

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

**LCB File No. R092-16**

January 6, 2017

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

AUTHORITY: §§1-5, 8-10, 12-20 and 22-29, NRS 432A.077; §6, NRS 432A.077, 432A.170, 432A.180 and 439.150; §7, NRS 432A.077 and 432A.190; §11, NRS 432A.077 and 432A.177; §21, NRS 432A.077 and 432A.1771.

A REGULATION relating to children; revising certain provisions concerning the required ratio of caregivers to children in certain types of child care facilities; authorizing the Division of Public and Behavioral Health of the Department of Health and Human Services to charge and collect a fee for reasonable costs of investigation of a licensee; requiring persons employed in certain child care facilities and directors of certain child care facilities to obtain training in various subjects relating to child care and safety; making various other changes relating to the standards of operation of certain types of child care facilities; providing additional requirements for certain types of child care facilities; repealing certain provisions relating to the standards of operation of certain types of child care facilities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law and regulations require the Division of Public and Behavioral Health of the Department of Health and Human Services to perform a criminal background investigation of each employee of an applicant for a license to operate a child care facility and each licensed child care facility to determine whether the employee has been convicted of certain crimes. (NRS 432A.170, 432A.175; NAC 432A.200) **Section 2** of this regulation defines the term “employee” for the purposes of existing regulations governing child care facilities, including, without limitation, for the purpose of determining which employees of child care facilities are required to undergo criminal background investigations.

Existing law requires the State Board of Health to adopt regulations relating to the licensing and operation of child care facilities in this State. (NRS 432A.077, 432A.177, 432A.190) Existing regulations require certain ratios of caregivers to children in certain child care facilities. (NAC 432A.520-432A.546) **Sections 5 and 25-27** of this regulation revise those ratios for certain child care facilities. **Section 29** of this regulation repeals certain provisions relating to ratios of caregivers to children in certain child care facilities. Existing regulations require persons employed in certain child care facilities and directors of child care facilities to receive certain training in subjects relating to child care and safety. (NAC 432A.323) **Section 11**

of this regulation requires that such training be provided in various other subjects relating to child health and safety and emergency preparedness. **Section 13** of this regulation requires a child care facility to write a report if a child under the care of the facility becomes seriously ill or injured within 24 hours after the illness or injury. **Section 15** of this regulation adopts the standards for meals and snacks issued by the United States Department of Agriculture that child care facilities in this State must follow.

Existing law authorizes the Board and the Division to conduct investigations and inspect any child care facility in this State. (NRS 432A.170, 432A.180) Existing law also authorizes the Division to impose administrative fines for a violation of the statutes governing licensure of child care facilities or the regulations adopted pursuant thereto. (NRS 432A.190) Existing regulations establish the amount of such administrative fines and the procedure that the Division will follow in imposing those administrative fines, including the circumstances pursuant to which the Division is authorized to issue a notice of violation to a person operating a child care facility. (NAC 432A.195) **Section 6** of this regulation authorizes the Division to charge any licensee for the reasonable cost of the investigation conducted as a result of a substantiated complaint. **Section 7** of this regulation revises the circumstances pursuant to which the Division is authorized to issue such a notice of violation.

Existing law requires the Board to adopt regulations requiring each licensee that operates a child care facility to provide appropriate space where a mother may breastfeed. (NRS 432A.1771) **Section 21** of this regulation requires each child care facility to provide a private area on the premises where a mother may breastfeed.

**Section 1.** Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

**Sec. 2.** *“Employee” means a person who renders time and services to a licensee of a child care facility, and whose regular course of duties places that person in a position to:*

- 1. Exercise supervisory control over children served by the facility;*
- 2. Have direct access to or contact with children served by the facility; or*
- 3. Have access to information or records maintained by the licensee relating to children served by the facility.*

**Sec. 3.** *“Moderate or vigorous physical activity” has the meaning ascribed to it in NRS 432A.1771.*

**Sec. 4.** *“Sedentary activity” has the meaning ascribed to it in NRS 432A.1771.*

**Sec. 5. 1.** *Except as otherwise provided in NAC 432A.290 and 432A.546, a licensee of a child care center, child care institution, accommodation facility, facility for special events, nursery for infants and toddlers or special needs facility shall, between the hours of 6:30 a.m. and 9:00 p.m., abide by the following staffing levels in each classroom:*

<i>Age of Child</i>	<i>Required Staff to Child Ratio</i>	<i>Maximum Number of Children</i>
<i>Less than 9 months of age</i>	<i>1 caregiver for every 4 children</i>	<i>8</i>
<i>9 months of age or older but less than 2 years of age</i>	<i>1 caregiver for every 6 children</i>	<i>12</i>
<i>2 years of age or older but less than 3 years of age</i>	<i>1 caregiver for every 9 children</i>	<i>18</i>
<i>3 years of age or older but less than 5 years of age</i>	<i>1 caregiver for every 12 children</i>	<i>24</i>
<i>5 years of age or older</i>	<i>1 caregiver for every 18 children</i>	<i>36</i>

**2.** *Except as otherwise provided in NAC 432A.546, a licensee of a child care center, child care institution, accommodation facility, facility for special events, nursery for infants and toddlers or special needs facility which is operated between the hours of 9:00 p.m. and 6:30 a.m. shall abide by the following staffing levels in each classroom:*

