

LCB File No. R112-06

**PROPOSED REGULATION OF THE
BOARD FOR CHILD CARE**

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CHAPTER 432A

SERVICES AND FACILITIES FOR CARE OF CHILDREN

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GENERAL PROVISIONS

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth in section 2 through section 7, inclusive of this regulation.

Section 2. *As used in Section 3 through section 5, inclusive unless the context otherwise requires, the words and terms defined in Section 3 through 5, inclusive have the meaning ascribed in those sections.*

Section 3. *“Educational child care institution” defined. Educational child care institution is a child care institution recognized by the Department of Education providing educational opportunities for primarily privately placed school age children.*

Section 4. *“Shelter child care institution” defined. Shelter child care institution is a child care institution that provides 24 hour residential care to children who are in the custody of an agency that provides child welfare services on a temporary basis due to need of protection and care.*

Section 5. *“Residential child care institution defined.” Residential child care institution is a child care institution which provides care and psycho-educational services to youth diagnosed as severely emotionally disturbed children and where treatment goals and length of stay are dependent upon each individual youth and the need to develop their physical, social, emotional, educational and moral awareness.*

NAC 432A.010 Definitions. (NRS 432A.077) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432A.012 to 432A.165, inclusive, have the meanings ascribed to them in those sections.

NAC 432A.012 “Accommodation facility” defined. (NRS 432A.077) “Accommodation facility” means a facility which is operated:

1. By a business that is licensed to conduct a business other than the provision of care to children; and
2. As an auxiliary service provided for the customers of the primary business.

NAC 432A..... “Extended care/accommodation facility” defined. A licensed accommodation facility providing temporary care to children for an extended amount of time.

NAC 432A..... “Age Group Categories” means:

*Birth to 1 year
1 to 2 years
2 to 3 years
4 to 6 years
6 to 8 years
8 to 12 years
12 to 18 years*

NAC 432A..... “Assistant Teacher” defined. Assistant teacher is a person who assist in the implementation of the daily program under the supervision of a teacher.

NAC 432A.015 “Bureau” defined. (NRS 432A.077) “Bureau” has the meaning ascribed to it in NRS 432A.022.

NAC 432A.020 ~~["Caretaker"]~~ **Caregiver** defined. (NRS 432A.077) ~~["Caretaker" means any natural person:~~

- ~~—1. Who is 16 years of age or older;~~
- ~~—2. Who meets the qualifications in this chapter NRS 432A.077; and~~
- ~~—3. Whose duties include the direct care, supervision and guidance of children in a facility.]~~

Caregiver is a person responsible for the direct care and education of children.

(Note to LCB: Caretaker should be changed to caregiver throughout entire regulation)

NAC 432A.030 “Central operator” defined. (NRS 432A.077) “Central operator” means the person who or public organization which operates a child care system, provides central administrative services for individual facilities and is charged with enforcing standards of maintenance and operation of the facilities.

NAC 432A.040 “Child” defined. (NRS 432A.077) “Child” means a person who has not reached his 18th birthday.

NAC 432A.050 “Child care center” defined. (NRS 432A.077) “Child care center” means any facility in which the licensee regularly provides *developmentally appropriate* day or night care for more than 12 children.

NAC 432A.060 “Child care facility” defined. (NRS 432A.077) “Child care facility” has the meaning ascribed to it in NRS 432A.024.

NAC 432A.070 “Child care institution” defined. (NRS 432A.077) “Child care institution” means a facility in which the licensee provides care during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians.

NAC 432A.075 “Child with special needs” defined. (NRS 432A.077) “Child with special needs” means a child who does not function according to expectations appropriate to his age and who regularly requires special assistance or accommodations.

