

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

LCB File No. R051-18

July 17, 2018

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

AUTHORITY: §§1, 2 and 4-12, NRS 424.020; §3, NRS 424.020 and 432.548; §13, NRS 424.093 and 424.094; §14, NRS 424.020 and 424.0365; §15, NRS 424.093, 424.094 and 432.548.

A REGULATION relating to child welfare; establishing a process for filing and resolving a grievance concerning a foster care agency or a foster home; revising the training requirements for licensees who operate a foster home and for the direct care staff of specialized foster homes and foster care agencies; revising provisions governing the licensing and operation of a foster home; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Child and Family Services of the Department of Health and Human Services to establish procedures and requirements for the licensure of family foster homes, specialized foster homes, independent living foster homes and group foster homes. (NRS 424.020) Existing law also requires the Division to prescribe by regulation a procedure for filing and resolving a grievance concerning certain entities, including, without limitation, foster care agencies and certain foster homes. (NRS 432.548) **Section 3** of this regulation establishes the procedure for filing and resolving a grievance concerning a foster care agency or a foster home.

Existing law requires a provider of foster care to ensure that each foster child who is placed in the foster home is treated in all respects in accordance with the child’s gender identity or expression. (NRS 424.0445) **Section 2** of this regulation defines “gender identity or expression” to mean a gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth. (NRS 424.0145)

Section 6 of this regulation requires a licensee to apply to the licensing authority for a change in its license to operate a foster home if there are changes in the gender identity or expression of children in foster care authorized to be placed in the foster home pursuant to the license. A licensing authority is defined to mean: (1) in a county whose population is 100,000 or

more, the agency which provides child welfare services, as defined in NRS 432B.030; and (2) in a county whose population is less than 100,000, the Division. (NAC 424.058)

Section 7 of this regulation requires a licensee that operates a foster home to receive within 90 days after initial licensure and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.

Section 8 of this regulation authorizes the licensing authority to exempt a child whose gender identity or expression differs from the child's assigned sex at birth from the prohibition on children of the opposite sex who are 5 years of age or more sharing a room under certain circumstances.

Section 9 of this regulation requires a person licensed by the licensing authority to operate a family foster home, specialized foster home, independent living foster home or group foster home to ensure that, with limited exceptions, the gender identity or expression or sexual orientation of a foster child in the care of that foster home is not disclosed without the consent of the foster child.

Section 10 of this regulation adds certain duties to foster parents and direct care staff regarding the care and treatment of children, including, without limitation, lesbian, gay, bisexual, transgender and questioning children.

Section 11 of this regulation provides that a child's gender identity or expression must be respected with regard to the child's choice of clothing and personal possessions.

Existing regulations require each specialized foster home to 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. (NAC 424.626) **Section 12** of this regulation requires such a statement to include a description of the characteristics of the children to be placed in the specialized foster home, including, without limitation, the gender identity or expression of the children to be placed in the specialized foster home.

Section 13 of this regulation requires the application for a license to operate a foster care agency to be accompanied by a description of the characteristics of the children to be served by the foster care agency, including, without limitation, the gender identity or expression of the children to be served by the foster care agency.

Existing regulations require each member of the direct care staff of a specialized foster home and a foster care agency to complete certain statutorily required training within 30 days after beginning his or her employment and annually thereafter. (NAC 424.712) **Section 14** of this regulation revises this provision, in accordance with statute, to: (1) include instruction on working with lesbian, gay, bisexual, transgender and questioning children; and (2) be completed within 90 days rather than 30 days after the member of the direct care staff begins his or her employment and annually thereafter.

Sections 4 and 5 of this regulation make conforming changes.

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Gender identity or expression” has the meaning ascribed to it in NRS 424.0145.*

Sec. 3. 1. *A child or, if applicable, the parent or guardian of a child may file a grievance concerning a foster care agency or a foster home by filing a form, approved by the Division, with:*

(a) The Local Government Ombudsman if the foster care agency or foster home provides care for children in a county whose population is 700,000 or more; or

(b) The State Systems Advocate if the foster care agency or foster home provides care for children in a county whose population is less than 700,000.

2. The Local Government Ombudsman or the State Systems Advocate, as applicable, shall evaluate the grievance and, if the Local Government Ombudsman or the State Systems Advocate, as applicable, determines that the grievance is not frivolous, he or she shall investigate the grievance and impose remedies.

