

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R013-14

NOTICE OF PUBLIC HEARING

Intent to Adopt Regulations
(LCB File No. R013-14)

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 432A of Nevada Administrative Code (NAC). This public hearing is to be held in conjunction with the State Board of Health meeting on March 28, 2014. The NAC 432A regulation changes will be heard in the order placed on the State Board of Health agenda.

The State Board of Health will be conducted via videoconference beginning at 9:00 a.m. on Friday, March 28, 2014, at the following locations:

Division of Public and Behavioral Health 4150 Technology Way Room 303 Carson City, NV 89706	Division of Public and Behavioral Health 3811 W. Charleston Blvd. Suite 112 Las Vegas, NV 89102	Division of Aging and Disability Services Early Intervention Services 1020 Ruby Vista Drive, Suite 102 Elko, NV
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These proposed amendments are needed to comply with the provisions of Assembly Bills 109 and 93 (2013), recently codified in Nevada Revised Statutes (NRS) 432A requiring the Division to develop regulations for the establishment, licensing, operation and regulation of Child Care Licensing (CCL) in the State of Nevada. The proposed regulations address the industry's training qualifications for providers caring for 13 or more children and background by clearly distinguishing definitions of employees and volunteers as well as establishing set guidelines and procedures for providers to ensure timely and mandatory background checks of persons within child care facilities.

In addition, the proposed regulations provide for cleanup of current NAC provisions.

1. Anticipated effects on the business which NAC 432A regulates:

- A. Adverse effects: In consideration of the responses received from the questionnaire the program has concluded a need for some amendments and further explanation of purpose and method in efforts to be all inclusive and transparent throughout this process.

- Child Care Licensing acknowledges that parent volunteers at facilities should not be subjected to the same requirements as an employee of the facility or a volunteer not utilizing the facility in a parent/patron capacity. Amendment language to be added to exclude parent volunteers needing to receive a background check.
- The increase in child care training hours from 15 annual hours to 24 annual hours has been noted as a significant change, which is why implementation has been planned as a gradual increase over a 3 year span:
 - January 1, 2014 – providers will be expected to complete 18 annual training hours
 - January 1, 2015 – providers will be expected to complete 21 annual training hours
 - January 1, 2016 and on – providers will be expected to complete 24 annual training hours

It is also important to note that trainings are also made available online through Nevada Registry to help accommodate the increase in training participation. There may also be slight fee adjustments for the added trainings required. The fees applied are per trainers, but are not imposed by the Division.

- B. *Beneficial*: These regulations are providing clear guidelines, which include requirements of continued professional training and ensuring timely and proper background checks on persons providing care children within the State of Nevada.
- C. *Immediate*: The regulations will allow for the application of this industry progress of promoting professional advancement for the Early Childhood Education needs and bolstering continued risk assessments by taking appropriate security measures.
- D. *Long-term*: Provide integrity and professional advancement to the industry and provide child safety by ensuring Nevada’s background check process.

2. **Anticipated effects on the public:**

- A. *Adverse*: None anticipated.
- B. *Beneficial*: Increased professional understanding of Early Childhood Educational needs and strengthening of safety measures for with children within child cares.
- C. *Immediate*: Increased child safety.
- D. *Long-term*: Increased child safety and Early Childhood Educational needs in training comprehension.

3. **The estimated cost** to the Division of Public and Behavioral Health there is no estimated cost to the agency for enforcement of the proposed regulation as it can be incorporated into the inspection process.

4. **Small Business Impact Questionnaires** were prepared and on January 10th, 2014, the questionnaire was sent with a copy of the proposed regulations to all members of the Division's Child Care Licensing LISTSERV and provider documented emails which contained 492 recipients of Child Care Licensing providers throughout the State of Nevada. Seventy responses were received out of 492 Questionnaires that were distributed.

The Division has determined there is no significant impact on small businesses related to the proposed regulations.

The comments received from the Small Business Impact Questionnaire were taken into consideration with minimal comments received from a Public Workshop that was held on February 11th, 2014 with no significant changes which were then turned over to the Legislative Counsel Bureau on February 14th, 2014.

The proposed regulations do not overlap or duplicate any other local, state or federal regulations.

The Division is not proposing any new fees or increasing any existing ones

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8 1/2" x 11" pages must submit the material to the Board's Secretary, Richard Whitley, to be received no later than March 3, 2014, at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents.

A copy of the notice and proposed regulations are on file for inspection and may be copied at the following locations during normal business hours:

Nevada Division of Public and Behavioral Health
727 Fairview Dr. Suite E
Carson City, NV 89701

Nevada State Library
100 Stewart Street
Carson City, NV 89701

Nevada Division of Public and Behavioral Health
3811 W. Charleston Blvd., Suite 210
Las Vegas, NV 89102

A copy of the regulations as revised by the Legislative Counsel Bureau and the Small Business Impact Statement can be found on-line by going to: <http://health.nv.gov/childcarelicensing.htm>. Copies may be obtained in person, by mail, or by calling Alicia Mazy, Administrative Assistant at the Division of Public and Behavioral Health at (775) 684-4463, 4150 727 Fairview Dr., Carson City, Nevada 89701.

Copies of the proposed regulations as revised by the Legislative Counsel Bureau may also be obtained from any of the public libraries listed below:

Carson City Library
900 North Roop Street
Carson City, NV 89702

Churchill County Library
553 South Main Street
Fallon, NV 89406

Clark County District Library
1401 East Flamingo Road
Las Vegas, NV 89119

Douglas County Library
1625 Library Lane
Minden, NV 89423

Elko County Library
720 Court Street
Elko, NV 89801

Esmeralda County Library
Corners of Crook and 4th Street
Goldfield, NV 89013-0484

Eureka Branch Library
80 South Monroe Street
Eureka, NV 89316-0283

Henderson District Public Library
280 South Green Valley Parkway
Henderson, NV 89012

Humboldt County Library
85 East 5th Street
Winnemucca, NV 89445-3095

Lander County Library
625 South Broad Street
Battle Mountain, NV 89820-0141

Lincoln County Library
93 Maine Street
Pioche, NV 89043-0330

Lyon County Library
20 Nevin Way
Yerington, NV 89447-2399

Mineral County Library
110 1st Street
Hawthorne, NV 89415-1390

Pahrump Library District
701 East Street
Pahrump, NV 89041-0578

Pershing County Library
1125 Central Avenue
Lovelock, NV 89419-0781

Storey County Library
95 South R Street
Virginia City, NV 89440-0014

Tonopah Public Library
167 Central Street
Tonopah, NV 89049-0449

Washoe County Library
301 South Center Street
Reno, NV 89505-2151

White Pine County Library
950 Campton Street
Ely, NV 89301-1965

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.