NAC 432A..... “Continuing Professional Development” defined. *Continuing professional development is the specific training that all caregivers must complete after completion of the initial training requirements.*

NAC 432A..... “Core Knowledge Areas (CKA) defined. *Core Knowledge areas is a set of content areas that help define the knowledge expectations for everyone providing Early Care and Education for young children and their families.*

NAC 432A..... “Developmentally Appropriate” defined. *Developmentally appropriate means teaching young children in ways that meet children where they are, as individuals and as a group and help each child reach challenging and achievable goals that contribute to his or her ongoing development and learning.*

NAC 432A..... “Early Care and Education” defined. *Early Care and Education means the developmentally appropriate care and education of children ages birth through 8 years.*

NAC 432A..... “Early Care and Education Program” defined. *Early Care and Education Program means a program that provides developmentally appropriate care and education dependent on the ages of the children served and on the type of setting within which that care and education occurs. Early childhood programs should base practices upon current knowledge and research in the field of early childhood education.*

NAC 432A..... “Early Care and Education Professional Career Ladder” defined. *Early Care and Education Professional Career Ladder recognizes individuals as they increase their formal education to improve the quality of care for all children, provides a system that tracks the education and training level of our ECE workforce and provides the structure that supports the field of ECE as an established profession. The career ladder is tailored specifically to the field of ECE and consists of 7 levels representing various combinations of formal education, training and direct experience (up to 4000 hours).*

NAC 432A.078 “Department” defined. (NRS 432A.077) “Department” means the Department of Human Resources.

NAC 432A.080 “Director” defined. (NRS 432A.077) “Director” means the licensee or a person appointed by the licensee who is responsible for the *daily operation, administration and management* ~~[managing the operation]~~ of the facility.

NAC 432A..... “Emergency Substitute” defined. *Emergency substitute means a person who replaces a teacher in an unplanned absence and is available within five minutes of the premises.*

NAC 432A.090 “Facility” defined. (NRS 432A.077) “Facility” means a child care facility.

NAC 432A.100 “Family home” defined. (NRS 432A.077) “Family home” means any facility in which the licensee regularly provides care without the presence of parents, for at least five and not more than six children.

NAC 432A..... “Group” means the number of children assigned to a caregiver or team of caregivers occupying an individual room or well-defined space within a larger room.

NAC 432A..... “Group Size” means the number of children in a group is limited to double the staff:child ratio for that age group.

NAC 432A.110 “Group home” defined. (NRS 432A.077) “Group home” means any facility in which the licensee regularly provides care for no less than seven and no more than twelve children.

NAC 432A..... “Initial Training” defined. Initial training is specific training that all caregivers must complete within the first 90 days of commencing employment.

NAC 432A.130 “Institution” defined. (NRS 432A.077) “Institution” means a child care institution.

NAC 432A.140 “Licensee” defined. (NRS 432A.077) “Licensee” means the person or public organization licensed pursuant to this chapter and who is responsible for the operation of a facility and adherence to the provisions of this chapter.

NAC 432A..... “The Nevada Registry” defined. The Nevada Registry is a statewide system of career development and recognition created to acknowledge the professional achievements of the early Care and Education (ECE) workforce in Nevada. As an integral part of the pathway helping to establish a professional development system in Nevada for the field of ECE, the program collects data on the ECE workforce, approves and tracks all informal training in the state, acts as a statewide central clearinghouse of information and aims to raise the status of the profession by encouraging a well-trained and skilled workforce of professionals.

NAC 432A..... “Non-Caregiver” defined. A person not responsible for the direct care and education of children.

NAC 432A.145 “Nursery for infants and toddlers” defined. (NRS 432A.077) “Nursery for infants and toddlers” means a child care facility in which the licensee provides *developmentally appropriate early care and education* for five or more children who are under 2 years of age *and that has established specific goals to enhance each child’s cognitive, social, emotional, physical and creative development.*

NAC 432A.146 “On-site child care facility” defined. (NRS 432A.077) “On-site child care facility” has the meaning ascribed to it in NRS 432A.0275.

