

LCB File No. R066-99

PROPOSED REGULATION OF THE DIVISION OF CHILD AND FAMILY SERVICES OF THE DEPARTMENT OF HUMAN RESOURCES

AUTHORITY: §§ 1-2, NRS 424.020

Section 1. Chapter 424 of NAC is hereby amended by adding thereto a new definition to read as follows:

“Applicant” Defined. “Applicant” means an individual:

- 1. Applying to be a provider of foster care;*
- 2. Any adult resident living in an applicant’s residence or a foster home; and,*
- 3. Volunteers and employees of a foster home.*

Sec. 2. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.035 “Division representative” defined.

“Division representative” means the ~~licensing worker~~ *regional division representative, professional worker of the division or designee* of the division, or the ~~licensing worker~~ *professional worker or designee* of a licensed child-placing agency.

Sec. 3. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.110 Application for license.

1. Any person or operator, including corporations, desiring to operate a foster home shall contact their *regional division representative or* local district office of the division for an application and return the completed application to the *regional division representative or* district office.

2. When a corporation applies for a license, the application must include information on the director and staff. The director is responsible for interviewing each of the prospective employees and submitting a copy of their employment application and resume to the division upon request.

3. *Intentional* ~~[M]~~ *misrepresentation or omission of information on a foster home application can be cause for immediate denial or revocation of the license and is not subject to the appeal process.*

Sec. 4. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.130 Inspections: General requirements.

1. A division representative shall conduct a fair and impartial inspection of each foster home at initial licensing and annually thereafter. The division representative may request any health, fire, building or other inspection if he has any reason for concern regarding the health or safety of the home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. Each group foster home ~~[must]~~ *may* be inspected upon its application for a license by the local building inspector and the local or state health inspector. A subsequent building inspection may be required if any structural remodeling is done.

4. All foster homes may be inspected annually by the health department if individual well water or a septic tank is used.

5. If the home is not located on a city water system, the division may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The division may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking. Bottled water may be required if the water is unsafe.

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for such dwellings adopted by the state fire marshal.

Sec. 5. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.135 Inspections: Safety from fire.

1. Fire safety inspections must be conducted by the ~~[licensing worker]~~ *regional division representative* or the state or local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a nonambulatory or severely handicapped, disabled or mentally retarded person, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the ~~[licensing worker]~~ *regional division representative* shall inspect the home to ensure the requirements of subsection 3 are met *unless the state or local fire inspector has inspected the home as part of the current application.*

(b) Ten or more, the state fire marshal or his designee shall inspect the home. The state fire marshal may, based upon information he receives regarding the home, designate the licensing worker to conduct the inspection.

3. Requirements for safety from fire must be met as established by the state fire marshal considering the number of occupants and their ability to exit in case of a fire.

Sec. 6. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.160 Limitations on number of children.

1. No family foster home may be licensed for more than six children, excluding any children who are related to the foster parent, reside in the home and are not foster children.

2. No group foster home may be licensed for more than 15 children.

3. The total number of children for which a facility may be licensed must be determined by a division representative based upon the following factors:

(a) The staff's own children under the age of 16 who live in the facility and the individual needs of these children.

(b) The physical facilities, equipment and available space for activities.

(c) The skills and abilities of the staff.

(d) The characteristics of children in care.

(e) The services provided and program description.

(f) Other factors the division determines to be relevant.

4. Care must not be provided for more than two children who are under the age of 18 months or four children who are under the age of 5 years, including in that total any children of the foster parents under the age of 18 months or 5 years, without the approval of the chief of the bureau or designee *of the administrator.*

Sec. 7. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.165 ~~[Provisional]~~ Initial licensing.

1. Before granting ~~[a provisional]~~ *an initial* license, the following minimum requirements must be met:

(a) A clearance through local law enforcement and submittal of fingerprints pursuant to NRS 424.033 and NAC 424.195 and 424.280;

(b) *A satisfactory clearance through the state central registry on all applicants and household members;*

~~[(b)]~~ (c) At least one visit by the division representative to the foster home to determine that the home is safe;

~~[(e)]~~ (d) Receipt of a signed foster home application form; ~~[and]~~

~~[(d)]~~ (e) Contact, either oral or written, with ~~[three]~~ *five satisfactory* references~~[-]~~; *and,*

(f) *Training as specified in NAC 424.270.*

~~[2.—If the division, pursuant to NRS 424.035, delegates issuance of provisional licenses to specific other agencies, those agencies shall comply with the requirements of this section and subsection 4 of NRS 424.030.]~~

Sec. 8. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.175 Change in license; review of actions taken by division representative.

