available to be summoned to ensure the safety of the children in the facility.

2. Areas provided for napping or sleeping in a facility must be sufficiently lighted to provide for visual supervision of the children at all times.

3. The staff of each facility shall:

(a) Ensure that each infant under 12 months of age is placed on his or her back on a firm mattress, mat or pad manufactured for use by an infant when the infant is napping or sleeping;

(b) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to nap or sleep in;

(c) Equip any such sleeping device with a waterproof, firm-fitting mattress;

(d) Ensure that each crib to be used by a child who is 6 months of age or younger is constructed with vertical slats that are not more than 2 3/8 inches apart;

(e) Ensure that a child who is 18 months of age or younger naps or sleeps in a crib which is appropriate for his or her age or in another sleeping device which has been approved by the ~~Health~~ Division;

(f) Ensure that a child who is older than 18 months of age naps or sleeps in an appropriate crib or on a cot or mat;

(g) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;

(h) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;

(i) Ensure that the bedding that each child uses is used only for that particular child;

(j) Replace the bedding each time it is wet or soiled by a child or when the sleeping device is to be used by another child;

(k) Within 15 minutes after a child in a crib has awakened from a nap or from sleeping, take the child out of the crib and engage him or her in an appropriate activity;

(l) Ensure that each child takes a nap as needed;

(m) Ensure that each napping or sleeping child is in an area from which the staff can readily hear and see the child; and

(n) Ensure that each napping or sleeping child is checked by a caregiver not less than one time every 15 minutes.

4. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

5. The staff of a facility shall not use a waterbed, sofa, soft mattress, pillow or any other soft surface as a surface on which to place an infant under 12 months of age to nap or sleep.

Section 29. NAC 432A.425 is hereby amended as follows:

1. The director or a designated member of the staff of a nursery for infants and toddlers or other facility that enrolls infants and toddlers shall discuss policies concerning the health of an infant or toddler with the parents before enrollment of the child. Every parent must be given a description of and agree in writing to the following matters concerning the child:

(a) Feeding;

- (b) Diapering;
- (c) Changes of clothing, which are to be provided by the parents;
- (d) Bathing, including, without limitation, the kind of soap to be used;
- (e) Precautions against infectious disease;
- (f) Sleeping;
- (g) Toilet training;
- (h) Daily reports to the parents;
- (i) Any special precautions regarding the health and safety of the child; and
- (j) Any other information deemed necessary by the facility or the ~~Health~~ Division.

2. A caregiver must be assigned to a specific group of infants on a continuing basis.

3. Except as otherwise provided in paragraph (n) of subsection 3 of NAC 432A.416, each infant and toddler must be under direct visual observation by a qualified caregiver at all times.

4. Each infant and toddler must be given undivided attention by the same caregiver for at least 30 minutes in the morning and 30 minutes in the afternoon, including periods of feeding and bathing. The caregiver shall, during this time:

- (a) Hold and talk to the child;

- (b) Encourage the development of the child's coordination by allowing him or her to reach for, grasp, creep, crawl or pull up;

- (c) Give toddlers the opportunity to develop the large muscles of the body by activities such as climbing and walking; and

- (d) Encourage the child to interact socially through playing, using language and solving problems using materials and equipment that are appropriate for the age of the child. Infants under 6 months of age must be provided an additional period of not less than 2 hours of activity each day out of the crib, for example, in a playpen or other suitable area.

5. Each licensee of a facility shall provide an indoor area which is covered by a soft or nonabrasive material and is protected from traveled walkways where crawling children can be on the floor for at least a part of the day.

6. A caregiver may take the infant or toddler assigned to him or her outside or to areas of the facility other than their usual room for a part of each day to provide a change in their physical environment and to increase opportunities for social interaction.

7. When weather permits, each toddler over 12 months of age must be taken outside for a portion of each day. If the weather is extremely hot, the toddler must be kept in a shaded area while outdoors.

