

**PROPOSED REGULATION OF THE DIVISION OF  
CHILD AND FAMILY SERVICES OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES**

**LCB File No. R129-16**

2016 NAC 424 Revisions

CHAPTER 424 - FOSTER HOMES FOR CHILDREN

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**GENERAL PROVISIONS**

**REVISER'S NOTE.**

Pursuant to NRS 232.463, the Director of the Department of Human Resources (now the Department of Health and Human Services) issued an order, dated July 11, 1991, and effective on August 1, 1991, assigning to the Division of Child and Family Services the powers and duties of the Welfare Division (now the Division of Welfare and Supportive Services) regarding:

“The provisions of, or the placement of children for protective services, foster care or other services pursuant to chapter 62, 125A, 128, 424 and 432B of NRS \* \* \*.”

Based upon this assignment of authority, the Division of Child and Family Services has adopted regulations regarding foster homes for children, pursuant to NRS 424.020, which amend regulations previously adopted by the Welfare Division.

**NAC 424.005 Definitions.** (NRS 424.020) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.083, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Div. of Child & Fam. Services, 8-27-92; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.010 is hereby amended to read as follows:**

**NAC 424.010 “Administrator” defined.** “Administrator” means the Administrator of the ~~{Division}~~ *agency which provides child welfare services.*

(Supplied in codification)

**NAC 424.0105 “Agency which provides child welfare services” defined.** (NRS 424.020) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030. (Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

**NAC 424.011 “Applicant” defined.** (NRS 424.020) “Applicant” means a person applying to be a provider of foster care.

(Added to NAC by Div. of Child & Fam. Services by R066-99, eff. 11-8-99; A by R110-13, 6-23-2014)

**NAC 424.012 “Central Repository” defined.** (NRS 424.020) “Central Repository” means the Central Repository for Nevada Records of Criminal History created by NRS 179A.075.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.014 “Child and family team” defined.** (NRS 424.020) “Child and family team” means a team assigned pursuant to NAC 424.502.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.015 “Child-placing agency” defined.** (NRS 424.020) “Child-placing agency” means a person who places or arranges the placement of children for adoption or permanent free care in accordance with chapter 127 of NRS.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**NAC 424.017 is hereby repealed.**

~~[ NAC 424.017 “Communicable disease” defined. (NRS 424.020) “Communicable disease” has the meaning ascribed to it in NAC 441A.040.]~~

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.020 “Day care” defined.** (NRS 424.020) “(432A.024) Day care” means supplemental parental care away from the child’s own home during any portion of the day, but less than 24 hours. This may be either daytime or nighttime care.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**Chapter 424 of NAC is hereby amended by adding thereto a new section to read as follows:**

*NAC 424.XXX “Designated official” defined. “Designated official” means the person or persons designated to make reasonable and prudent parent decisions for children placed in a foster home, where rotating direct care staff provide the daily care and there is not an identified foster parent residing in the home full time. The designated official will ensure that children placed in the foster home experience normalcy through being allowed to have ongoing opportunities to participate in extracurricular, cultural, social and enrichment activities similar to their peers. More than one person may be identified as a designated official to ensure there is always a designated official available to make normalcy decisions.*

**NAC 424.022 “Direct care staff” defined.** (NRS 424.020) “Direct care staff” means a licensee, foster parent, paid employee or volunteer staff who is responsible for the direct care or supervision of a child placed in a foster home.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.025 “Director” defined.** (NRS 424.020, 424.093) “Director” means the person responsible for the operation of a specialized foster home, independent living foster home

or group foster home or the person appointed to provide oversight of a foster care agency pursuant to NRS 424.099, as applicable.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.030 “Division” defined.** “Division” means the Division of Child and Family Services of the Department of Health and Human Services.

(Supplied in codification)

**NAC 424.040 “Emergency shelter care” defined.** (NRS 424.020) “Emergency shelter care” means short-term care, usually not to exceed 30 days, provided until long-range plans can be made for a child who cannot be maintained in his or her own home because he or she is in clear and present danger of abuse, neglect or exploitation.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**NAC 424.045 “Family foster home” defined.** “Family foster home” has the meaning ascribed to it in NRS 424.013.

(Supplied in codification)

**NAC 424.050 “Foster home” defined.** “Foster home” has the meaning ascribed to it in NRS 424.014.

(Supplied in codification)

**NAC 424.055 “Group foster home” defined.** “Group foster home” has the meaning ascribed to it in NRS 424.015.

(Supplied in codification)

**NAC 424.057 “Licensee” defined.** (NRS 424.020) “Licensee” means the person licensed by the licensing authority to operate a foster home.

**NAC 424.058 “Licensing authority” defined.** (NRS 424.020) “Licensing authority” has the meaning ascribed to it in NRS 424.016.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

**NAC 424.059 is hereby amended to read as follows:**

**NAC 424.059 “Licensing authority representative” defined.** (NRS 424.020) “Licensing authority representative” means:

1. In a county whose population is 100,000 or more, the ~~director~~ *administrator* of the agency of the county that provides or arranges for necessary child welfare services or a person designated by him or her; or
2. In a county whose population is less than 100,000, the Administrator *of the Division* or a person designated by him or her.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

**NAC 424.062 “Nondirect care staff” defined.** (NRS 424.020) “Nondirect care staff” means a paid employee or volunteer staff who:

1. Provides services or performs duties in a foster home or for a foster care agency; and
2. Is not responsible for the direct care or supervision of a child.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**Chapter 424 of NAC is hereby amended by adding thereto a new section to read as follows:**

*NAC 424.XXX “Normalcy” defined. Refers to age- and developmentally-appropriate activities and experiences that allow children and youth to develop and grow in a nurturing and normal manner, such as:*

1. *Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be*

*developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group;*

2. *In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.*

**NAC 424.065 is hereby repealed.**

~~NAC 424.065 “Person” defined. (NRS 424.020) “Person” means any individual, partnership, firm, corporation or association.~~

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**NAC 424.066 “Physical restraint” defined.** (NRS 424.020) “Physical restraint” means the use of physical contact to limit a child’s movement or hold a child immobile.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**Chapter 424 of NAC is hereby amended by adding thereto a new section to read as follows:**

*NAC 424.XXX. “Reasonable and Prudent Parent Standard” defined. Means the standard characterized by careful, nurturing and sensible parental decisions that maintain the health, safety, and best interests of a child, while at the same time encouraging the emotional and developmental growth of the child, that a nurturing caregiver shall use when determining whether to allow a child under the custody of an agency that provides child welfare services to participate in extracurricular, enrichment, cultural, and social activities.*

**NAC 424.070 “Resident” defined.** (NRS 424.020) “Resident” means any person who presents to others the foster home as their home. This may include receipt of mail and phone messages, keeping clothing in the home, occasionally sleeping on the premises, using the

facilities for bathing, etc., on a regular basis, inhabiting a recreational vehicle or other dwelling on the property, having regular and unlimited access to the home, etc.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**NAC 424.072 “Staff” defined.** (NRS 424.020) “Staff” means direct care staff and nondirect care staff.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.080 “Twenty-four hour care” defined.** (NRS 424.020) “Twenty-four hour care” means full-time care that is given a child in substitute care.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]

**NAC 424.083 “Volunteer staff” defined.** (NRS 424.020) “Volunteer staff” means a person who provides services or performs duties in a foster home or for a foster care agency on a regular basis without compensation.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.090 “Employee” interpreted.** (NRS 424.020, 424.030, 424.031, 424.033, 424.0335, 424.034) As used in NRS 424.031 to 424.034, inclusive, the Division will interpret “employee” to include, without limitation, any independent contractor and volunteer staff of a foster home.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

## **FOSTER HOMES**

### **Licensing and Organization**

**NAC 424.100 Purpose of licensing.** (NRS 424.020) The purpose for licensing foster homes is to ensure that children who are in need of substitute care are able to live in an environment which supports their physical, mental and emotional development and to protect

children from abuse, neglect, exploitation or other mistreatment. The licensing process determines whether the foster home is safe for children and whether staff can provide suitable care for children.

[Welfare Div., Req. for Foster Care § 101.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.105 is hereby amended to read as follows:**

**NAC 424.105 Effect of licensing.** (NRS 424.020) The licensing of a foster home by the licensing authority does not obligate the agency which provides child welfare services to support the foster home financially nor obligate the agency which provides child welfare services to place any certain number of children in the foster home. The licensing of a foster home means only that the licensing authority has evaluated the family, ~~physical plant~~ *home and property* and services, and has determined that the foster home is in compliance with licensing requirements.

[Welfare Div., Req. for Foster Care part § 103.8, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.110 Application for license.** (NRS 424.020, 424.045)

1. Any person or agency who wishes to operate a foster home must contact the appropriate licensing authority representative for an application and return the completed application to the licensing authority.

2. When a person or agency applies for a license, the application must include information on the person or agency applying for the license, the director and the staff, as applicable.

3. The director or licensee of the foster home is responsible for interviewing each prospective member of the staff and submitting a copy of each employment application and resume to the licensing authority upon request.

4. Intentional misrepresentation or omission of information on a foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

[Welfare Div., Req. for Foster Care § 103.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.115 Withdrawal of application; reapplication.** (NRS 424.020) An applicant may withdraw the application for a license at any time. The request to withdraw should be made or confirmed in writing. Reapplication for a license after a withdrawal may be made at any time without penalty.

[Welfare Div., Req. for Foster Care part § 103.3, 10-7-88, eff. 1-1-89]

**NAC 424.120 Investigation of applicant; visits by licensing authority representative; reports.** (NRS 424.020, 424.040)

1. A licensing authority representative shall conduct a fair and impartial investigation of each foster home after receipt of an application for the licensing of the home, and shall investigate the home to determine whether the licensing requirements are met and the maximum capacity and range of ages of children for which the home may be licensed. The licensing authority representative shall gather direct and collateral data to complete the licensing study. A licensing authority representative may visit the foster home at any time, announced or unannounced, to determine compliance with licensing requirements and must be available for consultation as appropriate. The licensing authority representative shall visit each foster home at

least once annually. That visit may be conducted as part of the initial issuance of a license and annually thereafter.

2. The director or licensee of each foster home shall submit such reports as the agency which provides child welfare services requires.

[Welfare Div., Req. for Foster Care part § 103.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.125 Release of information for evaluation of foster home. (NRS 424.020)**

Applicants and licensees are required to provide releases of information as requested by the licensing authority representative authorizing contact with any individual deemed necessary to evaluate the foster home. This may include, without limitation, doctors, employers, school staff and personal references.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.130 is hereby amended to read as follows:**

**NAC 424.130 Inspections: General requirements. (NRS 424.020)**

1. A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building or other inspection if he or she has any reason for concern regarding the health or safety of the foster home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. ~~[The licensing authority may require each group foster home to be inspected upon its application for a license by the local building inspector and any local or state health inspector. A~~

~~subsequent building inspection may be required if any structural remodeling is done. Any such remodeling must adhere to any applicable requirements relating to building set forth in an ordinance of the local government having jurisdiction].~~ *The foster home and attached property must be inspected for safety in its entirety by the licensing representative, regardless of access by children. Notes and photos may be taken by the licensing representative during the inspection.*

4. The licensing authority may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.

5. If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking. ~~[Bottled water may be required if the water from the individual well is unsafe]~~

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for those dwellings adopted by the State Fire Marshal.

[Welfare Div., Req. for Foster Care part § 108.1 + § 109, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

**NAC 424.135 Inspections: Safety from fire. (NRS 424.020)**

1. Fire safety inspections must be conducted by a licensing authority representative or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a person who is nonambulatory or a person with a severe disability, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the State Fire Marshal or his or her designee shall inspect the home. The State Fire Marshal may, based upon information he or she receives regarding the home, designate the licensing authority representative to conduct the inspection.

3. Requirements for safety from fire must be met as established by the State Fire Marshal considering the number of occupants and their ability to exit in case of a fire.

[Welfare Div., Req. for Foster Care part § 108.6, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.145 Requirements for homes providing emergency shelter care.** (NRS 424.020) Homes providing emergency shelter care must meet the criteria of a family foster home or a group foster home.

[Welfare Div., Req. for Foster Care part § 102.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.160 Limitations on number of children.** (NRS 424.020)

1. No family foster home or specialized foster home may be licensed for more than six children, excluding any children who are related to the foster parent, reside in the home and are not foster children.

2. No group foster home may be licensed for more than 15 children.

3. The total number of children for which a foster home may be licensed must be determined by a licensing authority representative based upon the following factors:

(a) The staff's own children under the age of 16 years who live in the foster home and the individual needs of these children.

(b) The physical facilities, equipment and available space for activities.

(c) The skills and abilities of the foster parents and the staff, as applicable.

(d) The characteristics of the children in foster care.

(e) The services provided and the program description.

(f) Other factors the licensing authority determines to be relevant.

4. Foster care must not be provided for more than two children who are under the age of 18 months or four children who are under the age of 5 years, including in that total any children of the foster parents under the age of 18 months or 5 years, without the approval of the licensing authority representative.

[Welfare Div., Req. for Foster Care part § 106.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.165 Initial licensing: Minimum requirements. (NRS 424.020)** Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory report about the applicant from a local law enforcement agency and submittal of fingerprints pursuant to NRS 424.033;

2. A satisfactory report from the Statewide Central Registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594;

3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;

4. Receipt of a signed foster home application form;

5. Documentation of contact, either verbal or written, with five satisfactory references;

6. Satisfactory completion of the training specified in NAC 424.270; and

7. Records concerning employees and residents must be maintained pursuant to NRS 424.034.

[Welfare Div., Req. for Foster Care part § 103.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.167 is hereby amended to read as follows:**

**NAC 424.167 Initial licensing: Test for active tuberculosis.** (NRS 424.020, 424.030)

1. A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence, on a form provided by the licensing authority, that the person and each member of his or her household 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, is free from active tuberculosis. The evidence must be in the form of a report which states that the person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, is free from active tuberculosis and has submitted to a:

(a) Mantoux tuberculin skin test; or

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

*(c) FDA approved interferon-gamma release assays (IGRAs) tuberculosis blood tests,* within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

2. If a license to operate a foster home is issued to the person applying for the license, the licensee shall ensure that each member of the staff of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a person may comply with the provisions of subsection 1 before beginning employment or volunteer work at the foster home in lieu of complying within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

3. Each person who is required to submit to a *tuberculosis* skin test, *IGRA blood test* or chest radiograph and examination pursuant to this section and who remains as a member of the household or staff of the foster home 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 test, ~~for~~ chest radiograph *or IGRA blood test* and examination were conducted pursuant to subsection 1 or 2.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002; A by R110-13, 6-23-2014)

**NAC 424.168 Financial solvency. (NRS 424.020)**

1. The licensing authority shall ensure that a foster home is financially solvent. A foster home must, as a condition of licensure:

- (a) Demonstrate that it has adequate financial resources to provide basic necessities for all persons residing in the home before a child is placed in the foster home;
- (b) Demonstrate the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care;
- (c) Agree to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;
- (d) Unless the foster home is operated as a public program, provide financial records to the licensing authority which demonstrate ongoing financial solvency, upon the request of the licensing authority; and
- (e) Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

[Welfare Div., Req. for Foster Care § 104.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)—(Substituted in revision for NAC 424.265)

**NAC 424.170 License: Contents; applicability; use. (NRS 424.020, 424.030)**

1. In addition to the matters required by NRS 424.030, a license must show:
  - (a) The number of persons who are nonambulatory or who have severe disabilities that the foster home is approved to accept, if applicable.
  - (b) The type of license.
  - (c) The signature of the licensing authority representative.
2. The current license must be on file in the foster home.
3. The license is nontransferable and applies only to the address and the licensee stated on the license.

4. The license becomes invalid when:

(a) It is voluntarily returned;

(b) The foster family moves to another location;

(c) In the case of a foster home with which a foster care agency has entered into a contract, the licensee is no longer affiliated with the foster care agency; or

(d) The license is revoked.

5. In the case of a foster care agency which has entered into contracts with multiple foster homes, each foster home must receive a license and have a designated person, such as a foster parent or member of the direct care staff of the licensee. The license must be issued in the name of the licensee and specify the address of the specific foster home. If the specific licensee of the foster home changes, the license becomes invalid.

6. A person who is licensed to operate:

(a) A family foster home may also be issued a license to operate a specialized foster home at the same location if the person otherwise qualifies for a license to operate a specialized foster home and a total of not more than six children are cared for at that location pursuant to both licenses.

(b) A specialized foster home may also be issued a license to operate a family foster home at the same location if the person otherwise qualifies for a license to operate a family foster home and a total of not more than six children are cared for at that location pursuant to both licenses.

[Welfare Div., Req. for Foster Care part § 103.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.175 is hereby amended to read as follows:**

**NAC 424.175 Change in license: Application; issuance of revised license on approval; request for review on denial; changes proposed by licensing authority representative. (NRS 424.020, 424.030, 424.045)**

1. A licensee shall notify a licensing authority representative and apply to the licensing authority for a change in its license to operate a foster home if there are changes in the proposed programs, the range of ages or sex of the children in foster care or the total number of children in foster care, *the placement of juvenile justice youth or private placement youth within the foster home*. The request for a change must be in writing and may be submitted with an application for the renewal of the license or at any time during the period the license is effective. If the change is approved, after the licensing authority has ~~conducted a study~~ *reviewed the request* to determine that the relevant requirements have been met, a revised license must be issued. If a request for a change in the license is denied, the licensee may submit a request for a review of the denial to the licensing authority representative. The licensing authority representative shall review the denial but the denial is not subject to appeal.

2. A licensing authority representative may revise the contents of a license and shall provide the licensee with a written discussion of any proposed changes. The licensee may submit a request to the licensing authority representative for a review of the proposed changes. The licensing authority representative shall review the proposed changes but the changes are not subject to appeal.

3. The licensing authority representative shall conduct any review requested pursuant to this section within 30 days after the licensing authority representative receives the request and shall inform the licensee in writing of his or her decision regarding the review.

**NAC 424.180 Renewal of license.** (NRS 424.020) A licensee wishing to renew its license to operate a foster home shall apply to the licensing authority for renewal at least 60 days before the license expires. A licensing authority representative shall study the foster home and the license must be renewed if all licensing requirements are met. If the codes for fire and life safety as adopted by the State Fire Marshal or local fire authority change, the foster home will be allowed 90 days to comply with the new requirement.

[Welfare Div., Req. for Foster Care § 103.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002)

**NAC 424.185 is hereby amended to read as follows:**

**NAC 424.185 Denial, suspension or revocation of license: Generally.** (NRS 424.020, 424.030, 424.045)

1. The licensing authority shall deny, suspend or revoke a license to operate a foster home for a failure or refusal to comply with the licensing requirements for a foster home. The licensing authority shall evaluate that compliance based on information gathered as well as on its interpretation of that information considering its experience with foster children and foster homes. The first responsibility of the licensing authority is to ensure that licensed foster homes can provide for foster children. The licensing authority is not required to prove noncompliance in those areas which are a matter of judgment but may deny, suspend or revoke licensure based on reasonable doubt.