NAC 432A..... “Orientation” defined. Orientation means the information that a newly employed staff member must be given within the first two week of employment related to the policies, procedures and programs of the facility.

NAC 432A.147 “Outdoor youth program” defined. (NRS 432A.077) “Outdoor youth program” has the meaning ascribed to it in NRS 432A.028.

NAC 432A.150 “Parent” defined. (NRS 432A.077) “Parent” means the child’s natural parent, guardian or any other person or organization legally responsible for the child.

~~[NAC 432A.160 “Preschool” defined. (NRS 432A.077) “Preschool” means a facility in which the licensee has established specific goals to enhance each child’s cognitive, social, emotional, physical and creative development.]~~

NAC 432A. “Professional Development Plan” defined. Professional Development Plan refers to an individual’s skills, strengths, areas in need of improvement, interests, and gaps in training based on the approved Core Knowledge Areas of the Nevada Registry. This written plan is intended to guide caregivers in meeting required training hours.

NAC 432A.162 “Provider” defined. (NRS 432A.077) “Provider” has the meaning ascribed to it in NRS 432A.360.

NAC 432A. “Ratio” means the maximum number of children for whom one caregiver can be responsible.

NAC 432A. “Well Defined Space” means a temporary wall of physical barrier, that is at least 3 feet tall and appropriate for defining limits and reducing distractions”.

NAC 432A. “Special Events Care” defined. A child care facility located on the business premises at which the special event is held excludes hotel or motel rooms or private homes of clients.

NAC 432A.165 “Special needs facility” defined. (NRS 432A.077) “Special needs facility” means a child care facility providing care to children with special needs in which those children comprise 40 percent or more of the total number of children for whom the facility is licensed to provide care.

NAC 432A. “Staff Member” defined. Staff member is anyone employed for compensation by the facility.

NAC 432A. “Student Intern” defined. Student intern is a person who is enrolled in a secondary or post secondary institution and who assists with the direct care of children without compensation and is under the direct supervision of a staff member at all times.

NAC 432A. “Substitute” defined. Substitute is a person who replaces a teacher on a pre-arranged basis.

NAC 432A. “Supervision of children” defined. Supervision of children means the function of observing, overseeing, and guiding a child or group of children. This includes awareness of and responsibility for the ongoing activity of each child and being in close proximity of children to intervene if needed. It requires physical presence, knowledge of activity requirements and children’s needs, and accountability for their care. For appropriate supervision, each child shall be assigned to a specific caregiver. However, all staff has general supervision responsibilities for all children.

NAC 432A. “Teacher” defined. Teacher means a person who plans, implements and supervises the daily program for a designated group of children.

NAC 432A..... “Volunteer” defined. Volunteer means a regular member of the staff who assists with the direct care of children without compensation and is under the direct supervision of a staff member at all times.

NAC 432A..... “Wading Activity” defined. Wading means the use of a contained body of water not to exceed 6 inches in depth.

NAC 432A.170 General duties of Bureau. (NRS 432A.077) The Bureau shall:

1. Ensure that every person operating a facility is licensed;
2. Make and maintain files regarding the interpretation by courts of the provisions of this chapter, and make these files available for public review;
3. When requested, offer assistance and consultation to licensees of facilities;
4. Aid the Board in developing an awareness within local communities of the need to protect children by licensing operators of facilities; and
5. Develop a strong working relationship with local and state zoning, fire, health and safety officials for the purpose of evaluating facilities and licensing their operators.

INSPECTIONS, INVESTIGATIONS AND LICENSING

NAC 432A.180 Regulation of local licensing agencies by Bureau. (NRS 432A.077)

1. Any county or city which desires to establish or has established a child care licensing agency must file a copy of any proposed ordinance or regulation for licensing facilities with the Bureau for review not later than 30 days before a public hearing is held on the proposed ordinance or regulation. The ordinance or regulation adopted by the county or city must be filed with the Bureau for its approval within 30 days after adoption.