1. A foster home shall notify a division representative and apply for a change in its license if there are changes in the proposed programs, range of ages or sex of children in care or the total number of children in care. The request for a change must be in writing and may be submitted with an application for the renewal of the license or at any time during the period, that the license is effective. If the change is approved, after the division has conducted a study to determine that the relevant requirements have been met, a revised license must be issued. If a request for a change in the license is denied, the home may request a review of the denial by the chief of the bureau *or designee of the administrator* but the denial is not subject to appeal.

2. A division representative may revise the contents of a license and shall provide the licensee with a written discussion of any proposed changes. The licensee may request the chief of the bureau *or designee of the administrator* to review the proposed changes, but the changes are not subject to appeal.

3. The chief of the bureau *or designee of the administrator* shall conduct any review requested pursuant to this section within 30 days after he receives the request and shall inform the licensee in writing of his decision regarding the review.

Sec. 9. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.185 Denial or revocation of license: Generally.

1. A license will be denied, *suspended*, or revoked for a failure or refusal to comply with the licensing requirements for a foster home. The division will evaluate that compliance based on information gathered as well as on its interpretation of that information considering its experience with foster children and foster homes. The division's first responsibility is to ensure licensed homes can provide for foster children. The division is, therefore, not required to prove noncompliance in those areas which are a matter of judgment but may deny, *suspend*, or revoke licensure based on reasonable doubt.

2. The decision of the division to deny an initial application, ~~[or full licensure if a provisional license was initially issued]~~, is subject to review by the chief of the bureau *or designee of the administrator* or director of the child-placing agency *or designee* to which the application was made. However, such denials are not subject to the appeal process. Foster home licensure is a privilege and not a right.

3. In the case of multiple homes or locations, the denial, *suspension*, or revocation of a license for one home ~~[does]~~ *may* not affect the licensure of other homes, if the reason for denial, *suspension*, or revocation is not based on the failure of the program to meet group home standards.

4. Whenever initial licensing or relicensing is denied, the division representative will discuss the reasons for denial with the applicants/foster parents, followed by a written statement giving the reasons for denial.

Sec. 10. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.195 Denial or revocation of license: Criminal history of applicant, licensee, employee or adult resident.

1. A license to operate a foster home must not be issued, or must be revoked if one was issued, if one of the following persons has been convicted of a crime involving harm to a child:
 - (a) A foster home applicant or licensee;
 - (b) An employee of the foster home; or
 - (c) A resident of the foster home who is 18 years of age or older.
2. *A license shall not be issued if a records check reveals a felony conviction for:*
 - (a) *Child abuse or neglect;*
 - (b) *Spousal abuse;*
 - (c) *Crime against children including child pornography;*
 - (d) *A crime involving violence including rape, sexual assault, or homicide, but not including other physical assault or battery, if a state finds that a court of competent jurisdictions has determined that the felony was committed at any time; or,*
 - (e) *Physical assault, battery, or a drug related offense, if a state finds that a court of competent jurisdiction has determined that the felony was committed within the past five years.*
- ~~2.~~ 3. If any of the persons specified in subsection 1 has been convicted of:
 - (a) A felony, *except as indicated in NAC 424.195.2*, or gross misdemeanor, the home must not be licensed without the approval of the administrator or ~~his~~ designee *of the administrator*.
 - (b) One or more misdemeanors, the home must not be licensed without the approval of the chief of the bureau or ~~his~~ designee *of the administrator*.

Sec. 11. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.200 Violations: Investigation and action by division.

