

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Eighty-Second Session  
April 19, 2023**

The Committee on Health and Human Services was called to order by Chair Sarah Peters at 1:37 p.m. on Wednesday, April 19, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Sarah Peters, Chair  
Assemblyman David Orentlicher, Vice Chair  
Assemblywoman Cecelia González  
Assemblywoman Michelle Gorelow  
Assemblyman Ken Gray  
Assemblyman Gregory T. Hafen II  
Assemblyman Brian Hibbetts  
Assemblyman Gregory Koenig  
Assemblywoman Sabra Newby  
Assemblyman Duy Nguyen  
Assemblywoman Angie Taylor  
Assemblywoman Clara Thomas

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Patrick Ashton, Committee Policy Analyst  
Eric Robbins, Committee Counsel  
David Nauss, Committee Counsel  
Terry Horgan, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Karissa Loper, Agency Manager for Child Care, Division of Welfare and Supportive Services, Department of Health and Human Services  
Tom Clark, representing The Children's Cabinet  
Mike Dzyak, Chief, State Fire Marshal Division, Nevada Department of Public Safety  
Hana S. Fahmi, representing Children's Advocacy Alliance  
Denise Tanata, Chair, Nevada Early Childhood Advisory Council  
Marla McDade Williams, Deputy Director, Programs, Department of Health and Human Services

**Chair Peters:**

[Roll was taken. Committee rules and protocol were reviewed.] Good afternoon and welcome to the Assembly Committee on Health and Human Services. We have one bill hearing on the agenda today, and then we will have public comment. We will move on to our agenda today. We have an agency bill, Assembly Bill 463, presented by Ms. Loper.

**Assembly Bill 463: Revises provisions governing child care facilities and certain child care programs. (BDR 38-1083)**

**Karissa Loper, Agency Manager for Child Care, Division of Welfare and Supportive Services, Department of Health and Human Services:**

Assembly Bill 463 is being brought by the Department of Health and Human Services (DHHS) to transfer certain duties and authorities related to child care licensing and regulation from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services. This is a companion policy bill to accompany the transfer of the child care licensing budget account from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services. These transfers will align budget authorities and programmatic implementation and oversight for child care licensing activities under the Division of Welfare and Supportive Services, which is the lead agency for administering the Child Care and Development Block Grant. This change will create administrative efficiencies by having one agency responsible for the oversight and implementation of child care licensing activities. The administrative transition will not impact service delivery or communications with child care providers. The transfer will be seamless.

In summary, sections 1 through 4, sections 6 through 8, and sections 11 and 12 make the necessary administrative changes in the *Nevada Revised Statutes* to transfer the authorities

and duties of child care licensing and regulation to the administrator of the Division of Welfare and Supportive Services. Section 5 makes various changes to the membership categories of the Nevada Early Childhood Advisory Council (ECAC) to ensure proper representation from the appropriate Division of Welfare and Supportive Services staff and from Nevada's tribal community. As you may know, there is another bill, Assembly Bill 114, that also changes the membership of the Council. We would like to ensure that the added members in A.B. 463 are included should A.B. 114 also be enacted, so we will ensure those bills are reconciled to have no conflicts.

Section 8 transfers the authority to enter facilities to conduct child care licensing inspections from the chief medical officer of the Division of Public and Behavioral Health to the administrator of the Division of Welfare and Supportive Services. Section 8 also adds language to specify that a designee of the state fire marshal can be a local fire agency that meets a standard recognized by the state fire marshal, and it removes the requirement that the state fire marshal or their designee must inspect a child care facility every year. Sections 9 and 10 clarify that immunization coverage reports for child care facilities should continue to be submitted to the Division of Public and Behavioral Health. That summarizes the bill sections as they are written. Thank you for your time this afternoon, and I am here to answer any of your questions regarding the bill.

**Chair Peters:**

Thank you so much. Assemblywoman Taylor has a question. Please let me know if you have other questions, Committee members.

**Assemblywoman Taylor:**

This certainly makes sense to me, but why is there a change in the inspections of the facilities?

**Karissa Loper:**

Specifically, the fire marshal inspections? [Assemblywoman Taylor nodded yes.] Although we inspect yearly right now, there is not a specific federal requirement for the period of time we need to inspect for fire safety. There are and will be initial fire inspections for any child care facility that is going to open for business as a requirement of opening for business. We will work with the state fire marshal and the child care licensing subject matter expert staff to ensure we find a periodicity that works for all parties. We do not take fire safety lightly; however, other facilities regulated across the state do not receive an annual fire inspection. They occur only when there has been a substantial change to the building size or the licensed capacity of the facility or if child care licensing personnel, who enter facilities two times per year, see something that makes them concerned.

**Assemblywoman Taylor:**

Okay. Thank you very much.

**Chair Peters:**

I had a question related to the decision to modify this from the chief medical officer. You covered this, but can you go a little bit further about why we are moving the annual inspections of child care facilities from the chief medical officer into the Division of Welfare and Supportive Services?