<i>Age of Child</i>	<i>Required Staff to Child Ratio</i>	<i>Maximum Number of Children</i>
<i>Less than 3 years of age</i>	<i>1 caregiver for every 6 children</i>	<i>12</i>
<i>3 years of age or older</i>	<i>1 caregiver for every 10 children</i>	<i>20</i>

*3. Every member of the staff of a child care center, child care institution, accommodation facility, facility for special events, nursery for infants and toddlers or special needs facility who is on duty at night shall remain awake during duty hours.*

*4. Except as otherwise provided in subsection 5, if a licensee of a child care facility cares for children of different age groups as described in subsections 1 and 2, the licensee shall abide by the required staff to child ratio and maximum number of children limits based on the average age of the children in the facility.*

*5. No child 2 years of age or older may be in a classroom where there are children less than 2 years of age, regardless of the average age of the children in the facility.*

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

432A.190 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 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 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 *required to be maintained pursuant to this chapter* 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. *The Division may charge any licensee subject to a substantiated complaint for the reasonable cost of the investigation conducted as a result of the complaint. As used in this subsection, “substantiated complaint” means a complaint that results in the finding of a violation of any provision of this chapter or chapter 432A of NRS by an authorized member or employee of the Division.*

4. On confirmation of the operation of an unlicensed operator of a facility, the 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.

**Sec. 7.** NAC 432A.195 is hereby amended to read as follows:

432A.195 1. If an inspection of a facility conducted pursuant to NRS 432A.180 reveals that the person who operates 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 may be issued in the form of a statement of deficiencies or a report of an inspection of the facility.* 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 subsections 2, 3 and 4 ~~and~~;
- and*

*(d) Be sent to the person who operates the facility by electronic mail or by United States mail to the last known address of the person who operates the facility.*

2. The Division may impose an administrative fine ~~±~~

~~—(a) In~~ in the amount of \$100 for:

~~{(1) An injury to a child which is the direct result of the negligence of the licensee or an employee of the licensee.~~

~~—(2) (a)~~ (a) The failure to satisfy the requirements of this chapter or chapter 432A of NRS relating to information on the background and personal history of all persons required to be investigated ~~{two or more times}~~ during the licensing period of the facility.

~~{(3)}~~ (b) *The failure to correct any violation of a provision of this chapter or chapter 432A of NRS within the time frame set forth in the notice of violation. A fine may be imposed for each day a facility is in noncompliance with the notice of violation.*

(c) The failure to satisfy the applicable requirements for the ratio of caregivers to children pursuant to this chapter or chapter 432A of NRS two or more times during the licensing period of the facility.

~~{(4)}~~ (d) The failure to satisfy the requirements of this chapter or chapter 432A of NRS for training of the caregivers in the facility by the end of the licensing period of the facility.

~~{(b) Of not more than \$100 per day for the failure to correct any other violation of a provision of this chapter or chapter 432A of NRS within the time frame specified in the notice of violation.~~

~~3-~~ (e) *The failure to submit a completed application for reissuance before the expiration of the license of the facility, in addition to any renewal or late fee set forth in NAC 432A.200 and 432A.220.*

3. The Division may impose an administrative fine of \$200 in addition to any administrative fine prescribed by subsection 2 if the violation of a provision of this chapter or chapter 432A of NRS resulted in an injury to any person.

4. A licensee upon whom the Division imposes an administrative fine pursuant to this section may appeal that action pursuant to the procedures set forth in NAC 439.300 to 439.395, inclusive.

**Sec. 8.** NAC 432A.290 is hereby amended to read as follows:

432A.290 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 Division as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the Division before cancellation or nonrenewal of the policy. The licensee shall notify the 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 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,~~ *section 5 of this regulation*. 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,~~ *section 5 of this regulation*.

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.

**Sec. 9.** NAC 432A.304 is hereby amended to read as follows:

432A.304 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) *Be physically present in the facility for a sufficient amount of time to ensure compliance with the provisions of this chapter and chapter 432A of NRS.*

(c) 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.

~~(e)~~ (d) 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 Division or a current child care work card, and a release form for this information completed by the employee.

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

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

~~(g)~~ (h) 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 ~~1~~ *per week*, the director must be present in the facility during at least half the hours of operation.

**Sec. 10.** NAC 432A.310 is hereby amended to read as follows:

432A.310 1. Every member of the staff of a facility, including a volunteer, *and each resident of the facility* shall present to the director of the facility, to be placed in the ~~employee's~~ *person's* file, written evidence that the ~~employee~~ *person* is free from communicable tuberculosis. The evidence must be in the form of a report which states that the ~~employee~~ *person* is free from active tuberculosis as required pursuant to subsection 2 or 3. *This subsection does not apply to a child who is receiving child care services from the facility or a child who resides at the facility who is not employed by or volunteering at the facility.*

2. Before a person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, begins employment, *volunteering or residing* at a facility, he or she must have submitted to a:

(a) ~~Mantoux tuberculin skin~~ *Tuberculin* test; or

(b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ within the 12 months immediately preceding the first day of employment, *volunteering or residing* at the facility.