2. The decision of the licensing authority to deny an initial application may be subject to review by the Administrator or the designee of the Administrator *of the agency which provides child welfare services*. However, such denials are not subject to the appeal process. Foster home licensure occurs at the discretion of the licensing authority and is not a right.

3. In the case of a licensee or foster care agency which has entered into a contract with multiple foster homes, the denial, suspension or revocation of a license for one foster home may not affect the licensure of other foster homes, if the reason for denial, suspension or revocation is not based on the failure of the licensee or foster care agency to meet foster home standards.

4. Whenever initial licensing or relicensing is denied, a licensing authority representative will discuss the reasons for denial with the applicants followed by a written statement giving the reasons for denial.

[Welfare Div., Req. for Foster Care part § 103.3, eff. 10-7-88]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.190 is hereby amended to read as follows:**

**NAC 424.190 Denial or revocation of license: History of applicant regarding children.**  
(NRS 424.020) Any applicant for a license to operate a foster home or a licensed provider of foster care, who has been investigated by an agency which provides child welfare services and regarding whom a finding of substantiated abuse or neglect of a child has been made by that agency *must be denied licensure*, ~~for~~ *any applicant for a license to operate a foster home or a licensed provider of foster care* whose own children have been in foster care or otherwise placed outside of his or her home for the purpose of adoption or foster care, ~~must~~ *may* be denied a license to operate a foster home or have his or her existing license revoked, as applicable.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R044-02, 7-23-2002)

**NAC 424.200 Violations: Investigation and action by licensing authority.** (NRS 424.020, 424.030, 424.050)

1. Whenever the licensing authority has reason to believe that a foster home is operating without a license, or a licensed foster home is not conforming to the conditions of the license or the requirements for foster home care, the licensing authority shall make an investigation to determine the facts. The licensing authority may inspect the premises where the violation is alleged to occur and conduct such other investigations as are indicated. A foster care agency shall participate in such an inspection to the extent requested by the licensing authority.

2. If it is found that a person is operating a foster home without a license, the licensing authority may either issue a license if the person is found to be in compliance with licensing requirements or may refer the matter to the legal counsel of the agency which provides child welfare services for appropriate action. If it is found that a licensed foster home is not conforming to the requirements for foster home care, the licensing authority may, depending on the circumstances:

(a) Issue a written notice specifying the nature of the noncompliance, a plan of corrective action and the time in which each corrective action must be taken;

(b) If the noncompliance does not involve health or safety issues, continue the license conditioned on the foster home achieving full conformity by a date set forth in the written notice issued pursuant to paragraph (a);

(c) Suspend the license;

(d) Revoke the license; or

(e) Refer the person to the legal counsel of the agency which provides child welfare services for appropriate action.

3. Allegations regarding possible child abuse or neglect of foster children will be investigated in accordance with chapter 432B of NRS.

[Welfare Div., Req. for Foster Care part § 103.6, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.205 is hereby amended to read as follows:**

**NAC 424.205 Violations: Revocation or suspension of license.** (NRS 424.020, 424.030, 424.045)

1. The authority to operate a foster home is dependent upon continued compliance with the licensing requirements of the licensing authority.

2. A license to operate a foster home may be revoked by the licensing authority whenever a foster home fails to meet the requirements for a license. A licensing authority representative shall send a written statement to the foster family giving the reasons for revocation of the license and notification of the procedure for hearing grievances relating to the revocation as set forth in NRS 424.045 and NAC 424.210. ~~A revocation is effective 30 days after the date the notice is sent.~~

*The Licensing Authority's decision shall remain in effect throughout the completion of the appeal process.*

3. In cases of noncompliance with one or more licensing requirements which are believed to be hazardous to children or which involve a health or safety issue, the licensing authority may suspend a license and require the foster home to cease operation immediately. The suspension of a license pursuant to this subsection is not subject to the procedures set forth in NAC 424.210, but a licensee may submit a request for a review of the suspension by the Administrator.

Pursuant to NRS 424.045, the Administrator or the designee of the Administrator *of the agency*

*which provides child welfare services* shall review the suspension within 30 days after the receipt of the request.

4. When a license to operate a foster home is suspended or revoked, the foster children in the foster home must be removed from the foster home by the agency or other person who placed the child in the foster home within the period determined by the licensing authority.

[Welfare Div., Req. for Foster Care part § 103.6, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.210 is hereby amended to read as follows:**

**NAC 424.210 Hearing on proposal to revoke or deny renewal of license.** (NRS 424.020, 424.045) Except as otherwise provided in NAC 424.205, a licensee may, by written request, obtain a hearing regarding a proposal by the licensing authority to revoke or deny the renewal of his or her license. The *hearing* request must be received by the licensing authority ~~{before the effective date of the proposed action or}~~ within ~~{13}~~ **14** days after the notice of ~~{action}~~ *revocation or denial* was mailed, including the date of mailing. The hearing must be held before a hearing officer of the ~~{Division}~~ *agency which provides child welfare services* or the designee of the Administrator *of the agency which provides child welfare services*. The hearing officer or designee, as appropriate, shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

[Welfare Div., Req. for Foster Care § 103.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002)

**NAC 424.220 is hereby amended to read as follows:**

**NAC 424.220 Quarterly report of licensing authority. (NRS 424.020)**

1. The licensing authority shall submit a quarterly report to the Division on a form prescribed by the Division or, if available, a report generated by the *statewide child welfare electronic information and data system* ~~[Unified Nevada Information Technology for Youth System]~~. The report must include, without limitation, the number of:

(a) Applications for a license to operate a foster home received during the quarter, pending from the previous quarter and denied during the quarter. The information relating to the applications denied during the quarter must include the reasons for the denial.

(b) Waivers or variances granted or denied pursuant to NAC 424.800. The information relating to the waivers and variances that were denied must include the reasons for the denial.

(c) Licenses to operate a foster home that were revoked or suspended and the reasons for each revocation or suspension.

(d) Requests for an administrative hearing, the period within which those requests were received, the period within which the administrative hearings were held, the outcome of the administrative hearings and the period within which written decisions concerning the matters heard were rendered.

(e) Initial licenses to operate a foster home that were issued.

(f) Licenses to operate a foster home that were renewed.

(g) Complaints relating to licensees, other than complaints concerning abuse or neglect, that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(h) Complaints relating to licensees concerning abuse or neglect that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(i) Complaints relating to a foster home for children that is being operated without a license as required by NRS 424.030 that were received and the outcome of each investigation made pursuant to NRS 424.050 concerning such a foster home.

(j) Resources available for placing a child in foster care, including, without limitation:

(1) The number of licensed family foster homes and the number of beds available for foster children in those family foster homes; and

(2) The number of licensed group foster homes and the number of beds available for foster children in those group foster homes.

2. The information required to be included in the quarterly report described in subsection 1 must be reported separately for care given by a person maintaining a foster home who is related to a foster child placed in the foster home and for care given by a person maintaining a foster home who is not related to a foster child who is placed in the foster home.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002; A by R110-13, 6-23-2014)

## Personnel and Adult Residents

### NAC 424.250 is hereby amended to read as follows:

#### NAC 424.250 Minimum staffing requirements. (NRS 424.020)

1. A sufficient number of members of the direct care staff must be on duty and available at all times to ensure proper care for *foster* children. Except as otherwise provided in this section, the minimum number of members of the direct care staff in a foster home *per foster child* is:

Type	Age Range	Staff/ <i>Foster</i> Child Ratio
Family Foster Homes <del>{or}</del>	<i>0-18</i>	<i>1:6</i>
Specialized Foster Homes	0-5 years	1:4
	6-18 years	1:6
Group Foster Homes	<del>{0-5 years}</del>	<del>1:4}</del>
	<del>{6}</del> <i>0-18</i> years	1:8

Staffing ratios specified in this subsection apply to each foster home in addition to the limitations provided in NAC 424.160.

2. Each specialized foster home must have a minimum of one member of the direct care staff available to provide care within the specialized foster home pursuant to an alternative plan of supervision approved by the child and family team and documented in the treatment plan developed for each child pursuant to NAC 424.630.

3. Each foster home shall ensure that the children in the foster home are cared for as needed. Additional staff may be required at the discretion of the licensing authority if the licensing

authority determines it is necessary because of, among other factors, the behavior and treatment needs of the children.

4. When directed by an agency which provides child welfare services, a specialized foster home may be required to provide a minimum of one member of the direct care staff who must be awake and on duty in the home during a child's normal sleeping hours. A specialized foster home may not use an outside child care facility that is not part of the treatment plan of a child to meet staffing requirements.

5. The licensing authority may approve exceptions to the specified staffing ratio upon determining that the needs of the children in foster care will be met and when acceptable alternatives are presented. The limitations set forth in subsection 4 of NAC 424.160 relating to the number of children for which foster care may be provided must not be exceeded.

[Welfare Div., Req. for Foster Care § 104.12, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.255 is hereby amended to read as follows:**

**NAC 424.255 General qualifications.** (NRS 424.020) Foster home parents and staff shall:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their *character*, integrity and conduct shall be above reproach, especially ~~as regards~~ *with regard* to their role as foster caregivers.

~~2. Be willing to be a team member with the agency in establishing and carrying out agency goals for the child.~~

~~3. Possess skills necessary to live amiably as a family group.~~

~~4. Have the character and personality to give care to children.~~

- ~~—5. Accept and respect each child as an individual.~~
- ~~—6. Be kind and friendly.~~
- ~~—7. Have knowledge and understanding of child care and problems of children.~~
- ~~—8. Be flexible in their approaches to child care.~~
- ~~—9. Participate in and effectively apply training as required.~~
- ~~—10. Be prepared to serve as an appropriate role model for foster children and their parents.~~
- ~~—11. Present a positive image to the community.~~
- ~~—12. Maintain good community relationships.}~~

*2. Be willing to actively partner with the agency in establishing and carrying out agency goals for the child by providing pertinent information about the child and the child's needs, gained through caring for the child on a daily basis; and a willingness to assist in meeting any identified needs of the child.*

*3. Possess skills necessary to provide a nurturing and caring home and family environment.*

*4. Welcome a foster child/ren into the foster home as a full member of their family; treats the child with the same considerations, benefits and privileges as the foster parent/caregiver's own children in the home.*

*5. Always be kind and respectful in communications and interactions with the child and with, or about, the child's family.*

*6. Have knowledge and understanding of a child's need for wellbeing, safety and permanency within their life.*

*7. Possess the ability to be flexible to best meet the needs of the child.*

*8. Present a positive image of fostering to the community.*

9. *Maintain good relationships with other professionals and stakeholders in the community that are involved with the child and/or their family.*
10. *Be professional in actions taken as a foster parent/caregiver; be a positive role-model within daily activities, decisions, boundaries, actions and behaviors.*
11. *Be able to communicate effectively and respectfully with all team members involved and respects the differences and opinions of others.*
12. *Be amenable to additional training and professional feedback to increase foster parent/caregiver's knowledge and capability to care for a child with unique needs.*
13. *When safe and appropriate, be willing to be involved and work directly with a foster child's parents or family to support the child's best interest and permanency goal.*
14. *Possess realistic expectations regarding behaviors of foster children that have experienced past trauma and is able to remain calm during a child's emotional and/or behavioral outbursts.*
15. *Have ability to set appropriate verbal and physical boundaries when needed with foster children and their families.*
16. *Recognize and celebrate milestones in a foster child's life such as, but not limited to: birthdays, graduations, and holidays.*
17. *Demonstrate sound judgement through making mindful and careful decisions.*

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89]

**Chapter 424 of NAC is hereby amended by adding thereto a new section to read as follows:**

*NAC 424.XXX Use of the Reasonable and Prudent Parent Standard*

1. *Through using the Reasonable and Prudent Parent Standard for decision-making, a foster parent or designated official can permit a child in their care to participate in common life*

*activities similar to their peers of the same age, maturity and developmental level. Foster parents make reasonable and prudent decision by obtaining beforehand any necessary information about the upcoming activity or event, which will support the foster parent in making a sensible and sound decision.*

*2. A staff-run group foster home shall have an identified designated official available at all times to make decisions based upon the Reasonable and Prudent Parent Standard.*

*3. A foster parent or a designated official will not be held liable for harm to the child as a result of allowing a child to participate in an event or activity as long as the foster parent or designated official acted in accordance with the reasonable and prudent parent standard as specified within this chapter.*

**NAC 424.260 Age of foster parent.** (NRS 424.020) An applicant to be a foster parent must be 21 years of age or older. The age of the foster parent should be considered only as it affects his or her physical energy, flexibility or ability to care for a specific child, and in relation to the probable duration of the care of a particular child.

[Welfare Div., Req. for Foster Care § 104.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99)

**Chapter 424 of NAC is hereby amended by adding thereto a new section to read as follows:**

**NAC 424.XXX Requirement for mandated reporting of child abuse or neglect; foster care agency, foster home licensee and staff**

*Any foster home licensee, staff of a foster home and employee of a foster care agency is required to make a report to local law enforcement or local child protective services within 24*

*hours if they have any knowledge of, or reasonable suspicion of, a child being abused or neglected per NRS 432B.220.*

**NAC 424.270 is hereby amended to read as follows:**

**NAC 424.270 Training.** (NRS 424.020)

1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training in foster parenting provided or approved by the agency which provides child welfare services. *In addition to the 8 hours of foster parent training, applicants must also be trained in how to use and apply the Reasonable and Prudent Parent Standard in order to provide normalcy for children in foster care through appropriate and safe decision-making by the applicant or licensee. Training in the Reasonable and Prudent Parent Standard is provided by or approved through the agency which provides child welfare services.* If the home has a pool, hot tub or other freestanding body of water, the applicants must obtain information on water safety and the risk of drowning and must also complete training in pool safety and receive certification in cardiopulmonary resuscitation.
2. Except as otherwise provided in this section, foster parents must attend *a minimum of* 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.
3. The annual training or portions of the annual training required by subsection 2 may for good cause, as determined by the agency which provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency which provides child welfare services, if at least one foster parent participates in the training *and it is preapproved by the agency which provides child welfare services.*

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive any of the training required by this section through that agency.

5. The requirements of this section are not applicable to any person who is subject to the requirements of NAC 424.712 and 424.714 and completes the training or continuing education required by those sections.

[Welfare Div., Req. for Foster Care § 105.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.275 References. (NRS 424.020)**

1. Adults who provide foster care for children must provide evidence of their character and ability to care for children. The licensing authority must have received at least five satisfactory references for such a person.

2. A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

3. A licensing authority may deny an application for a license to operate a foster home based upon a negative reference.

[Welfare Div., Req. for Foster Care § 104.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.285 Consideration of composition of foster family and staff. (NRS 424.020)**

The licensing authority shall consider the composition of a foster family and the staff of a foster home on an individual basis. Emphasis will be placed on how the composition of the foster family or staff will affect children to be placed in the foster home.

**NAC 424.290 is hereby amended to read as follows:**

**NAC 424.290 Religious beliefs and practices.** (NRS 424.020) ~~[The religious beliefs and practices of foster parents will be considered in relation to how they will affect foster children placed in the home. Religious beliefs may not be imposed upon foster children nor limit the ability of foster children to celebrate normally observed holidays or special occasions.]~~ *The religious beliefs and practices of foster parents will be assessed with regard to willingness to seek medical treatment, celebrate holidays, birthdays, and respect the religious and spiritual beliefs of the child's birth family and/or child. Religious and spiritual beliefs of the foster parents may not be imposed upon foster children or prevent the child from attending appropriate community and religious services and activities.*

[Welfare Div., Req. for Foster Care § 104.8, 10-7-88, eff. 1-1-89]

**NAC 424.295 Volunteer staff.** (NRS 424.020)

1. Volunteer staff are subject to the same requirements of this chapter and [chapter 424](#) of NRS as other staff.
2. The duties of volunteer staff must be defined by the licensee.

[Welfare Div., Req. for Foster Care § 104.10 + part § 105.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.300 is hereby amended to read as follows:**

**NAC 424.300 Approval required for person providing professional care to child to be foster parent for child.** (NRS 424.020)

1. If an applicant or a foster parent is providing professional care directly to a child in the custody of the agency which provides child welfare services, the applicant or foster parent can only be a foster parent for that child with the approval of the Administrator *of the agency which*

*provides child welfare services* or the designee of the Administrator. Such approval may be granted only if the applicant or foster parent demonstrates that approval is in the best interest of the child and that his or her role as a foster parent will not affect the professional relationship with the child or that the professional relationship will terminate without detriment to the child.

2. For the purposes of this section, persons providing professional care include, but are not limited to:

- (a) A minister who is counseling the child.
- (b) A psychiatrist or psychologist who is treating the child.
- (c) A social worker or mental health counselor who is counseling the child.
- (d) The child's probation officer.
- (e) The child's teacher.
- (f) A physician who is treating the child.
- (g) The guardian ad litem for the child.
- (h) The child's attorney.
- (i) A person who is responsible for the child in his or her capacity as an employee providing child welfare services as defined in [NRS 432B.044](#).

[Welfare Div., Req. for Foster Care § 104.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

### **Facilities, Grounds and Furnishings**

#### **NAC 424.350 Location of home. (NRS 424.020)**

1. The home shall be in an area that is conducive to the physical and emotional health, general welfare and wholesome development of children, and which includes an accessible outdoor play area.

2. It is preferred that the home be located in a residential area. However, commercial or industrial districts may be approved if there are adequate safeguards against traffic and other hazards.

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89]

**NAC 424.355 Accessibility of home.** (NRS 424.020) A foster home should be reasonably accessible to educational and religious facilities, medical care, recreational facilities, special facilities for training and guidance of children to be served, fire services and visits from parents and agency staff. A licensing authority representative shall determine the extent to which a foster home must comply with this requirement after taking into consideration the number, ages and needs of the foster children to be cared for and accepted local practices.

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.360 Grounds of home.** (NRS 424.020)

1. The grounds of a foster home must include outdoor space as a recreational area suitable for the size, number and age of the children accepted for foster care.

2. Outdoor play space must be fenced when, in the judgment of a licensing authority representative, surrounding hazards, including, without limitation, freeways, railroads, livestock, machinery and irrigation ditches or other bodies of water, suggest the necessity for such protection.

3. The home and outdoor play area must be well-maintained in a clean and safe condition and free from hazards, including, without limitation, trash and debris.

4. The premises of a foster home must be free of accumulated refuse, dilapidated structures, vermin, dangerous conditions capable of harming children and any other health or safety hazard.

5. All land areas must be well-drained, imperviously surfaced if necessary and free of depressions in which water may stand.