8. An infant who is awake must not be left in a crib for long periods without direct adult care and never for more than 30 minutes at a time.

9. The staff of a nursery for infants and toddlers shall separate the infants from the toddlers while the toddlers are engaging in physical activities.

10. There must be a resilient surface under equipment that is used for playing and climbing at a nursery for infants and toddlers. Such equipment must be appropriate for the age of the children using the equipment.

11. The staff of a nursery for infants and toddlers shall promote the healthy development of toddlers by:

- (a) Expressing feelings with words;
- (b) Giving directions that are worded in a positive manner;
- (c) Modeling desirable behavior; and
- (d) Redirecting behavior.

12. The staff of a nursery for infants and toddlers shall not discipline or punish an infant or toddler by confining him or her to a crib, high chair, playpen or other such piece of furniture or equipment.

13. The staff of a nursery for infants and toddlers shall prepare a daily report for each infant less than 12 months of age for whom it provides care. The report must be posted in a conspicuous place in each room used to care for the infants and must include, without limitation, information concerning the feeding, diapering and sleeping of each infant.

Section 30. NAC 432A.437 is hereby amended as follows:

1. In addition to satisfying the requirements of NAC 432A.200, an applicant for a license to operate a facility for special events must:

(a) Have and indicate in his or her application for a license to operate the facility for special events a permanent physical location for the business where the records concerning the facility will be maintained.

(b) Submit to the ~~Health~~ Division an application for a license to operate the facility for special events for each special event for which child care will be provided by the facility for special events, which must include written approval from the owner or operator of the premises

of the business at which the special event will be held and at which child care will be provided. The application must be filed with the ~~Health~~ Division at least 60 working days before the date on which the special event begins and must include:

- (1) The appropriate fee as prescribed in NAC 432A.200;
- (2) The name of the special event and the address at which the special event will occur;
- (3) The square footage and a diagram of the specific area in which child care will be provided;
- (4) A copy of the contract which will be provided to the parent of a child who will receive care provided by the facility for special events;
- (5) The plan for the program of care for the children who will receive child care provided by the facility for special events, which must be broken down by the age groups of the children who will be served by the facility and the ages and number of children to whom child care services will be provided; and
- (6) A copy of the statement that will be provided to each parent of a child who receives care provided by the facility for special events which indicates that the members of the staff of the facility may have varied levels of training and experience.

2. A license to operate a facility for special events issued by the ~~Health~~ Division must include a statement indicating that the members of the staff of the facility may have varied levels of training and experience.

3. The ~~Health~~ Division shall not renew a license to operate a facility for special events.

Section 31. NAC 432A.438 is hereby amended as follows:

1. Child care that is provided by a facility for special events may be provided only:
 - (a) To the children of persons who are attending the special event; and
 - (b) On the dates on which the special event is occurring and may not be provided for more than:
 - (1) Seven days; and
 - (2) Ten hours in 1 day.

2. A parent of a child who is receiving child care services from a facility for special events must provide to the facility the full name, address and telephone number or pager number of at least two persons who may be contacted by the facility in an emergency involving the child.

3. A facility for special events shall provide and accurately maintain a sheet for signing children and members of the staff in and out of the facility.

4. A facility for special events must be physically located in such a manner that any sale or dispensing of alcohol and any participation in gaming ventures are obscured from the view and hearing of the children in the facility.

5. The records of the children receiving child care from a facility for special events must be maintained on-site at the facility. A parent of a child receiving care from a facility for special events must provide proper photo identification to remove the child from the facility. The facility will allow a child to be removed from the facility by a parent of the child only if the parent:

- (a) Provides the facility with proper photo identification; and
- (b) Is preauthorized as a person who is allowed to remove the child from the facility.

6. Any immunization records required by NRS 432A.230 for enrollment in a facility for special events may be sent by facsimile to the facility.

