

LCB File No. R072-98

NOTICE OF INTENT TO ACT UPON A REGULATION  
NOTICE OF PUBLIC HEARING AND AGENDA

for the Amendment of Regulations of the  
Board for Child Care

Bureau of Services for Child Care, Division of Child and Family Services  
711 E. Fifth Street, Carson City NV 89710  
(702)687-5982 FAX (702)687-4722

The Bureau of Services for Child Care will hold a public hearing at 1:00 PM, on June 11, 1998, at Washoe County Complex, 1001 East Ninth St., Washoe County Health Division, South Conference Room, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding additions and amendments of regulations pertaining to Chapter 432A of the Nevada Administrative Code. A Workshop to solicit comments will be held at 10:00 AM on June 11, 1998, at above location.

AGENDA

- 10:00AM WORKSHOP
- 11:30AM Lunch Break
- 1:00PM 1. BOARD MEETING: Call to Order; Roll Call of Members; Introductions
- Action Item** \*2. Approval of 04-14-98 Minutes
- 3. Review of Las Vegas Workshop
- Action Items** \*4. **Public Hearing**  
  - \*Section 1: Language clarification for soiled clothing: Each soiled cloth diaper and any soiled, contaminated clothing must be stored in an individual plastic bag and be returned to the parents daily.
  - \*Section 2: Language clarification for disinfectants: Bleach solution prepared fresh daily and other solutions as approved by a health authority.
  - \*Section 3: Language clarification for return bottles/jars: Unused bottles and any unused, open container of food must be returned daily to parents if the child was not fed directly from the jar of food.
  - \*Section 4: NAC 432A.310 amended for requirements of TB skin tests.
  - \*WAIVER REQUEST: Facility - Midbar Kodesh Temple, 33 Cactus Garden Dr., Henderson NV 89014
  - Waiver Section: NAC 432A.250.1(b) & .250.3
- 5. Bureau Report: Patricia J. Simonsen, Chief
- 6. Additional public comment; future agenda items, next meeting date
- Action Item** \*7. Adjournment

\*The Board may take action on any of these items.  
The Board wishes to notify the public that it may consider agenda items out of order and may alter lunch schedule.

PUBLIC HEARING

The following information is provided pursuant to the requirements of NRS 233B.060:  
Section 1.

- 1. The need and purpose of the proposed regulation amendments: Language clarification.
  - 2. Proposed regulation amendment(s) description: Contaminated added to soiled clothing to be returned without rinsing in sealed plastic bag.
  - 3. The estimated economic effect of the regulation on the business which it is to regulate:
    - (a) adverse and beneficial: Clarifies that contaminated, soiled clothing must be returned to parent without rinsing to reduce the risk of contamination.
    - (b) immediate and long-term effects: Less possibility of contamination.
- The estimated economic effect of the regulation on the public:
- (a) adverse and beneficial: Clarifies that contaminated, soiled clothing must be returned to parents without rinsing to reduce the risk of contamination.
  - (b) immediate and long-term effects: Less possibility of contamination.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known as clarification of requirements.
5. There is duplication of some of these health standards in the Clark County Health District Requirements for Child Care Facilities and Washoe County Social Services Child Care Regulations.
6. There is no regulation requirement pursuant to federal law.
7. There are no federal child care regulations. 8. This proposed regulation does not increase a fee or establish a new fee.

Section 2.

1. The need and purpose of the proposed regulation amendments: Language clarification.
2. Proposed regulation amendment(s) description: Bleach solutions prepared fresh daily and other solutions as approved by health authority.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: No adverse as existing regulation. Clarifies mixing requirements.
  - (b) immediate and long-term effects: Better interpretation of regulation allowing for infectious disease control.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Mixing of cleaning solutions defined.
- (b) immediate and long-term effects: Better infectious disease control methods.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. There is duplication of some of these health standards in the Clark County Health District Requirements for Child Care Facilities and Washoe County Social Services Child Care Regulations.
6. There is no regulation requirement pursuant to federal law.
7. There are no federal child care regulations. 8. This proposed regulation does not increase a fee or establish a new fee.

Section 3.