[Welfare Div., Req. for Foster Care part § 107.1 + part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.365 Living space and furnishings: Generally. (NRS 424.020)**

1. Except as otherwise provided in this subsection, the foster home must have sufficient living space to ensure the safety of foster children. As used in this subsection, “living space” includes all areas of the house except an unfinished basement, office or similar area not usually occupied by the family in their daily living.
2. The foster home must have adequate space for individual study and recreation, regardless of the number of children in the foster home.
3. The dining area must be large enough to permit all the family members, staff and foster children to eat together.
4. Cooking and food service areas should be well planned and equipped. The size of the kitchen and the equipment will depend on the number of persons to be served.
5. All rooms used as living or sleeping quarters, including kitchens and lavatories, must be clean, lighted, well-ventilated and heated, except that laundry rooms need not be heated.
6. Rooms must have furnishings comfortable and suitable for use by children as appropriate.
7. Group foster homes must have at least one centrally located living room, for the free and informal use of the children, which is large enough to accommodate the group to be served without crowding. A quiet area for study purposes must be provided. The foster home must have study tables or desks and chairs available for use by the children.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.370 is hereby amended to read as follows:**

**NAC 424.370 Doors and windows. (NRS 424.020)**

1. ~~Every opening in the exterior of the residential portion of a group~~ *Bedroom windows in the foster* home, except those used exclusively as fire exits, must be screened.
2. Each child's room must have at least one window that is accessible for exit in case of fire or other emergency.
3. Every dwelling must have two exits ~~at least 36 inches wide and 80 inches high~~ which provide unobstructed travel to the outside of the building. Exits leading to the outside must not be through intervening rooms subject to locking. All exit corridors or hallways must be clear of obstructions. Mobile homes must have exits located at opposite sides or ends of the home. Apartment buildings with more than one story may be required to submit to an inspection by the local fire department or State Fire Marshal's Office. Flexible ladders may be required for residences with more than one story.
4. Exit doors from buildings may be equipped with a deadbolt lock, security chain or night latch if the lock, chain or latch can be opened from the inside without the use of a key or special knowledge and is mounted no higher than 48 inches from the floor.
5. Every lock on a bathroom door must be designed to permit the opening of the locked door from the outside through means which are readily available.
6. Every closet door must be of a type that can be opened from the inside.
7. *Due to safety concerns, children's bedroom doors must not have locks on the outside of the door that block or inhibit exit.*

~~{7}~~8. No security bars are allowed on bedroom windows or doors used as an emergency exit or route of escape unless they can be opened fully by use of a single-action device located inside of the room or area. Opening mechanisms must be ~~{within the reach}~~ *no higher than 48 inches* from the floor ~~{of any child for whom the home is licensed}~~. Security bars must open with no more than two motion of the hand. Children must be trained, upon placement, to operate the mechanism. ~~{Group homes must not have bars over windows}~~.

~~{8}~~9. ~~{Doors with security bars must not be locked except when all occupants are absent from the home.}~~ *Security doors may be equipped with a deadbolt lock, security chain or night latch if the lock, chain or latch can be opened from the inside without the use of a key or special knowledge and is mounted no higher than 48 inches from the floor.*

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

#### **REVISER’S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsections 3 and 7 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

**NAC 424.375 is hereby amended to read as follows:**

**NAC 424.375 Sleeping accommodations. (NRS 424.020)**

1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.
2. Rooms used by children for sleeping must have ~~13 feet of~~ *adequate* floor space between beds.
3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.
4. *Unless a written recommendation by a licensed medical provider, mental health provider or child and family team is provided to the licensing authority,* ~~13~~ children of the opposite sex who are 5 years of age or older must not share a bedroom, and children over 12 months of age must not sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is appropriate based upon the circumstances and needs of each child.
5. The foster parents' bedroom must be located on the same floor as the bedroom of any child under 5 years of age.
6. Except as otherwise provided in this subsection, each child must be provided with his or her own bed, which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of which is elevated off the floor. Siblings of the same sex may share a double bed.

7. Each bed must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

8. Bunk beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children under 6 years of age.

9. A complete change of bed linens must be supplied at least once a week or more often if necessary.

10. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

11. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

*12. A youth in foster care, who is a parent to a child in the same placement, may co-share a single bedroom.*

*13. To ensure safety for infants and toddlers when sleeping, cribs must meet the current crib standards of the U.S. Consumer Product Safety Commission (CPSC), along with the use of a firm crib mattress that properly fits the crib.*

*14. Infants must never be allowed to sleep on soft or semi-soft surfaces, e.g., sofa, waterbed, large pillows, bean bag, etc. due to suffocation hazard.*

*15. Prior to placing an infant in a crib, the following must be removed from the crib: comforters, quilts, blankets, stuffed animals, crib bumpers, wedges, pillows, other loose bedding and/or any other items due to suffocation hazard. Always place an infant on his/her back for sleep, including naps and at night.*

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.380 is hereby amended to read as follows:**

NAC 424.380 ~~{Lavatories}~~ **Bathrooms** and toiletries; laundry. (NRS 424.020)

1. ~~{A group foster home must have at least one toilet and one tub or shower for every eight children and at least one washbasin with hot and cold running water for every five children}~~. **For every eight occupants, a foster home must have at least one bathroom; which has a toilet, a bathtub or shower and a sink with hot and cold running water;**

2. ~~{A family foster home must have at least one toilet and one tub or shower and at least one washbasin with hot and cold running water.}~~

3. ~~{Lavatory}~~ **Bathroom** facilities must be located in such a manner as to be conveniently accessible from areas used for sleeping, living and recreation.

4. Each child must have his or her own ~~{toilet articles}~~ **personal hygiene products** and be provided with towels and washcloths which are changed as often as is necessary to maintain sanitation and cleanliness.

5. Provisions must be made for laundry facilities in ~~{group}~~ **foster** homes **to adequately** ~~{adequate}~~ to meet the needs of the ~~{children and staff of the foster home}~~ **occupants**.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

**NAC 424.385 is hereby amended to read as follows:**

NAC 424.385 **Equipment for kitchens and refrigeration.** (NRS 424.020)

1. There must be adequate refrigeration for the protection of perishable foods and adequate kitchen equipment, including adequate dishwashing equipment and ~~{equipment for the}~~ **adequate** storage of dishes.

2. If a refrigerator or freezer is not in use, it must be *made inaccessible to children; by being removed from the premises, locking the refrigerator door or ~~fits~~ removing the refrigerator door ~~removed~~.*

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

**NAC 424.390 Equipment for heating, ventilation and air-conditioning. (NRS 424.020)**

1. If the heating, ventilation or air-conditioning system has an output of more than 2,000 cubic feet per minute, it must have an automatic shutdown.

2. Wood stoves are permitted if they have been properly installed and approved by the appropriate governmental authority.

3. Adequate precautions must be taken to ensure the safety of children in homes where stoves and heating appliances are used.

4. Portable heaters are prohibited.

5. The heating system, including any chimney, must be safe, maintained in good repair and of sufficient size to keep the house comfortably warm.

6. Gas water heaters must be vented to the outside. All water heaters must meet industry standards for safety and be set to a temperature not to exceed 120 degrees Fahrenheit.

7. Unvented heaters which use liquid, solid or gas fuels are prohibited.

[Welfare Div., Req. for Foster Care part § 108.1, eff. 10-19-90; + § 108.7, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child& Fam. Services, 11-14-97; R110-13, 6-23-2014)

**REVISER'S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services)

that became effective October 19, 1990, and which amended subsection 4 and is the source of subsection 1 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

**NAC 424.395 is hereby amended to read as follows:**

**NAC 424.395 Electrical equipment. (NRS 424.020)**

1. Electrical cords must be replaced as soon as they show appreciable wear. Special attention shall be given to avoid overloading and tripping ~~hazards~~ *circuit breakers*.
2. Extension cords *and surge protector cords* shall not extend from one room to another. Cords shall not be stapled, nailed or otherwise permanently fastened to walls, fixtures, floors or ceilings, and shall not be run on the floor under rugs. Extension cords *and surge protectors* shall not be joined together. Under no circumstances shall extension cords be used as a general wiring method.
3. *Electrical cords, extension cords or surge protectors must not be used in a manner that creates a falling or tripping hazard in walking areas of the home or property.*
- ~~3~~4. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws.
- ~~4~~5. Protective ~~plugs shall~~ *covers must* be installed on *unused* electrical outlets accessible to children under 5 years of age.

[Welfare Div., Req. for Foster Care § 108.8, 10-7-88, eff. 1-1-89]

**NAC 424.400 is hereby amended to read as follows:**

**NAC 424.400 Safety from fire: Equipment; walls and ceilings. (NRS 424.020)**

1. All foster homes must have operating, ~~5-pound~~ portable fire extinguishers on each story of the structure. Each fire extinguisher must:
  - (a) Have a minimum rating of 2-A 10BC.
  - (b) Be mounted or readily available as designated by the licensing authority representative pursuant to the State Fire Marshal's instructions.
  - (c) Be located within 75 feet of traveling distance from any point within the foster home.
  - (d) Be in working order.
2. The licensing authority may require at least a type 13-D sprinkler system in any foster home which has three or more non-ambulatory persons, or which provides care to three or more children who are under 18 months of age or to five or more children who are under 6 years of age.
3. Any portable fire extinguishers, alarm systems and sprinkler systems must be serviced and tagged annually by a company which is appropriately licensed by the State Fire Marshal.
4. Every foster home must have smoke detectors which conform to ~~Standard No. 43-6 of the Uniform~~ *the International* Building Code. The smoke detectors must be located in every room where foster children sleep and mounted on a ceiling or wall at a point centrally located in a corridor or area giving access to rooms used for sleeping. Where sleeping rooms are located on an upper level of a building, a smoke detector must be placed at the center of the ceiling directly above the stairway. The smoke detectors may be battery operated or may receive their primary power from the building wiring.

5. Foster homes with 10 or more occupants must meet all requirements for fire extinguishers and alarms as are determined by the State Fire Marshal following an inspection of the foster home.

~~{—6.— Interior wall and ceiling finishes which are more than 1/28 inch thick must have a flame spread rating of Class III.}~~

*6. Foster homes that provide care to children that require a wheelchair, stretcher or other special accommodations for exiting the foster home must have two exit doors, and an accessible ramp, which at minimum, must meet the American's with Disabilities Act (ADA) standards to allow unobstructed travel to the outside of the home.*

[Welfare Div., Req. for Foster Care part § 108.1, eff. 10-19-90; + part § 108.6, 10-7-88, eff. 1-1-89; A 5-19-89; 10-19-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002)

#### **REVISER'S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsection 1 and is the source of subsections 2 and 6 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

#### **NAC 424.405 is hereby amended to read as follows:**

**NAC 424.405 Handrails.** (NRS 424.020) Handrails *and guard rails* shall be provided on stairs where there are ~~three~~ *four* or more steps.

Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89

**NAC 424.410 Telephones.** (NRS 424.020) A foster home must have an operable telephone that is accessible in the foster home at all times when the home is occupied. Emergency telephone numbers, including, without limitation, the telephone numbers of health agencies, fire and police departments and ambulance services, must be posted in a central location in the foster home.

[Welfare Div., Req. for Foster Care § 108.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.415 is hereby amended to read as follows:**

**NAC 424.415 Refuse.** (NRS 424.020) Receptacles for the collection or burning of trash must be covered and separated from areas where children play. Garbage kept outside must be in a tight-fitting container and removed from the ~~facility~~ *home property* at least weekly. Waste containers shall be of noncombustible materials.

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89; A 10-19-90]

**REVISER'S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which is the source of the last sentence of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

**NAC 424.420 is hereby amended to read as follows:**

**NAC 424.420 Pools, ponds and other standing bodies of water, hot tubs, saunas and tanning booths. (NRS 424.020)**

~~{ 1. The water in pools, hot tubs and saunas must be maintained in a healthy condition which is suitable for use by children. Ponds used for swimming must be maintained in the same condition as a pool.~~

~~2. Foster homes which have pools, ponds or other standing bodies of water, as determined by the licensing authority, and which are licensed to care for any toddlers must provide a fence which is at least 4 feet high on all sides of the pool, pond or other standing body of water, and which separates the pool, pond or other standing body of water from the general yard area. The fence must:~~

~~(a) Have no vertical opening more than 4 inches wide.~~

~~(b) Be of such a design that young children cannot climb it or squeeze under it.~~

~~(c) Allow a clear view of the pool, pond or other standing body of water from the house.~~

~~→ The gate must be self-closing and have a self-latching mechanism which is in proper working order and out of the reach of young children.~~

~~3. If a foster home is licensed to care only for children other than toddlers:~~

~~(a) The area surrounding a pool or hot tub, regardless of whether the pool or hot tub is located in or above the ground, must be fenced and locked in a manner which prevents access by children or others who are not entitled to use the pool or hot tub; or~~

~~(b) If the area surrounding the pool or hot tub is not fenced, there must be a secured, protective covering which will not allow access by a child. Pool covers must be completely~~

~~removed when the pool is in use. When the pool cover is in place, it must be free from standing water.~~

~~—4.— A reaching pole with a hook, and a ring buoy, must be provided as minimum safety devices unless the pool, pond or other standing body of water is such that a person supervising a child is able to reach the child in the water and remove the child by hand.~~

~~—5.— Steps leading to an above-ground pool must be removed when the pool is not in use.~~

~~—6.— Saunas, tanning booths and other attractive nuisances must be locked in a manner which prevents access by children.~~

~~—7.— If a wading pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading pool must be emptied when not in use or comply with all regulations applicable to a swimming pool.~~

~~—8.— A sauna or any freestanding body of water located on the premises of the foster home must be inaccessible to children, including, without limitation, a pool or hot tub. Equipment or materials used by children must not be stored in such areas.~~

~~—9.— As used in this section, “toddlers” means children who are at least 12 months of age but less than 5 years of age.†~~

*1. Foster homes, licensed to care for children ages 0-4 years, which have a pool, hot tub or other standing body of water on the property, must have a fence on all sides of the body of water that separates it from the general yard area. Hot tubs are permissible if it has a locked protective cover. Standing bodies of water include, but are not limited to, in-ground and above ground pools, hot tubs, ponds, oversized stationary bird baths, etc. The fence must:*

- (a) Be at least 4 feet high on all sides,*
- (b) Have no vertical openings more than 4 inches wide,*

*(c) Be of such a design that children cannot climb it or squeeze under it (no chain link fences) and does not obstruct the view of the pool and pool area from the outside of the fence.*

*(d) Have a gate that is self-closing and self-latching and maintained in good working order.*

*(e) If a body of water is adjacent to an outside wall of the home and this wall has no windows and/or doors, then the outside wall may function as part of the fenced area.*

*2. When a foster home is licensed for children age 5 and above, any pool, hot tub or other body of water on the property must have a surrounding fence that is locked to prevent access by children or others who are not entitled to be on the property. If there is no fence for the surrounding area, bodies of water must have a locked protective cover that will not allow access by a child. The covers must be kept free of standing water.*

*3. A life hook reaching pole and a ring buoy must be present and accessible at all times as the minimum safety devices in the pool area. These are not required for foster homes having only a body of water where a person can reach and remove a child by hand from the edge of the body of water, such as in a small hot tub.*

*4. If a foster home only has a hot tub, fencing is not required if it is maintained when not in use with a locked protective covering that does not allow access by a child. If there is no locked protective covering, the appropriate fencing rules apply.*

*5. All bodies of water must be maintained in a healthy and safe condition, so as not to be harmful to children. Water in ponds used for swimming must be maintained in a healthy and*

*sanitary condition. If a pool, hot tub or other water feature does not contain water, it must still be made inaccessible to children with a fence or cover, as if in use.*

*6. Steps leading to an above ground pool must be removed and made inaccessible to children when the pool is not in use.*

*7. If a wading or blow-up pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading or blow-up pool must be emptied when not in use or comply with all regulations applicable to a swimming pool.*

*8. Foster parents living in a residence where there is a community pool shall ensure children do not have access to the pool area unless under the direct supervision of the foster parents or direct care staff; the community pool must have a life hook reaching pole and a ring buoy available.*

*9. Saunas or tanning booths on the foster home's property must be locked in a manner that prevents access by children.*

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89; A 5-19-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.425 Mobile homes.** (NRS 424.020) Mobile homes shall be skirted with latticed or solid skirting, and securely anchored to the ground by cables or tie-down straps.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89]

## Operation

### **NAC 424.450 is hereby amended to read as follows:**

#### **NAC 424.450 Duties of foster home: General requirements. (NRS 424.020)**

1. The foster home shall comply with the licensing requirements and with applicable state laws and regulations. The licensee is responsible for ensuring that all members of the foster home household and staff know and comply with licensing requirements.
2. The foster home shall provide foster care only for the number, age and sex of children specified on the license.
3. The foster home shall not discriminate on the basis of race, color, national origin, disability, *religion, gender, age, marital status, political affiliation or sexual orientation* or any other reason in accordance with the United States Constitution, the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.
4. The foster ~~home~~ parent and *or direct care* staff shall cooperate as team members with the agency having responsibility for the child in order to establish and carry out the *child's* treatment plan, *independent living transition plan* and/or the *case plan* goals for the child, e.g., returning the child to the ~~natural~~ *birth* parents, placing the child for adoption, *providing independent living skills training and experiences*, etc.

[Welfare Div., Req. for Foster Care part § 105.1, 10-7-88, eff. 1-1-89]

### **NAC 424.455 is hereby amended to read as follows:**

#### **NAC 424.455 Restrictions on provision of paid care for others and on housing of roomers or boarders. (NRS 424.020)**

1. If a foster home combines foster care with regular paid care for others, including ~~day~~ *child* care, the licensing authority may place restrictions on the license of the foster home

because of the number of children cared for in the foster home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all requirements relating to staffing in a foster home when it provides both foster care and paid care for others.

2. A foster home may house adult roomers or boarders ~~{under the following circumstances}~~ *if such persons meet all licensing standards as well as:*

~~{(a) The roomer or boarder must have been in residence 6 months or longer at the time of initial licensing and}~~

~~{(1)a}~~ Be considered a part of the family; or

~~{(2)b}~~ Have been a foster child who has reached the age of 18 years; and

~~{(b)c}~~ The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who remains under the jurisdiction of a court pursuant to NRS 432B.594.

[Welfare Div., Req. for Foster Care § 105.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.460 is hereby amended to read as follows:**

**NAC 424.460** Agreements between foster homes and *child-placing* agencies that place children for provision of services. (NRS 424.020) Foster homes may contract or execute agreements with *child placing* agencies that place children to provide services under specified conditions. No foster home may contract or agree to terms which are in violation of any law or of any condition set forth in this chapter *or chapter 424 of NRS*.

[Welfare Div., Req. for Foster Care part § 105.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

**NAC 424.465 is hereby amended to read as follows:**

**NAC 424.465 Placement of child in foster home. (NRS 424.020)**

1. ~~[(The selection of a foster home involves the matching of the child's individual needs to the capacities of the foster family.)]~~ *The selection of a foster home for the placement of a child occurs through a matching process; the agency assesses the foster family's ability to provide the child a nurturing home that supports the child's emotional, behavioral, and developmental wellbeing and safety.* The *final* decision to place the child in a foster home is jointly made by the child's caseworker, the foster parents, the agency which provides child welfare services or other agency or person who intends to place the child in a foster home and, if applicable, the foster care agency.
2. The preparation of a child for placement in a foster home is primarily the responsibility of the child's caseworker. The foster parents must also be involved in the preparation planning.
3. Whenever possible, arrangements should be made for the child to visit the foster home before admission, the other children in the foster home should be prepared for the child's arrival and the child's room should be ready for him or her.
4. Preplacement planning may be abbreviated in emergency placement situations.
5. The foster home shall not accept a private placement without the prior approval of a licensing authority representative.