7. Each facility for special events shall ensure that a parent of a child is notified upon checking the child into the facility of an off-site emergency location where the children receiving care at the facility will be taken if the facility is evacuated. The emergency location must:

- (a) Be predetermined by the facility after consultation with and approval of the security department of the business at which the special event is being held, if any; and
- (b) Not be above the main floor of the facility at which the special event is being held.

8. Each facility for special events shall ensure that a manager who is 21 years of age or older is on duty at the specific area in which child care is being provided at all times that child care is being provided by the facility.

9. Each facility for special events shall ensure that a child who is receiving child care from the facility and who is 5 years of age or less does not participate in any field trips sponsored by the facility unless the child is accompanied by a parent.

10. A facility for special events shall submit to the ~~Health~~ Division a program plan for each field trip the facility plans at least 14 days before the field trip is to occur. The plan must include, without limitation:

- (a) The company that will be providing the transportation;
- (b) An itinerary of the field trip;
- (c) An estimated time of departure for and return from the field trip;

(d) The plan for food service, which must comply with any applicable requirements of state and local health agencies;

(e) The approximate ages and number of children who will be participating in the field trip;

(f) Lists for the members of the staff of the facility that identify the group of children for whom each member of the staff will be responsible during the field trip;

(g) A system of identification that will be prominently displayed and will assist each member of the staff in readily identifying each child who is in the group of children for whom the member of the staff of the facility will be responsible during the field trip;

(h) Copies of the notices of the field trip that were sent to and authorized by a parent of each child who will be participating in the field trip; and

(i) For each child who will be participating in the field trip:

(1) The telephone number and names of at least two persons who may be contacted by the facility in an emergency involving the child; and

(2) A statement signed by a parent of the child indicating that the child does not have any health issues that would prevent the child from participating in the field trip

Section 32. NAC 432A.440 is hereby amended as follows:

1. A licensee of an institution may:

(a) Contract with any parent for the supervision, care and guidance of a child;

(b) Provide for the moral and religious training of the children according to the religious belief of the child or the child's parents; or

(c) Accept guardianship of a child when appointed as a guardian by a juvenile court.

2. A licensee of an institution shall:

(a) Establish the policies which it will follow and review the policies and purposes on a regular basis to determine whether the interests of the children are being served;

(b) Review its practices to ensure that they do not discriminate in the employment of personnel, the admittance of children or the services provided to children on the basis of race, color, national origin, religion or the marital status or age of the parents;

(c) Approve a budget and be responsible for obtaining and disbursing money;

(d) Maintain accurate records of the employment of members of its staff;

(e) Employ a qualified person as director and delegate the responsibility for the administration of the institution and the employment of other members of the staff; and

(f) Notify the ~~Health~~ Division of any major changes which are pending or have occurred in the organization or administration of the institution, including any changes in its owner or director.

3. A director of an institution shall:

(a) Possess knowledge of services available for the welfare of children and demonstrate administrative skill and leadership;

(b) Be a graduate of an accredited college or university and have taken a minimum of 15 credits in the social sciences;

(c) Have at least 2 years' experience in an administrative or supervisory position in a child care facility; and

(d) Authorize a member of the staff who is qualified to be a director to act as director in his or her absence.

4. The director, or a person to whom he or she has delegated responsibility, must be available to parents and the ~~Health~~ Division at all times.

5. The licensee of an institution shall notify the parents of a child of the child's discharge within a reasonable time before the discharge. Discharge of a child must be a part of a planned program which was established after informing the child and his or her parents. Upon discharge, the licensee of an institution shall provide pertinent information regarding the child's health to the person receiving the child.

6. A representative of the ~~Health~~ Division who is authorized by the Administrator of the ~~Health~~ Division must have access to any report of an institution which is pertinent to licensing.

7. Each licensee of an institution shall develop a list of clothing which is required for each child at the institution and shall maintain the child's wardrobe at a level which is comparable to that of other children in the community. Each child's clothing must, by a label or marking, be identified as belonging to the particular child. Children must, to the greatest extent feasible, be allowed to participate in the selection and purchase of their clothing. Donated clothing may be used at an institution only if it is suitable for use and in good condition.