3. Every member of the staff of a facility, including a volunteer, *and each resident of the facility* shall submit to:

(a) A ~~Mantoux~~ tuberculin ~~skin~~ test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

↪ at least once every 24 months after the date the ~~skin~~ *tuberculin* test or chest radiograph and examination were conducted pursuant to subsection 2.

4. Each caregiver or member of the staff of a facility who has an identified health problem that may affect his or her ability to provide adequate care to children in a facility shall:

(a) Report the problem to the director of the facility or, if self-employed, to his or her licensing agency; and

(b) Submit to the director or, if self-employed, to his or her licensing agency, a written statement from a licensed physician attesting to the fact that the health of the caregiver does not endanger the children who are under his or her care in the facility.

5. Each director shall report to his or her licensing agency any health problem reported to him or her pursuant to subsection 4.

6. Each director or caregiver, if self-employed, shall immediately report to his or her licensing agency any person residing at his or her facility who contracts a serious communicable disease.

7. Each caregiver or member of the staff of a facility who has herpetic gingivostomatitis, a cold sore or herpes labialis shall:

(a) Refrain from engaging in close contact with children cared for in the facility;

(b) Refrain from sharing food or drink with children cared for in the facility or with other caregivers or members of the staff of the facility;

(c) Avoid touching the lesions;

(d) Wash his or her hands frequently; and

(e) Cover any skin lesion with a bandage, clothing or other appropriate dressing.

**Sec. 11.** NAC 432A.323 is hereby amended to read as follows:

432A.323 1. Except as otherwise provided in NAC 432A.521 and NRS 432A.177, within ~~90~~ 120 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 ~~12~~ :

*(1) Two hours of training concerning Sudden Infant Death Syndrome ~~12~~ ; and*

*(2) One hour of training in the prevention of shaken baby syndrome and abusive head trauma;*

*(g) Two or more hours of training in the administration of medication, which must include, without limitation, training in the prevention of and response to food and other allergies;*

*(h) Two or more hours of training in building and physical premises safety, which must include, without limitation, training in the storage of biocontaminants and other hazardous materials;*

*(i) Two or more hours of training in emergency preparedness and response planning for emergencies resulting from a natural or man-made event;*

*(j) If the facility provides transportation, 1 or more hours of training in precautions to be taken when transporting children for each person who will provide such transportation; and*

*(k) Two or more hours of training in lifelong wellness, health and safety of children, which must include, without limitation, training relating to childhood obesity, nutrition and moderate or vigorous physical activity.*

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 the number of hours of training described in NAC 432A.326. *A person may use training completed pursuant to subsection 1 to satisfy the training requirements set forth in 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~~ *shall complete a* 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. 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.

5. 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.

6. 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 Division or the local licensing agency.

7. 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.

**Sec. 12.** NAC 432A.326 is hereby amended to read as follows:

432A.326 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 shall complete:

(a) If the facility provides care for ill children, at least ~~15~~ 24 hours of training, of which not more than 3 hours may be training in the administration of cardiopulmonary resuscitation.

(b) If the facility does not provide care for ill children, the number of hours of training required pursuant to subsection 1 or 2 of NRS 432A.1775, as applicable, of which not more than 3 hours may be training in the administration of cardiopulmonary resuscitation.

2. The hours of training described in subsection 1 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.

3. Any training relating to the administration of cardiopulmonary resuscitation 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 Red Cross, MEDIC First Aid, EMS Safety Services, *Inc.* or the American Safety and Health Institute.

4. 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 Division or the local licensing agency.

5. 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.



**Sec. 13.** NAC 432A.374 is hereby amended to read as follows:

432A.374 1. If a child becomes seriously ill or injured in a child care facility, other than a facility that provides care for ill children ~~the~~:

(a) *The* child must be immediately isolated from other children and placed under appropriate supervision ~~the~~;

(b) A parent, a person designated by a parent or a physician designated by a parent ~~the~~ must be promptly notified and the child must be removed from the facility as quickly as possible ~~the~~;

(c) Members of the staff of ~~the~~ *the* facility ~~shall~~ *must* not administer any medical treatment, except emergency first aid and prescribed medications to the child ~~the~~; *and*

(d) *Not later than 24 hours after the occurrence of the illness or injury, a member of the staff of the facility must create a written report concerning the illness or injury. The written report must be placed in the file concerning the child that is maintained by the facility, and a copy of the written report must be provided to a parent of the child. Upon request by the Division, the facility must provide to the Division the written report and any statements by members of the staff of the facility that are part of the written report.*

2. If a member of the staff transports or accompanies a child for professional emergency care, he or she shall remain with the child until the parents assume responsibility for the care of the child.

**Sec. 14.** NAC 432A.378 is hereby amended to read as follows:

432A.378 1. Upon the occurrence of any accident or injury which requires emergency professional medical care of a child, the director of each facility shall report the occurrence to the Division or local licensing agency ~~as soon as possible~~ *within 48 hours after the accident or injury* and shall keep on file at the facility a *written* report ~~of~~ *detailing* the occurrence.

