

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

LCB File No. R182-18

Filed August 26, 2020

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

AUTHORITY: §§1-5, NRS 432A.184.

A REGULATION relating to child care facilities; prescribing a system for rating child care facilities; requiring a deficiency to be assigned to a child care facility that fails to comply with certain requirements; prescribing procedures for changing a grade under certain circumstances; prescribing procedures for requesting a resurvey; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations establishing: (1) a system for rating child care facilities; and (2) procedures by which a child care facility may request a follow-up inspection. Existing law requires a child care facility to post the grade assigned to the facility in a conspicuous place near each entrance to the facility that is regularly used by the public. (NRS 432A.184) **Section 2** of this regulation prescribes a system for rating child care facilities based on the scope and severity of violations found through inspections. **Section 2** also requires the Division to issue to a facility a placard containing the grade assigned to the facility. **Section 2** additionally provides for the Division to assess an additional deficiency against a facility that fails to comply with statutory requirement to post the grade it received from the Division. **Section 3** of this regulation prescribes procedures by which a licensee of a facility that receives a grade of: (1) “B” may submit a plan of correction to the Division; and (2) less than “B” must apply for a resurvey. If the Division accepts a plan of correction submitted by a facility that receives a grade of “B,” **section 3** provides that the Division will change the grade to “A” on the date that the facility performs final action described in the plan of correction. **Section 4** of this regulation makes a conforming change.

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *After the Division conducts a survey or investigates a complaint, the Division will add the severity and scope scores for all deficiencies of the facility indicated in the survey or investigation, as applicable, and assign a grade to the facility as follows:*

	<i>Grade</i>
<i>0 to 15 combined severity and scope scores for all deficiencies</i>	<i>A</i>
<i>16 to 24 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 3 and a scope level 3</i>	<i>B</i>
<i>25 to 34 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 4 and a scope level 1</i>	<i>C</i>
<i>35 to 44 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 4 and a scope level 2</i>	<i>D</i>
<i>Any deficiency with a severity level 4 and scope level 3, or whenever the license is suspended or revoked pursuant to NRS 432A.190</i>	<i>F</i>

2. *Upon assigning a grade to a facility pursuant to subsection 1, the Division will issue to the facility a placard containing the grade. Not later than 24 hours after receiving a placard, the licensee of the facility shall ensure that the placard is posted in the facility in the manner required by NRS 432A.184.*

3. *If a facility fails to comply with the requirements of subsection 2 and NRS 432A.184, the Division will assess against the facility a deficiency with a severity and scope score equal to the highest severity and scope score indicated in the most recent survey or investigation of the facility conducted by the Division.*

Sec. 3. 1. *If the Division assigns to a facility a grade of “B,” the licensee of the facility may submit to the Division a plan of correction. If the Division accepts the plan of correction, the Division will change the grade to “A” on the date that the facility performs final action described in the plan of correction.*

2. If the Division assigns to a facility a grade of “C,” “D” or “F,” the licensee of the facility must, not later than 30 days after receiving the placard containing the grade pursuant to section 2 of this regulation, apply to the Division for a resurvey.

3. The Division may revoke the license of a facility that fails to comply with the requirements of subsection 2.

Sec. 4. Section 2 of LCB File No. 135-18 is hereby amended to read as follows:

Sec. 2. As used in sections 3 to 34, inclusive, of ~~this regulation,~~ *LCB File No. 135-18 and sections 2 and 3 of this regulation,* the words and terms defined in sections 3 and 4 of ~~this regulation,~~ *LCB File No. 135-18* have the meanings ascribed to them in those sections.

Sec. 5. This regulation becomes effective only if sections 1 to 34, inclusive, of LCB File No. R135-18 are adopted by the State Board of Health and LCB File No. R135-18 is filed with the Secretary of State. This regulation becomes effective on:

1. The date on which this regulation is filed with the Secretary of State; or
2. The date on which LCB File No. R135-18 is filed with the Secretary of State,

↳ whichever occurs later.