[Welfare Div., Req. for Foster Care part § 105.1 + § 106.2, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.470 is hereby amended to read as follows:**

**NAC 424.470 Acceptance of children born to children in foster care. (NRS 424.020)**

Infants born to children in care may be accepted to reside at the foster home if:

1. The mother is also in care.
2. Such action is consistent with the case plan.
3. The infant presents no medical or other problems which would place ~~fit~~ *the infant* at risk in such a setting.
4. Sufficient equipment for caring for infants is available on-site.
5. The infant is considered as one of the total number of children for which the facility is licensed. The license issued must encompass the age of the infant.
6. The presence of the infant has no detrimental effect on the program and other children in care.
7. The plan is approved by the mother and her caseworker prior to the placement.
8. The mother of the child is actively involved in the day-to-day care and supervision of her child.
9. *The infant must sleep in a crib that may be located in the same bedroom as the minor birth mother.*
10. *The mother shall ensure compliance with safe sleep standards.*
  - a) *Infants must never be allowed to sleep on soft surfaces, e.g., sofa, chair, recliner, waterbed, large pillows, bean bag, etc., due to suffocation hazard.*
  - b) *Prior to placing an infant in a crib, the following must be removed from the crib: comforters, quilts, blankets, stuffed animals, crib bumpers, wedges, pillows, other loose bedding and/or any other items due to suffocation hazard.*

*11. Always place an infant on his/her back in a crib for sleep, including naps and at night.*

*12. Bed-sharing with an infant is never allowed.*

[Welfare Div., Req. for Foster Care part § 106.3, 10-7-88, eff. 1-1-89]

**NAC 424.475 Requirements for notification and reporting: Generally.** (NRS 424.020)

The director or licensee of a foster home shall notify:

1. A licensing authority representative if the foster home will accept placements from more than one agency.

2. A licensing authority representative within 1 working day after a foster child is placed in the foster home or removed from the foster home by any agency or person other than the agency which provides child welfare services unless an agency, other than the agency which provides child welfare services, has an exclusive contract with the foster home to provide the agency which provides child welfare services with a monthly report of placements.

3. A licensing authority representative before the occurrence of any of the following changes:

(a) A move from one home to another.

(b) A member of the household or staff leaves or a new member joins the household or staff.

(c) A decision to remodel the home.

(d) A decision to discontinue providing foster home care.

(e) Any significant change in the routines used with the child, including, but not limited to, the imposition of a new program of house rules concerning discipline.

4. The caseworker of the placing agency responsible for a child before any other persons begin to have regular contact with the child.

**NAC 424.476 is hereby amended to read as follows:**

**NAC 424.476 Requirements for notification and reporting: Serious incident, accident or injury to child. (NRS 424.020)**

1. Upon the occurrence of a serious incident, accident or injury to a child involving a foster home or a child in a foster home, a licensee shall, after contacting necessary emergency personnel, provide notice of the event as provided in this section to the licensing authority and any caseworker assigned to the child.

2. The licensee shall provide verbal *notice immediately* and written notice as soon as practicable, but in no event later than the business day immediately following the serious incident, accident or injury, if the event involved:

- (a) The death of a child;
- (b) An attempted suicide by a child;
- (c) The ingestion of a poison or a drug overdose by a child;
- (d) A traumatic event involving a child, including, without limitation, near drowning, suffocation or shock; ~~for~~
- (e) The abduction of a child.

*(f) A child who is missing or known to have run away; or*

*(g) The discovery that a child is or has been involved in sex trafficking.*

3. Except as otherwise required by subsection 2, the licensee shall provide verbal notice within 24 hours, and written notice as soon as practicable, but in no event later than 2 business days after the occurrence of the serious incident, accident or injury, if the event involved:

- (a) Any injury or trauma to a child which requires the services of a licensed medical professional, including, without limitation, an injury or trauma which requires hospitalization or emergency medical attention;
- (b) An error in the administration of medication to a child;
- (c) An occurrence in the foster home of an illness or disease that presents a significant risk to the health of a child;
- (d) Any condition or situation that causes the foster home to close and requires a child to be moved out of the foster home;
- (e) Any physical damage to or failure of a necessary electrical, heating, cooling, smoke- or fire-detection system, or any physical damage to or failure of any plumbing on the premises of the foster home, which may affect the safety of a child or the habitability of the foster home and which cannot be repaired within 24 hours after the damage or failure is discovered;
- (f) A fire on the premises of the foster home which requires a response by a fire-fighting agency;
- (g) A motor vehicle accident if a foster child was in the vehicle;
- (h) Any change in the foster home which affects compliance with any licensing requirement, including, without limitation, any member of the household or staff who suffers a major illness or injury or who is arrested;
- (i) ~~{A child who has run away from the foster home; or}~~  
~~{(j)}~~ Any other significant event that may affect the safety, health or well-being of a child or any other person in the foster home.

4. If the serious incident, accident or injury is a motor vehicle accident, the licensee shall submit a copy of the accident report, if available, with the written notice required by this section.

5. If the serious incident, accident or injury is a missing child, an abducted child or a child who has run away from the foster home, the licensee shall, in addition to providing the notice required by this section, immediately notify the appropriate law enforcement agency and, if applicable, the ~~natural~~ *birth* parent or legal guardian of the child.

6. As used in this section, “fire-fighting agency” has the meaning ascribed to it in NRS 433A.715.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.478is hereby amended to read as follows:**

**NAC 424.478 Notice of request to remove child from foster home.** (NRS 424.020) A provider of foster care shall *make all necessary and proactive efforts to preserve a child’s placement within the foster home by working in partnership directly with the agency to support the child’s wellbeing.; prior to ~~provide~~ providing* the agency responsible for a foster child with ~~at least~~ *a minimum of* 10 working days’ notice of any request for the removal of the child from the foster home unless:

1. The provider has a written agreement with the agency which provides child welfare services to the contrary; or
2. There is an immediate and unanticipated danger to the foster child or another person if the child is not removed before that notice can be given.

(Added to NAC by Div. of Child & Fam. Services, eff. 11-14-97; A by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.480 Maintenance, availability and disposition of records regarding children.** (NRS 424.020) In addition to maintaining the records required by NAC 424.630 and 424.726, as applicable:

1. The foster home shall maintain ongoing records on the child's development, behavior and treatment, which may include a daily log and a monthly evaluation, as prescribed by the agency with responsibility for the child. The records must be made available upon request to the agency which provides child welfare services.

2. The foster home shall inventory the child's clothing and belongings when the child is placed in the home and when the placement ends.

3. The foster home shall maintain records on the child's medical and dental care.

4. When a child leaves a family foster home, all records must be given to the child's caseworker. A specialized foster home and a foster care agency must retain a child's records in the manner described in subsection 7 of NRS 629.051 for a health care record.

[Welfare Div., Req. for Foster Care § 105.3, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.485 is hereby amended to read as follows:**

**NAC 424.485 Confidentiality regarding children; penalty for violation.** (NRS 424.020)

1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the children in his or her care and their families. The licensing authority may revoke or suspend the license to operate a foster home of a foster parent who violates this subsection.

2. The licensee shall ensure that children in the care of that foster home are not identified by name or by clear description, or photographed for any publication or other printed, ~~or~~ broadcast, *social media and/or any other online or internet venues without the permission of the licensing authority.*

**NAC 424.490 is hereby amended to read as follows:**

**NAC 424.490 Maintenance of home and vehicles; transportation of children.** (NRS 424.020)

1. The foster home shall maintain the home and vehicles in safe operating condition.
2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.
3. The foster home shall secure prior approval from the agency with responsibility for the child before taking the child out-of-state or on a trip or vacation which will require the child to be away from the family home for overnight or longer.
4. Any person who provides transportation to a foster child:
  - (a) Must possess at least the minimum liability insurance coverage required by state law;
  - (b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and
  - (c) Shall observe all other laws of this State concerning the operation of a motor vehicle.
- 5. In locations where there is no public transportation, a foster home shall have a working vehicle(s) that can safely transport all children living in the home at one time in case of an emergency.***

[Welfare Div., Req. for Foster Care part § 105.1 + part § 106.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R110-13, 6-23-2014)

**NAC 424.495 is hereby amended to read as follows:**

**NAC 424.495 Communication and visitation with family and others. (NRS 424.020)**

1. A foster home shall cooperate with the agency placing a child in the home to help the child maintain meaningful ties with his or her family *of origin*, including correspondence between parent and child, visits to the child and home visits by the child when appropriate.

2. Reasonable opportunities must be afforded for the child to maintain contact with all family members and with other persons identified in the child's case plan as important. The opportunity to visit with a parent or guardian must not be denied unless such visits have been denied by court order or the agency placing the child has determined that such visitation would be detrimental to the welfare of the child.

3. The foster home shall allow for visits ~~of children~~ *by the child* with their ~~natural relatives~~ *family of origin* only *if court ordered or* with the ~~prior~~ approval of the agency ~~with responsibility for~~ *placing* the ~~children~~ *child or person from whom the child was received.*

4. The foster home shall, upon reasonable request, permit the child to contact the person or agency responsible for his or her placement and allow that person or agency to contact the child. The foster home shall not deny or impede direct access of the agency placing the child to the foster child.

5. The foster home must allow the child to send and receive mail *or email*. Any restrictions on correspondence, *communication and contact* must be *court ordered or* approved by the agency placing the child or person from whom the child was received.

6. The foster home shall give the children the opportunity to invite friends to the foster home and to visit in the homes of friends, if appropriate.

7. Foster homes shall use care to ensure that anyone who visits the home over an extended period conducts himself or herself in such a manner as not to jeopardize the safety or well-being of the foster children *and must not have unsupervised contact with the foster children. The licensing authority must be notified by the licensee of any adult house guest that stays beyond a week or frequently stays at the foster home.*

[Welfare Div., Req. for Foster Care part § 105.1 + part § 106.1 + § 106.14, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

**NAC 424.500 is hereby amended to read as follows:**

**NAC 424.500 Care and treatment of children: General requirements. (NRS 424.020)**

1. A foster home shall:
  - (a) Provide a safe, stable and nurturing environment.
  - (b) Encourage a child's autonomy, respect a child's privacy and consider a child's preferences or choices when providing care, supervision, guidance or instruction.
  - (c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes, behaviors and culture of a child and his or her family.
  - (d) Employ direct care staff who are knowledgeable about and understanding of children who have greater physical or emotional needs.
  - (e) Provide effective supervision and employ staff who possess the vitality, interest and understanding to meet the needs of a child in the care of the foster home. Prospective staff must be selected based upon their ability to care for a foster child with consideration of the ages and needs of any other children in the care of the foster home.

(f) Employ staff who have the ability to work with and guide a child within a group setting or individually. Staff must possess the physical and emotional health to carry out the responsibilities of caring for a child.

(g) Work cooperatively with the agency which provides child welfare services, teachers and other professionals to meet the needs of a child.

(h) Accurately observe and record each child's progress in the foster home.

(i) Provide care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.

*(j) Partner with the agency which provides child welfare services to ensure children placed within the home receive quality, nurturing parenting and are able to experience normalcy within their daily lives.*

*(k) Utilize principles for responsible and prudent parenting standards in all decision making regarding the foster child(ren) placed in the foster home.*

(H) Comply with all requirements of NRS 432.500 to 432.550, inclusive.

2. ~~The foster home shall not release a foster child to anyone for 24-hour care other than the agency from whom the child was received or a person specifically designated by that agency.~~

—3}. The foster home shall plan activities that provide for and stimulate social relationships, creative activities and hobbies. Children must be afforded an opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of each child, which may include, without limitation:

(a) Activities that promote leisure or play;

(b) Activities that promote self-expression and communication;

(c) Appropriate physical exercise to encourage development of gross and fine motor skills;

(d) Activities to encourage mental or intellectual stimulation and development;

(e) Activities appropriate to the child's ethnicity or culture; ~~and~~

(f) Indoor and outdoor recreational activities:

*(g) Activities that promote appropriate socialization and social connectivity with others;*

*and*

*(h) Activities that promote normalcy for the child.*

~~{4. Foster homes which care for adolescents shall seek to prepare them for successful independent living by offering "first-hand" experiences in tasks, including, without limitation, budgeting and saving money, obtaining transportation, preparing meals, washing clothes and solving problems.~~

~~—5. The foster home shall provide each child with an opportunity to earn money or receive an allowance appropriate to the child's age and commensurate with reasonable peer group standards. The child must be given guidance in the saving and spending of income.}~~

~~{6}4.~~ The foster parent shall be nonjudgmental regarding the child's parents *and family*.

~~{7}5.~~ The foster parent shall assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel; *the foster parent will attend health related appointments with the child unless other arrangements are approved by the child's caseworker.*

~~{8}6.~~ The foster parent shall assist the agency which provides child welfare services to ensure that the child is provided with ongoing visitation and contact with siblings or other family members, if requested by the caseworker of the child.

~~{9}7.~~ The foster home shall see that each child observes curfew and all other requirements specified by law.

~~1018.~~ Smoking is prohibited in a foster home and in the direct presence of foster children.

[Welfare Div., Req. for Foster Care part § 106.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R110-13, 6-23-2014)

**NAC 424.502 is hereby amended to read as follows:**

**NAC 424.502 Child and family team: Assignment; members; meetings.** (NRS 424.020)

1. An agency which provides child welfare services shall assign a child and family team for each child placed in a foster home. The agency which provides child welfare services is responsible for scheduling the meetings of the team.

2. The child and family team must include a foster parent or, if a foster parent is not available, another member of the direct care staff of the foster home and may include, without limitation:

(a) The foster child, if appropriate;

(b) The ~~natural~~ birth parent or legal guardian of the child;

(c) Such professionals as are determined to be appropriate by the agency which provides child welfare services, which may include, without limitation, a psychologist, a teacher or an attorney; and

(d) Any family member, care provider or other person who the agency which provides child welfare services determines is integral to the environment of the child or for the rehabilitation of the mental health of the child.

3. If any member of the child and family team is not able to attend a scheduled meeting of the team, he or she shall notify the agency which provides child welfare services and the agency which provides child welfare services shall determine whether to reschedule the meeting.

**NAC 424.505 Supervision of foster children.** (NRS 424.020) Except as otherwise provided in NAC 424.628 for a specialized foster home, a foster home shall ensure that foster children are supervised in the following manner:

1. Minors shall not supervise foster children unless approved by the foster child's caseworker.
2. Foster children must be given supervision appropriate to their age and maturity.
3. Foster children must not supervise or babysit other children unless approved by the foster child's caseworker.
4. Foster children must always be supervised by an adult when in or around a pool, pond or other standing body of water, in a manner appropriate for the age and maturity of the children.
5. Adults must not allow themselves to be distracted by daily activities.

[Welfare Div., Req. for Foster Care § 106.4, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.510 Emergency shelter care: Employment of parent outside home.** (NRS 424.020) The requirements for appropriate supervision of children and the foster parent's ability to meet the children's needs must be met if the shelter home parent or both parents are employed outside the home.

[Welfare Div., Req. for Foster Care § 104.11, 10-7-88, eff. 1-1-89]

**NAC 424.515 Discipline of children: Aims.** (NRS 424.020) The aims of discipline are threefold:

1. To help the child accept his or her responsibility to others;
2. To help the child realize that others also have responsibilities and privileges; and

3. To help the child accept the fact there are unpleasant and difficult things which everyone must do at times.

[Welfare Div., Req. for Foster Care part § 106.5, 10-7-88, eff. 1-1-89]

**NAC 424.520 Discipline of children: General requirements. (NRS 424.020)**

1. Discipline, to be effective, must be fair, reasonable, consistent and related to the offense.

2. Discipline must be handled with kindness and understanding and administered in such a way as to help the child develop self-control and to assume responsibility for his or her own behavior.

3. Well-defined rules setting limits on behavior must be established and made known to each child. When appropriate, children must be allowed to participate in establishing the rules, which must be displayed.

4. Appropriate and timely remedial action must be taken when children in foster care exhibit inappropriate behavior, are out of control or commit delinquent acts.

5. Consent by parents or others to punish a child contrary to the provisions of this section is void.

6. Except as otherwise provided in NAC 424.724, for a specialized foster home or a foster home with which a foster care agency has entered into a contract, when serious physical intervention is required by the caregiver to protect the child, other persons or property, an incident report must be filed within 48 hours with a licensing authority representative and the caseworker of the agency responsible for the child.

[Welfare Div., Req. for Foster Care part § 106.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.525 Discipline of children: Recommended behavior management**

**techniques. (NRS 424.020)** The following are recommended behavior management techniques:

1. Picking up a child who is out of control and removing him or her from the setting. This is appropriate only to younger children whose size and weight enable such action.
2. Informing the child in a simple and positive manner what conduct is expected.
3. Restriction to the child's room or other area or withholding privileges such as attending social gatherings or watching television. As used in this subsection, "social gathering" does not include an approved visit with any member of a child's family.
4. Sitting with a child until the child gains control of his or her behavior and can return to normal activities.
5. Redirecting the child to a new or different activity.
6. Praising and recognizing a child who behaves in the expected manner.
7. The use of a point system to recognize good behavior and create an incentive to improve inappropriate behavior.
8. The withdrawal of positive reinforcement for a temporary time for inappropriate behavior, including, without limitation, removal from participation in the current routine or activities or allowing the child to be alone voluntarily in a quiet, unlocked room.
9. Strategies to teach adaptive behavior which include the use of positive reinforcement.
10. Assigning consequences that are specifically related to the child's behavior.

[Welfare Div., Req. for Foster Care part § 106.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.530 is hereby amended to read as follows:**

**NAC 424.530 Discipline of children: Restrictions. (NRS 424.020)**

1. The following are examples of unacceptable disciplinary techniques. The list is not exclusive. Foster parents shall discuss disciplinary techniques with the child's caseworker before they are used. The foster parent shall not:

(a) Subject a child to verbal abuse, humiliate the child, threaten the child or make derogatory remarks about the child or his or her family.

(b) Threaten to subject or subject a child to pushing, punching, shaking, rough handling, force feeding, biting, spanking, hitting of any kind, including with an implement, isolation in a closed space, such as a closet or unlit or unventilated space, or any other corporal punishment or other extreme discipline.

(c) Threaten to remove the child from the foster home.

(d) Threaten a child with the loss of love of any person.

(e) Threaten a child with punishment by a deity.

(f) Threaten to deny or deny food, shelter, medication or rest, or threaten to restrict or restrict the use of a toilet or other bathroom fixture as punishment.

(g) Threaten to subject or subject a child to any form of punishment by other children.

(h) Threaten to subject or subject a child to excessive withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or requiring the child to be alone in a room for an extended period of time.

(i) Threaten to wash or wash a child's mouth out with soap or detergent or any similar threats or acts.

(j) Threaten to tape or tape the mouth of a child or any similar threats or acts.

(k) Threaten to place or place a sauce made from hot peppers or other pungent condiment sauce in the mouth of a child or any similar threats or acts.

(l) Threaten to deprive or deprive a child of visits with significant others in the child's life as a form of punishment when the agency placing the child has identified the visitation as appropriate.

(m) Threaten to withhold or withhold *a child's personal monies and/or* the allowance of a child provided by the agency which provides child welfare services.