1. Whenever the division has reason to believe that a foster home is operating without a license, or a licensed foster home is not conforming to the conditions of the license or the requirements for foster home care, the division will make an investigation to determine the facts. The division will have the authority to inspect the premises where the violation is alleged to occur and to conduct such other investigations as may be indicated.
2. If it is found that a person is operating without a license, the division may either issue a license if the person is found to be in compliance with licensing requirements or may refer the matter to the attorney general for appropriate action. If it is found a licensed foster home is not conforming to the requirements for foster home care, the division may, depending on the circumstances:
 - (a) Issue a written notice specifying *a plan of corrective action*, the nature of the noncompliance *and the time frame designated for each corrective action;*
 - (b) ~~Issue a provisional~~ *Continue the license not involving health and safety issues* conditioned on the foster home achieving full conformity within a stated time *as designated in the written notice specifying the plan of corrective action;*
 - (c) Suspend the license;
 - (d) Revoke the license; or
 - (e) Refer the person to the attorney general for appropriate action.
4. Allegations regarding possible child abuse or neglect of foster children will be investigated in accordance with chapter 432B of NRS.

Sec. 12. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.205 Violations: Revocation or suspension of license.

1. The right to operate a foster home is dependent upon continued compliance with the licensing requirements of the division.

2. The license may be revoked by the division whenever a home fails to meet the requirements for a license. The division representative will send a written statement to the foster family giving the reasons for revocation of the license. Revocation shall be effective 30 days from the date the notice is sent.

3. In cases of ~~[extreme]~~ noncompliance with one or more licensing requirements which are believed to be hazardous to children, the division has the authority to suspend a license and require the home cease operation immediately, prior to notification of fair hearing procedures. *A license renewal decision may not be made until the suspension decision is ruled upon by the investigating agency. A suspended license without a final disposition is not subject to the fair hearing process as provided in NAC 424.210 but a licensee may request a review of the suspension by the administrator or designee of the administrator.*

Sec. 13. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.210 Hearing on proposal to revoke or deny renewal of license.

A licensee may, by written request, obtain a hearing regarding a proposal by the division to revoke or deny the renewal of his license *except as provided in NAC 424.205*. The request must be received by the division before the effective date of the proposed action or within 13 days after the notice of action was mailed, including the date of mailing. The hearing must be held before a hearing officer of the division *or designee of the administrator*. The hearing officer shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

Sec. 14. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.270 Training.

1. Applicants for a license to operate a foster home must attend *a minimum of* 8 hours of training in foster parenting provided *or approved by* the division. If the home has a pool, hot tub or jacuzzi, another free-standing body of water or a sauna, the applicants must also complete training in cardiopulmonary resuscitation and pool safety before licensure.

2. Foster parents must attend 4 hours annually of training in foster parenting which is provided or approved by the division.

3. The annual training or portions of the annual training required pursuant to subsection 2 may for good cause, as determined by the division, be obtained from another agency that places foster children, as a substitute for the training provided by the division, if at least one foster parent participates in the training.

4. A foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive any of the training required by this section through that agency.

Sec. 15. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.275 References.

1. Adults who care for children shall provide evidence of their character and ability to care for children. There must be at least five satisfactory references received by the division.

2. Directors of group homes must submit ~~[three]~~ *five satisfactory [positive]* references to the division on each employee hired to care for children. The division must receive five positive references on the director.

3. The division representative is not obligated to share concerns raised by references with the applicant(s) if it cannot do so without compromising the reference's confidentiality.

Sec. 16. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.280 Investigations of criminal history.

1. The director of a group home is responsible for submitting to the division two sets of fingerprint cards for each employee of the foster home. The director of the group home shall ensure that each person fingerprinted has signed Law Enforcement Record Form 3321-SA or an equivalent release of law enforcement information.

2. Employees hired by a foster care facility after the initial licensure of the facility must be cleared through fingerprinting. Conditional employment will be permitted pending satisfactory clearance through the Federal Bureau of Investigation if:

- (a) A local law enforcement agency provides a satisfactory report.
- (b) ~~Three~~ *Five satisfactory* ~~positive~~ references have been received regarding the person.
- (c) The person's fingerprints have been taken.

A conditional employee is subject to dismissal by the foster care facility if the Federal Bureau of Investigation indicates the employee has a criminal history. Such history must be discussed with the division to determine the acceptability of the employee. Failure to dismiss an unacceptable employee is grounds for revocation of the facility's license.