1. The need and purpose of the proposed regulation amendments: Language clarification.
2. Proposed regulation amendment(s) description: Unused bottles and open jars of food returned to parents daily unless a child has been fed directly from the jar.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: Clarification of requirements for the return of food to parents.
  - (b) immediate and long-term effects: Clarification of requirements for the return of food to parents to reduce the risk of contamination.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Less possibility of the return of contaminated food.
- (b) immediate and long-term effects: Clear guidelines of when food may be returned for contamination control.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. There is may be some duplication in Clark County Health District Regulations for Child Care Facilities.
6. There is no regulation requirement pursuant to federal law.
7. There are no federal child care regulations. 8. This proposed regulation does not increase a fee or establish a new fee.

Section 4.

1. The need and purpose of the proposed regulation amendments: Guidelines for TB tests for employees.
2. Proposed regulation amendment(s) description: A negative report must be produced by the employee before employment.
3. The estimated economic effect of the regulation on the business which it is to regulate:
  - (a) adverse and beneficial: Employee must have a negative result before employment.
  - (b) immediate and long-term effects: Reduces the possibility of exposure to TB.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Reduces the possibility of exposure to TB .
- (b) immediate and long-term effects: Reduces the possibility of exposure to TB.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. There is duplication of some of these health standards in the Clark County Health District Requirements for Child Care Facilities and Washoe County Social Services Child Care Regulations.
6. There is no regulation requirement pursuant to federal law.

7. There are no federal child care regulations.
8. This proposed regulation does not increase a fee or establish a new fee.

Persons wishing to comment upon the proposed action of the Board for Child Care may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Board for Child Care, Bureau of Services for Child Care, 3920 E. Idaho Street, Elko NV 89801. Written submissions must be received by the Bureau of Services for Child Care on or before 6-10-98. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board for Child Care may proceed immediately to act upon any written submissions.

A copy of this notice and the proposed regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada 89710, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at the Division of Child and Family Services: 711 E. Fifth St., Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 620 Belrose St. Suite C, Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 565 North Main St., Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89446; 14 Pacific St., Yerington NV 89447; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein the Board for Child Care's reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Division of Child and Family Services: 711 E. Fifth St., Carson City NV 89710; 1572 E. College Parkway, Suite 161, Carson City NV 89710; 620 Belrose St. Suite C, Las Vegas NV 89158; 3920 E. Idaho St., Elko NV 89801; 560 Mill St. #350, Reno NV 89502; 725 Avenue K, Ely NV 89301; 1735 Kaiser St., Fallon NV 89406; 1000 C St., Hawthorne NV 89415; 535 Western Ave., Lovelock NV 89419; 565 North Main St., Tonopah NV 89049; 475 W. Haskell, #7, Winnemucca, NV 89446; 14 Pacific St., Yerington NV 89447

Nevada State Library: 100 Stewart St., Carson City NV 89710

Washoe County Social Services: Well Ave. at Ninth St., Reno NV 89520

Clark County Social Services: 1600 Pinto Lane, Las Vegas NV 89106

City of Las Vegas, Privilege License Division: 400 East Stewart Avenue, Las Vegas NV 89101

Carson City Environment Health: 1711 North Roop St., Carson City NV 89701

County Libraries: Douglas County Library, 1625 Library Lane, Minden NV 89423; Esmeralda County Library, Fourth and Crook St., Goldfield NV 89013; Eureka Branch Library, 10190 Monroe St., Eureka NV 89316; Lincoln County Library, 93 Main St., Pioche NV 89043; Storey County Library, 95 South R St., Virginia City NV 89440.

Note: Disabled members of the public who require special accommodations or assistance at the meeting are requested to notify P. J. Simonsen in writing at 3920 E. Idaho St., Elko NV 89801, or by calling (702)753-1237 no later than 6-10-98.