(n) Subject a child to work that does not have a purpose as a means of punishment, including, without limitation, scrubbing the floor with a toothbrush, writing repetitive phrases, pulling weeds in a field of weeds, excessive exercise or any similar acts.

2. The use of a mechanical restraint, chemical restraint, involuntary physical confinement or psychological coercion or confinement of a foster child as a form of discipline is prohibited. Involuntary physical confinement does not include the withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or allowing the child to be alone voluntarily in a quiet, unlocked room.

3. As used in this section:

(a) "Chemical restraint" means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of

a mental, physical, emotional or behavioral disorder and for assisting a child in gaining self-control over his or her impulses.

(b) “Mechanical restraint” means the use of any device, including, without limitation, mittens, straps, a restraint chair, handcuffs, belly chains and a four-point restraint, to limit a child’s movement or hold a child immobile.

[Welfare Div., Req. for Foster Care part § 106.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.535 Assignment of chores and other work to children. (NRS 424.020)**

1. Children must be encouraged to participate in the daily chores or work activities.
2. Tasks and work assignments must be appropriate to the child’s age, health and ability.
3. Excessive work assignments interfering with normal development, school, health or necessary recreation are not permitted.
4. The licensee shall ensure that children in the care of the foster home are not used for money-making endeavors or for soliciting on behalf of the foster home except as approved by the agency which provides child welfare services.

[Welfare Div., Req. for Foster Care § 106.6, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.540 is hereby amended to read as follows:**

**NAC 424.540 Provision of food and water to children. (NRS 424.020)**

1. ~~Food~~ *Three healthy meals as well as appropriate snacks* must be provided *daily* in the quantity and quality necessary to meet the child’s dietary, *nutritional and caloric* needs.
2. Consideration must be given to the child’s cultural and religious ~~diet~~ *dietary* preferences.

3. Special diets must be followed as prescribed.
4. Drinking water must be available to all children at all times, ~~except that water may be restricted in evening hours to control bedwetting~~ *with the exception of a written medical authorization or order by the child's medical provider.*
5. Only use of pasteurized milk or powder dry milk may be allowed for foster children's consumption.
6. *The kitchen refrigerator must not be locked, with the exception of a child-proof latch for the safety of toddlers or when written authorization is provided by the child's healthcare provider to the licensee requiring the restriction of food to the child due to health concerns. The licensee shall provide a copy to the licensing authority. Children must have access to healthy snacks and drinks between meals. When necessary, a refrigerator alarm may be utilized for notification purposes.*
7. *Foster children must be included with the family during meals and are not to be seated separately.*
8. *Children must be provided the same quality of food(s) that the foster parents and their family members consume in the foster home.*
9. *Nutritious food alternatives must be made available in the event a child possesses a known food allergy to foods that are served for meals or snacks.*

[Welfare Div., Req. for Foster Care § 106.12 + part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.545 is hereby amended to read as follows:**

**NAC 424.545 Housekeeping and sanitation; supplies for first aid. (NRS 424.020)**

1. The home shall have reasonable housekeeping standards, although primary emphasis will be upon homemaking.
2. Sheets, pillowcases and towels shall be laundered weekly *at minimum* or ~~more often~~ *up to daily*, if necessary *to allow a child experiencing enuresis or encopresis to sleep in their bed in unsoiled sheets and bedding*.
3. Dirty linens must be stored separately from food, clean linens and other supplies.
4. Bathrooms must be kept clean, safe and sanitary.
5. Personal items, such as combs and toothbrushes, must not be used by more than one person.
6. A first-aid supply is required and must contain a safe germicide, Band-Aids, bandages, tape and a thermometer.

[Welfare Div., Req. for Foster Care part § 108.1, 10-7-88, eff. 1-1-89]

**NAC 424.550 is hereby amended to read as follows:**

**NAC 424.550 Physical and mental health of foster parents and members of household. (NRS 424.020)** Each foster parent must be in sufficiently good physical and mental health, and be physically and emotionally capable, to provide the necessary care to children. A foster parent or other member of the household may be required to have a physical or psychological examination or a diagnostic test performed if:

1. There is reason to believe that the foster parent may not be physically or emotionally capable of meeting the needs of foster children; ~~for~~

2. The licensing authority representative has reason to believe that the health of the child in foster care may be in jeopardy; *or*

***3. Substance abuse evaluation and /or a drug screen analysis may be requested.***

[Welfare Div., Req. for Foster Care part § 104.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 8-27-92; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.555 is hereby amended to read as follows:**

**NAC 424.555 Provision of health care to children. (NRS 424.020)**

1. Group foster homes shall adopt a written policy on the services for health care and treatment, and shall follow the policy.

2. The foster ~~home~~ parents or direct care staff shall closely observe children for signs of illness.

3. All children residing in the foster home must be currently immunized against diseases according to the recommendations set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. *Minor children of the foster parents, residing in the home, must be currently immunized unless the foster parents have a valid exemption allowed by the licensing authority. The foster parents shall provide to the licensing authority a written acknowledgement of their personal liability, along with their understanding, of the potential risks of not immunizing their own minor children.* The recommendations are available at no cost on the Internet at

**<http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>**.

4. The services of specialists for treatment and consultation will be obtained when referred by a licensed practitioner and approved by the agency placing the child.

5. The licensee shall ensure that any program of medication, physical therapy, special exercises or other activity prescribed by a licensed medical practitioner for a child in the care of the foster home is adhered to.

6. A dental health program must be designed to effect good oral hygiene, education and practice.

7. No foster care provider may have a child tested for the acquired immune deficiency syndrome virus without the consent of the agency which provides child welfare services or the agency placing the child.

[Welfare Div., Req. for Foster Care part § 104.7 + part § 106.8, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.560 is hereby amended to read as follows:**

**NAC 424.560 Medicine and medications. (NRS 424.020, 424.0383)**

1. The foster home parents or direct care staff shall supervise or administer all prescription and nonprescription medication taken by a foster child *and immediately record it in the child's medication log.*

2. Any nonprescription medication must be administered only for the purpose indicated by the manufacturer on the label of the medication or as prescribed or recommended in writing by a licensed medical practitioner.

3. Prescription medication must be prescribed by a licensed medical practitioner. The licensee shall request information regarding the medication from the medical practitioner as required by NRS 424.0383. Medication must be given only to the child for whom it has been prescribed and only in the prescribed dosage.

4. A record for each child must be maintained on all prescription and nonprescription medications administered to the child. The record must become part of the child's permanent file of medications. The record must include, without limitation, the information received from the medical practitioner pursuant to NRS 424.0383 *and the pharmacy's medication information sheet.* ~~and a~~ A copy of ~~the~~ *all* information must be provided to the licensing authority and the agency which provides child welfare services within 10 business days after receipt of the information.

5. Except as otherwise provided in this subsection, all medication must be kept in a locked place, including, without limitation, any medication that requires refrigeration. Medication that must be kept with a child pursuant to the instructions of a physician is not required to be kept in a locked place.

6. All unused prescribed medication must be destroyed in a manner:

- (a) Recommended for such destruction on the label of the medication; or
- (b) Determined by the local health authority.

7. In addition to complying with this section, a licensee who operates a group foster home shall have and carry out a *written* policy on the management and administration of medication in compliance with NRS 424.0385 and in the manner prescribed by NAC 424.720.

[Welfare Div., Req. for Foster Care part § 106.8 + part § 108.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.565 is hereby amended to read as follows:**

**NAC 424.565 Provision of care for mental and emotional health of children.** (NRS 424.020)

1. A foster home, in cooperation with the agency placing a child in the home, shall arrange for any needed services for the care or treatment of the mental, *behavioral* and emotional health of the child.

2. The foster home shall observe children closely for signs of change in emotional, *behavioral* or mental functioning, including improvement or deterioration in behavior, social interaction, talk about suicide, running away and other factors. Any observed signs of change must be ~~noted~~ *documented* in the child's record and reported to the agency placing the child in the home.

[Welfare Div., Req. for Foster Care § 106.9, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97)

**NAC 424.570 is hereby amended to read as follows:**

**NAC 424.570 Education of children.** (NRS 424.019, 424.020)

1. The foster home shall ensure that each child attends school as required by law and shall provide or cooperate with persons responsible for the educational planning for each child. Each child must be afforded the opportunity to complete schooling or training in accordance with his or her aptitude.

2. The foster home parents and direct care staff shall:

(a) Provide social, physical and emotional nurturing to help the child to develop and maintain his or her full potential and acceptable social behavior.

(b) Cooperate with the school in assignments, discipline and school activities.

(c) Ensure attendance in the appropriate school, special education or training program, in accordance with the agency's direction.

(d) Provide an adequate study environment.

*(e) Notify the child's caseworker if the child requires additional educational supports to be successful in school.*

3. When the foster home enrolls a child in an elementary school, the foster home shall inform the school district where the child is to attend school that the child is in foster care so that the elementary school may prepare an academic plan for the child as required pursuant to NRS 388.155. The foster home shall provide a copy of the academic plan to the child's caseworker not later than 10 business days after receiving the plan.

[Welfare Div., Req. for Foster Care part § 106.1 + § 106.10, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.575 Moral and religious training of children.** (NRS 424.020) The foster home shall provide for the moral training of children in care. Children shall be permitted to participate in religious activities and to attend a church of their faith or that of their parents when possible. Children may not be given religious training, be baptized nor formally inducted into a faith different than the child's or child's parent's religious beliefs without the written consent of the parents or agency responsible for the child's care.

[Welfare Div., Req. for Foster Care § 106.11, 10-7-88, eff. 1-1-89]

**NAC 424.580 is hereby amended to read as follows:**

**NAC 424.580 Training in personal health; personal hygiene and grooming.** (NRS 424.020)

1. The foster home shall provide training in good health practices, including proper habits in eating, bathing, personal grooming and hygiene, suitable to the child's age.
2. Children in care must be kept clean and well groomed.
3. The child's caseworker *and the child's birth parent, when applicable*, must be consulted before anything is done to *significantly or permanently* change the child's personal appearance, i.e., major changes in hair length or hair ~~styles~~ *color, tattooing*, ear piercing, etc.
4. Unless the foster home parents or direct care staff are skilled in hair cutting, the children in care must have professional haircuts.

[Welfare Div., Req. for Foster Care part § 106.1 + § 106.13, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**NAC 424.585 is hereby amended to read as follows:**

**NAC 424.585 Clothing and personal possessions of children.** (NRS 424.020)

1. Each child must have his or her own clothing and personal possessions as well as storage space for them. Children must not be required to share personal clothing items with other children.
2. Clothing must be of the correct size and type, and appropriate to climatic conditions, and must be kept clean and in good repair. Clothing allowances issued or authorizations to purchase clothing must be used for the child intended and only for clothing items. The receipts for the purchase of such clothing items must be maintained by the foster home.

3. Each child's clothes and personal possessions are the property of the child and must be inventoried, on a form provided by the agency which provides child welfare services, at the time of placement and discharge from a foster home and sent with the child when he or she leaves the placement. *Clothing and/or other personal possessions a child acquires throughout their time in a foster home placement, must be given to the child to take with him or her at the time of the child's transition into another placement or emancipation.* As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.

[Welfare Div., Req. for Foster Care § 106.7, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.590 is hereby amended to read as follows:**

**NAC 424.590 Pets and animals. (NRS 424.020)**

1. ~~Immunization of all~~ Household pets *requiring vaccinations* must be up to date, regardless of whether the pets are kept inside or outside the foster home. The presence of any pet deemed potentially hazardous to a child is cause for the denial or revocation of a license to operate a foster home. Exotic or potentially dangerous pets or other animals are prohibited unless the licensee has obtained any required permit or license to keep the pet or animal and has provided the licensing authority with a written plan documenting the reasons that the pet or animal does not present a threat to the safety of a child in the home.

2. Pets are permitted in a foster home if they are:

(a) In good health, present no problems of sanitation and have a temperament which is not hazardous or frightening to children.

(b) Handled in a manner which protects the well-being of the children and the pet.

(c) Inoculated as often as prescribed by a veterinarian.

(d) Restricted from areas ~~where~~ *when* food is prepared and from eating areas while meals are being served. A cage is adequate restriction.

*(e) In compliance with all city, county and state ordinances or laws in regard to animals.*

3. Any litter boxes must be kept out of the reach of young children, and play areas must be cleaned of all animal feces before children are allowed access to those areas.

[Welfare Div., Req. for Foster Care § 108.5, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

**NAC 424.595 is hereby amended to read as follows:**

**NAC 424.595 Hazardous materials and chemicals.** (NRS 424.020)

1. All hazardous chemicals, tools and other equipment, including, *but not limited to*, matches, plastic bags, paints, gasoline, insecticides, ~~and~~ cleaning and laundry ~~materials~~ *products*, must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children. Products which could cause poisoning or contamination must not be stored with food products. *Also to include, but not limited to:*

~~2.~~*(a)* Not more than 10 gallons of flammable liquid may be stored on the premises, and any such liquid must be stored in approved storage containers or within the requirements of the local regulatory agency.

*(b) Items or products intended only for adult use including, but not limited to: alcohol, tobacco products, electronic cigarettes, nicotine products, lighters and/or other such items must be reasonably stored in a manner inaccessible to children.*

[Welfare Div., Req. for Foster Care § 108.3, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services by R110-13, 6-23-2014)

**REVISER’S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which is the source of subsection 2 of this section, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

**NAC 424.600 is hereby amended to read as follows:**

**NAC 424.600 Weapons and ammunition. (NRS 424.020)**

- 1. Applicants, licensees or other persons identified in NRS 424.044 subsection 1 shall provide the licensing authority necessary documentation that demonstrates their current qualifications in compliance with this statute.*
- 2. No person can be in possession or control of a firearm on the premises of a family foster home or while in the presence of a foster child, except as identified in subsection 1.*
- 3. A firearm that is no longer in the direct possession of a person identified in NRS 424.044 must immediately adhere to the firearm storage requirements within subsection 4.*
- 4. Except as otherwise identified per the requirements of NRS 424.044, ~~Any~~ any weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, shall be ~~unstrung~~ ~~and~~ unloaded at all times when children are in the home. They shall be stored in locked containers ~~for rooms out of the reach of children~~ or made inoperable. Ammunition and arrows shall be stored in separate locked containers. Weapons shall not be transported in any*

vehicle in which children are riding unless the weapons are made inoperable and inaccessible.

[Welfare Div., Req. for Foster Care § 108.4, 10-7-88, eff. 1-1-89]

**NAC 424.605 Fire drills.** (NRS 424.020) A fire drill must be held at least once a month in each foster home and recorded documentation of the activity must be posted in the foster home and must be made available for inspection by the licensing authority.

[Welfare Div., Req. for Foster Care part § 108.6, 10-7-88, eff. 1-1-89; A 10-19-90]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)

**REVISER’S NOTE.**

The regulation of the Welfare Division of the Department of Human Resources (now the Division of Welfare and Supportive Services of the Department of Health and Human Services) that became effective October 19, 1990, and which amended subsection 2 of this section regarding the frequency of fire drills, contains the following provision not included in NAC:

“Facilities licensed prior to October 19, 1990, must comply with the fire and safety standards in existence at the time of licensure and need not meet the new proposed requirements unless there is a change in license type or evacuation capability of the occupants.”

**NAC 424.610 is hereby amended to read as follows:**

**NAC 424.610 Safety plan to protect child** ~~from abuse and neglect~~. (NRS 424.020)  
The agency which provides child welfare services may require the foster parents *or licensee* to establish a safety plan jointly with the agency that sets forth the methods to be used to protect a child in foster care from abuse, ~~and~~ neglect *and/or other potential safety concerns*.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002)

**NAC 424.615 Plan for responding to disasters and other emergencies.**

1. A licensee shall develop for the foster home a written plan for responding to a disaster or other emergency. The plan must be consistent with the plan developed pursuant to NRS 432.410 by an agency which provides child welfare services that has placed a child in the foster home. A copy of the plan developed by the licensee must be submitted to the licensing authority. The plan must be kept in a central location inside the foster home, must be readily available for review and, to the extent it does not conflict with the plan developed pursuant to NRS 432.410 by an agency which provides child welfare services, must include:

(a) The manner in which to evacuate the foster home and the designation of an alternate location where the members of the foster home, including, without limitation, any child with a disability or special medical needs, may reside during an evacuation;

(b) The manner in which an evacuation will proceed if a child is at school or otherwise away from the foster home, and a description of the plan for any such child;

(c) A list of important telephone numbers, including, without limitation, alternate telephone numbers for the licensing authority, the staff of the foster home and an agency which provides child welfare services or other agency or person who has placed a child in the foster home;

(d) A plan for communicating before, during and after an evacuation, if possible, with any person or entity having physical custody of a child in the foster home;

(e) A description of the manner in which the licensee will receive information from emergency management personnel, and the manner in which the licensee or staff will coordinate with emergency personnel and juvenile courts, as required;

(f) A list of critical items to take, if possible, when evacuating the foster home, including, without limitation, medication, medical cards and medically necessary equipment for any child with a disability or special medical needs; and

(g) A description of the manner in which the licensee will make services available to children in the foster home to address the emotional impact of the emergency.

2. The licensee shall ensure that each child placed in the foster home, each family member residing in the foster home, if any, and the staff of the foster home are informed about where the plan is kept and receive training about the plan and the appropriate response in the event of a disaster or other emergency. The plan must be reviewed with a child within 7 days after the child is placed in the foster home.

3. The licensee shall update the plan at least annually and submit a copy of the updated plan to the licensing authority. At each annual visit by the licensing authority, the licensee shall make the current plan available for review by the licensing authority representative. The licensing authority shall review the plan and verify that it contains the information required by this section.

4. The licensing authority shall develop and provide to any applicant or licensee an example of a plan which meets the requirements of this section.

5. As used in this section, “disaster” has the meaning ascribed to it in NRS 432.400.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

## Specialized Foster Homes

### NAC 424.620 is hereby amended to read as follows:

**NAC 424.620 Director: Responsibilities and duties.** (NRS 424.020, 424.030, 424.031, 424.033, 424.0335, 424.034)

1. A specialized foster home must have a director who is responsible for the overall operation of the specialized foster home.
2. The responsibilities of the director include, without limitation:
  - (a) Ensuring that the specialized foster home remains in compliance with the requirements of this chapter and chapter 424 of NRS.
  - (b) Ensuring that the investigations required pursuant to NRS 424.031 and 424.033 are successfully completed for each member of the staff of the specialized foster home. The director shall submit five satisfactory references to the licensing authority for each member of the staff of the specialized foster home. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.
  - (c) Maintaining records relating to personnel, occupancy and treatment and any other records.
  - (d) Screening, hiring, scheduling and supervising the staff of the specialized foster home while on duty.
  - (e) Overseeing the operations of the specialized foster home, including, without limitation:
    - (1) Determinations of the appropriateness of placing a child in the specialized foster home;
    - (2) Assessments of children and the development of treatment plans;

(3) Providing technical assistance to the staff of the specialized foster home and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the specialized foster home; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children placed in the specialized foster home.