3. When conditional employment is permitted pending satisfactory clearance through the Federal Bureau of Investigation, the director of the group home is responsible for submitting a satisfactory report on the employee provided by a local law enforcement agency, and for the accuracy and verification of any information obtained regarding the employee.

4. Residents who are 18 years of age or older and who move into a foster home after the initial licensure must be cleared through fingerprinting. The person may reside in the home pending satisfactory clearance through the Federal Bureau of Investigation if:

- (a) A local law enforcement agency provides a satisfactory report.
- (b) ~~Three~~ *Five satisfactory* ~~positive~~ references have been received regarding the person.
- (c) The person's fingerprints have been taken.

If an unsatisfactory report is received from the Federal Bureau of Investigation, the division will determine the acceptability of the resident on a case-by-case basis *except as provided in NAC 424.195*. If unacceptable, the operator of the foster home must choose to terminate his license or have the resident move out of the foster home.

Sec. 17. Chapter 424 of NAC is hereby amended to read as follows:

NAC 424.375 Sleeping accommodations.

1. Unless an exception is approved by a licensing supervisor:

(a) Foster children must sleep in a room, designated as a bedroom, which must ensure privacy.

(b) Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep.

(c) No child may be allowed to sleep in a detached building, unfinished attic or basement, stairhall or room commonly used for other than bedroom purposes.

2. Unless an exception is approved by a licensing worker, rooms used by children for sleeping must have a minimum of 35 square feet per child and 3 feet of floor space between beds.

3. Dormitories housing more than six children are not allowed without the approval of ~~the division~~ *a licensing supervisor*. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. *Unless approved by a licensing supervisor, ~~C~~*. children of the opposite sex over 5 years of age must not share a bedroom, and children over 1 year of age must not sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is approved by the child's social worker.

5. *Unless approved by a licensing supervisor, ~~F~~* the foster parents' bedroom must be located on the same floor as the bedroom of any child under 8 years of age.

6. Except as otherwise provided in this subsection or as approved by a licensing worker, each child must be provided with his own bed, which must be at least 30 inches wide and of a length which is adequate for the child's height, and the bottom of which is at least 6 inches off the floor. Siblings of the same sex may share a double bed.

7. Each bed or crib must have a comfortable and supportive mattress in good condition, a pillow, sheets and coverings and, as needed, waterproofing sufficient for the child's comfort.

8. *Unless approved by a licensing supervisor, ~~B~~ bunk beds with more than two bunks are prohibited.* If bunk beds are used, the upper bunk must have a guardrail. Upper bunks must not be used by children under 8 years of age.

9. A complete change of bed linens must be supplied at least once a week or more often if necessary.

10. Each child must have access to a closet, locker or dresser for clothing and personal belongings.

11. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

INFORMATIONAL STATEMENT

The following information is provided pursuant to the requirements of NRS 233B.066.

A public workshop was held on May 13, 1999 in Reno and May 14, 1999 in Las Vegas with 4 persons in attendance in Reno and 2 persons who provided oral testimony and 3 persons in attendance in Las Vegas with 2 persons who provided oral testimony. A public hearing was held on June 17, 1999 in Las Vegas with 2 persons in attendance with none who provided oral testimony. Workshop notices and the public hearing notice were mailed to a Division general mailing list including Foster Care Associations, Child Placing Agencies and Social Services Agencies. Comments were solicited at the workshop and the public hearing. Minutes were taken at the workshop and the public hearing and are available for distribution to the public from the Division office as noted on the public hearing notice. Regulations were adopted without change as no negative comments were received. The Division solicited written comments at both the workshop and the public hearing. No written comment was received.

NAC 424 Regulations and Standards for Foster Care

New Definition for Applicant.

1. The need and purpose of the proposed regulation amendments: Comprehensive definition added defining an applicant.
2. Proposed regulation amendment(s) description: Applicant includes provider of foster care, adult resident, volunteers and employees.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. Language clarification is beneficial.
 - (b) immediate and long-term effects: Comprehensive definition in regulation.The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: No economic effect on the public as all persons described in existing regulations.
 - (b) immediate and long-term effects: Comprehensive definition in regulation.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received. Definition will be helpful.
Comment from public: No comment received.

