

SENATE BILL NO. 189—SENATOR WOODHOUSE

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child care facilities.
(BDR 38-61)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to public welfare; revising the amount and type of training that an employee of a child care facility is required to complete; setting forth certain requirements relating to services performed by an independent contractor at a child care facility; revising provisions concerning the frequency and timing of certain background investigations required to be conducted by the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires each person who is employed in a child care facility,
2 other than a facility that provides care for ill children, to: (1) complete 15 hours of
3 training annually if the facility provides care for 5 or more children but less than 12
4 children; and (2) complete at least 24 hours of training annually if the facility
5 provides care for more than 12 children. Existing law provides that at least 2 hours
6 of the required training must be devoted to lifelong wellness, health and safety of
7 children. (NRS 432A.024, 432A.1775) **Section 7** of this bill requires each person
8 who is employed in a child care facility, other than a facility that provides care for
9 ill children, to complete 24 hours of training annually. **Section 7** also requires at
10 least 12 hours of that training to be devoted to the care, education and safety of
11 children that is: (1) specific to the age group served by the child care facility in
12 which the person is employed; and (2) approved by the State Board of Health by
13 regulation. **Section 3** of this bill requires each person who is employed in a child
14 care facility to complete an additional 2 hours of training in the recognition and
15 reporting of child abuse and neglect.

16 Existing law, with certain exceptions, defines a “child care facility” to include
17 an on-site child care facility, a child care institution, an outdoor youth program, and
18 an establishment that is operated and maintained for the purpose of furnishing care



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19 to five or more children under 18 years of age, if compensation is received for the
20 care of any of those children. (NRS 432A.024) **Section 2** of this bill defines “child
21 care facility” for the purposes of the training requirements set forth in **sections 3**
22 **and 7** to also include an establishment that is operated and maintained for the
23 purpose of furnishing care to fewer than five children under 18 years of age, if
24 compensation is received for the care of any of those children.

25 **Section 4** of this bill requires a licensee of a child care facility to ensure that an
26 employee of the child care facility is in the presence of an independent contractor
27 retained by the child care facility during any period in which the independent
28 contractor is performing any services at the child care facility when a child is
29 present.

30 Existing law provides for the licensure of certain child care facilities. (NRS
31 432A.131-432A.220) As part of the process of obtaining a license to operate a child
32 care facility, the Division of Public and Behavioral Health of the Department of
33 Health and Human Services is required to request a background check of certain
34 employees, residents and participants of facilities and prohibit unsupervised contact
35 with a child pending the results of a background investigation. The Division is also
36 required to request a background check 5 years after the initial background check
37 and every 5 years thereafter. Both the initial background check and the subsequent
38 background check consist of information secured from the Federal Bureau of
39 Investigation and the Statewide Central Registry for the Collection of Information
40 Concerning the Abuse or Neglect of a Child. (NRS 432A.170, 432A.175) **Section 5**
41 of this bill: (1) requires the Division to request additional background checks of
42 those employees, residents and participants of facilities that consist of information
43 secured from the Central Repository for Nevada Records of Criminal History and
44 the Statewide Central Registry; (2) expands the list of crimes that are included in
45 the background checks of those employees, residents and participants of facilities;
46 and (3) requires the Division to request the information for an initial background
47 check of an employee before the employee has any direct contact with any child at
48 the child care facility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 432A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2, 3 and 4 of this
3 act.