8. Any serious illness or hospitalization of a child must be reported to the child's parent.

9. Each licensee of an institution shall arrange with a physician licensed in this State or with a clinic employing a physician to serve as the medical director of or consultant to the institution

and to be responsible for a program of medical care within the institution, which includes visits to the institution and office visits.

10. Each child must receive adequate dental care.

11. Each licensee of an institution shall provide:

(a) Separate toilets and bathrooms for children of each sex who are over 6 years of age;

(b) Separate bath and toilet facilities for the staff;

(c) One toilet for every eight children, one tub or shower for every eight children and one washbasin for every four children; and

(d) At least one toilet and washbasin near every living room and recreation area.

12. A licensee of an institution shall:

(a) Provide each child with a bed for the child's own use, which must be at least 30 inches wide, of a length which is adequate for the child's height and the bottom of which is at least 6 inches above the floor;

(b) Provide separate sleeping areas for boys and girls;

(c) House no more than four children in one sleeping area, except that partitions may be used in large areas;

(d) Keep all beds at least 3 feet apart at the head, foot and sides;

(e) Provide each bed with level box springs, a comfortable and supportive mattress in good condition, a pillow, two sheets and coverings which are sufficient for the child's comfort;

(f) Provide a complete change of clean bed linens at least once a week; and

(g) Provide each child with a closet, locker or dresser for clothing and personal belongings, access to which must be reserved solely to the child.

Section 33. NAC 432A.485 is hereby amended as follows:

In addition to the requirements of NRS 432A.1773, the director of a special needs facility must:

1. Have earned a bachelor's or associate's degree, and have completed at least:

(a) Twelve semester hours of education, of which:

(1) Three semester hours are in child development;

(2) Six semester hours are in the education of children with special needs; and

(3) Three semester hours are in child psychology, education related to the health of children, the education of children with special needs or courses directly related to those subjects; and

(b) Six months of verifiable experience, satisfactory to the ~~{Health}~~ *Division*, in a program related to the education of children, early childhood development, child care or the education of children with special needs;

2. Have earned a high school diploma or a certificate based on general educational development approved by the Administrator of the ~~{Health}~~ Division, and have completed at least:

(a) Twelve semester hours of education, of which:

(1) Three semester hours are in child development;

(2) Six semester hours are in the education of children with special needs; and

(3) Three semester hours are in child development, child psychology, education related to the health of children, the education of children with special needs or courses directly related to those subjects; and

(b) Two years of verifiable experience satisfactory to the ~~{Health}~~ Division, in a program related to child education, early childhood development, child care or the education of children with special needs; or

3. Have a combination of education and experience which, in the judgment of the Administrator of the ~~{Health}~~ Division, is equivalent to the requirements of subsection 1 or 2.

Section 34. NAC 432A.521 is hereby amended as follows:

A facility, other than an accommodation facility or a facility that provides care for ill children, may replace a caregiver who has:

1. An unplanned absence with an alternate caregiver:

(a) Who is able to be on the premises of the facility within 5 minutes after being requested to do so;

(b) Whom the ~~{Health} Division has investigated pursuant to paragraph (a) of subsection 2 of NAC 432A.200; and~~

~~—(c) Who satisfies the requirements of NAC 432A.310 and paragraph (a) of subsection 1 of NAC 432A.323.~~

~~—2.— A prearranged absence with a substitute caregiver who satisfies each of the requirements of a caregiver set forth in this chapter and chapter 432A of NRS.~~

~~Section 35.— NAC 432A.530 is hereby amended as follows:—~~

~~—1.— A licensee of a child care center may, after obtaining the written permission of the Administrator of the [Health] Division, provide care before and after normal school hours for up to three additional children or 10 percent more children than the number stated on the facility's license, whichever number is greater, if each of the additional children is attending first grade or a grade higher than first grade but is less than 16 years of age.~~

2. A licensee of a child care center who accepts such additional children shall have one additional caregiver for up to 20 children so accepted and one additional caregiver for every 1 to 20 additional children thereafter.