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

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

**Sec. 15.** NAC 432A.380 is hereby amended to read as follows:

432A.380 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 Division or local licensing agency or some other public agency for nutritional information~~ *follow the current nutrition standards for meals and snacks* which ~~is~~ *are* applicable to children of ages receiving care at the facility ~~as~~ *as issued by the Child and Adult Care Food Program of the United States Department of Agriculture.*

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}~~ *Members* of the staff of the facility must ~~{eat with the children and}~~ encourage ~~{them}~~ *the children* 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.

**Sec. 16.** NAC 432A.385 is hereby amended to read as follows:

432A.385 1. The staff of each facility shall:

(a) Provide appropriate and adequate seating for the children at the facility during snacks and meals;

(b) If a high chair is used, ensure that the chair:

(1) Is in good condition;

(2) Has a wide base; and

(3) Has a safety belt for the child;

(c) Wash with a detergent and disinfect *before and* after each use any ~~chair or~~ table that is used during a snack or meal;

(d) Allow, encourage and assist each child to feed himself or herself, including, without limitation, encouraging a child to hold and drink from a cup, use a spoon and use his or her fingers to feed himself or herself;

(e) Offer each child drinking water at times other than during his or her regular feedings;

(f) Discard any food that is left in a dish after a meal;

(g) Ensure that bottles and containers of food are not kept in water longer than 5 minutes, and stir, shake and test a bottle or container of food before using the bottle or container to feed an infant;

(h) Not hold an infant while preparing food;

(i) On a daily basis, empty, clean and sanitize any pot used to warm a bottle or food;

(j) Store each bottle of formula and container of food in accordance with the instructions from the manufacturer of the formula or food;

(k) Label each bottle of formula and container of food with the name of the child to whom it belongs and the date the formula or food was prepared by the facility or was prepared or purchased by the parent;

(l) Immediately refrigerate and label each container of breast milk provided by a parent;

(m) Return each bottle to the appropriate parent each day;

(n) Return any unused, open container of food to the appropriate parent each day if the child was not fed directly from the container of food; and

(o) Develop with the parents of a child a plan for feeding the child, which must include, without limitation:

(1) Instructions for feeding;

(2) Any special dietary restrictions, including, without limitation, any allergies to food;

(3) A schedule of times for feeding;

(4) Whether the child will be fed breast milk, formula or solid food;

(5) If the child will be fed breast milk or formula, when to begin feeding solid food; and

(6) Likes and dislikes of certain foods.

2. A child who is fed with a bottle and does not hold his or her own bottle must be held by a caregiver while being fed with a bottle. The bottle must not be propped for feeding. A child who demonstrates a preference for holding a bottle during feeding may hold his or her own bottle and need not be held by a caregiver if the caregiver is directly observing the child.

3. The staff of a facility may feed a child commercially prepared baby food directly from the jar in which it was packaged or from a separate dish. If the staff feeds the child from the jar, the staff shall discard the jar after it is used.

**Sec. 17.** NAC 432A.390 is hereby amended to read as follows:

432A.390 1. Every licensee of a facility shall develop a program to meet the basic needs of children for:

- (a) Good health and normal physical development;
- (b) Optimal mental growth;
- (c) Stimulating language and communicative experiences;
- (d) The attention, acceptance and affection of others;
- (e) Opportunities to experience success and to test mental, physical and social skills;
- (f) Self-identity and a sense of competence and worth;
- (g) The security provided by gentle discipline;
- (h) Relations with others which set forth the rights of adults and the rights of children;
- (i) Learning experiences planned with the aid of the child's parents which ensure harmony

with the life style and cultural background of the child;

- (j) Activities which facilitate social growth and adjustment; and
- (k) The time and opportunity to learn independence and personal care.

2. A licensee of a facility shall teach each child personal hygiene. The licensee of a facility shall require all children to wash before meals and after using a toilet.

3. If the weather permits, all children must have a daily period of outdoor play. A licensee of a facility shall provide opportunities for ~~active play~~ *moderate or vigorous physical activity* which builds muscles. ~~such as climbing, jumping, running and playing with toys which have wheels.~~ The quantity and quality of materials and equipment must be sufficient to avoid excessive competition between the children and long waiting periods to use the materials or equipment.

4. Every child who is in a facility for more than 5 hours per day must have a period for a nap during the day. A child who cannot sleep must rest *or play quietly* during the period provided for a nap. The licensee of a facility shall provide a cot, mat or bed for each child.

5. The amount, variety and arrangement and use of materials and equipment used in a facility must be appropriate to the developmental needs of the children cared for in the facility. Materials must be stored in a manner that allows children to select, remove and replace the materials independently or with minimal assistance.

6. Furniture must be durable, safe and intended for use by children or appropriately adapted for use by children.

7. A licensee of a facility shall provide space for the storage of the children's clothing and the storage must be within easy reach of the children.

**Sec. 18.** NAC 432A.400 is hereby amended to read as follows:

432A.400 1. A licensee of a facility shall enhance a child's behavior through positive guidance, redirection of the child's behavior and the setting of clear-cut limits on behavior.