**LCB File No. R072-98**

**PROPOSED REGULATION OF THE DIVISION OF CHILD AND FAMILY SERVICES**

**AUTHORITY: NRS 432A.077**

**SECTION 1.** Sec.2. of LCB File No. R047-98 which was adopted by the board for child care April 14, 1998 and submitted for filing with the secretary of state is hereby amended to read as follows:

Section 3 of LCB File No. R203-97, which was adopted by the board for child care and was filed with the secretary of state on April 1, 1998, is hereby amended to read as follows:

Sec. 3. 1. Each area in a facility that is used for changing diapers must:

- (a) Have a smooth, nonabrasive, impervious surface;
  - (b) *Be located within close proximity to a sink that is not used for the preparation of food;*
  - (c) Not be located in an area in which food is prepared;
  - (d) Have a smooth, nonabsorbent floor covering;
  - (e) Have nearby for wet or soiled diapers a washable receptacle that is lined with plastic and covered with a lid;
  - (f) Be kept in good repair and in a safe condition; and
  - (g) *Be cleaned and disinfected after each use by removing any visible soil and applying an approved disinfectant.*
2. *Each soiled cloth diaper and any soiled, **CONTAMINATED** clothing must be stored in an individual plastic bag and be returned to the parents daily.*
3. The staff of a facility:
- (a) *Shall discourage* children from coming near an area that is used for changing diapers; and
  - (b) *Shall not leave a child unattended in the diaper changing area.*

**SECTION 2.** Sec. 4. Of LCB File No. R047-98 which was adopted by board for child care April 14, 1998 and submitted for filing with the secretary of state is hereby amended to read as follows:

Section 6 of LCB File No. R-203-97, which was adopted by the board for child care and was filed with the secretary of state on April 1, 1998, is hereby amended to read as follows:

Sec. 6. 1. A carpeted floor or rug on a floor that is too large to wash in a washing machine must be vacuumed not less than one time each day or more often if necessary and professionally cleaned not less than one time every 3 months or more often if necessary.

2. Each floor of a facility that is not carpeted must be swept and mopped not less than one time each day or more often if necessary.

3. when cleaning a nonporous surface in a facility, including, without limitation, cleaning toys, cribs, tables, high chairs and surfaces used to change diapers, the staff of a facility shall:

- (a) Clean the surface first with soap and water to remove any dirt or debris; and

(b) Disinfect the surface with a disinfecting agent : [that is prepared fresh daily and is sprayed onto the surface by a bottle.]

4. The disinfecting agent used pursuant to subsection 3 must [be prepared fresh daily and must] consist of:

(a) One-fourth of a cup of liquid chlorine bleach added to 1 gallon of water PREPARED FRESH DAILY;

(b) One tablespoon of liquid chlorine bleach added to 1 quart of water PREPARED FRESH DAILY; or

(c) A solution that is approved by the appropriate state or local agency and is at least effective as the solutions described in paragraphs (a) and (b).

**SECTION 3.** Sec. 5 of LCB File No. R047-98 which was adopted by board for child care and submitted for filing with the secretary of state is hereby amended to read as follows:

Section 8 of LCB file No. R203-97, which was adopted by the board for child care and was filed with the secretary of state on April 1, 1998, is hereby amended to read as follows:

Sec. 8. 1. The staff of each facility shall:

(a) Provide appropriate and adequate seating for the children at the facility during snacks and meals;

(b) If a high chair is used, ensure that the chair:

(1) Is in good condition;

(2) Has a safety belt for the child;

(c) Wash with a detergent and disinfect after each use any chair or table that is used during a snack or meal;

(d) Allow, encourage and assist each child to feed himself, including, without limitation, encouraging a child to hold and drink from a cup, use a spoon and use his fingers to feed himself;

(e) Offer each child drinking water at times other than during his regular feedings;

(f) [Transfer commercially prepared baby food from a jar to a dish before feeding it to a child;

(g)] Discard any food that is left in a dish after a meal;

(g) Store each bottle of formula and container of food in accordance with the instructions from the manufacturer of the formula or food;

(h) Label each bottle of formula and container of food with the name of the child to whom it belongs and the date the formula or food was prepared by the facility or was prepared or purchased by the parent;

(i) Immediately refrigerate and label each container of breast milk provided by a parent;

(j) Return each bottle and any unused , OPEN container of food to the appropriate parent each day IF THE CHILD WAS NOT FED DIRECTLY FROM THE JAR OF FOOD; and

(k) Develop with the parents of a child a plan for feeding the child, which must include, without limitation:

(1) Instructions for feeding;

(2) Any special dietary restrictions, including, without limitation, any allergies to food;

(3) A schedule of times for feeding;

(4) Whether the child will be fed breast milk, formula or solid food;

- (5) If the child will be fed breast milk or formula, when to begin feeding solid food; and
- (6) Likes and dislikes of certain foods.
- 2. A child who is fed with a bottle and does not hold his own bottle must be held by a caretaker while being fed with a bottle. The bottle must not be propped for feeding. A child who demonstrates a preference for holding a bottle during feeding may hold his own bottle and need not be held by a caretaker if the caretaker is directly observing a child.
- 3. *The staff of a facility may feed a child commercially prepared baby food directly from the jar in which it was packaged or from a separate dish. If the staff feeds the child from the jar, the staff shall discard the jar after it is used.*

**SECTION 4.** Chapter 432A.10 of NAC is hereby amended to read as follows:

432A.310 Staff: Personal health.

1. Every member of the staff of a facility, including a volunteer, shall present to the director of the facility, to be placed in the employee's file, written evidence that the employee is free from communicable tuberculosis. The evidence must be in the form of a **CERTIFICATE OF TUBERCULIN TEST OR X-RAY.** *[negative report of a tuberculosis test or an X-ray film of the chest taken within the 2 years before or 1 week after the employment. The test or X-ray film must be repeated every 2 years after the issuance of the negative report. ]* **BEFORE INITIAL EMPLOYMENT, A PERSON EMPLOYED IN A CHILD CARE FACILITY MUST HAVE A MANTOUX TUBERCULIN SKIN TEST, INCLUDING PERSONS WITH A HISTORY OF BACILLUS CALMETTE-GUERIN (BCG). IF THE EMPLOYEE HAS NO DOCUMENTED HISTORY OF A 2-STEP MANTOUX TUBERCULIN SKIN TEST AND HAS NOT HAD A SINGLE MANTOUX TUBERCULIN SKIN TEST WITHIN THE PRECEDING 12 MONTHS, THEN A 2-STEP MANTOUX TUBERCULIN SKIN TEST MUST BE ADMINISTERED. A SINGLE ANNUAL MANTOUX TUBERCULIN SKIN TEST MUST BE ADMINISTERED THEREAFTER FOR THOSE PERSONS HAVING A NON-SIGNIFICANT REACTION (NEGATIVE) TO THE TEST.**  
**A PERSON WHO DEMONSTRATES A SIGNIFICANT (POSITIVE) REACTION TO A SKIN TEST SHALL SUBMIT TO A CHEST RADIOGRAPH AND MEDICAL EVALUATION TO RULE OUT ACTIVE TUBERSULOSIS.**  
**AN INDIVIDUAL WITH A DOCUMENTED HISTORY OF A POSITIVE MANTOUX TUBERCULIN SKIN TEST MUST HAVE A DOCUMENTED NEGATIVE CHEST X-RAY RESULT AT THE TIME OF INITIAL EMPLOYMENT AND THEREAFTER IS EXEMPT FROM SCREENING WITH SKIN TESTS OR CHEST RADIOGRAPHS UNLESS SYMPTOMS SUGGESTIVE OF TUBERCULOSIS DEVELOP. THAT INDIVIDUAL MUST HAVE A DOCUMENTED, MEDICAL INTERVIEW ANNUALLY TO ASSURE NO SYMPTOMS OF ACTIVE TUBERCULOSIS DISEASE HAVE DEVELOPED.**

- 2. Each caretaker or member of the staff of a facility who has an identified health problem that may affect his ability to provide adequate care to children in a facility shall:
  - (a) Report the problem to the director of the facility or, if self-employed, to his licensing agency; and
  - (b) Submit to the director or, if self-employed, to his licensing agency, a written statement from a licensed physician attesting to the fact that the health of the caretaker does not

endanger the children who are under his care in the facility.

3. Each director shall report to his licensing agency any health problem reported to him pursuant to subsection 2.

4. Each director or caretaker, if self-employed, shall immediately report to his licensing agency any person residing at his facility who contracts a serious communicable disease.