*(6) Receive training in the Reasonable and Prudent Parent Standard upon hire as provided, or previously approved, through the agency which provides child welfare service.*

*(7) Ensure that a specialized foster home supports normalcy for children and fully understand the need for utilizing the reasonable and prudent parent standard in compliance with this chapter, NRS 424 and the agency which provides child welfare services' policy regarding normalcy for children placed in specialized foster homes.*

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and the parent or guardian of each child placed in the specialized foster home, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of care provided by the specialized foster home and the competence of its staff.

3. The director shall report any proposed change in the programs and services offered by the specialized foster home to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall review the proposed change to determine whether the change may affect the status of the license of the specialized foster home.

4. The director must be physically present on-site for at least 25 hours per week to ensure that the staff of the specialized foster home carry out the operations of the specialized foster home in accordance with the philosophy and procedures of the specialized foster home. The director shall designate a supervisory staff member to monitor the specialized foster home to ensure continuous compliance with the provisions of this chapter and chapter 424 of NRS during any time that the director is not present at the specialized foster home.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.622 Director: Qualifications. (NRS 424.020)**

1. The director of a specialized foster home which is not operated by a foster care agency must be at least 21 years of age and must have:

(a) A bachelor's degree or more advanced degree from an accredited college or university in the field of social work, social welfare, marriage and family therapy, psychology or a closely related field, including, without limitation, human development, criminal justice or education, and at least 1 year of experience in an administrative or managerial position; or

(b) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to the requirements set forth in paragraph (a).

2. If a specialized foster home specializes in the treatment of sexually aggressive youth, the director or another member of the staff of the specialized foster home must have:

(a) A master's degree or doctoral degree in psychology, social work, marriage and family therapy or another social science, and at least 2 years of experience working with juvenile sex offenders; or

(b) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to the requirements set forth in paragraph (a).

3. The director of a specialized foster home may serve in another position in the specialized foster home if the director also meets the qualifications for that position.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**REVISER'S NOTE.**

The regulation of the Division of Child and Family Services of the Department of Health and Human Services filed with the Secretary of State on June 23, 2014 (LCB File No. R110-13), the source of this section, contains the following provision not included in NAC:

“Sec. 105. 1. The provisions of section 35 of this regulation [NAC 424.622] do not apply to a person who was hired as a director of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014] if the person has been continuously employed in any capacity by the specialized foster home with no separation from employment since at least January 1, 2012.

2. The provisions of section 40 of this regulation [NAC 424.632] do not apply to a person who was hired as a supervisor of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014].

3. Notwithstanding the provisions of section 41 of this regulation [NAC 424.710], until the effective date of this regulation [June 23, 2014], a specialized foster home which is not operated by a foster care agency may hire a person who does not meet the qualifications set forth in section 41 of this regulation [NAC 424.710] as a supervisor of or a case manager for a specialized foster home so long as the person hired meets those qualifications within 18 months after the date of hire.”

**NAC 424.624 Director: Vacancy in position; temporary operation without director; designation of acting director. (NRS 424.020)**

1. If the director of a specialized foster home resigns or is terminated, the specialized foster home must notify the licensing authority in writing not later than 5 business days after the resignation or termination occurs.

2. If a vacancy in the position of director occurs, the specialized foster home must apply to the licensing authority for approval to continue the operation of the specialized foster home without a director. If approval is given, the specialized foster home may operate without a director for not more than 6 months unless an extension is granted by the licensing authority.

3. A specialized foster home that applies for permission to operate temporarily without a director pursuant to subsection 2 shall:

(a) Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of NAC 424.622, unless the specialized foster home receives approval from the licensing authority to designate an acting director who does not meet those requirements;

(b) Notify the licensing authority within 1 business day after the designation of the acting director;

(c) Require the acting director to carry out the duties and responsibilities of a director;

(d) Ensure that the health, safety and well-being of any child placed in the specialized foster home will not be adversely affected; and

(e) Immediately begin to recruit a new director.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.626 Statement of services offered and scope of program: Submission to licensing authority; contents. (NRS 424.020)**

1. Each specialized foster home must provide to the licensing authority, with its initial application for a license, a written statement of the programs offered by the specialized foster home, including, without limitation, the models used for treatment, the services it offers and the scope of its programs.

2. The statement required by subsection 1 must also include:

(a) A statement of purpose and the philosophy, goals and objectives of the specialized foster home;

(b) A description of the characteristics of the children to be placed in the specialized foster home, including, without limitation, the range of ages, gender, number of children and types and severity of problems of the children to be treated;

(c) The length of time by which a child is expected to complete a program of treatment and any limitations on the length of time that a child may remain in the specialized foster home;

(d) A description of the structured therapeutic environment and services that will be offered by the specialized foster home;

(e) A description of the duties and responsibilities of the staff of the specialized foster home;

(f) A statement concerning staffing patterns and plans to meet requirements for the supervision of children placed in the specialized foster home, including, without limitation, the number of staff on duty and the availability of additional staff;

(g) A description of the educational requirements, qualifications, level of training and experience required for the staff of the specialized foster home;

(h) The manner in which the specialized foster home will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the specialized foster home;

(i) Activities to ensure the delivery of quality services to a child placed in the specialized foster home and his or her family;

(j) Provisions for respite for foster parents;

(k) A plan for the safety of a child placed in the specialized foster home, which must include, without limitation, rules, structures and procedures for the supervision of the child which are designed to reduce the likelihood that the child will run away or engage in other harmful behavior; and

(l) The methods to be used to identify and reduce risks that may jeopardize the health, safety or well-being of a child placed in the specialized foster home and of its staff.

3. The statement required by subsection 1 must also include a description of the policies and procedures of the specialized foster home as they relate to:

(a) The admission and discharge of a child into and from the specialized foster home;

(b) The establishment and maintenance of a professional relationship and regular contact between the staff of the specialized foster home and the family of each child placed in the specialized foster home;

(c) The sharing of information about a child placed in the specialized foster home with the child's advocate and the agency which provides child welfare services or other agency or person who placed the child in the specialized foster home;

(d) The management of behavior using a standardized curriculum that targets the emotional and behavioral issues of children in specialized foster care;

- (e) The provision of culturally responsive services to a child placed in the specialized foster home;
- (f) The transportation of children placed in the specialized foster home;
- (g) The methods for disciplining children placed in the specialized foster home, including, without limitation, the types of discipline that must not be used to punish a child;
- (h) Training in the administration and monitoring of prescription and nonprescription medication to ensure the safe management and administration of medication;
- (i) The privacy and confidentiality of a child placed in the specialized foster home and his or her family;
- (j) Suicide awareness and prevention;
- (k) The screening of and responses to crises and emergencies, including a crisis or emergency involving a missing child, a child who has run away from the specialized foster home, an acute psychiatric episode, suicidal ideation or attempted suicide, or the injury or illness of a child requiring hospitalization;
- (l) The seclusion and restraint of a child placed in the specialized foster home; and
- (m) Methods for receiving, resolving and documenting disputes or complaints involving a child placed in the specialized foster home or the family of such a child.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.628 Supervision of children. (NRS 424.020)**

1. A specialized foster home shall ensure that a child placed in the specialized foster home is supervised by a person who is at least 21 years of age and continues to be so supervised any time the child is in or around a pool or other freestanding body of water.

2. A specialized foster home shall ensure that a child does not supervise or babysit another child in the specialized foster home unless:

(a) The supervising child is the parent of the child being supervised; and

(b) The child and family team has approved the supervision and documented the supervision in the treatment plans for both children established pursuant to NAC 424.630.

3. A specialized foster home shall ensure that a child placed in the specialized foster home receives supervision appropriate to the age, development, maturity, behavior and emotional needs of the child and that the child is given independence to the extent appropriate to the child's treatment needs and goals and only to the extent approved by the child and family team and documented in the treatment plan for the child established pursuant to NAC 424.630.

4. A specialized foster home shall not leave a child in the specialized foster home without supervision by a member of the direct care staff unless it is part of the treatment plan for the child established pursuant to NAC 424.630 and is documented in the treatment plan and approved by the child and family team.

5. A specialized foster home may use electronic devices to monitor a child during the night, which may include, without limitation, the use of:

(a) Door alarms;

(b) Motion detectors;

(c) Lasers;

(d) Audio surveillance monitors; or

(e) With the approval of the licensing authority and with the agreement of the child and family team that such surveillance is necessary for the safety of the child or others, video surveillance monitors in common areas.

**NAC 424.630 Treatment plan: Preparation and submission. (NRS 424.020)**

1. A specialized foster home shall ensure that a child placed in the specialized foster home has a comprehensive treatment plan which identifies treatment strategies that will be used with the child in accordance with the child's diagnosis. The treatment plan must be developed with the participation of the child and family team and must be submitted within 30 days after the child's placement to the agency which provides child welfare services or other agency or person who placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate. The specialized foster home shall keep a copy of the treatment plan in the child's record or file maintained by the specialized foster home and provide a copy of the treatment plan to the licensing authority upon request.

2. Every 90 days, the specialized foster home shall submit a progress report on the child to the agency which provides child welfare services or other agency or person who placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate.

3. Within 30 days after the child is discharged from the specialized foster home, the specialized foster home shall provide a summary of the discharge in writing to the agency which provides child welfare services or other agency or person who placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.632 Qualifications of supervisors and case managers; exception. (NRS 424.020)**

1. Except as otherwise provided in subsection 3, a person employed as a supervisor by a specialized foster home which is not operated by a foster care agency must submit proof to the

specialized foster home that he or she possesses a bachelor's degree in social work, marriage and family counseling, psychology or a closely related field and has at least:

(a) One year of full-time experience supervising caseworkers or direct care staff in a specialized foster home or a foster care agency, or as a supervisory employee serving children and their families in the field; or

(b) Two years of full-time experience as a caseworker or direct care staff for a specialized foster home or foster care agency serving children and their families in the field.

2. Except as otherwise provided in subsection 3, a person employed by a specialized foster home as a case manager to provide support and consultation to direct care staff must possess:

(a) A bachelor's degree in a program of human studies; or

(b) A bachelor's degree in a different field and at least 2 years of experience working with children and families.

3. The provisions of this section do not apply to a foster home with which a foster care agency has entered into a contract to the extent that the provisions of NRS 424.115 apply.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**REVISER'S NOTE.**

The regulation of the Division of Child and Family Services of the Department of Health and Human Services filed with the Secretary of State on June 23, 2014 (LCB File No. R110-13), the source of this section, contains the following provision not included in NAC:

“Sec. 105. 1. The provisions of section 35 of this regulation [NAC 424.622] do not apply to a person who was hired as a director of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014] if the person has

been continuously employed in any capacity by the specialized foster home with no separation from employment since at least January 1, 2012.

2. The provisions of section 40 of this regulation [NAC 424.632] do not apply to a person who was hired as a supervisor of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014].

3. Notwithstanding the provisions of section 41 of this regulation [NAC 424.710], until the effective date of this regulation [June 23, 2014], a specialized foster home which is not operated by a foster care agency may hire a person who does not meet the qualifications set forth in section 41 of this regulation [NAC 424.710] as a supervisor of or a case manager for a specialized foster home so long as the person hired meets those qualifications within 18 months after the date of hire.”

### **Foster Care Agencies**

#### **NAC 424.642 is hereby amended to read as follows:**

##### **NAC 424.642 Application for license: Inclusion of information regarding agency.**

(NRS 424.093, 424.094) An application for a license to operate a foster care agency submitted to the licensing authority pursuant to NRS 424.095 must be accompanied by:

1. A copy of the articles of incorporation, constitution and bylaws of the foster care agency and, if applicable, a copy of its certification of tax-exempt status from the Internal Revenue Service.

2. The name, address, contact information, position held on the governing body and any other information required by the licensing authority for each of the current members of the governing body of the foster care agency and any person who holds more than 5 percent ownership in the foster care agency.

3. An organizational chart or other chart showing the structure of the foster care agency which includes, without limitation, a job description for each position listed in the chart.

4. A copy of any professional license or certification issued by this State to each person employed by the foster care agency, if the license or certification is relevant to the duties of the person or the programs and services provided by the foster care agency.

5. A copy of the certificate of accreditation of the foster care agency, if applicable.

6. The fee for licensure set by the licensing authority as authorized pursuant to NRS 424.094.

7. A written statement that describes the programs and services to be offered by the foster care agency and the scope of its operations, which must include, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster care agency.

8. A copy of the foster care agency's written policies, procedures and practices concerning:

(a) The maintenance of a professional relationship and regular contact between the staff of the foster care agency and the family of each child served by the foster care agency;

(b) The sharing of information about a child served by the foster care agency with the child's advocate and the agency which provides child welfare services or other agency or person who placed the child in foster care;

(c) Required training for the staff of the foster care agency;

(d) Activities to ensure the delivery of quality programs and services to children served by the foster care agency and their families;

(e) The frequency of on-site monitoring of a foster home by the director of the foster care agency; and

(f) The methods to be used to identify and reduce risks to the health, safety and well-being of children served by and the staff of the foster care agency.

9. If the applicant is a foster care agency that is operating in this State or another state, a *complete financial* report, ~~{from an independent auditor}~~ *acceptable to the licensing authority,* ~~{of the complete financial information}~~ for the foster care agency or business organization that owns the foster care agency for the fiscal year immediately preceding the date of the application.

10. If the applicant is a foster care agency that is not currently operating in this State or another state, a proposed itemized budget for the operation of the foster care agency, including, without limitation, the expected expenses and revenue for the first year the foster care agency proposes to provide programs and services in this State.

11. A statement identifying the geographic area in which the foster care agency proposes to provide programs and services in this State.

12. Evidence that the applicant currently holds and maintains:

(a) Motor vehicle liability insurance covering the motor vehicles used to conduct the normal business of the foster care agency;

(b) Workers' compensation insurance;

(c) Commercial general liability insurance;

(d) Professional liability insurance, if applicable; and

(e) A license to operate a business in this State issued by the Secretary of State and a license to operate a business in a city or county in this State issued by that city or county.

13. Evidence satisfactory to the licensing authority that the applicant has adequate money to support and sustain the activities of the foster care agency, including, without limitation, an amount adequate to pay for:

(a) Utilities, rent for commercial property and any other operating costs; and

(b) The salaries and other wages of any staff employed or anticipated to be employed by the foster care agency.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.644 Application for license: Inclusion of information regarding director.**

(NRS 424.093, 424.094)

1. In addition to complying with the requirements of NAC 424.642, an applicant for a license to operate a foster care agency must submit to the licensing authority:

(a) Satisfactory proof that the investigations required pursuant to NRS 424.145 and 424.155 have been successfully completed for the director of the foster care agency and any other person for whom such investigations are required and that the director has the education and experience required by NRS 424.115; and

(b) References from at least five persons who have known the director of the foster care agency in a professional capacity and who can attest to:

(1) The ability of the director to act as an administrator or leader; and

(2) The integrity of the director and that the conduct of the director is above reproach.

2. The licensing authority shall keep confidential any information received from a reference pursuant to this section.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.646 Application for license: Inclusion of information regarding foster homes, staff, children and services.** (NRS 424.093, 424.094) In addition to complying with the requirements of NAC 424.642 and 424.644, the application for a license to operate a foster care agency must also be accompanied by:

1. A list of each foster home with which the foster care agency has entered into a contract and the contact information for each such foster home, including, without limitation, the name, telephone number, address and electronic mail address of each foster home;
2. A list of each member of the staff of the foster care agency, including, without limitation, the name, title, education and experience of each member of the staff;
3. A description of the characteristics of the children to be served by the foster care agency, including, without limitation, the range of ages, gender, number of children and types and severity of problems of any children that require treatment;
4. A description of the duties and responsibilities of the staff of the foster care agency;
5. A written statement that describes the programs and services to be offered by each foster home with which the foster care agency has entered into a contract, including, without limitation, a statement of purpose and the philosophy, goals and objectives of each such foster home;
6. A copy of the foster care agency's written policies, procedures and practices concerning:
  - (a) Placement of a child in a foster home and removal of a child from a foster home;
  - (b) Required training for the staff of the foster care agency pursuant to NRS 424.135, including, without limitation, training concerning the applicable state and federal constitutional and statutory rights of a child placed in a foster home;
  - (c) The typical length of time by which a child who is placed in a foster home is expected to complete a program of treatment, if any, and any limitations on the length of time that such a child is allowed to remain in a foster home;
  - (d) Specialized programs, services and behavioral interventions provided by the foster care agency;

- (e) Any culturally responsive programs and services available to a child placed in a foster home by the foster care agency;
- (f) The manner in which a foster home with which the foster care agency has entered into a contract will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the foster home;
- (g) A plan for the safety of a child placed in a foster home by the foster care agency, which must include, without limitation, rules, structures and procedures for the supervision of the child which are designed to reduce the likelihood that the child will run away or engage in other harmful behavior;
- (h) Discipline of a child placed in a foster home by the foster care agency, including, without limitation, the types of discipline which are not allowed to be used on such a child;
- (i) Strategies for behavior management of a child placed in a foster home by the foster care agency;
- (j) The use of force or restraint on a child placed in a foster home by the foster care agency;
- (k) The recognition of suicidal behaviors and methods for preventing the suicide of a child placed in a foster home by the foster care agency;
- (l) The administration and monitoring of medication by a member of the direct care staff of a foster home with which the foster care agency has entered into a contract and any educational requirements relating thereto;
- (m) Provisions for respite for foster parents; and
- (n) The abuse of controlled substances by the staff of the foster care agency or a foster home with which the foster care agency has entered into a contract; and

7. If the applicant is or has been licensed to provide care for children in another state within the 10 years immediately preceding the date of the application:

- (a) A copy of each current or expired license;
- (b) Contact information for the entity that issued the license; and
- (c) Verification from the entity that issued the license that no disciplinary action is pending or has been taken against the applicant while licensed.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.648 Application for license: Release of information regarding applicant.**

(NRS 424.093, 424.094) An applicant for a license to operate a foster care agency must authorize the release of such information as requested by the licensing authority, including, without limitation, any release necessary to allow the licensing authority to contact any person deemed necessary to evaluate the applicant.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.652 Application for license: Investigation and inspection of facilities.** (NRS

424.093, 424.094) Whenever an application is submitted for a license to operate a foster care agency or for the renewal of a license to operate a foster care agency, the licensing authority may investigate and inspect the facilities of the foster care agency, including, without limitation, the office space of the foster care agency and the premises of any foster home with which the foster care agency has entered into a contract, to determine if the applicant is in compliance with the provisions of this chapter and chapter 424 of NRS.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.654 Application for license: Withdrawal.** (NRS 424.093, 424.094) An

applicant for a license to operate a foster care agency may withdraw the application at any time

by submitting a written request for withdrawal to the licensing authority. After withdrawing an application, the applicant may reapply for a license to operate a foster care agency at any time without penalty.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.656 is hereby amended to read as follows:**

**NAC 424.656 License: Issuance; contents; display.** (NRS 424.093, 424.094)

1. If the licensing authority determines that an applicant for a license to operate a foster care agency meets the qualifications for licensure, the licensing authority shall issue a license to the applicant.

2. A license issued pursuant to this section must include the name and address of the foster care agency and the person licensed *or contracted* to operate the foster care agency. The license must also specify the types of foster homes with which the foster care agency has entered into a contract.