2. Every local licensing agency shall ~~monthly~~ *quarterly* submit to the Bureau a roster of all facilities in its jurisdiction which are currently licensed.

NAC 432A.190 Inspections; investigations. (NRS 432A.077, 432A.180)

1. Inspections of any building or premises of a facility pursuant to NRS 432A.180 may be unannounced and must be made at least two times during the 12-month licensing period or once every 6 months. *The Bureau may complete more frequent inspections at any time to secure compliance with or prevent a violation of any provision of chapter 432A of NRS and/or provide technical assistance and support to the child care provider.* ~~[More frequent inspections may be made if the Bureau has reason to believe the licensee of a facility is not meeting the requirements of this chapter or chapter 432A of NRS.]~~

2. In conducting inspections and investigations, the Bureau may call upon political subdivisions and governmental agencies for assistance. The licensee or applicant shall cooperate with the person conducting the investigation by providing access to the buildings, records and staff of the facility. Failure to provide such access is a ground for revocation of a license or denial of an application for a license.

3. On confirmation of the operation of an unlicensed operator of a facility, the Bureau or the local licensing agency shall investigate and attempt to license the operator of the facility, force discontinuance of the operation of the facility or prosecute the violation.

NAC 432A.200 License to operate facility: Application; investigation; issuance; return. (NRS 432A.077, 432A.141, 432A.170, 432A.175)

1. An application for an initial license to operate a facility must be:
 - (a) Submitted to the Bureau on a form supplied by the Bureau; and
 - (b) Accompanied by the following appropriate fee:
 - (1) If the facility is to provide care for 5 or 6 children..... \$20
 - (2) If the facility is to provide care for 7 or more but not more than 12 children 60
 - (3) If the facility is to provide care for 13 or more but not more than 50 children 100
 - (4) If the facility is to provide care for 51 or more but not more than 100 children 150
 - (5) If the facility is to provide care for 101 or more but not more than 150 children 200
 - (6) If the facility is to provide care for 151 or more but not more than 200 children 250
 - (7) If the facility is to provide care for more than 200 children..... 300
2. After receiving a completed application and payment of the appropriate fee, the Bureau will:
 - (a) Conduct an investigation into the qualifications and background of every applicant and his employees, and every resident of the facility who is 18 years of age or older;
 - (b) Conduct a partial investigation into the qualifications and background of every applicant and employee of the facility who is 16 years of age but less than 18 years of age;*
 - (c) Conduct a partial investigation into the background of volunteers as defined in NAC 432A.....*
 - ~~(d)(b)~~ Inspect the buildings of the facility; and
 - ~~(e)(e)~~ Examine the plans for care of the children and management of the facility.
3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.
4. Fingerprints must be taken and applications for investigations must be made by:
 - (a) An employee or a resident of the facility within 3 working days after the date of hiring or his presence in the facility, and every 6 years thereafter.
 - (b) An applicant at the time of an application for initial license.
 - (c) A licensee every 6 years after the date his license is originally issued.
 - (c) A volunteer who works for 5 hours a week or more on a regular basis. Volunteers who work fewer than 5 hours per week on a regular basis must submit only to a local child abuse and neglect registry background check.*
5. *A partial investigation must be completed for every applicant, employee and volunteer every two years thereafter.*
 - ~~(6)(5)~~ The Bureau will immediately notify the applicant or licensee if the investigation indicates that he or an employee or resident of the facility has been convicted of any offense listed in subsection 2 of NRS 432A.170.
 - ~~(7)(6)~~ The license must not be issued until the Chief of the Bureau is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection

by the State Fire Marshal or the State Health Officer, finding satisfactory conditions, may be accepted by the Chief as proof of compliance with the applicable regulations.

~~(8)~~~~[7.]~~ A licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.