3. The Local Government Ombudsman or the State Systems Advocate, as applicable, shall, at a minimum:

(a) Require the foster care agency or a foster home to make changes to address the grievance; or

(b) Notify a regulatory or law enforcement agency with jurisdiction over the foster care agency or a foster home of the grievance.

4. The form for filing a grievance may be obtained from:

(a) The Internet website of the Division;

(b) Any court in this State;

(c) The local juvenile probation department; and

(d) Any office of the court appointed special advocate.

5. The Division will ensure that each entity listed in paragraphs (b), (c) or (d) of subsection 4 receives a copy of the form for filing a grievance and any updates to that form.

6. As used in this section:

(a) “Local Government Ombudsman” means the person responsible for resolving complaints regarding the protection of children who are receiving services from the agency of the county which provides or arranges for necessary child welfare services.

(b) “State Systems Advocate” means the person responsible for resolving complaints regarding the protection of children who are receiving services from:

(1) In a county whose population is less than 100,000, the Division; or

(2) In a county whose population is 100,000 or more but less than 700,000, from the agency of the county which provides or arranges for necessary child welfare services.

Sec. 4. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.083, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 424.165 is hereby amended to read as follows:

424.165 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 *subsections 1, 2 and 5 of* NAC 424.270; and

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

Sec. 6. NAC 424.175 is hereby amended to read as follows:

424.175 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:

(a) There are changes in the ~~proposed~~ :

(1) *Proposed* programs ~~, the range~~ ;

(2) *Range* of ages or sex of the children in foster care ;

(3) *Gender identity or expression of the children in foster care*; or ~~the total~~

(4) *Total* number of children in foster care;

(b) A child who has been referred to the juvenile justice system of this State but is not under the jurisdiction of the agency which provides child welfare services is proposed to be placed in the foster home; or

(c) A child is proposed to be placed in the foster home by a person or organization that is not a governmental entity.

2. A request for a change required by subsection 1 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 evaluated 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.

3. 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.

4. 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.

Sec. 7. NAC 424.270 is hereby amended to read as follows:

424.270 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. 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 shall attend at least 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 the training has been 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 the training required by subsections 1 and 2 through that agency.

5. In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by NAC 424.573. The training required by this subsection must be provided or approved by the agency which provides child welfare services.

6. *In addition to the training required by subsections 1, 2 and 5, a licensee that operates a foster home must receive, not later than 90 days after initial licensure and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.*

7. 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.

Sec. 8. NAC 424.375 is hereby amended to read as follows:

424.375 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 adequate floor space between beds to allow foster children and other persons to easily access beds and exits.

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. Except as otherwise provided in ~~this subsection,~~ **subsection 5**, children of the opposite sex who are 5 years of age or more must not share a bedroom, and children who are more than 12 months of age must not sleep in the same room with an adult.

5. If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or more to share a room or a child who is more than 12 months of age to 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. A child in foster care who is the parent of a child in the same placement may share a room with that child.

~~15.1~~ *The licensing authority may authorize a child whose gender identity or expression differs from the child's assigned sex at birth to share a room with a child of the opposite sex if the licensing authority determines that this arrangement is safe and in the best interests of each child. In making this determination, the licensing authority must consider:*

(a) The expressed preferences of each child; and

(b) The recommendations of the child and family team.

6. The foster parents' bedroom must be located on the same floor as the bedroom of any child who is less than 5 years of age.

~~16.1~~ 7. 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.

~~17.1~~ 8. 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.

~~18.1~~ 9. 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 who are less than 6 years of age.

~~19.1~~ 10. A complete change of bed linens must be supplied at least once a week or more often if necessary.

~~110.1~~ 11. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area.

~~H1.1~~ 12. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

~~H2.1~~ 13. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and must not be:

(a) Allowed to sleep on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

(b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

~~H3.1~~ 14. As used in this section, “provider of health care” means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

Sec. 9. NAC 424.485 is hereby amended to read as follows:

424.485 1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the foster 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 ~~the~~ :

(a) *The* foster 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, broadcast or social media or any Internet website without the permission of the licensing authority ~~H~~ ; *and*

(b) *Except as otherwise provided in subsection 3 or as otherwise required by state or federal law, the gender identity or expression or sexual orientation of a foster child in the care of that foster home is not disclosed without the consent of the foster child.*

3. The gender identity or expression or sexual orientation of a foster child may be disclosed in limited circumstances, as recommended by a mental health professional, without the consent of the foster child if the licensing authority has determined, based on the recommendation of the mental health professional that such a disclosure is in the best interest of the foster child and the disclosure is limited to the circumstances recommended by the mental health professional.

