

**PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH OF THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

LCB File No. R096-14

July 10, 2014

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

AUTHORITY: §1, NRS 432A.141 and 432A.170.

A REGULATION relating to child care facilities; revising the fee for licensure of a child care facility of a certain size; requiring that the fee to be paid by an applicant for a background investigation be included with an application for such an investigation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to charge and collect a fee for each license issued for a child care facility. (NRS 432A.141) This regulation revises the licensure fee for certain larger child care facilities from a sliding fee scale based on the number of children for whom the facility is to provide care to a flat fee plus a \$2 fee for each child for which the facility is authorized to provide care.

Existing law requires the Division to perform periodic background checks on certain persons involved in the operations of a child care facility, and authorizes the Division to charge each person so investigated for the reasonable cost of that investigation. (NRS 432A.170) This regulation requires that such a fee be included with the application for such an investigation.

Section 1. NAC 432A.200 is hereby amended to read as follows:

432A.200 1. An application for an initial license to operate a facility must be:

(a) Submitted to the Division on a form supplied by the 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} 111
	<i>plus \$2 for each child for whom the facility is authorized to provide care</i>
{(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	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 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;

(2) Every 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 NRS 432B.594;

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

(4) Every volunteer of the facility who is 18 years of age or older, other than a parent of a child who attends the facility;

(b) Inspect the buildings of the facility; and

(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 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, and every volunteer of the facility who is 18 years of age or older, other than a parent of a child who attends the facility, within 24 hours after the date of hiring or his or her presence in the facility, and every 5 years thereafter.

(b) Every participant in an outdoor youth program who is 18 years of age or older within 24 hours after the participant begins participating in the program and every 5 years thereafter.

(c) An applicant at the time that his or her application is submitted for licensure, and then at least once every 5 years after the license is issued.

(d) A licensee every 5 years after the date his or her license is originally issued.

5. *Each application for an investigation submitted to the Division pursuant to subsection 4 must include a fee determined by the Division to cover the reasonable cost of the investigation pursuant to subsection 4 of NRS 432A.170.*

6. The Division shall immediately notify the applicant or licensee if the investigation conducted pursuant to subsection 2 indicates that he or she or a person whose fingerprints were taken pursuant to subsection 4 has been convicted of any offense listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her.

~~16.1~~ 7. The license must not be issued until the Administrator of the 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 Division, finding satisfactory conditions, may be accepted by the Administrator as proof of compliance with the applicable regulations.

~~17.1~~ 8. 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.

~~18.1~~ 9. An applicant must, before a license is issued to him or her, submit to the 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 Division.

~~19.1~~ 10. 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.

~~110.1~~ 11. A licensee shall return to the 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.