~~(97)~~~~[8.]~~ *With the exception of child care facilities licensed by the military*, an applicant must, before a license is issued to him, submit to the Bureau a certificate stating that he holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Bureau.

~~(10)~~~~[9.]~~ If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his application and related material and the investigation, a license will be issued to him within 30 days after completion of the investigation.

~~(11)~~~~[10.]~~ A licensee shall return to the Bureau his license if he ceases to operate a facility, if the license has been suspended or revoked or if his annual license is placed on a provisional basis.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

"Notwithstanding the amendatory provisions of subsection 7 of NAC 432A.200, a licensee of a family home or a licensee of a group home who has more than one license to operate a child care facility on July 1, 2004, may:

1. Apply, pursuant to NAC 432A.220, for the reissuance of each of those licenses held on July 1, 2004; and
2. Continue to operate each child care facility for which he has a license until his license to operate that child care facility is suspended, revoked or otherwise terminated."

NAC 432A.210 License to operate facility: Contents; display; limitations. (NRS 432A.077, 432A.141, 432A.150)

1. Each license must contain the name of each person authorized to operate the facility, the location of the facility, the number of children for whom care may be provided pursuant to the license and the nature of child care services which may be provided.

2. The *current* license issued to an operator of a facility must be signed by the Chief and conspicuously posted in a public place within the facility.

3. The license is not transferable from one licensee to another licensee or from a licensee to a person who is not a licensee. A license is valid only for the premises described in the license.

4. Except as provided otherwise in this chapter, a licensee may not care for a greater number of children than the number set forth on the license issued to the licensee.

NAC 432A.220 License to operate facility: Renewal. (NRS 432A.077, 432A.141)

1. A licensee of a facility may apply for reissuance of a license *which must be postmarked* no later than 45 days before the expiration of the license. The Bureau shall provide all forms and materials necessary for reissuance of a license. *A \$50.00 late fee will be imposed for late reapplications and reapplication fees not submitted prior to license expiration date will result in an additional \$50.00*

2. After receipt of an application for reissuance of a license and the receipt of a fee for reissuance computed in the same manner described in subsection 1 of NAC 432A.200, the Bureau shall conduct a survey to determine whether the licensee of a facility meets all of the requirements for issuance of a license set forth in NAC 432A.200.

3. If, after investigation, the Bureau determines that the facility complies with the requirements of NAC 432A.200, a license must be reissued for 1 year. A reissued license may be revoked or suspended on the same grounds as an initial license.

NAC 432A.225 License to operate facility: Transfer to inactive status. (NRS 432A.077)

1. A licensee may request that his license be transferred to inactive status by the Bureau. If the request is approved, the licensee shall, within 15 days after the approval, give written notification to the parents of any children in the facility that his license is inactive.

2. Inactive status does not continue beyond the expiration of the license.

NAC 432A.230 License to operate facility: Disciplinary action. (NRS 432A.077, 432A.190, 432A.200)

1. In addition to the grounds set forth in NRS 432A.190, the Bureau may suspend or revoke the license of a licensee on the ground that:

(a) The health or safety of a child in the facility is being endangered; or

(b) The facility is not in compliance with standards for safety from fire and other emergencies or standards for health and sanitation as determined by the Bureau after an inspection of any building or premises of the facility conducted pursuant to NRS 432A.180.

2. The notice of denial, suspension or revocation required by NRS 432A.200 must be sent by the Bureau within 30 days after its determination to suspend or revoke a license or to deny an application for a license.

NAC 432A.233 Group homes for which license as nursery for infants and toddlers not required. (NRS 432A.077) A group home is not required to be licensed as a nursery for infants and toddlers if the licensee does not provide care for more than eight children who are under 3 years of age.

NAC 432A.235 Waiver of Board's regulations. (NRS 432A.077)

1. A person who desires a waiver of all or any part of the Board's regulations concerning licensing must submit a completed application for the waiver to the Bureau or other appropriate agency for the licensing of facilities.