2. A member, employee or other person associated with a facility shall not, for any reason:

- (a) Inflict physical punishment, in any manner or form, upon any child;
- (b) Verbally abuse or threaten a child;
- (c) Make derogatory remarks about the child or the child's family;
- (d) Threaten a child with the loss of love of any person;
- (e) Threaten a child with punishment by a deity;
- (f) Subject a child to any form of punishment which pertains to food or rest or restricts the use of a toilet or other bathroom fixture; ~~for~~
- (g) *Withhold or use physical activity as a form of punishment;*

*(h) Confine a child as a form of punishment by any means, including, without limitation, in a car seat, high chair, infant carrier or jump seat; or*

*(i) Subject a child to any form of punishment by other children.*

↳ Parental consent to allow any person within the facility to punish a child contrary to the provisions of this section is void.

3. Disciplinary measures used in a facility must be consistent with supportive, positive action, and may include:

(a) Holding a child's arm to prevent hitting;

(b) Bodily picking up the child and removing him or her from the group, and:

(1) Sitting with the child until he or she is ready to play without hitting; or

(2) Isolating the child under observation for no more than 10 minutes;

(c) Informing the child in a simple, positive manner what conduct is expected while the child is in the facility;

(d) Praising and recognizing a child who behaves in the expected manner; and

(e) Directing a child who is in a situation that is creating problems to a new activity.

**Sec. 19.** NAC 432A.415 is hereby amended to read as follows:

432A.415 1. Equipment and any material other than a toy that is used for play in a facility must be durable and free from characteristics that may be hazardous or injurious to a child who is less than 2 years of age, including, without limitation, such characteristics as sharp or rough edges, toxic paint or objects that are small enough for a child of that age to swallow and choke on.

2. Any object, toy or component of a toy that is accessible by a child who is less than 3 years of age at a facility must meet the federal size requirements set forth in 16 C.F.R. § 1501.4.



3. Toys with sharp points or edges, plastic bags and objects made from Styrofoam must not be accessible to a child who is less than 3 years of age.

4. A toy or any other piece of equipment that is used for play must be made of a material that is capable of being disinfected and must be cleaned and disinfected promptly after the toy or other piece of equipment has been soiled or put into the mouth of a child, or not less than one time each day.

5. The staff of a facility shall not provide a stuffed animal to any child unless the stuffed animal is laundered or disinfected not less than one time each day or more often if necessary.

6. Toys **must not be** placed in a crib at ~~fa facility must be appropriate for the age of the child using the crib.~~ **any time.** The staff of a facility shall adhere to any requirement set forth on the label of a toy regarding the safe use of the toy.

7. Each room at a facility that is used for play and other activities for children must have:

(a) Low, open shelves to store toys;

(b) An adequate supply of toys that are in good condition and appropriate for the age of the children;

(c) Tables and chairs that are the appropriate size for the children; and

(d) Any other equipment that is necessary to meet the needs of the children.

8. Any toy that is broken or has a missing part must be repaired or replaced before the toy may be used in the facility.

9. Walkers for children that are designed to be moved across the floor must not be used in a facility.

**Sec. 20.** NAC 432A.416 is hereby amended to read as follows:

432A.416 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 ~~PNAC 432A.526~~ *section 5 of this regulation* 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 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.

**Sec. 21.** NAC 432A.425 is hereby amended to read as follows:

432A.425 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 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~~ 15 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~~ *child* for whom it provides care. The report must be posted in a conspicuous place in each room used to care for the infants *and toddlers* and must include, without limitation, information concerning the feeding, diapering and sleeping of each ~~infant~~ *child*.

*14. Each licensee of a facility shall provide an appropriate, private area on the premises where a mother may breastfeed.*

**Sec. 22.** NAC 432A.430 is hereby amended to read as follows:

432A.430 1. Each facility, including, without limitation, a family home and a group home, shall have an early care and education program.

2. Each facility described in subsection 1 shall develop a written assessment plan which is designed to, without limitation:

- (a) Identify the interests and needs of each child enrolled in the facility;
- (b) Describe the developmental and educational progress of each child enrolled in the facility who is not attending public or private elementary school;
- (c) Identify the need for and referral of a child enrolled in the facility for developmental screening and the referral of the child for diagnostic assessment, if appropriate;
- (d) Describe the methodology for developing curriculum for the children enrolled in the facility;
- (e) Adapt teaching practices and the environment to the children enrolled in the facility;

- (f) Facilitate the early care and education program required pursuant to subsection 1; and
- (g) Promote communication with the family of a child enrolled in the facility.

3. In addition to the written assessment plan which is developed pursuant to subsection 2, each facility described in subsection 1 shall, within 3 months after a child enrolls in the facility, assess the child by use of, without limitation, portfolios, observations, checklists, rating scales and screening tools. Such an assessment must be repeated biannually thereafter to monitor and support the learning and development of each child enrolled in the facility.