**Karissa Loper:**

Yes, thank you for the question. The changes to section 8 are necessary in this case to ensure the complete transfer of legal authorities and duties from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services. As child care licensing staff become Division of Welfare and Supportive Services staff, we wanted to align authority for the supervisory chain of who allows them to enter those facilities to conduct regular inspections from the lead person at the Division of Public and Behavioral Health to the lead individual—the administrator of the Division of Welfare and Supportive Services.

**Assemblyman Nguyen:**

When was the last time we made changes to this particular section?

**Karissa Loper:**

The last time we made changes to this *Nevada Revised Statutes* section, I would have to go back and check with staff to give you that exact date.

**Assemblyman Nguyen:**

The reason I ask is you are making changes to the membership of this body. The last time we made changes, our state demographic had not shifted the way it has in recent years. Now, there are diverse populations in our state that may need input at this advisory level. If it has not been thought of already, I would encourage you to include another board member who has experience working with bilingual communities in terms of the licensing capacity for this particular department.

**Karissa Loper:**

Thank you. The other bill I mentioned, A.B. 114, makes other various membership changes to the Nevada Early Childhood Advisory Council. I will need to check on that, but I believe some diverse representation has been added through A.B. 114, but we will take those comments and make sure we reconcile the two bills.

**Assemblyman Nguyen:**

Perfect. I look forward to seeing some of that. Thanks so much.

**Chair Peters:**

I think the last time this membership was modified was in 2019—not too long ago, but things have changed a lot in those years as we all know and have experienced. Are there any other questions from the Committee? [There were none.] Seeing none, we will move into testimony and start with support testimony in our physical locations and then move to the phones. Is there anyone in Carson City who would like to provide support testimony?

**Tom Clark, representing The Children's Cabinet:**

I am here on behalf of The Children's Cabinet, the statewide organization that deals with a lot of child care-related issues. We are very much in support of this administrative change and seeing it move forward. There has been a lot of talk about this movement over to the new division for some time, and we are very much in support. We also appreciate the fact Ms. Loper is willing to look at Assemblywoman Thomas's bill, A.B. 114, as far as the membership of the ECAC so there is some consistency. And, thank you for your comments, Assemblyman Nguyen. We will definitely take those into consideration as well.

**Chair Peters:**

Seeing no one else in Carson City, we will move to Las Vegas. Is there anyone in Las Vegas who would like to provide support testimony on Assembly Bill 463? [There was no one.] Seeing no one approach the desk, please check the public line for support testimony on Assembly Bill 463. [There was no one.] We will move into opposition testimony. If anyone in Carson City or Las Vegas would like to provide opposition testimony, come up to the desk. [There was no one.] Would you check the public line for opposition testimony on Assembly Bill 463. [There was no one.] We will move on to neutral testimony. Is there anyone who would like to provide neutral testimony in Carson City or Las Vegas?

**Mike Dzyak, Chief, State Fire Marshal Division, Nevada Department of Public Safety:**

We are neutral on this; however, we wanted to bring some information to the Committee before any decisions were made. We met with DHHS on February 22 and talked about some of these things. The language which removes the annual fire inspection requirement comes from *Nevada Administrative Code* (NAC) 477.562, subsection 1(b) which says, "Each facility must be inspected for compliance with applicable fire and safety regulations by the authority having jurisdiction before a license to operate the facility is issued. The facility must be inspected annually thereafter and have a current certificate of compliance issued by the authority having jurisdiction." If it is the will of the Legislature to do that, we would have to go back and make regulation changes to that or remove it. Either way, we are okay.

The other issue is with the national certification. There is only one national certification for a fire department we are aware of, and that is from the Commission on Fire Accreditation International through the Center for Public Safety Excellence. To our knowledge, we have only three fire departments in the state that are accredited through that entity: Fallon Naval Air Station, the City of Henderson, and Boulder City. What would be more helpful, and I am happy to work with the bill sponsors on this, I could provide an annually updated list of fire departments whose reports we would be comfortable accepting. Again, if that is the will of the Legislature. We would have to clarify with DHHS what occurs, because the way the inspections happen now, the child care requests the inspection. If we are going to go to other jurisdictions, and I do not know whether they reached out to other jurisdictions to see if they want to do the inspections and how much their inspection is going to cost, they will have to do that. We did not want to take on the burden of trying to find the facility that is going to have that jurisdiction and ask, Do you want to do it? Yes or no. And then what happens? Am I still issuing the certificate of compliance under the authority of the fire marshal or are

they accepting it? Is DHHS going to take that back? Moving forward, we would like some clarification, just to be prudent.

**Chair Peters:**

Would you mind if we ask questions?

**Mike Dzyak:**

Of course.

**Chair Peters:**

I have a question, and Committee members, if you have other questions, please feel free to jump in.