2. An application for a waiver filed with the Board must be submitted to the Board at its next regularly scheduled meeting if the waiver is filed 60 days before that meeting. The application must be accompanied by the recommendation of the Bureau and the appropriate agency for the licensing of facilities.

3. The Board will grant a waiver if it determines that good cause exists. The Board will not grant a waiver which will threaten public health or safety.

4. The Board will specify the length of time a waiver is in effect.

5. A waiver granted by the Board will be revoked before the expiration of the period of the waiver if, after a public hearing, the Board determines that the public health or safety is threatened or the basis upon which the waiver was granted no longer exists.

6. For the purposes of this section, "good cause" exists when an applicant is unduly burdened by a regulation of the Board and thereby suffers a severe hardship because of circumstances or conditions which are unique to him.

STANDARDS OF OPERATION

General Requirements

NAC 432A.240 Change of ownership, construction or remodeling of facilities. (NRS 432A.077)

1. A building used as a facility must, upon a change of operating ownership, comply with the provisions of this chapter and applicable building and safety codes.
2. The building plans for the construction of a new facility or the remodeling of an existing facility must be submitted to the Bureau for review before commencement of actual construction. Review of the plans does not constitute approval of an application for a license.

NAC 432A.250 Building and grounds. (NRS 432A.077)

1. Except as otherwise provided in this subsection, subsection 2 and NRS 432A.078, in each facility there must be:

(a) At least 35 square feet of indoor space for each child exclusive of bathrooms, halls, kitchen, stairs and storage spaces.

(b) At least 37 1/2 square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. An accommodation facility need not provide outdoor play space.

(c) A draft free temperature of 65 to 75 degrees shall be maintained during the winter months and a temperature of 68 to 78 degrees shall be maintained during the summer months. All rooms that the children use shall be heated, cooled and ventilated to maintain required temperatures and air exchange.

(d) No electrical device or apparatus accessible to children shall be located near any type of water sources such as a sink, tub, shower area, or swimming or wading pool.

(e) Heating units, including hot water heating pipes and baseboard heaters with a surface temperature hotter than 10 degrees shall be made inaccessible to children by non-flammable barriers such as permanent guards or shield in place.

(f) The facility shall not allow ferrets, rodents, spiders, turtles, iguanas, lizards or other reptiles, birds of the parrot family or wild and dangerous animals.

(g) Any weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, shall be unstrung and unloaded at all times when children are in the home. They shall be stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition and arrows shall be stored in separate locked containers. Weapons shall not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible.

(h) Immunization of all household pets must be up to date, regardless of whether the pets are kept inside or outside the home. The presence of any pet deemed potentially hazardous to a child is cause for the denial or revocation of a license to operate a facility. Exotic or potentially dangerous pets or other animals, including ferrets and boa constrictors, are prohibited without the written approval of a licensing authority representative. Pets are permitted in a facility if they are:

(1) In good health, present no problems of sanitation and have a temperament which is not hazardous or frightening to children.

(2) Handled in a manner which protects the well-being of the children and the pet.

(3) Inoculated as often as prescribed by a veterinarian.

(4) Restricted from areas where food is prepared and from eating areas while meals are being served. A cage is adequate restriction.

Any litter boxes must be kept out of the reach of young children, and play areas must be cleaned of all animal feces before children are allowed access to those areas.

2. A facility that provides care for ill children must have:

(a) At least 50 square feet of indoor space for each child, as determined by the maximum number of children stated on the license for the facility, exclusive of bathrooms, halls, kitchen, stairs and storage spaces.