4. Each facility described in subsection 1 shall develop a written plan of curriculum for the children enrolled in the facility. The plan must:

- (a) Be made available for parental review;
- (b) Be prepared before the early care and education program becomes effective;
- (c) Be kept on file at the facility for at least 1 year;
- (d) Include a program of speaking and listening to English;
- (e) Integrate age appropriate key areas of instruction, including, without limitation, literacy, mathematics, science, social studies, creative expression and the arts, and health and safety;
- (f) Incorporate *age appropriate* instruction, concepts and activities that foster the social, emotional, physical, linguistic and cognitive development of children ~~}; and~~, *which must include, without limitation, moderate or vigorous physical activity;*
- (g) Provide for the involvement of parents of the children enrolled in the facility in learning activities at the facility and at home ~~}; and~~
- (h) *Ensure that sedentary activity is limited throughout the day.*

5. Each facility described in subsection 1 shall provide materials and equipment to carry out the written plan of curriculum developed pursuant to subsection 4 that:

- (a) Reflect the lives of the children and the families of the children enrolled in the facility;
- (b) Reflect the diversity of the children in our society with regard to the gender, age, native language, ethnicity, culture and abilities of the children enrolled in the facility;
- (c) Provide for the safety of the children enrolled in the facility while being appropriately challenging for the children;
- (d) Encourage the children enrolled in the facility to explore, experiment and discover new information and ideas;
- (e) Promote action on the part of the children enrolled in the facility and interaction among the children enrolled in the facility;
- (f) Are organized in a manner which facilitates independent use of the materials and equipment by a child enrolled in the facility;
- (g) Are rotated to reflect changes in the curriculum and to accommodate the different interests and skill levels of the children enrolled in the facility;
- (h) Allow for a variety of uses; and
- (i) Accommodate the special needs of the children enrolled in the facility.

**Sec. 23.** NAC 432A.520 is hereby amended to read as follows:

432A.520 1. A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care, supervision and individual attention to each child and allow time for interaction between the staff and the children to promote the children's social competence, emotional well-being and intellectual development.

2. Except as otherwise provided in subsection 3, in addition to the number of caregivers that are required to satisfy the applicable ratio of caregivers to children set forth in ~~NAC 432A.524,~~ *section 5 of this regulation*, one additional caregiver or an adult volunteer per each group of



children must be present on all field trips away from the child care facility to assist in providing direct supervision to the children and to increase the safety of the children.

3. The provisions of subsection 2 do not apply:

(a) If the purpose for leaving the child care facility is to transport the children from the child care facility to another location and, upon reaching that location, the responsibility for caring for the children is assumed by another adult.

(b) To a group of children that is composed entirely of children of school age, including children who are attending kindergarten.

4. A member of the staff of a facility who is supervising a child pursuant to subsection 1 must:

(a) Be physically present in the room where the child being supervised is present;

(b) Observe, oversee and guide the child;

(c) Be aware of the needs of the child and accountable for the care of the child; and

(d) Maintain a proximity to the child that allows the member of the staff to be capable of intervening if assistance or direction is needed by the child.

**Sec. 24.** NAC 432A.521 is hereby amended to read as follows:

432A.521 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 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.

**Sec. 25.** NAC 432A.534 is hereby amended to read as follows:

432A.534 1. ~~¶~~ *Limits on the number of children in* a family home ~~:~~

~~—(a) Not more than four of the children may be less than 2 years of age, and not more than two of the children may be less than 1 year of age; and~~

~~—(b) Any children of the person who is required to reside in the facility pursuant to subsection 3 who are less than 3 years of age will be counted for the purpose of the ratios set forth in this section.~~ *are set forth in the following table:*

<i>Age of Child</i>	<i>Maximum Number of Children Per Age Category</i>
<i>Less than 1 year of age</i>	<i>2</i>
<i>1 year of age or older but less than 3 years of age</i>	<i>4</i>
<i>3 years of age or older</i>	<i>6</i>

2. Except as otherwise provided in NAC 432A.546, a licensee of a family home shall:

(a) Have one caregiver on duty at all times;

(b) *Not provide care for more than two children who are less than 1 year of age at any given time;*

(c) Have a second caregiver on duty whenever four or more of the children in the facility are children with special needs; and

~~[(e)]~~ (d) Provide an alternate caregiver in case of an emergency.

3. If a licensee of a family home is:

(a) A natural person, the licensee shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:

(1) Reside in the facility; and

(2) Provide direct care to the children in the facility.

**Sec. 26.** NAC 432A.536 is hereby amended to read as follows:

432A.536 1. ~~{In a group home, not more than eight of the children may be less than 3 years of age, and not more than four of the children may be less than 1 year of age.~~

~~—2.} Except as otherwise provided in NAC 432A.546, *a licensee of* a group home ~~{must have one caregiver on duty at all times. An additional caregiver must be on duty whenever one or more of the following conditions exist:~~~~

~~—(a) More than six children are in the facility;~~

~~—(b) More than four of the children are less than 2 years of age; or~~

~~—(c) More than two of the children are less than 1 year of age.~~ *shall abide by the following limits on the number of children in the group home and staffing levels:*

<i>Age of Child</i>	<i>Required Staff to Child Ratio</i>	<i>Maximum Number of Children Per Age Category</i>
<i>Less than 1 year of age</i>	<i>1 caregiver for every 2 children</i>	<i>4</i>
<i>1 year of age or older but less than 3 years of age</i>	<i>1 caregiver for every 4 children</i>	<i>8</i>
<i>3 years of age or older</i>	<i>2 caregivers for every 6 children</i>	<i>12</i>

↪ Three caregivers must be on duty whenever eight or more of the children in the facility are children with special needs.