4. As used in this section, “mental health professional” means a person licensed in the State of Nevada as a psychiatrist, psychologist, marriage and family therapist, clinical professional counselor or clinical social worker.

Sec. 10. NAC 424.500 is hereby amended to read as follows:

424.500 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) Cooperate with the agency which provides child welfare services to ensure that children placed in the foster home receive quality, nurturing parenting and are able to experience normalcy in their daily lives.

(k) Ensure that all decisions concerning children are made using the reasonable and prudent parent standard in the manner prescribed in NAC 424.573 and in accordance with the requirements of this chapter and chapter 424 of NRS.

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

2. 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;
- (f) Indoor and outdoor recreational activities;
- (g) Activities that promote appropriate socialization and relationships with others; and
- (h) Activities that promote normalcy for the child.

3. The foster parent must be nonjudgmental regarding the child's parents and the family of the child.

4. The foster parent shall:

(a) Assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel.

(b) Attend any appointment related to the health of the child with the child unless other arrangements are approved by the caseworker of the child.

5. 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.

6. The foster home shall see that each child observes curfew and all other requirements specified by law.

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

8. The foster parent and direct care staff shall treat all children, including, without limitation, lesbian, gay, bisexual, transgender and questioning children in the same respectful and nonjudgmental manner to ensure that all children feel safe and welcome in the foster home.

9. The foster parent and direct care staff shall ensure that the culture within the foster home maintains the dignity of every foster child and that discrimination or threatened or actual harassment of a foster child is responded to promptly and appropriately.

10. The foster parent and direct care staff shall reinforce respect regarding differences among children, encourage self-esteem building and assist foster children in overcoming any stigma associated with such differences.

11. Except as otherwise provided in NAC 424.485, the foster parent and direct care staff shall maintain the confidentiality of a foster child in the care of that foster home concerning the gender identity or expression or sexual orientation of the foster child and shall not disclose the gender identity or expression or sexual orientation of the foster child without the consent of the foster child.

12. The foster parent and direct care staff shall allow and respect a foster child's gender identity or expression with regard to the foster child's choice of clothing, hairstyle, makeup and jewelry or other accessories as are appropriate for the foster child's age and development.

13. The foster parent and direct care staff shall address a foster child by the name and pronoun preferred by the foster child, whether or not the name and pronoun conform to the foster child's assigned sex at birth and honor the foster child's wishes with regard to the times and places in which the foster child wishes to be addressed by that preferred name and pronoun or in another manner.

Sec. 11. NAC 424.585 is hereby amended to read as follows:

424.585 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. *The gender identity or expression of each child must be respected with regard to the child's choice of clothing and personal possessions.*

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. If a child is emancipated or transitioned into another placement, the child must be given and allowed to take with him or her all clothing and other personal possessions that the child acquired while residing at a foster home. As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.

Sec. 12. NAC 424.626 is hereby amended to read as follows:

424.626 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, *gender identity or expression*, 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.

Sec. 13. NAC 424.646 is hereby amended to read as follows:

424.646 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, *gender identity or expression*, 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.

Sec. 14. NAC 424.712 is hereby amended to read as follows:

424.712 1. ~~Each~~ *Within 90 days after beginning his or her employment and annually thereafter, each* member of the direct care staff of ~~a~~ :

(a) A specialized foster home ~~for 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.~~

(b) A foster care agency must, in accordance with NRS 424.135, complete training which meets the requirements of NRS 424.0365 and 424.235.

↳ 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,~~ *identity or expression*, 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;

(j) Techniques for talking down or defusing a potentially violent situation or crisis; and

(k) The use and application of the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by NAC 424.573. The training required by this paragraph must be provided or approved by 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.

Sec. 15. NAC 424.686 is hereby repealed.

TEXT OF REPEALED SECTION

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.