3. A license issued pursuant to this section is nontransferable and must be displayed in the administrative office of the foster care agency at all times.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.658 is hereby amended to read as follows:**

**NAC 424.658 Application for renewal of license: General provisions.** (NRS 424.093, 424.094)

1. To renew a license to operate a foster care agency, the person licensed *or contracted* to operate the foster care agency must submit an application as required pursuant to NRS 424.095 to the licensing authority at least 60 days before the expiration of the license.

2. In addition to the information required to be submitted pursuant to NRS 424.107, the application must be accompanied by:

- (a) A renewal fee set by the licensing authority as authorized pursuant to NRS 424.094;
- (b) A written description of any changes in the foster care agency's tax-exempt status or charitable trust registration, if applicable;
- (c) A written description of any changes in the programs and services provided by the foster care agency;
- (d) A list which includes the name of the director of the foster care agency and the name and title of each member of the staff of the foster care agency;
- (e) A description of any pending investigation of the foster care agency or the person licensed *or contracted* to operate the foster care agency by an entity other than the licensing authority;
- (f) A copy of any plan of corrective action prepared by the foster care agency pursuant to NRS 424.096 which is in place at the time of the application for renewal; and
- (g) Any other information required by NAC 424.642 and 424.644, if the information has changed since the license was issued or last renewed.

3. After receiving an application for renewal, the licensing authority must review the records of the foster care agency and may conduct an investigation and inspection pursuant to NAC 424.652.

4. Before renewing a license to operate a foster care agency, the licensing authority may, in addition to any other action:

- (a) Conduct a random survey of the parents or legal guardians of any children who have received services from the foster care agency;

(b) Review any incident report, report of abuse or neglect, financial and payment record or any other record that indicates the level of performance and quality of programs and services provided by the foster care agency;

(c) Interview any staff, parent or legal guardian, or children or other clients associated with or receiving services from the foster care agency;

(d) Review the operations, staffing and records of any branch office of the foster care agency;

(e) If the licensing authority has requested that the foster care agency conduct a financial audit, review the results of the audit and any documented financial problems of the foster care agency;

(f) Evaluate the number of investigations concerning child abuse or neglect and licensing complaints, if any, involving any foster home with which a foster care agency has entered into a contract; or

(g) Take any combination of the actions listed in paragraphs (a) to (f), inclusive.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.662 Application for renewal of license: Inclusion of additional information.**

(NRS 424.093, 424.094) In addition to complying with the requirements of NAC 424.658, the application for renewal of a license to operate the foster care agency must also be accompanied by:

1. A list of each foster home with which the foster care agency has entered into a contract and the contact information for each such foster home, including, without limitation, the name, telephone number, address and electronic mail address of each foster home;

2. A list providing the name and title of each member of the staff of each foster home with which the foster care agency has entered into a contract; and

3. If requested by the licensing authority, a copy of any license to operate a foster home obtained or renewed by the foster care agency since the license to operate the foster care agency was issued or last renewed.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.664 is hereby amended to read as follows:**

**NAC 424.664 Denial or revocation of license.** (NRS 424.093, 424.094) The licensing authority may deny an application for the issuance or renewal of a license to operate a foster care agency or may revoke an existing license to operate a foster care agency if the licensing authority determines that the applicant or person licensed *or contracted* to operate the foster care agency has made any intentional material misrepresentation or omission of information on an application for the issuance or renewal of such a license.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.666 is hereby amended to read as follows:**

**NAC 424.666 Audit of records by licensing authority.** (NRS 424.093, 424.094)

1. The licensing authority may, at any time, conduct an audit of the records of a foster care agency to determine whether the foster care agency is in compliance with the provisions of this chapter and chapter 424 of NRS.

2. If the licensing authority conducts an audit of a foster care agency pursuant to this section, the person licensed *or contracted* to operate the foster care agency shall provide, upon request, records relating to:

(a) The license to operate the foster care agency and the name and address of the person licensed *or contracted* to operate the foster care agency;

(b) The programs and services provided by the foster care agency;

(c) Any complaint filed against the foster care agency, including, without limitation, information regarding any investigation of such a complaint; and

(d) If the foster care agency has participated in a hearing pursuant to NRS 424.096, any records indicating whether the foster care agency has corrected any deficiency and whether the foster care agency is currently in compliance with the provisions of this chapter and chapter 424 of NRS.

3. Within 30 days after completing the audit, if the licensing authority determines that the foster care agency is not in compliance with any provision of this chapter or chapter 424 of NRS, the licensing authority shall provide written notice of that determination to the person licensed *or contracted* to operate the foster care agency. If the licensing authority determines that grounds exist to revoke or refuse to renew the license of the foster care agency, the notice must comply with the requirements of NAC 424.672 and the licensing authority must conduct a hearing in accordance with that section.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.668 Grounds for denial or revocation of license: Investigation; financial review. (NRS 424.093, 424.094)**

1. The licensing authority must conduct an investigation whenever it has reason to believe that there are grounds:

(a) To refuse to issue or renew a license to operate a foster care agency; or

(b) To revoke a license to operate a foster care agency.

2. The licensing authority may require an independent financial review of a foster care agency if the financial management of the foster care agency is being investigated and may affect the health, safety or well-being of the children in a foster home with which the foster care

agency has entered into a contract. The report of any such financial review must be provided to the licensing authority.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.672 is hereby amended to read as follows:**

**NAC 424.672 Grounds for denial or revocation of license: Hearing; plan of corrective action.** (NRS 424.093, 424.094)

1. If the licensing authority determines after conducting an audit pursuant to NAC 424.666 or an investigation pursuant to NAC 424.668 that grounds exist to revoke or refuse to issue or renew a license to operate a foster care agency, the licensing authority must conduct a hearing in accordance with this section and NRS 424.096 after providing written notice to the applicant or the person licensed *or contracted* to operate the foster care agency. The notice must include, without limitation, a statement of the grounds for the licensing authority's determination and the time and place of the hearing.

2. The licensing authority shall hold a hearing with the applicant or the person licensed *or contracted* to operate the foster care agency to determine whether to take any of the actions enumerated in NRS 424.096. If the licensing authority requires the person licensed *or contracted* to operate the foster care agency to prepare a plan of corrective action, the person shall submit the plan of corrective action to the licensing authority for review and approval within 30 days after the hearing. The person licensed *or contracted* to operate the foster care agency may use the services of a consultant to develop or carry out the plan of corrective action.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.674 is hereby amended to read as follows:**

**NAC 424.674 Confidentiality of information.** (NRS 424.093, 424.094) Except as otherwise required by law:

1. The licensing authority shall keep confidential any information provided to the licensing authority by a foster care agency pursuant to this chapter and chapter 424 of NRS.

2. A foster care agency must ensure that the person licensed *or contracted* to operate the foster care agency, each owner and each member of the governing body of the foster care agency, the staff of the foster care agency, any paid consultant, contractor, volunteer or vendor of the foster care agency and any other person affiliated with the foster care agency keeps confidential any information regarding a person who receives services from the foster care agency.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.676 is hereby amended to read as follows:**

**NAC 424.676 Director: Qualifications; responsibilities and duties.** (NRS 424.093)

1. A foster care agency shall have a director who is responsible for the overall operation of the foster care agency.

2. The director must be at least 21 years of age and must meet the qualifications set forth in NRS 424.115.

3. The responsibilities of the director include, without limitation:

(a) Ensuring that the foster care agency remains in compliance with the requirements of this chapter and chapter 424 of NRS.

(b) Ensuring that the investigations required pursuant to NRS 424.145 and 424.155 are successfully completed before any person for whom such an investigation is required is allowed

to have direct contact with children without supervision. The director shall submit five satisfactory references to the licensing authority for each person for whom an investigation is required. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy and treatment and any other records.

(d) Screening, hiring, scheduling and supervising the staff of the foster care agency while on duty.

(e) Overseeing the operations of the foster care agency, including, without limitation:

(1) Determinations of the appropriateness of placing a child in a foster home;

(2) Assessments of children and the development of treatment plans;

(3) Providing technical assistance to the staff of the foster care agency and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the foster care agency; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children receiving services from the foster care agency.

*(6) Receive training in the Reasonable and Prudent Parent Standard upon hire as provided, or previously approved, through the agency which provides child welfare service for designated officials.*

*(7) Ensure that a foster home with which the foster care agency has entered into a contract, supports normalcy for children and fully understand the need for utilizing the reasonable and prudent parent standard in compliance with this chapter, NRS 424 and the*

*agency which provides child welfare services' policy regarding normalcy for children placed in foster homes.*

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and any other agency or person receiving services from the foster care agency, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of placement or care provided by the foster care agency and the competence of its staff.

4. The director must be physically present ~~on-site~~ *in a foster home, in the field or in the agency office* for at least 25 hours per week to ensure that the staff of the foster care agency carry out the operations of the foster care agency in accordance with the philosophy and procedures of the foster care agency. The director shall designate a supervisory staff member to monitor the foster care agency to ensure continuous compliance with the provisions of this chapter and chapter 424 of NRS during any time that the director is not present at the foster care agency.

5. The director shall report any proposed change in the programs, services, policies or procedures of the foster care agency to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall review the proposed change to determine whether the change may affect the status of the license to operate the foster care agency.

6. If a foster care agency enters into a contract with one or more specialized foster homes, the director of the foster care agency may also serve as the director of any such specialized foster home. The director of the foster care agency may serve as the director of any other foster home

with which the foster care agency has entered into a contract, even if the foster home is not required to have a director.

7. The director of a foster care agency may serve in another position in the foster care agency or a foster home with which the foster care agency has entered into a contract if the director also meets the qualifications for that position.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.678 Director: Vacancy in position; temporary operation without director; designation of acting director.** (NRS 424.093)

1. If the director of a foster care agency resigns or is terminated, the foster care agency must notify the licensing authority in writing not later than 5 business days after the resignation or termination occurs.

2. If a vacancy in the position of director occurs, the foster care agency must apply to the licensing authority for approval to operate the foster care agency temporarily without a director. If approval is given, the foster care agency may operate without a director for not more than 6 months unless an extension is granted by the licensing authority.

3. A foster care agency that applies for permission to operate temporarily without a director pursuant to subsection 2 shall:

(a) Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of NAC 424.676, unless the foster care agency receives approval from the licensing authority to designate an acting director who does not meet those requirements;

(b) Notify the licensing authority within 1 business day after the designation of the acting director;

(c) Require the acting director to carry out the duties and responsibilities of a director;

(d) Ensure that the health, safety and well-being of any child who receives services from the foster care agency will not be adversely affected; and

(e) Immediately begin to recruit a new director.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.682 Finances: Plan for management; maintenance of records; budget; accessibility of certain information. (NRS 424.093)** A foster care agency shall:

1. Establish and carry out a plan for the management of its financial affairs which ensures that the foster care agency has sufficient money to adequately support the programs and services provided by the foster care agency.

2. Maintain financial records relating to any programs and services provided by the foster care agency, including, without limitation, records of:

(a) Any assets and liabilities of the foster care agency;

(b) Any donations received by the foster care agency during the 5 most recent fiscal years;

and

(c) All receipts collected and disbursements paid by the foster care agency during the 5 most recent fiscal years.

3. Establish a budget that identifies:

(a) The direct costs of providing services, including, without limitation, salaries and other personnel expenses; and

(b) The indirect costs of providing services, including, without limitation, daily operating costs.

4. Make available to the licensing authority a copy of the budget for the most recent fiscal year and a report of any expenditures made during that year relating to the programs and services provided by the foster care agency.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.684 Annual evaluation of foster homes.** (NRS 424.093, 424.094)

1. At least annually, a foster care agency shall conduct a written evaluation of each foster home with which the foster care agency has entered into a contract to determine whether each such foster home is in compliance with the provisions of this chapter and chapter 424 of NRS and the policies and procedures of the foster care agency. Each evaluation must state whether the foster home is in compliance with those requirements. The foster care agency shall maintain a file for each such foster home, which must include, without limitation, the evaluations conducted pursuant to this section.

2. Each evaluation conducted pursuant to this section must include, without limitation, consideration of:

(a) Any change in the composition of the foster home, including, without limitation, the marital or relationship status, death, pregnancy, birth or miscarriage of any resident of the foster home;

(b) Any change in the housing arrangement provided to any resident of the foster home, including, without limitation, a change in rooms, a change in the telephone number, a change in the location or address of the foster home, any remodeling of the foster home or the addition of a pool or other standing body of water to the foster home;

(c) Any change in the employment or income of any member of the foster family, if applicable;

(d) Any change in the mental or physical health of any member of the foster family or staff of the foster home that may affect his or her ability to provide care to a child placed in the foster home;

(e) The record maintained for each child placed in the foster home by the foster care agency;

(f) The training completed by the staff of the foster home since the last evaluation;

(g) An inspection of the foster home;

(h) The fire drills conducted by the foster home; and

(i) The motor vehicle insurance and registration of any vehicle used by the foster home.

3. A foster care agency shall make the evaluations conducted pursuant to this section available to the licensing authority upon request.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.686 Development of process for filing complaints with agency. (NRS 424.093, 424.094)**

1. A foster care agency shall develop a process to allow a child receiving services from the foster care agency, the parent or guardian of the child and any other person representing the child to file a complaint concerning the foster care agency or any foster home with which the foster care agency has entered into a contract. The process for filing a complaint pursuant to this section must be clearly defined and include methods for resolving such a complaint.

2. In addition to providing any information required pursuant to NAC 424.642 to 424.686, inclusive, a foster care agency shall provide to the licensing authority any information requested by the licensing authority.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

## **Specialized Foster Homes and Foster Care Agencies**

### **NAC 424.710 Staff: Qualifications. (NRS 424.020)**

1. A specialized foster home and a foster care agency shall ensure that each member of the staff of the specialized foster home and of the staff of any foster home with which the foster care agency has entered into a contract, as applicable:

- (a) Is at least 21 years of age;
- (b) Is sufficiently mature to provide effective supervision of a child; and
- (c) Possesses the physical and emotional condition to carry out assigned responsibilities in a manner consistent with the written policies, procedures and practices submitted pursuant to NAC 424.642 or the statement submitted pursuant to NAC 424.626, as applicable.

2. A member of the staff of a specialized foster home or of a foster care agency may hold more than one position within the specialized foster home or a foster home with which the foster care agency has entered into a contract, as applicable, if the member of the staff is qualified to carry out all the responsibilities of each position.

3. A person employed by a specialized foster home or a foster care agency as a member of the direct care staff must possess a high school diploma or general equivalency diploma.

4. Each specialized foster home and foster care agency shall verify the qualifications of each member of their staff to ensure they meet the requirements set forth in this chapter and chapter 424 of NRS.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**REVISER’S NOTE.**

The regulation of the Division of Child and Family Services of the Department of Health and Human Services filed with the Secretary of State on June 23, 2014 (LCB File No. R110-13), the source of this section, contains the following provision not included in NAC:

“Sec. 105. 1. The provisions of section 35 of this regulation [NAC 424.622] do not apply to a person who was hired as a director of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014] if the person has been continuously employed in any capacity by the specialized foster home with no separation from employment since at least January 1, 2012.

2. The provisions of section 40 of this regulation [NAC 424.632] do not apply to a person who was hired as a supervisor of a specialized foster home which is not operated by a foster care agency before the effective date of this regulation [June 23, 2014].

3. Notwithstanding the provisions of section 41 of this regulation [NAC 424.710], until the effective date of this regulation [June 23, 2014], a specialized foster home which is not operated by a foster care agency may hire a person who does not meet the qualifications set forth in section 41 of this regulation [NAC 424.710] as a supervisor of or a case manager for a specialized foster home so long as the person hired meets those qualifications within 18 months after the date of hire.”

**NAC 424.712 is hereby amended to read as follows:**

**NAC 424.712 Training of direct care staff: Generally.** (NRS 424.020, 424.0365)

1. Each member of the direct care staff of a specialized foster home or a foster care agency must complete training which meets the requirements of NRS 424.0365 within 30 days after

beginning his or her employment and annually thereafter. Such training must include, without limitation, techniques for managing behavior and information concerning the type of discipline that is recommended and prohibited by NAC 424.525 and 424.530.

2. Each member of the direct care staff of a specialized foster home or a foster care agency must complete not less than 40 hours of training before providing supervision or direct care of a child or beginning any other responsibilities related to the supervision or direct care of children.

3. The training required by subsection 2 must include instruction concerning:

(a) Reporting requirements and information on the manner in which to identify and report child abuse or neglect;

(b) Policies, procedures and practices of the specialized foster home or foster care agency to ensure privacy and confidentiality of information about any child in the specialized foster home or a foster home with which the foster care agency has entered into a contract and the family of such a child;

(c) The relevant laws on the licensing of a specialized foster home or any other type of foster home with which the foster care agency has entered into a contract;

(d) The impact on the caregiver of providing care to a foster child;

(e) The stages of child development and the potential behaviors of a child who has suffered abuse, neglect or trauma, with emphasis on these behaviors during each stage of child development;

(f) Management of symptomatic behaviors associated with various mental health diagnoses;

(g) The manner in which to address the unique needs or issues of children who are accepted by the specialized foster home or a foster home with which the foster care agency has entered into a contract, if applicable, which may include, without limitation, the manner in which to

address issues relating to gender identification, pregnancy, sexual abuse, sexually aggressive behavior, developmental disabilities, the juvenile justice system or complex medical problems;

(h) Appropriate methods for documenting activity within the specialized foster home or a foster home with which the foster care agency has entered into a contract, including, without limitation, progress notes or reports, treatment plans, medication logs and incident reports;

(i) Issues relating to separation, loss and attachment; and

(j) Techniques for talking down or defusing a potentially violent situation or crisis.

*(k) Training in how to use and apply the Reasonable and Prudent Parent Standard, in order to provide normalcy for children in foster care through appropriate and safe decision-making. Training in the Reasonable and Prudent Parent Standard will be provided, or previously approved, through the agency which provides child welfare services.*

4. In addition to the training required by subsections 1 and 2, each member of the direct care staff of a specialized foster home or a foster care agency must complete training within 90 days after beginning employment concerning:

(a) Additional factors that may impact the life of a child, including, without limitation, child welfare services, juvenile justice and the role of staff in relation to those factors;

(b) Resources available to a child within the educational system and the role of staff in collaborating with and advocating for the child within the educational system;

(c) The importance of establishing permanency for a child;

(d) Identifying and responding to the diversity and cultural background of a child; and

(e) Working appropriately with families.

5. Before providing training pursuant to this section, a specialized foster home or a foster home with which a foster care agency has entered into a contract must submit the curriculum for

the training to the licensing authority for approval. The training program may be presented using any appropriate format, including, without limitation, treatment-specific training, presentations made by or to a group, external training or training provided by staff in the specialized foster home or a foster home with which the foster care agency has entered into a contract, as applicable.

6. Except as otherwise provided in this subsection, a specialized foster home and a foster care agency shall ensure that any member of their direct care staff who has transferred from another specialized foster home or a foster home with which the foster care agency has entered into a contract completes the training required by this section, except that the member of the direct care staff is not required to complete the training if he or she provides evidence of having previously completed such training within the relevant period. A member of the direct care staff who provides such evidence must receive training on the policies, procedures and practices of the specialized foster home or foster care agency, as applicable.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.714 Training of direct care staff: Continuing education.** (NRS 424.020, 424.0365)

1. Except as otherwise provided in this section, each specialized foster home and foster care agency shall ensure that each member of their direct care staff completes not less than 20 hours of continuing education annually. The continuing education required by this subsection must be appropriate to the position held by the person.