~~13.1~~ **2.** If a licensee of a group home is:

(a) A natural person, the licensee shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

(b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150

as a person authorized to operate the facility shall:

- (1) Reside in the facility; and
- (2) Provide direct care to the children in the facility.

**Sec. 27.** NAC 432A.540 is hereby amended to read as follows:

432A.540 1. A licensee of a facility that provides care for ill children shall ~~have on duty at least the following number of staff:~~

~~—(a) If all children in the facility are younger than 2 years old, one member of the staff for every three children;~~

~~—(b) If all children in the facility are between 2 years and 3 years old, one member of the staff for every four children;~~

~~—(c) If all children in the facility are between 3 years and 6 years old, one member of the staff for every five children; or~~

~~—(d) If all children in the facility are older than 6 years, one member of the staff for every seven children.]~~ *abide by the following limits on the number of children in the facility and staffing levels:*

<i>Age of Child</i>	<i>Required Staff to Child Ratio</i>	<i>Maximum Number of Children Per Age Category</i>
<i>Less than 2 years of age</i>	<i>1 caregiver for every 3 children</i>	<i>6</i>
<i>2 years of age or older but less than 3 years of age</i>	<i>1 caregiver for every 4 children</i>	<i>8</i>

<i>Age of Child</i>	<i>Required Staff to Child Ratio</i>	<i>Maximum Number of Children Per Age Category</i>
<i>3 years of age or older but less than 6 years of age</i>	<i>1 caregiver for every 5 children</i>	<i>10</i>
<i>6 or more years of age</i>	<i>1 caregiver for every 7 children</i>	<i>12</i>

2. If the director provides care for ill children, he or she may be included in calculating the ratio of staff to children.

3. If a facility that provides care for ill children contains children from more than one of these age groups, the required number of staff is determined by computing the average of the ages of all children attending the facility and using the average age to determine the applicable ratio of staff to children.

**Sec. 28.** NAC 432A.685 is hereby amended to read as follows:

432A.685 1. The provider shall establish and maintain a personnel file for each employee.

Each individual file must include, without limitation:

- (a) The information required by paragraph ~~(e)~~ (d) of subsection 2 of NAC 432A.304.
- (b) The person's application for employment, including a record of his or her previous employment and related references.
- (c) Evidence of his or her applicable credentials and certifications.
- (d) An initial medical evaluation, including the results of a tuberculin test.

(e) A current record of all related training successfully completed and certification obtained by the employee, including training in such areas as the administration of first aid and the certification in the administration of cardiopulmonary resuscitation required pursuant to NAC 432A.322.

(f) A copy of each evaluation of his or her work performance.

(g) A copy of his or her registration as an alien, if applicable.

(h) A copy of the rules of conduct for employees which has been signed by the employee indicating that he or she has received and understands the rules.

2. The field administrator shall allow each employee reasonable access to his or her respective personnel file and shall allow the employee to insert written statements in the file. The provider shall retain the personnel file of an employee for at least 1 year after the termination of his or her employment.

**Sec. 29.** NAC 432A.420, 432A.522, 432A.524, 432A.526, 432A.528, 432A.530, 432A.532, 432A.541, 432A.542, 432A.543 and 432A.544 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**432A.420 Nurseries for infants and toddlers: Part of larger facility; director. (NRS 432A.077)**

1. A nursery for infants and toddlers may be a part of another type of facility if each part of the facility meets the requirements of this chapter. If such a nursery is a part of a larger facility, the director or one caregiver who meets the qualifications of a director must spend at least one-half of his or her time in the nursery.

2. In a facility where a director is not required, the director of the nursery for infants and toddlers shall ensure that the required number of persons on the staff is maintained.

**432A.522 Nurseries for infants and toddlers. (NRS 432A.077)**

1. A licensee of a nursery for infants and toddlers shall have on duty at least the following number of caregivers:

(a) If all children in the nursery are under 9 months old, one caregiver for every four children;

(b) If all children in the nursery are between 9 months and 18 months old, one caregiver for every six children; or

(c) If all children in the nursery are between 18 months and 3 years old, one caregiver for every eight children,

↳ except that if there are more than six children in the facility, there must be at least two caregivers on duty in the facility.

2. If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of caregivers to children.

**432A.522 Nurseries for infants and toddlers. (NRS 432A.077)**

1. A licensee of a nursery for infants and toddlers shall have on duty at least the following number of caregivers:



- (a) If all children in the nursery are under 9 months old, one caregiver for every four children;
  - (b) If all children in the nursery are between 9 months and 18 months old, one caregiver for every six children; or
  - (c) If all children in the nursery are between 18 months and 3 years old, one caregiver for every eight children,
- ↪ except that if there are more than six children in the facility, there must be at least two caregivers on duty in the facility.