NAC 424.035 Division representative.

1. The need and purpose of the proposed regulation amendments: Comprehensive definition of a division representative.

2. Proposed regulation amendment(s) description: Definition includes regional divisional representative, professional worker of the division or designee.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse known.
 - (b) immediate and long-term effects: Comprehensive definition in regulation.
 The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: No adverse known.
 - (b) immediate and long-term effects: Comprehensive definition in regulation.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment was received.
 Comment from public: No comment was received.

NAC 424.110 Application for license.

1. The need and purpose of the proposed regulation amendments: Clarification of regional contact for foster care application and appeal rights covering a falsified application.
2. Proposed regulation amendment(s) description: “Regional division representative” wording added and “intentional” added to misrepresentation or omission of information on a foster care application which is not subject to the appeal process before a hearing officer.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse effect. Intentional misrepresentation or omission of information may be reviewed by the regional deputy but not before a hearing officer. Language clarification is beneficial.
 - (b) immediate and long-term effects: Intentional misrepresentation or omission of information on an application will not be subject to appeal rights with a hearing officer.
 The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: No economic effect on the public, as appeal rights not provided for intentional misrepresentation or omission of information on a foster care application.
 - (b) immediate and long-term effects: Accurate information presented on applications for licensing and employment.
4. The estimated cost to the agency for enforcement of the proposed regulation: None, as information provided on applications are currently checked for accuracy.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.

7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. Intentional narrows down applications that may have some missing information to those that are deliberate.
 Comment from public: No comment received.

NAC 424.130 Inspections: General requirement.

1. The need and purpose of the proposed regulation amendments: Language clarification required.
2. Proposed regulation amendment(s) description: Existing language states each group foster home must be inspected by a local building inspector and local or state health inspector even though the home may have only 6 occupants and is inspected as a family care home. The amended language changes the “must” to “may” to accommodate the number of occupants living on the premises.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse known. It is beneficial to clarify inspections will be on the number of occupants.
 - (b) immediate and long-term effects: Clear language interpretation on required inspections.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: No adverse known. Licensing process easier to interpret in regulations.
- (b) immediate and long-term effects: Licensing process easier to interpret in regulations.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. An inspection may not be needed
 Comment from public: No comment received.

NAC 424.135 Inspections: Safety from fire.

1. The need and purpose of the proposed regulation amendments: Language clarification.
2. Proposed regulation amendment(s) description: Amends the section to include a home with less than 10 occupants will be inspected by the regional division representative unless the fire inspector has already inspected the home.
3. The estimated economic effect of the regulation on the business which it is to regulate:

(a) adverse and beneficial: No adverse known. Language clarification identifies only one inspection is required.

(b) immediate and long-term effects: May assist with decreasing the amount of time needed to finalize a license.

The estimated economic effect of the regulation on the public:

(a) adverse and beneficial: No adverse known. May assist with decreasing the amount of time needed to finalize a license.

(b) immediate and long-term effects: May assist with decreasing the amount of time needed to finalize a license.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.

Comment summary from effected businesses: No negative comment received. An inspection may not be necessary if a single family home and not a group home.

Comment from public: No comment received.

NAC 424.165 Initial licensing.

1. The need and purpose of the proposed regulation amendments: Meeting requirements of the Adoption and Safe Families Act (ASFA) by removal of provisional licensing authority and adding initial licensing requirements.
2. Proposed regulation amendment(s) description: Outlines requirements for issuing an initial license as local law enforcement clearance, central registry clearance, one home visit for a safety check, receipt of a signed application, five satisfactory references and meeting training requirements.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Provisional licenses no longer issued. Allows an initial license to be issued if requirements are met.
 - (b) immediate and long-term effects: No provisional licenses may be issued. Initial applicants will receive a license issued on an annual status.

The estimated economic effect of the regulation on the public:

(a) adverse and beneficial: Provisional licenses no longer issued. Allows an initial license to be issued if requirements are met.

(b) immediate and long-term effects: No provisional licenses may be issued. Initial licensed issued on an annual status.

4. The estimated cost to the agency for enforcement of the proposed regulation: None known as initial licenses substituting for the current provisional status allowance.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: Adoption and Safe Families Act.
6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act.