4 **Sec. 2.** *As used in this section, NRS 432A.1775 and section 3*
5 *of this act, unless the context otherwise requires, “child care*
6 *facility”:*

- 7 *1. Has the meaning ascribed to it in NRS 432A.024; and*
- 8 *2. Includes an establishment described in paragraph (a) of*
9 *subsection 1 of NRS 432A.024 that is operated and maintained for*
10 *the purpose of furnishing care to fewer than five children under*
11 *18 years of age, if compensation is received for the care of any of*
12 *those children.*

13 **Sec. 3.** *Each person who is employed in a child care facility*
14 *shall complete at least 2 hours of training in the recognition and*
15 *reporting of child abuse and neglect:*



1 1. *Within 90 days after commencing his or her employment*
2 *in a child care facility; and*

3 2. *At least once every 5 years thereafter.*

4 **Sec. 4.** *1. A licensee of a child care facility shall ensure*
5 *that an employee of the child care facility is in the presence of an*
6 *independent contractor retained by the child care facility during*
7 *any period in which the independent contractor is performing any*
8 *services at the child care facility when a child is present.*

9 2. *The employee of the child care facility who is required to*
10 *be in the presence of the independent contractor pursuant to*
11 *subsection 1:*

12 (a) *Must be qualified to supervise the children at the child care*
13 *facility; and*

14 (b) *Shall, during the period for which the independent*
15 *contractor is performing the services at the child care facility,*
16 *supervise and ensure the safety of each child at the child care*
17 *facility.*

18 **Sec. 5.** NRS 432A.170 is hereby amended to read as follows:

19 432A.170 1. The Division may, upon receipt of an
20 application for a license to operate a child care facility, conduct an
21 investigation into the:

22 (a) Buildings or premises of the facility and, if the application is
23 for an outdoor youth program, the area of operation of the program;

24 (b) Qualifications and background of the applicant or the
25 employees of the applicant;

26 (c) Method of operation for the facility; and

27 (d) Policies and purposes of the applicant.

28 2. The Division shall secure from appropriate law enforcement
29 agencies information on the background and personal history of
30 every applicant, licensee or employee of an applicant or licensee, or
31 every resident of a child care facility who is 18 years of age or older,
32 other than a resident who remains under the jurisdiction of a court
33 pursuant to NRS 432B.594, or participant in an outdoor youth
34 program who is 18 years of age or older, to determine whether the
35 person has been convicted of:

36 (a) Murder, voluntary manslaughter or mayhem;

37 (b) Any other felony involving the use of a firearm or other
38 deadly weapon;

39 (c) Assault with intent to kill or to commit sexual assault or
40 mayhem;

41 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
42 indecent exposure or any other sexually related crime;

43 (e) Abuse or neglect of a child or contributory delinquency;



1 (f) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS;

4 (g) Abuse, neglect, exploitation, isolation or abandonment of
5 older persons or vulnerable persons, including, without limitation, a
6 violation of any provision of NRS 200.5091 to 200.50995,
7 inclusive, or a law of any other jurisdiction that prohibits the same
8 or similar conduct; ~~for~~

9 (h) Any offense involving fraud, theft, embezzlement, burglary,
10 robbery, fraudulent conversion or misappropriation of property
11 within the immediately preceding 7 years ~~for~~;

12 *(i) A crime that constitutes domestic violence pursuant to NRS*
13 *33.018; or*

14 *(j) A violation of NRS 484C.110, 484C.120 or 484C.430.*

15 3. The Division shall request information concerning every
16 applicant, licensee or employee of an applicant or licensee, or every
17 resident of a child care facility who is 18 years of age or older, other
18 than a resident who remains under the jurisdiction of a court
19 pursuant to NRS 432B.594, or participant in an outdoor youth
20 program who is 18 years of age or older, from:

21 (a) The Central Repository for Nevada Records of Criminal
22 History for submission to the Federal Bureau of Investigation for its
23 report pursuant to NRS 432A.175; ~~and~~

24 *(b) The Central Repository for its report concerning a*
25 *conviction in this State of any of the crimes set forth in subsection*
26 *2; and*

27 *(c) The Statewide Central Registry for the Collection of*
28 *Information Concerning the Abuse or Neglect of a Child established*
29 *pursuant to NRS 432.100 to determine whether there has been a*
30 *substantiated report of child abuse or neglect made against any of*
31 *them.*

32 4. The Division may charge each person investigated pursuant
33 to this section for the reasonable cost of that investigation.