2. If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of caregivers to children.

**432A.524 Child care centers and accommodation facilities: Caregivers during the day.**  
**(NRS 432A.077)** Except as otherwise provided in NAC 432A.290, 432A.532 and 432A.546, a licensee of a child care center or accommodation facility shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caregivers:

- 1. Where the children are 2 years of age and older:
  - (a) For 1 to 6 children, inclusive, one caregiver;
  - (b) For 7 to 20 children, inclusive, two caregivers;
  - (c) For 21 to 35 children, inclusive, three caregivers;
  - (d) For 36 to 50 children, inclusive, four caregivers;
  - (e) For 51 to 65 children, inclusive, five caregivers;
  - (f) For 66 to 80 children, inclusive, six caregivers;
  - (g) For 81 to 93 children, inclusive, seven caregivers; and

(h) For every 13 children in excess of 93, one additional caregiver.

2. In a classroom which contains children who are 2 or more years of age but less than 3 years of age:

(a) For 1 to 10 children, inclusive, one caregiver;

(b) For 11 to 20 children, inclusive, two caregivers;

(c) For 21 to 30 children, inclusive, three caregivers; and

(d) For every 1 to 10 children, inclusive, in excess of 30, one additional caregiver.

**432A.526 Child care centers, accommodation facilities and facilities for special events:**

**Caregivers at night. (NRS 432A.077)**

1. Except as otherwise provided in NAC 432A.532 and 432A.546, a licensee of a child care center, accommodation facility or facility for special events which is operated between the hours of 9:00 p.m. and 6:30 a.m. shall have on duty the following number of caregivers:

(a) For 1 to 15 children, inclusive, one caregiver;

(b) For 16 to 31 children, inclusive, two caregivers;

(c) For 32 to 46 children, inclusive, three caregivers;

(d) For 47 to 61 children, inclusive, four caregivers; and

(e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff of a child care center, accommodation facility or facility for special events who is on duty at night shall remain awake during duty hours.

**432A.528 Child care centers: Caregivers for infants and toddlers. (NRS 432A.077)**

1. Whenever one or more infants or toddlers who are under 2 years of age are being cared for in a child care center, the licensee shall have at least one caregiver on duty who is designated to provide that care.

2. An additional caregiver must be on duty whenever more than six infants or toddlers who are under 30 months of age are in a child care center between the hours of 6:30 a.m. and 9:00 p.m.

**432A.530 Child care centers: Additional children outside normal school hours. (NRS 432A.077)**

1. A licensee of a child care center may, after obtaining the written permission of the Administrator of the 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.

**432A.532 Special needs facilities. (NRS 432A.077)** Except as otherwise provided in NAC 432A.546, a licensee of a special needs facility in which care is provided to children who are 2 years of age and older shall have on duty at all times at least the following number of caregivers:

1. For 1 to 6 children, inclusive, one caregiver;
2. For 7 to 20 children, inclusive, two caregivers;
3. For 21 to 30 children, inclusive, three caregivers;
4. For 31 to 40 children, inclusive, four caregivers;

5. For 41 to 50 children, inclusive, five caregivers;
6. For 51 to 60 children, inclusive, six caregivers;
7. For 61 to 70 children, inclusive, seven caregivers;
8. For 71 to 80 children, inclusive, eight caregivers;
9. For 81 to 90 children, inclusive, nine caregivers;
10. For 91 to 100 children, inclusive, 10 caregivers; and
11. For every 6 children in excess of 100, one additional caregiver.

**432A.541 Child care institutions. (NRS 432A.077)** Except as otherwise provided in NAC 432A.546, a licensee of a child care institution shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caregivers if the children are 2 years of age or older:

1. For 1 to 6 children, inclusive, one caregiver;
2. For 7 to 20 children, inclusive, two caregivers;
3. For 21 to 35 children, inclusive, three caregivers;
4. For 36 to 50 children, inclusive, four caregivers;
5. For 51 to 65 children, inclusive, five caregivers;
6. For 66 to 80 children, inclusive, six caregivers;
7. For 81 to 93 children, inclusive, seven caregivers; and
8. If the number of children is greater than 93:
  - (a) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;
  - (b) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and

(c) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.

**432A.542 Educational child care institutions. (NRS 432A.077)**

1. Except as otherwise provided in NAC 432A.546, a licensee of an educational child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:

(a) For 1 to 25 children, inclusive, one caregiver; and

(b) For every 25 children in excess of 25, one additional caregiver plus an additional on-call or back-up person on-site.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

**432A.543 Residential child care institutions. (NRS 432A.077)**

1. Except as otherwise provided in NAC 432A.546, a licensee of a residential child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:

(a) For 1 to 15 children, inclusive, one caregiver;

(b) For 16 to 31 children, inclusive, two caregivers;

(c) For 32 to 46 children, inclusive, three caregivers;

(d) For 47 to 61 children, inclusive, four caregivers; and

(e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

**432A.544 Shelter child care institutions. (NRS 432A.077)**

1. Except as otherwise provided in NAC 432A.546, a licensee of a shelter child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:

- (a) For 1 to 15 children, inclusive, one caregiver;
- (b) For 16 to 31 children, inclusive, two caregivers;
- (c) For 32 to 46 children, inclusive, three caregivers;
- (d) For 47 to 61 children, inclusive, four caregivers; and
- (e) For every 15 children in excess of 61, one additional caregiver.

2. Every member of the staff who is on duty at night shall remain awake during duty hours.