7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. Satisfactory allows some interpretation. Satisfactory is more appropriate than positive.
 Comment from public:

NAC 424.185 Denial or revocation of license: Generally.

1. The need and purpose of the proposed regulation amendments: Language clarification to include “suspended” to existing language.
2. Proposed regulation amendment(s) description: Adds the term “suspended” to the existing language of denied or revoked.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: No adverse known. Clarifies a suspended license is part of this section.
 - (b) immediate and long-term effects: Immediate language clarification is available and provides future clear interpretation.
 The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: No adverse known. Clarifies a suspended license is part of this section.
 - (b) immediate and long-term effects: Immediate language clarification is available and provides future clear interpretation.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. Licenses may be suspended first then revoked. It makes sense.
 Comment from public: No comment received.

NAC 424.195 Denial or revocation of license: Criminal history of applicant, licensee, employee or adult resident.

1. The need and purpose of the proposed regulation amendments: Identifies the Adoption and Safe Families Act (ASFA) requirements for license denial based on a background check.
2. Proposed regulation amendment(s) description: A license cannot be issued if a records check reveals a felony conviction for child abuse or neglect, spousal abuse, crime against children, crime involving violence, physical assault, battery or a drug related offense.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: A small portion of applicants may be denied licensure based on not meeting the requirements of a background check. Applicants with a

background check reflecting a felony conviction of the listed convictions in ASFA will be screened for denial.

- (b) immediate and long-term effects: All applicants for foster care will be screened for meeting the ASFA requirements.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: A small portion of applicants may be denied licensure based on not meeting the requirements of a background check. Applicants with a background check reflecting a felony conviction of the listed convictions will be screened for denial.
 - (b) immediate and long-term effects: Applicants with a background check reflecting a felony conviction of the listed convictions will be screened for denial.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
 5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: Adoption and Safe Families Act.
 6. If regulation is required pursuant to federal law, citation and description of the federal law: Adoption and Safe Families Act.
 7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
 8. Proposed regulation establishes a new fee or increases an existing fee: None known.
 9. This regulation was adopted: June 22, 1999.

Comment summary from effected businesses: No negative comment received. Contractors would not want to hire those persons.

Comment from public: No comment received.

NAC 424.200 Violations: Investigation and action by division.

1. The need and purpose of the proposed regulation amendments: Determines a correction plan is to be attached to each regulation deficiency.
2. Proposed regulation amendment(s) description: Adds the need for a corrective action plan with a time frame be determined for each area of a regulation determined out-of-compliance.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Areas of deficiency will have a limited time period in which to come into compliance. Licensees will have a written plan of action with a time frame to bring areas of deficiency into compliance. Areas out-of-compliance may require funds to bring into compliance.
 - (b) immediate and long-term effects: Deficiencies must be brought into compliance within a specified time period. Licensed homes will operate with a plan of action and will ultimately provide a safe environment for the children in placement.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: Home will operate within the regulations or come into compliance within a specified time frame. Foster homes will provide a safe environment for the children placed.
 - (b) immediate and long-term effects: Licensees with deficiencies will be notified of corrective action required and the time frame approved for compliance. Homes will meet safety requirements.
4. The estimated cost to the agency for enforcement of the proposed regulation: Funds may be required to bring a home into compliance for placement to occur.

5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. Corrective actions should have times lines attached.
 Comment from public: No comment received.

NAC 424.205 Violations: Revocation or suspension of license.

1. The need and purpose of the proposed regulation amendments: Language clarification.
2. Proposed regulation amendment(s) description: Provides that a license renewal decision cannot be made for a suspended license until the suspension is ruled upon by the investigating agency. A suspended licensee may request a review by the region but not an appeal before a hearing officer.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: A suspended licensee may request a review but not an appeal. A license renewal decision cannot be made until the suspension has been ruled upon by the investigating agency.
 - (b) immediate and long-term effects: A suspended licensee may request a review of the suspension but not an appeal until the investigation has been completed with a determined outcome.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: A suspended licensee may request a review of the suspension but not an appeal until the investigation has been completed with a determined outcome.
 - (b) immediate and long-term effects: A suspended licensee may request a review of the suspension but not an appeal. Suspended licensees must have action taken on the suspension.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
 5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
 6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
 7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
 8. Proposed regulation establishes a new fee or increases an existing fee: None known.
 9. This regulation was adopted: June 22, 1999.
 Comment summary from effected businesses: No negative comment received. It makes sense not to make a revocation decision before an investigation is over.
 Comment from public: No comment received.