34 5. The information required to be obtained pursuant to
35 subsections 2 and 3 must be requested concerning ~~an~~

36 ~~—(a) Employee~~ :

37 *(a) An employee of an applicant or licensee ~~resident~~ :*

38 *(1) For an initial background check not later than 3 days*
39 *after the employee is hired and before the employee has any direct*
40 *contact with any child at the child care facility, and must consist*
41 *of information obtained from the sources described in paragraphs*
42 *(a) and (c) of subsection 3;*

43 *(2) Two years after the initial background check is*
44 *conducted, and must consist of information obtained from the*
45 *sources described in paragraphs (b) and (c) of subsection 3;*



1 ***(3) Five years after the initial background check is***
2 ***conducted and every 5 years thereafter, and must consist of***
3 ***information obtained from the sources described in paragraphs (a)***
4 ***and (c) of subsection 3; and***

5 ***(4) Two years after each background check is conducted***
6 ***pursuant to subparagraph (3), and must consist of information***
7 ***obtained from the sources described in paragraphs (b) and (c) of***
8 ***subsection 3.***

9 ***(b) A resident*** of a child care facility who is 18 years of age or
10 older, other than a resident who remains under the jurisdiction of a
11 court pursuant to NRS 432B.594, or participant in an outdoor youth
12 program who is 18 years of age or older :

13 ***(1) For an initial background check*** not later than 3 days
14 after ~~the employee is hired,~~ the residency begins or the participant
15 begins participating in the program, ~~and then at least once~~ and
16 ***must consist of information obtained from the sources described***
17 ***in paragraphs (a) and (c) of subsection 3;***

18 ***(2) Two years after the initial background check is***
19 ***conducted, and must consist of information obtained from the***
20 ***sources described in paragraphs (b) and (c) of subsection 3;***

21 ***(3) Five years after the initial background check is***
22 ***conducted and every 5 years thereafter*** †

23 ~~—(b) Applicant†~~, and must consist of information obtained from
24 ***the sources described in paragraphs (b) and (c) of subsection 3;***
25 ***and***

26 ***(4) Two years after each background check is conducted***
27 ***pursuant to subparagraph (3), and must consist of information***
28 ***obtained from the sources described in paragraphs (b) and (c) of***
29 ***subsection 3.***

30 ***(c) An applicant*** at the time that an application is submitted for
31 licensure, and then at least once every 5 years after the license is
32 issued.

33 6. A person who is required to submit to an investigation
34 required pursuant to this section shall not have contact with a child
35 in a child care facility without supervision before the investigation
36 of the background and personal history of the person has been
37 conducted.

38 **Sec. 6.** NRS 432A.175 is hereby amended to read as follows:

39 432A.175 1. Every applicant for a license to operate a child
40 care facility, licensee and employee of such an applicant or licensee,
41 and every resident of a child care facility who is 18 years of age or
42 older, other than a resident who remains under the jurisdiction of a
43 court pursuant to NRS 432B.594, or participant in an outdoor youth
44 program who is 18 years of age or older, shall submit to the
45 Division, or to the person or agency designated by the Division, to



1 enable the Division to conduct an investigation pursuant to NRS
2 432A.170, a:

3 (a) Complete set of fingerprints and a written authorization for
4 the Division or its designee to forward the fingerprints to the Central
5 Repository for Nevada Records of Criminal History *for its report or*
6 for submission to the Federal Bureau of Investigation for its report;

7 (b) Written statement detailing any prior criminal convictions;
8 and

9 (c) Written authorization for the Division to obtain any
10 information that may be available from the Statewide Central
11 Registry for the Collection of Information Concerning the Abuse or
12 Neglect of a Child established pursuant to NRS 432.100.

