



DIVISION OF PUBLIC & BEHAVIORAL HEALTH

Health Care Quality and Compliance

Child Care Licensing

LCB File No. 182-18

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation:

In 2017, Nevada Legislation was passed to implement a grading system for licensed childcare facilities across the State of Nevada. This proposed regulation and errata were generated in efforts to bring the Division of Public and Behavioral Health – Child Care Licensing into compliance with the legislation passed in 2017.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary:

The amended regulations of NAC432A were sent out to State of Nevada licensed childcare facilities and posted publicly for other interested parties. The delivery outlets included postings to the listserv, childcare licensing website, as well as, being electronically mailed. Majority of the responses received indicate that the proposed changes will have an adverse effect on small business in its current state. Individuals who answered the small business impact questionnaire explain that the effect would put a financial strain on their business and found the changes to be excessive.

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:

Public workshop

A public workshop was held on August 29th, 2019. Quarterly stakeholder meetings were held to promote further discussion and collaboration to provide amendments that were affable between both the Division and the industry in the best interest of children.

Name of the Meeting	Date:	Number People in Attendance	Number of testimonies heard
Public Workshop	08.29.2019	36	8

Carson City Attendees

Name:	Telephone Number:	Business name and address:
Marie Gonzalez	775-738-5953	Head Start North Eastern Nevada/1280 Golf Course Rd Elko NV 89801
Diane Nicolet	775-674-7515	E L Cord/7000 Dandini Reno, NV 89512
Ryan Putzer	775-853-9919	Small Strides/9580 Prototype Court Reno, NV 89521
Tiffany Kaplan	775-684-4463	Childcare Licensing/727 Fairview Dr. Carson City, NV 89701
Anna Lisa Acosta	775-445-4265	WNC Child Development Center/ 2201 W. College Pkwy Carson City, NV 89703
David Singer	775-392-4244	Little Discoveries/1671 Hwy 395 Minden, NV 89423
Ali Cooper	775-884-1600	Small Blessings/ 212 N. Division St. Carson City, NV 89703
Shelly Nye	775- 327-0674	The Nevada Registry/240 S. Rock Boulevard, Ste 143 Reno, Nevada 89502
Kristy Baker	775-337-4470	Washoe County HAS/350 S. Center St Reno, NV 89501
Karen Micklich	775-337-4470	Washoe County HAS/350 S. Center St Reno, NV 89501
Lisa Roberts	775.684.4463	Childcare Licensing / 727 Fairview Dr. Carson City, NV 89701

Las Vegas Attendees

Name:	Phone number:	Business name and address:
Dale Furukawa	702-927-7639	Acelero Learning/4366 W. Cheyenne Ave NLV, 89032
Wendy Roselinsky	702-454-4848	Midbar Kodesh/1940 Paseo Verde Pkwy Henderson, NV 89012
Aaron Schuffner	702-839-1900	Challenger/5150 N. Jones Blvd Las Vegas, NV 89130
Lisa Fitzgerald	702-221-6337	Merryhill/10050 Alta Dr. Las Vegas, NV 89145
Paige Nelson	702-839-1900	Challenger/5150 N. Jones Blvd Las Vegas, NV 89130
Carrie Paldi	702-610-0340	Creative Kids/21333 Haggerty Rd. Novi, MI 48375
Mark Bergholdt	702-759-0625	Southern Nevada Health District/333 N. Rancho Dr. Ste 450 Las Vegas, NV 89127
Wendy Rowe	702-432-7569	Kids Quest/3405 Annapolis Lane North Ste 100 Plymouth, MN
Michele Flazer	702-878-8887	Imagination Station /1310 W. Warm Springs Rd Henderson, NV 89014
Guadalupe Hurtado	702-830-0529	EOS Fitness/8125 W. Sahara Ave Ste. 100 Las Vegas, NV 89128

Connie Shipley	702-482-5183	Merryhill/1615 W. Chester Pike WestChester, PA 19382
Elsa Cordara	702-830-0529	EOS Fitness/ EOS Fitness/8125 W. Sahara Ave Ste. 100 Las Vegas, NV 89128
Argie Reyes	702-830-0529	EOS Fitness/ EOS Fitness/8125 W. Sahara Ave Ste. 100 Las Vegas, NV 89128
Mary Regan	702-473-9400	Las Vegas Urban League- Early Childhood Connection
Paul Shubert	702-486-6515	Health Care and Quality Compliance/4220 S. Maryland Pkwy Las Vegas, NV 89119
Latisha Brown	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Connie Flores	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Edith Farmer	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Miracle Reason	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Kerra Fuentes	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Lisa Torgerson	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Cher Southwick	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Josh Lancaster	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102
Erika Hovater	702.486.3822	Childcare Licensing/3811 W. Charleston Blvd #210 Las Vegas, NV 89102

Public Hearing

Due to Section 37 of the Governor’s Directive 21, the public hearing the Division of Public and Behavioral Health Administrator on August 5th, 2020 was conducted by phone conference with approximately 15 participants. One attendee provided testimony when the Administrator requested public comment and there was clarifying question on enactment of the regulations and the attendees were informed that the regulations needed to be heard at the Legislative Commission prior to enactment.