3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

Section 36. NAC 432A.538 is hereby amended as follows:

1. A licensee of a family home or group home may, after obtaining the written permission of the Administrator of the [Health] Division, provide care before and after normal school hours for as many as three children in addition to the number stated on the facility's license if each of the additional children is:

(a) At least 6 years of age or is attending school for a full day; and

(b) Less than 16 years of age.

2. Children who live in such a home and are 11 years of age or less must be included in counting the additional children.

3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

Section 37. NAC 432A.550 is hereby amended as follows:

1. Care for ill children may be provided by:

(a) A facility that is licensed by the [Health] Division to provide care solely for ill children;

(b) A child care center that designates a separate area for use by ill children;

(c) A family home; or

(d) A group home.

2. A licensee of a facility that provides care for ill children may care for a child who is prohibited from remaining in any other child care facility because he or she:

- (a) Has a short-term or minor illness;
- (b) Has a short-term physical disability; or
- (c) Is recuperating from an acute episodic illness.

3. A facility must not provide care for an ill child for more than 14 hours in any 24-hour period

Section 38. NAC 432A.560 is hereby amended as follows:

1. *In addition to the requirements of NRS 432A.1773, the* director of a facility that provides care for ill children must be:

- (a) A physician as defined in NRS 630.014;
- (b) A physician assistant as defined in NRS 630.015;
- (c) An advanced practitioner of nursing, as defined in NRS 632.012, who has a specialty in pediatrics;
- (d) A registered nurse as defined in NRS 632.019; or
- (e) A licensed practical nurse, as defined in NRS 632.016, who has 2 years of experience in pediatric nursing.

2. The director shall complete at least 60 hours of initial training in:

- (a) The control of communicable diseases; and
- (b) The recognition of signs and symptoms of childhood illnesses and the care of childhood illnesses.

3. The director must be:

- (a) At least 21 years of age; and
- (b) Certified in the administration of cardiopulmonary resuscitation.

4. The certification in the administration of cardiopulmonary resuscitation set forth in subsection 3 must be obtained before a person may hold the position of director of a facility that provides care for ill children.

Section 39. NAC 432A.630 is hereby amended as follows:

1. A provider shall prepare a written report of the purpose of his or her outdoor youth program. The report must contain a statement describing:

- (a) The philosophy of the program;
- (b) The long-term and short-term goals of the program;
- (c) The services provided by the program;
- (d) The population to be served by the program;
- (e) The criteria for accepting clients into the program;
- (f) The fees to be charged for the program; and
- (g) The manner in which clients participate in activities related to the solicitation of money, publicity and research.

2. The provider shall submit a copy of the report to the ~~Health~~ Division and make the report available to the public upon request.

Section 40. NAC 432A.635 is hereby amended as follows:

1. Each outdoor youth program must have a governing body that has authority over the policies and activities of the program.

2. The governing body must be:

- (a) The board of directors, if the provider is a nonprofit organization;
- (b) The board of directors, if the provider is an organization that operates for a profit; or
- (c) The owner, if the provider is a natural person.

3. The governing body shall:

- (a) Establish the policy of the outdoor youth program;
- (b) Ensure compliance with the policy of the outdoor youth program;
- (c) Ensure compliance with the requirements of federal, state and local statutes, regulations and ordinances;
- (d) Notify the ~~Health~~ Division within 30 days after a change in the administration of the program or the purpose of the program;
- (e) Ensure that the program is adequately funded and financially sound;

(f) Maintain a list of the members of the governing body, including the name, address and term of each member; and

(g) Prepare a chart of the program's organization and a summary that identifies and describes all units of operation within the program. The chart and summary must define the lines of authority and the responsibility of each member of the staff.