13 2. If an employee of an applicant for a license to operate a
14 child care facility or licensee, or a resident of a child care facility
15 who is 18 years of age or older, other than a resident who remains
16 under the jurisdiction of a court pursuant to NRS 432B.594, or
17 participant in an outdoor youth program who is 18 years of age or
18 older, has been convicted of any crime listed in subsection 2 of NRS
19 432A.170 or has had a substantiated report of child abuse or neglect
20 filed against him or her, the Division shall immediately notify the
21 applicant or licensee, who shall then comply with the provisions of
22 NRS 432A.1755.

23 3. An applicant for a license to operate a child care facility or
24 licensee shall notify the Division as soon as practicable but not later
25 than 24 hours after hiring an employee, beginning the residency of a
26 resident who is 18 years of age or older, other than a resident who
27 remains under the jurisdiction of a court pursuant to NRS 432B.594,
28 or beginning the participation of a participant in an outdoor youth
29 program who is 18 years of age or older.

30 4. An applicant for a license to operate a child care facility or
31 licensee shall notify the Division within 2 days after receiving
32 notice that:

33 (a) The applicant, licensee or an employee of the applicant or
34 licensee, or a resident of the child care facility who is 18 years of
35 age or older, other than a resident who remains under the
36 jurisdiction of a court pursuant to NRS 432B.594, or participant in
37 an outdoor youth program who is 18 years of age or older, or a
38 facility or program operated by the applicant or licensee, is the
39 subject of a lawsuit or any disciplinary proceeding; or

40 (b) The applicant or licensee, an employee, a resident or
41 participant has been charged with a crime listed in subsection 2 of
42 NRS 432A.170 or is being investigated for child abuse or neglect.

43 **Sec. 7.** NRS 432A.1775 is hereby amended to read as follows:

44 432A.1775 1. Each person who is employed in a child care
45 facility, ~~{that provides care for more than 12 children,}~~ other than in



1 a facility that provides care for ill children, shall , *in addition to*
2 *completing the training required by section 3 of this act*, complete
3 ~~f:~~

- 4 ~~—(a) Before January 1, 2014, at least 15 hours of training;~~
5 ~~—(b) On or after January 1, 2014, and before January 1, 2015, at~~
6 ~~least 18 hours of training;~~
7 ~~—(c) On or after January 1, 2015, and before January 1, 2016, at~~
8 ~~least 21 hours of training; and~~
9 ~~—(d) On or after January 1, 2016, 24 hours of training each year.~~

10 2. ~~Except as otherwise provided in subsection 1, each person~~
11 ~~who is employed in any child care facility, other than in a facility~~
12 ~~that provides care for ill children, shall complete at least 15 hours of~~
13 ~~training each year.~~

14 ~~3.~~ At least ~~21~~ :

15 (a) *Twelve hours of the training required by subsection 1 each*
16 *year must be devoted to the care, education and safety of children*
17 *specific to the age group served by the child care facility in which*
18 *the person is employed and must be approved in accordance with*
19 *regulations adopted by the Board; and*

20 (b) Two hours of the training required by ~~subsections 1 and 2~~
21 *subsection 1* each year must be devoted to the lifelong wellness,
22 health and safety of children and must include training relating to
23 childhood obesity, nutrition and physical activity.

24 **Sec. 8.** NRS 432A.220 is hereby amended to read as follows:
25 432A.220 Any person who operates a child care facility
26 without a license issued pursuant to NRS 432A.131 to 432A.220,
27 inclusive, *and sections 2, 3 and 4 of this act* is guilty of a
28 misdemeanor.

29 **Sec. 9.** 1. Each person who, on January 1, 2018, is employed
30 in a child care facility shall complete the training requirements set
31 forth in section 3 of this act and NRS 432A.1775, as amended by
32 section 7 of this act, before January 1, 2019.

33 2. As used in this section, “child care facility” has the meaning
34 ascribed to it in section 2 of this act.

35 **Sec. 10.** This act becomes effective:

36 1. Upon passage and approval for the purpose of adopting
37 regulations and performing any other preparatory tasks that are
38 necessary to carry out the provisions of this act; and

39 2. On January 1, 2018, for all other purposes.