Name:	Telephone Number:	Business name and address:	Email Address:
Public Attendees			
Dr. Sharon Knafo	702-255-5437	The Shenker Academy/ 9001 HillPointe Rd, Las Vegas, NV 89134	sknafo@shenkeracademy.com
Carrie Paldi	702-395-7766	Creative Kids Learning Center& Learning Care Group/ 21333 Haggerty Rd Novi, MI 48375	cpaldi@learningcaregroup.com
Anna Lisa Acosta	775-445-4265	WNC Child Development Center/ 2201 W. College Pkwy Carson City, NV 89703	annalisa.acosta@wnc.edu
Tiffany Olivas	775.687.5948	Department of Education, Early Learning and Development/ 755 N. Roop Street #107 Carson City, NV 89701	tolivas@doe.nv.gov
Katie Nichols	775-337-4470	Washoe County/ 350 South Center Street Reno, NV 89501	KNichols@washoecounty.us
Dale Furukawa	702-927-7639	Acelero Learning/ 4366 West Cheyenne Ave. North Las Vegas, NV 89032	dfurukawa@acelero.net
Debra Martinez	702-451-2660	La Petite Academy and Creative Kids Learning Care Group/ 21333 Haggerty Rd Novi, MI 48375	dmartinez@learningcaregroup.com
Division of Public Behavioral Health (DPBH) Representatives/Employee Attendees			
Lisa Sherych		DPBH Administrator	dpbh@health.nv.gov
Paul Shubert	702-486-6515	DPBH-Health Care Quality and Compliance Bureau Chief	dpbh@health.nv.gov
Linda Anderson	702-486-3420	Deputy Attorney General	AgInfo@ag.nv.gov
Latisha Brown	702-486-3822	DPBH-HCQC Child Care Licensing Program Manager	ChildCareLicensing@health.nv.gov
Connie Flores	702-486-3822	DPBH-HCQC Child Care Licensing Supervisor	ChildCareLicensing@health.nv.gov
Edith Farmer	702-486-3822	DPBH-HCQC Child Care Licensing Supervisor	ChildCareLicensing@health.nv.gov
Joseph Filippi		Executive Assistant	dpbh@health.nv.gov
Rex Gifford		Executive Assistant	dpbh@health.nv.gov

4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary. A Small Business Questionnaire was sent out on November 8th, 2018 to the industry to garner feedback and the following is a summary of responses received:

Summary Of Comments Received 105 responses were received out of <u>466</u> small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Respondents that replied yes stated that the increase of training will adversely affect their business because trainings come at a cost. However, there is no increase in training per these regulations only an introduction of a graduated process of training completion. Respondents further stated that sanctions will have an adverse effect on the facility, if imposed.	Respondents did state that although the cost of sanctions could have adverse effects it was mentioned that sanctions will help to ensure everyone is held to the same standard. If you are in compliance it will be reflected through no sanctions being applied. However, most did not see a benefit.	The sanction system is cumbersome and not written for the child care industry. It mirrors health care, but child care is not health care. The sanction system needs to promote improvement, and sustain practice with technical assistance.	May help to improve quality through equity of expectations and accountability.

Number of Respondents out <u>105</u>	Adverse economic effect?	Beneficial effect?	Indirect adverse effects?	Indirect beneficial effects?
Yes replies	26	8	16	8
	105	105	105	105

Anyone interested in obtaining detailed information regarding the public hearing, small business impact statement, the public workshop and the public hearing can go to the childcare licensing webpage:

http://dpbh.nv.gov/Reg/ChildCare/dta/Licensing/Child_Care_Licensing_Public_Workshops/ or you can contact the Child Care Licensing office by the following:

Email: ChildCareLicensing@health.nv.gov
Phone: 702.486.3822 or 775.684.6663

- If, after consideration of public comment, the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The Division of Public and Behavioral Health has held stakeholder meetings that promoted industry dialogue regarding concerns to the LCB File #R182-18. In consideration of the responses received from these meetings the program had concluded that adjustments could be made to the proposed language without compromising the safety and well-being of children while also meeting federal mandates.

6. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

Business -

- a. Adverse Effects - the agency has been mindful of the economic impact changes can have on facilities, which is why the agency was willing to make modifications that will not compromise the health and safety of the children these facilities serve.
- b. Beneficial Effects - these changes will require continued education and provide for accountability that promotes compliance which is an essential function of producing high quality services within the childcare industry.
- c. Immediate - the proposed amendments are essential to ensuring the continued health and safety of the children and families that utilize childcare facilities.
- d. Long Term - the implementation of these amended regulations will increase provider training and awareness as well as enhanced supervision which will contribute to the continued health and safety of the children they serve throughout the implementation process that will set the course for future determinations and expectations.

Public –

- a. Adverse Effects – None
- b. Beneficial Effects - these regulations promote compliance and accountability within the industry which assists in ensuring children and families served will receive an elevated baseline of equitable quality childcare throughout the State.
- c. Immediate –continued assurance of health and safety for children and families that utilize childcare.
- d. Long Term – enhanced awareness and accountability that will lead to continued education, training and improvement for the childcare industry.

7. The estimated cost to the agency for enforcement of the proposed regulation.

NONE

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulating federal agency.

This regulation does not affect other State agencies, overlap, or duplicate authority.

9. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions; and

These regulations are not more stringent but ensures facilities are compelled to comply with existing law and standards by establishing an equitable and transparent process through an effective and defined grading system.

10. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

NONE

Attachments: Proposed Regulations
Errata

NOTE: The Informational statement is essential. If this statement is not included with the final regulations or is incomplete or inaccurate, LCB will return the regulation to the agency. Unless a statement is supplied, the LCB will not submit the regulation to the Legislative Commission, and the regulation never becomes effective (NRS 233B.0665).