2. The continuing education required by subsection 1 must emphasize the development of advanced skills in any specialized training appropriate to the position for which the person was hired and which is offered in the community where the specialized foster home or foster care

agency is located, including, without limitation, the best practices for meeting the needs of a child placed in the specialized foster home or in a foster home with which the foster care agency has entered into a contract, as applicable. The continuing education may be presented using any appropriate method, including, without limitation, presentations made by or to a group, external training or training provided by staff of the specialized foster home or foster care agency, as applicable.

3. Any relevant continuing education completed by a member of the direct care staff of a specialized foster home or foster care agency who is required to maintain a professional license may be counted towards the hours of continuing education required by subsection 1.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.716 Training of direct care staff: Certification on use of physical restraint.** (NRS 424.020, 424.0365) In addition to any training provided pursuant to NAC 424.712 and 424.714 or NRS 424.0365, within 60 days after beginning employment, each member of the direct care staff of a specialized foster home or a foster home with which a foster care agency has entered into a contract must obtain certification on the use of physical restraint from a nationally recognized program or a program approved by the licensing authority before providing care to a child in the foster home. Each member of the direct care staff must receive such additional training as required annually to maintain the certification.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.718 Training of direct care staff: Training log.** (NRS 424.020, 424.0365)

1. Each specialized foster home and foster care agency shall document any training provided to any member of their direct care staff pursuant to NAC 424.712 and 424.714,

including any training provided for continuing education, in a training log. The training log must include, without limitation:

- (a) The name of the person who attended the training;
- (b) The date of the training;
- (c) The number of hours of training provided;
- (d) The title of the course and the topics covered; and
- (e) The name and credentials of the instructor.

2. A specialized foster home and a foster care agency shall keep a copy of the curriculum or outline of each training that is attended by a member of their direct care staff.

3. Each specialized foster home and foster care agency shall provide a certificate of completion to any member of their staff or a foster parent who completes any training and keep a copy of any such certificate.

4. Each specialized foster home and foster care agency shall submit the training records required by this section to the licensing authority upon request.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.720 is hereby amended to read as follows:**

**NAC 424.720 Adoption of policy on medication management and administration of prescription and nonprescription medication. (NRS 424.020, 424.0385)**

1. Each specialized foster home and foster care agency shall adopt and enforce a policy on medication management and the administration of prescription and nonprescription medication which is consistent with NRS 424.0385. The licensee of the specialized foster home or person licensed *or contracted* to operate the foster care agency, as applicable, shall ensure that each employee of the specialized foster home or a foster home with which the foster care agency has

entered into a contract, as applicable, who will be responsible for administering medication to a child receives a copy of and understands the policy.

2. The policy adopted pursuant to subsection 1 must include, without limitation:

(a) Training requirements for any member of the direct care staff who will be responsible for administering medication to a child;

(b) Procedures for administering medication to a child, including, without limitation, documenting the administration of medication and any error in administration;

(c) Except for medication which must be kept with a child pursuant to the instructions of a physician, provisions for storing medication, including, without limitation, a requirement that all medication be kept in a locked container or cabinet;

(d) Provisions for a manual or other record which includes the orders of the treating physician for each child and information on the potential side effects of each medication that is administered by direct care staff;

(e) Procedures for documenting and managing any adverse reaction to medication, including, without limitation, procedures for notifying the physician of a child in the case of a minor reaction or notifying emergency medical personnel in the case of a severe reaction;

(f) Procedures for reporting any incident relating to the administration of medication to a child, including, without limitation, documentation and reporting to a physician any severe reaction to medication or errors in administering medication;

(g) Procedures for handling and disposing of medication that comply with any standards for disposing of medication or drugs required by law; and

(h) Procedures for minimizing and addressing errors that occur in the administration of medication.

**NAC 424.722 Records of prescription and nonprescription medication administered to children: Maintenance; required contents.** (NRS 424.020, 424.0385)

1. A specialized foster home or a foster home with which a foster care agency has entered into a contract that administers any prescription and nonprescription medication to a child shall maintain a record of each medication administered to the child. The record must contain:

- (a) The name, age and any known allergies of the child;
- (b) For a child to whom a psychotropic medication is administered, the written consent provided pursuant to NRS 432B.4687 by the person who is legally responsible for the psychiatric care of the child;
- (c) Except for the administration of a medication governed by the specific requirements of paragraph (b), written consent provided by the parent or legal guardian of the child for the administration of any prescription or nonprescription medication, and for any change in the administration of medication to the child;
- (d) Separate sections for medication prescribed for the child which must contain the name and dosage of the medication, the recommended schedule for administering the medication and the purpose of the medication;
- (e) The date and time any medication is actually administered to the child and the initials of the member of the direct care staff who administered the medication;
- (f) Documentation of any information provided to the child concerning the medication, including, without limitation, the name and dosage of the medication, the recommended schedule for administering the medication and the purpose of the medication;
- (g) A notation that the member of the direct care staff observed that the medication was taken properly and was not saved by the child;

(h) A notation or other documentation of potential and anticipated effects of the medication, including, without limitation, any desired, expected or unexpected effects, as observed by the direct care staff; and

(i) Documentation of any errors related to the management or administration of the medication, including, without limitation:

- (1) Administration of medication to the child that was not authorized;
- (2) Administration of the incorrect medication to the child;
- (3) Failure to provide a dose of the medication to the child;
- (4) Administration of the incorrect dose of the medication to the child;
- (5) Administration of the medication to the child at the incorrect time; and
- (6) Failure to provide medication because of the refusal of the child to take the medication, including the circumstances surrounding the refusal.

2. As used in this section, “person who is legally responsible for the psychiatric care of the child” means the person who is deemed to be the person legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or is appointed by the court pursuant to NRS 432B.4685.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.724 Use of physical restraint: When authorized; reporting requirements.**  
(NRS 424.020, 424.0365)

1. A member of the direct care staff of a specialized foster home or a foster home with which a foster care agency has entered into a contract may use physical restraint on a child placed in the foster home only if:

(a) The physical restraint is authorized pursuant to NRS 424.250 because the child presents an imminent threat of danger of harm to himself or herself or others; and

(b) The member of the direct care staff using physical restraint has completed the training required by NAC 424.716.

2. If a member of the direct care staff of a specialized foster home or a foster home with which a foster care agency has entered into a contract uses or witnesses the use of physical restraint on a child placed in the foster home, the member of the direct care staff must, within 24 hours after the incident, provide the director of the specialized foster home or foster care agency, as applicable, with a written report describing the incident.

3. If the director of a specialized foster home or a foster care agency receives a report pursuant to subsection 2, the director or the director's designee must:

(a) Verbally notify the caseworker of the child not later than 24 hours after receiving the report; and

(b) Provide a copy of the report to the caseworker and the licensing authority not later than 7 calendar days after the date of the incident.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.726 Records of children placed in foster home: Maintenance; required contents. (NRS 424.020)**

1. A specialized foster home and a foster care agency shall maintain a record for each child placed in the specialized foster home or a foster home with which the foster care agency has entered into a contract, as applicable. The record must be:

(a) Kept in a secure location to ensure confidentiality and protection from unauthorized access;

- (b) Protected from loss, damage or alteration;
- (c) Current and accurate;
- (d) Made available upon request to the licensing authority for review, copying or auditing and at reasonable times to the agency which provides child welfare services;
- (e) Retained in the manner described in subsection 7 of NRS 629.051 for a health care record; and
- (f) Destroyed after the period of retention in a manner which ensures that information from the record cannot be reconstructed, to ensure protection of the child's information.

2. Each record maintained by a specialized foster home or a foster care agency pursuant to subsection 1 must include, without limitation:

- (a) The name of the child and any aliases used by the child;
- (b) The date of birth of the child;
- (c) The race and ethnicity of the child;
- (d) A photograph of the child, taken on the day of admission to the specialized foster home or a foster home operated by the foster care agency and annually thereafter;
- (e) The intake, referral and assessment information collected for admission of the child, including, without limitation, psychological, psychiatric, social or physical evaluations and admission summaries;
- (f) The date of admission of the child to the specialized foster home or a foster home with which the foster care agency has entered into a contract;
- (g) The contact information for any parent, guardian, custodian and caseworker of the child and the agency which provides child welfare services;

- (h) Emergency contact information for any parent, guardian, custodian, caseworker and physician of the child;
- (i) The medical history of the child, including, without limitation:
  - (1) The name of each physician, dentist and other treatment provider of the child;
  - (2) A record of any medical care, dental care and immunizations received by the child, including, without limitation, diagnostic information, the name of the physician and plan for treatment during placement in the specialized foster home or a foster home with which the foster care agency has entered into a contract;
  - (3) A record of any illness or significant symptoms of illness the child has experienced while in foster care;
  - (4) A record of any medication administered to the child; and
  - (5) Any known allergies or physical limitations of the child;
- (j) Any records or reports regarding the child's education and educational needs;
- (k) Any plan of treatment for the child, ongoing progress reports, summaries of discharge from medical centers and requests for prior authorization for medical services or other documented authorization requests;
- (l) Any accident reports and incident reports regarding the child;
- (m) Any restrictions on visits with or activities of the child;
- (n) A record, made at the time of admission to and discharge from the specialized foster home or a foster home operated by the foster care agency, as applicable, of the child's clothing and personal property;
- (o) Signed authorizations for the release of information relating to the child or other required authorizations;

(p) A record of any rights of the child that are denied or limited and the disposition of any complaint involving the child; and

(q) Progress notes concerning observations made by staff of the child's behavior, progress or contact with others in the specialized foster home or foster home with which the foster care agency has entered into a contract or with regard to the child's care or treatment.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

**NAC 424.728 is hereby amended to read as follows:**

**NAC 424.728 Staff and foster parents: Records regarding employment; required notice when no longer employed. (NRS 424.020, 424.034)**

1. A specialized foster home and a foster care agency shall maintain records of all staff and foster parents employed by the specialized foster home or foster care agency. The records must comply with the requirements of NRS 424.034 and must also include, without limitation:

(a) Applications for employment, including, without limitation, an employment history and any needed authorizations for the release of information relating to the staff member or foster parent;

(b) References provided for the staff member or foster parent;

(c) Results of tuberculosis tests submitted pursuant to NAC 424.167;

(d) Records of relevant training;

(e) Performance evaluations;

(f) Copies of any current professional licenses issued by this State to a staff member or foster parent, if the licenses are relevant to the duties of the staff member or foster parent or the services provided by the specialized foster home or foster care agency;

(g) For any licensee, person licensed *or contracted* to operate the foster care agency or staff member who transports foster children by motor vehicle, a copy of his or her current driver's license and, if a personal vehicle is used for this purpose, a copy of his or her current motor vehicle liability insurance policy; and

(h) Any other necessary information, which may include, without limitation, incident reports or moving traffic violations involving a staff member or foster parent.

2. A specialized foster home or foster care agency shall notify the licensing authority when a staff member or foster parent is no longer employed by the specialized foster home or foster care agency.

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)

#### **AGENCIES WHICH PROVIDE CHILD WELFARE SERVICES**

##### **NAC 424.750 is hereby amended to read as follows:**

**NAC 424.750 Audit of records; notice of finding of noncompliance; plan of action; reevaluation; revocation or suspension of license to operate foster home or foster care agency. (NRS 424.020)**

1. The Division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of this chapter, chapter 424 of NRS, any other applicable state and federal law and any written agreements entered into with the Division or the Department of Health and Human Services. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to:

- (a) An application for a license to operate a foster home or foster care agency, including, without limitation, an evaluation and an assessment of the family of the applicant, if appropriate;
- (b) The disposition of an application described in paragraph (a);

(c) A license to operate a foster home or foster care agency issued by the licensing authority, including information indicating the name and address of the licensee or person licensed *or contracted* to operate the foster care agency, any limitation on the number of children that may be placed in a foster home and any other limitations of the license;

(d) The renewal of a license described in paragraph (c);

(e) A checklist developed to meet licensing requirements of a foster home concerning human health, fire and safety, and such additional information as the Division may require, including, without limitation, information relating to an inspection or analysis of well water, a septic tank or a sewer, individual treatment plans, medical records, incident reports, and personnel and training records;

(f) A complaint concerning a licensee or person licensed *or contracted* to operate the foster care agency, including the investigation of such a complaint;

(g) Whether the requirements for notification set forth in NAC 424.205 and the procedure for hearing grievances relating to a license to operate a foster home set forth in NRS 424.045 and NAC 424.210 were satisfied;

(h) A case file maintained concerning a foster home or foster care agency, including any notes in such a case file; and

(i) Any waivers or variances granted pursuant to NAC 424.624, 424.678 or 424.800.

2. Within 30 days after the completion of an audit performed pursuant to subsection 1, the Division will issue a written notice to the agency which provides child welfare services if the Division determines as a result of the audit that the agency is not in compliance with the provisions of this chapter, chapter 424 of NRS, any applicable state or federal law, or any written

agreements entered into with the Division or the Department of Health and Human Services. The notice must set forth the nature of the noncompliance.

3. Within 30 days after receipt of a notice issued pursuant to subsection 2, the agency which provides child welfare services shall submit to the Division a plan of action to address the areas of noncompliance. The agency may use the services of a consultant to develop or carry out the plan of action. Upon request by an agency which provides child welfare services, the Division will provide assistance to the agency relating to carrying out a plan of action.

4. The Division will reevaluate the areas of noncompliance within 4 to 6 months after the completion of the audit. Within 6 months after completion of the audit, the agency which provides child welfare services shall complete the plan of action or demonstrate that it has made significant progress, as determined by the Division, towards completing the plan of action. If the Division determines that the agency has demonstrated that it has made significant progress towards completing the plan of action, the Division may grant the agency an additional 3 months to complete the plan.

5. The Division may direct the licensing authority to revoke or suspend a license to operate a foster home or foster care agency and to remove any foster children placed in the foster home based upon a failure to comply with the provisions of this chapter or chapter 424 of NRS by the agency which provides child welfare services, the foster home or the foster care agency as determined by the Division as a result of an audit performed pursuant to subsection 1.

(Added to NAC by Div. of Child & Fam. Services by R044-02, eff. 7-23-2002; A by R110-13, 6-23-2014)

## MISCELLANEOUS PROVISIONS

### **NAC 424.800 is hereby amended to read as follows:**

**NAC 424.800 Waiver of or variance from requirements of chapter. (NRS 424.020)**

1. The Administrator *of the agency which provides child welfare services* or if he or she chooses to designate a designee, the designee of the Administrator may, on a case-by-case basis, waive a specific requirement of this chapter if the waiver is for the betterment of the foster care program ~~and~~ *or is in the best interests of the* child and is not in violation of any statute of this State or federal law.

2. The licensing authority may, on a case-by-case basis, allow for a variance from a specific requirement of this chapter applicable to any applicant or the holder of any license upon request if:

(a) The applicant or the holder of the license demonstrates that the alternative proposed is equally effective and will not endanger the health, safety or well-being of a foster child; and

(b) The variance is not in violation of any state or federal law.

[Welfare Div., Req. for Foster Care § 101.2, eff. 4-27-90]—(NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

### **NAC 424.805 is hereby amended to read as follows:**

**NAC 424.805 Provision of services to foster parents caring for children in custody of agency which provides child welfare services. (NRS 424.020, 424.077)**

1. The agency which provides child welfare services shall provide direct services to foster parents, *and when applicable the foster care agency*, who are caring for children in the custody of the agency which provides child welfare services. Those services include, without limitation:

(a) Thoroughly discussing the child’s situation and needs, and assisting foster parents to develop their capability to meet those needs.

(b) Responding in a timely manner to foster parents’ requests, *and when applicable the foster care agency*, for assistance in meeting the child’s needs.

(c) Sharing the plan of the agency which provides child welfare services for the child with the foster parents, *and when applicable the foster care agency*, and considering their suggestions, even though the agency which provides child welfare services must make the planning decision.

2. In addition to the services provided to foster parents pursuant to subsection 1, the licensing authority shall, using funding available to providers of family foster care, provide a program of respite care, develop guidelines for access to any other program of respite care and ensure that those guidelines are provided to providers of family foster care.

3. As used in this section, “respite care” means temporary care that:

(a) Is provided to a child who is placed in a family foster home;

(b) Is provided by a person other than the current foster parent of the child; and

(c) Provides a respite for the foster parent of the child from the stresses and responsibilities that result from the daily care of the child.

[Welfare Div., Req. for Foster Care part § 103.8, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002)

**NAC 424.810 is hereby amended to read as follows:**

**NAC 424.810 Provision of information concerning child to provider of family foster care. (NRS 424.020, 424.038)** The licensing authority shall, within 10 working days after it obtains any information regarding a child which it is required to provide to a provider of family

foster care pursuant to NRS 424.037 or 424.038, provide that information to the provider of family foster care, *and when applicable the foster care agency*, on a form prescribed by the agency which provides child welfare services.

(Added to NAC by Div. of Child & Fam. Services, eff. 11-14-97; A by R044-02, 7-23-2002)

**NAC 424.815 is hereby amended to read as follows:**

**NAC 424.815 Access by provider of family foster care to information maintained by licensing authority concerning provider.** (NRS 424.020, 424.047)

1. For the purposes of NRS 424.047:

(a) A provider of family foster care must submit his or her request for information to the licensing authority in writing on a form provided by the licensing authority. The licensing authority shall set a date and time, which must be not more than 30 days after the request is received by the licensing authority, for the provider to inspect the requested information. The provider must provide the licensing authority with a form of identification that contains the provider's photograph before the licensing authority shall allow the provider to conduct the inspection.

(b) "Information" does not include any matter which is made confidential by state or federal statute or regulation, except that the licensing authority shall identify confidential records concerning a provider by designating the category or source of the record or, when practicable, provide summaries of confidential records concerning a provider which omit the confidential portion of those records.

(c) "References" includes any personal opinions concerning a provider which are communicated to the licensing authority *as confidential information*.

2. A provider of family foster care shall not remove from the records maintained by the licensing authority any information to which the provider is provided access pursuant to NRS 424.047.

(Added to NAC by Div. of Child & Fam. Services, eff. 11-14-97; A by R044-02, 7-23-2002)

**NAC 424.820 is hereby amended to read as follows:**

**NAC 424.820 Liability insurance: Maintenance; notification of cancellation or nonrenewal.** (NRS 424.020) Each group foster home, specialized foster home, *independent living foster home* and foster care agency shall carry liability insurance in the amounts appropriate for the protection of all concerned. No license may be issued until verification has been obtained that the policy is in force. If the liability policy is cancelled or not renewed, the director shall notify the licensing authority not less than 20 days before the effective date of cancellation or nonrenewal. Failure to maintain the insurance in force is a basis for the revocation of a license.

[Welfare Div., Req. for Foster Care § 110.1, 10-7-88, eff. 1-1-89]—(NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014)—(Substituted in revision for NAC 424.685)