(b) A separate ventilation system if the facility is attached to another building. (c)

3. The play area of each facility must:

(a) Be fenced or enclosed in a manner that prevents the unsupervised departure of children from the area;

(b) Have an adequate drainage system;

(c) Be free of hazards, debris and trash;

(d) If it is an outdoor play area, *provide a shade area or areas equal in size to the product of five square feet times the total number of children permitted in the outdoor play space.* ~~Have trees or a structure which can provide adequate shade for the children using the area;~~

~~—(e) Have resilient surfaces underneath any elevated play equipment;] Have acceptable depths of resilient surfacing underneath any elevated play equipment, extending at least six feet beyond the perimeter of the equipment.~~

(f) Have adequate safety barriers around any elevated platforms;

(g) Not have any dangerous or poisonous plants or other vegetative matter located within the boundaries of the play area or in an area that is accessible to children from the play area;

(h) Not be in a location where any bodies of water are accessible to children; and

(i) If it has playground equipment, have only equipment that is:

(1) In good repair;

(2) Designed and constructed to minimize injury;

(3) Compatible with the age of the children in the care of the facility;

(4) Spaced to reduce accidents; and

(5) Securely anchored.

4. If a facility that provides care for ill children is a component of a child care center and provides outdoor play space, the play space must:

(a) Be separate from the play space for well children;

(b) Meet the requirements of paragraph (b) of subsection 1; and

(c) Meet the requirements of subsection 3.

NAC 432A.260 Health standards; inspection reports. (NRS 432A.077)

1. To maintain his license, the licensee must ensure that his facility meets all standards for environmental health which are established by the Bureau of Consumer Health Protection of the Health Division of the Department.

2. Reports of inspections concerning the sanitation of a facility must be maintained in a physical file at the facility and available for review at the facility by a parent of a child who attends the facility or a parent who is considering enrolling his child at the facility for at least 2 years after the date of the inspection.

NAC 432A.270 Advertising. (NRS 432A.077) All advertising by a licensee of a facility must specify the type of facility for which it is licensed and must not mislead the public regarding regular programs and services offered by the licensee.

NAC 432A.280 Plan for emergencies; drills; posting of plans; daily sign-in sheets; fire safety; maintenance and availability of reports. (NRS 432A.077, 432A.180)

1. Each licensee shall develop an appropriate plan to ensure that the staff of his facility is prepared to respond in an emergency, including, without limitation, a fire or natural disaster. *The plan is to be reviewed quarterly during staff meetings and to be annually evaluated and changed as needed.*

2. Each plan developed pursuant to subsection 1 must include, without limitation:

(a) The duties of the director and staff;

(b) A procedure for removing staff and children to a shelter within a building of the facility if the staff and children are instructed to do so by emergency personnel;

(c) A procedure for evacuating the facility. *In a facility that includes children whom have physical disabilities, all exits and steps necessary for evacuation shall have ramps approved by the local building inspector. Children who have ambulatory difficulty must have equipment to transport them in case of emergency. The width of the doors shall accommodate wheelchairs and the needs of individuals with physical disabilities. All passage ways and exits shall be kept free of materials and furniture that would prevent clear access;*

(d) A plan for transportation;

(e) A list of sites that may be used for relocation;

(f) A plan for the supervision of the children of the facility during the emergency;

(g) The manner in which children and staff from the facility will be accounted for during the emergency; and

(h) The method for contacting emergency personnel, including, without limitation, the fire department, a law enforcement agency or any other appropriate authority.

3. The licensee of a facility shall hold:

(a) A fire drill at least once every month; and

(b) A drill for natural disasters at least once every 3 months.

4. Appropriate plans for removing the staff and children of a facility to a shelter within a building of the facility and for the evacuation of the facility in case of emergency must be conspicuously posted in a public place in the facility.

5. The director of the facility shall maintain a daily sign-in sheet that includes:

(a) The first and last names of staff and children; and

(b) The times of arrival and departure for staff and children.

6. To maintain his license, the licensee must ensure that his facility meets all standards for fire safety which are established by the State Fire Marshal.

7. The State Fire Marshal or his designee shall, at least annually:

(a) Enter and inspect every building or the premises of each facility; and

(b) Observe and make recommendations regarding the drills conducted pursuant to subsection 3.