First, the way this is stated in section 8, subsection 2 is that you can develop regulations, so you can maintain the regulations the way they are with the annual requirement. This just gives you more discretion on how frequently those inspections are conducted. That will go through the regulatory process if you do choose to modify those, but I do not think it would require a modification at the get-go. I will ask Legal if I am overstepping my bounds, but the way I read it, that is what it sounds like. The other question I had is related to the fire agencies you would be willing to accept reports from. Do you have a standing MOU [memorandum of understanding] or other operational agreements in place with those entities we could reference instead of just calling out other local entities? Additionally, I think the language may also include "and credits in accordance with regulations adopted by the board," so you could limit who those local fire agencies may be. We need to address the "accredited by National Organization" language.

**Mike Dzyak:**

Yes and no. Yes, we have interlocal agreements with many of those counties. Our regulations apply throughout the state, but our ability to enforce them does not extend to Clark County, Washoe County, or Carson City; we do not keep interlocal agreements with them. Some of the other issues we have are certain entities we have interlocal agreements with for things like plan reviews do not have certified fire inspectors, so we would want to make sure the places that were going to do it have ICC [International Code Council]-certified inspectors. It is one thing for a fire department to inspect on its own and take that liability. But if it is going to come back to the State Fire Marshal Division, we want to make sure all those jurisdictions have it, and we would. No matter what happens, we are happy to assist DHHS in the inspection process where they want us and where they request us. We will get out there; we just have to make sure we are getting everything right the first time.

**Chair Peters:**

Okay. I appreciate that, and I see some notes being taken; hopefully, we can come up with a solution on that piece. Are there any other questions for the fire marshal today? [There were none.] Thank you so much for entertaining our questions. I appreciate your time today.

**Hana S. Fahmi, representing Children’s Advocacy Alliance:**

I am testifying on behalf of the Children's Advocacy Alliance (CAA) in neutral on A.B. 463. It is CAA’s understanding that nothing in this bill conflicts with the Early Childhood Advisory Council’s membership being discussed in another Assembly bill making its way through the legislative process.

**Chair Peters:**

Thank you. Seeing no one else approaching for neutral testimony in Carson City or Las Vegas, please check the public line for neutral testimony on Assembly Bill 463.

**Denise Tanata, Chair, Nevada Early Childhood Advisory Council:**

I am currently the chair of the Nevada Early Childhood Advisory Council. I wanted to provide a few remarks since the advisory council is referenced in this bill. Although we do not have any official position on the bill, in regard to section 5, we do not have any concerns with the changes listed there. We want to ensure that the final language in the *Nevada Revised Statutes* aligns with A.B. 114. We appreciate Ms. Loper’s comments regarding that. In reviewing the bill, we only see two differences. The current legislation would have two representatives from the Division of Welfare and Supportive Services—one from licensing and one from the child care development program—which is also not an issue. We currently have two appointed. Both agencies are appointed representatives on the Early Childhood Advisory Council right now, so it would be codified in statute. The other difference we are seeing between the language is regarding the tribal representative, and it is slightly different language. The Nevada Early Childhood Advisory Council is fine with either way it is written, so we do not have a position on the bill. We want to make sure there is alignment with A.B. 114 regarding those provisions designating the Early Childhood Advisory Council membership. I also want to thank those members who voted to pass A.B. 114 out of the Assembly today.

**Chair Peters:**

Thank you for your testimony. Are there other callers on the line? [There were none.] I would invite the division representatives back up for final comments today.

**Marla McDade Williams, Deputy Director, Programs, Department of Health and Human Services:**

Before Ms. Loper goes, I wanted to briefly address the state fire marshal language. As the state fire marshal indicated, we did participate in a discussion in February. Our intent was to eliminate the statutory requirement for an annual inspection and then defer to the state fire marshal on the agencies most appropriate to do those inspections. However this language gets worked out, that was our intent, and not to do anything independent from the state fire marshal.

**Karissa Loper:**

For the record, I want to thank you for your time and the opportunity to present on this bill today.

**Chair Peters:**

Thank you for that. I think we can work toward some solutions in that area, and I appreciate your presentation today. We will close the hearing on Assembly Bill 463 and move into our final agenda item today, public comment. We are limiting public comment to two minutes. We will begin in our physical locations and then go to the phones. Is there anyone in Carson City who would like to provide public comment today? [There was no one.] Seeing no one in Carson City, is there anyone who would like to provide public comment today in Las Vegas? [There was no one.] Seeing no one approaching the desk, would you check the phone line for public comment today? [There was no one.] That brings us to the end of our public comment agenda item. Are there any other comments from the Committee before we adjourn? [There were none.] With that, we are adjourned [at 2:01 p.m.].

RESPECTFULLY SUBMITTED:

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Terry Horgan  
Committee Secretary

APPROVED BY:

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Assemblywoman Sarah Peters, Chair

DATE: \_\_\_\_\_



**EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.