4. If the governing body is composed of more than one person, the governing body shall:

(a) Establish bylaws;

(b) At least twice a year, hold formal meetings; and

(c) Maintain written minutes of the meetings, which must include:

(1) The names of the persons who attend the meeting;

(2) The date of the meeting;

(3) The items on the agenda for the meeting; and

(4) The action taken by the governing body, if any.

Section 41. NAC 432A.730 is hereby amended as follows:

1. A psychologist or clinical social worker shall prepare a plan for the treatment of a client within 10 days after the client is admitted to the program.

2. The psychologist or clinical social worker shall review each plan at least once each month and make his or her monthly reports on the progress of a client available to:

(a) The ~~Health~~ Division;

(b) The client;

(c) The parent or guardian of the client; and

(d) Any person who works directly with a client, as appropriate.

Section 42. NAC 432A.735 is hereby amended as follow:

1. A provider shall prepare a written policy and procedure for the management of behavior, which must include:

(a) A description of the behavior of a client that is appropriate and inappropriate; and

(b) Acceptable responses by the members of the staff to behavior by the client that is inappropriate.

2. The policy and procedure prepared pursuant to subsection 1 must be provided to each member of the staff. The staff must receive annual training relating to the management of behavior, which has been approved by the ~~Health~~ Division.

3. A member of the staff shall not use or permit the use of physical restraint or methods that are humiliating or frightening to control the actions of a client.

4. A member of the staff may use passive restraint only as a temporary means of physical containment to protect the client, another person or property. Passive restraint may not be used as a form of punishment.

5. A member of the staff may not use a method to incapacitate the client physically, unless the method has been identified and approved by the ~~Health~~ Division.

Section 43. NAC 432A.770 is hereby amended as follows:

1. A provider must prepare a written policy for documenting and reporting to the ~~Health~~ Division all deaths of clients, injuries, fights, physical confrontations, uses of passive physical restraints, suspected incidents of abuse or neglect and other situations or circumstances affecting the health or safety of a client. The documentation must include:

- (a) A summary of the incident;
- (b) The date and time of emergency intervention, if any;
- (c) A list of any referrals made;
- (d) Information obtained after the incident; and
- (e) The signature of the person preparing the report.

2. The provider shall maintain a copy of the report in the respective file of each client involved in an incident described in subsection 1.

3. If an incident involves the abuse, neglect or death of a client, the provider shall:

- (a) Prepare a preliminary written report within 24 hours after the incident; and
- (b) Notify the ~~Health~~ Division, the parent or guardian of the client and the appropriate law enforcement agency.

TEXT OF REPEALED SECTIONS

NAC 432A.115 Health Division defined. (NRS 432A.077) “Health Division” has the meaning ascribed to it in NRS 432A.0273

NAC 432A.233 Group homes for which license as nursery for infants and toddlers not required. (NRS 432A.077) A group home is not required to be licensed as a nursery for infants and toddlers if the licensee does not provide care for more than eight children who are under 3 years of age.

NAC 432A.235 Waiver of Board's regulations. (NRS 432A.077)

1. A person who desires a waiver of all or any part of the Board's regulations concerning licensing must submit a completed application for the waiver to the *Division* or other appropriate agency for the licensing of facilities.

2. An application for a waiver filed with the Board must be submitted to the Board at its next regularly scheduled meeting if the waiver is filed 60 days before that meeting. The application must be accompanied by the recommendation of the *Division* and the appropriate agency for the licensing of facilities.

3. The Board will grant a waiver if it determines that good cause exists. The Board will not grant a waiver which will threaten public health or safety.

4. The Board will specify the length of time a waiver is in effect.

5. A waiver granted by the Board will be revoked before the expiration of the period of the waiver if, after a public hearing, the Board determines that the public health or safety is threatened or the basis upon which the waiver was granted no longer exists.

6. For the purposes of this section, "good cause" exists when an applicant is unduly burdened by a regulation of the Board and thereby suffers a severe hardship because of circumstances or conditions which are unique to the applicant.