NAC 424.210 Hearing on proposal to revoke or deny renewal of license.

1. The need and purpose of the proposed regulation amendments: Language clarification.
2. Proposed regulation amendment(s) description: Makes reference to the provisions in NAC 424.205.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known, reference only.
 - (b) immediate and long-term effects: None known, reference only.The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: None known, reference only.
 - (b) immediate and long-term effects: None known, reference only.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known, reference only.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received.
Comment from public: No comment received.

NAC 424.270 Training.

1. The need and purpose of the proposed regulation amendments: Clarification of existing training requirements.
2. Proposed regulation amendment(s) description: Clarifies that the 8 hours of required training is the minimum and training may be provided or approved by the division.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known, existing requirement.
 - (b) immediate and long-term effects: None known, existing requirement.The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: None known, existing requirement.
 - (b) immediate and long-term effects: None known, existing requirement.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known, existing requirement.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.

9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received. Training can be provided by the contractor, the public, a child placing agency or the division.
Comment from public: No comment received.

NAC 425.278 & .280 References.

1. The need and purpose of the proposed regulation amendments: Requires satisfactory references from five persons.
2. Proposed regulation amendment(s) description: Amends the existing requirement of obtaining three references to “five” references.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: Five references required rather than three. Better opportunity to screen applicants.
 - (b) immediate and long-term effects: Must obtain five references. Better opportunity to screen applicants.The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: May delay licensing if references are not obtained. Better opportunity to screen applicants.
 - (b) immediate and long-term effects: Must obtain five references. Better opportunity to screen applicants.
4. The estimated cost to the agency for enforcement of the proposed regulation: Time spent obtaining two additional references.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received. References are already required.
Comment from public: No comment received.

NAC 424.375 Sleeping accommodations.

1. The need and purpose of the proposed regulation amendments: Clarification of approving sleeping arrangements of foster children.
2. Proposed regulation amendment(s) description: Clarifies which division employee has the authority to approve alternative sleeping arrangements for foster children.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known as existing regulation. Having a supervisor approve alternative sleeping arrangements should assist in issuing an approved license in a timely manner without applying for a waiver.
 - (b) immediate and long-term effects: Having a supervisor approve alternative sleeping arrangements should assist in issuing an approved license in a timely manner and facilitate placement.

The estimated economic effect of the regulation on the public:

- (a) adverse and beneficial: No adverse known. Sleeping arrangements may be approved without using the waiver process.
- (b) immediate and long-term effects: Having a supervisor approve alternative sleeping arrangements should assist in issuing an approved license in a timely manner.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received. This language should make the process easier and faster.
Comment from public: No comment received.

NAC 424.160, .175, .185, .195 & .210

1. The need and purpose of the proposed regulation amendments: Clarifies designee as a designee of the administrator.
2. Proposed regulation amendment(s) description: Clarifies designee as a designee of the administrator.
3. The estimated economic effect of the regulation on the business which it is to regulate:
 - (a) adverse and beneficial: None known, existing regulation.
 - (b) immediate and long-term effects: None known, existing regulation.The estimated economic effect of the regulation on the public:
 - (a) adverse and beneficial: None known, existing regulation.
 - (b) immediate and long-term effects: None known, existing regulation.
4. The estimated cost to the agency for enforcement of the proposed regulation: None known.
5. Description of, citation to, reason why any duplication of regulations of other state, local or federal governmental agencies: None known.
6. If regulation is required pursuant to federal law, citation and description of the federal law: None known.
7. If the regulation includes provisions which are more stringent than a federal regulation, a summary of such provisions: None known.
8. Proposed regulation establishes a new fee or increases an existing fee: None known.
9. This regulation was adopted: June 22, 1999.
Comment summary from effected businesses: No negative comment received.
Comment from public: No comment received.