8. Reports of the drills conducted pursuant to subsection 3 and the inspections concerning the fire safety of a facility conducted pursuant to subsection 7 must be maintained in a physical file at the facility and available for review at the facility by a parent of a child who attends the

facility or a parent who is considering enrolling his child at the facility for at least 2 years after the date of inspection.

NAC 432A.290 Telephones; insurance for protection against liability to third persons; transportation. (NRS 432A.077)

1. Each licensee of a facility shall have a working telephone listed in a local telephone directory. A current list of emergency telephone numbers, including health agencies, fire and police departments and ambulance services must be posted adjacent to the telephone.

2. Each licensee of a facility shall have a policy of insurance for protection against liability to third persons. A certificate of insurance must be furnished by the licensee of a facility to the Bureau as evidence that the policy is in force. Each policy must contain a provision which requires the insurer to notify the Bureau at least 30 days before cancellation or nonrenewal of the policy. *The licensee must notify the Bureau if there is a lapse in coverage.* The policy of insurance must be maintained at the facility. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Bureau.

3. If transportation is provided by the licensee of a facility, all children must be protected by adequate supervision by the staff, safety precautions and adequate insurance which covers liability for health or injury, medical expenses and damages caused by uninsured motorists. The licensee of a facility shall require that each child is instructed in the conduct required for safe transportation. A driver of a vehicle used by the licensee of a facility shall:

- (a) Possess an appropriate driver's license and adequate insurance;
- (b) Not leave an unattended child in the vehicle at any time;
- (c) Ensure that a parent, or a person designated in writing by the parent, is present to take charge of a child upon delivery of the child to his home or the facility;
- (d) Ensure that each child boards or departs the vehicle on the side of the vehicle adjacent to a curb and that the child is safely conducted across any street encountered immediately before boarding or after departing; and
- (e) Ensure that the doors and windows of the vehicle are secure before proceeding.
- (g) When transporting children, the staff-child ratios must be maintained at all times. Maximum group size does not apply during transportation.*
- (h) The driver may not be considered part of the staff-child ratio when children of preschool age and younger are transported with the exception of family care.*
- (i) When school-age children are transported, the driver may be considered part of the staff-child ratio.*
- (j) A log shall be maintained for all children being transported in a vehicle. The log shall include each child's name, date, time of departure and time of arrival, and signature of the driver. Any additional adult names shall also be included. The log shall be retained for a minimum of four months.*
- (k) Upon arrival at the destination the driver of the vehicle shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually sweep the vehicle to ensure a child is not left behind in the vehicle and sign the log verifying that all children were accounted for and that the visual sweep was conducted.*
- (l) The vehicle shall be turned off and the parking break engaged while loading and unloading children.*

4. If, during the time school is in operation, the licensee of a facility provides transportation for school-age children to and from a public or private school, the ratio of staff persons to children in the vehicle must be not less than one member of the staff for every 15 children. ~~[The driver of the vehicle may be counted as a staff person for the purposes of maintaining the required ratio.]~~

NAC 432A.300 Director: Requirement; qualifications; application for approval. (NRS 432A.077)

1. The licensee of a child care facility other than a facility that provides care for ill children, ~~[an accommodation facility,]~~ a special needs facility or a family or group home shall:

- (a) Serve as the director of the facility, if *she/he* has the qualifications of a director; or
- (b) Appoint a suitably qualified person to serve as the director.

2. The director of such a facility must be at least 21 years of age and, except as otherwise provided in NAC 432A.485, *and have*:

(a) ~~[Have earned]~~ A bachelor's or associate's degree ~~[and have completed at least]~~ *with* 12 ~~[semester hours of education]~~ college credits in the following~~[, of which]~~:

(1) ~~[At least 6 semester hours are in child development; and]~~ *6 College in child development specific to the ages of the children served at the facility.*

(2) ~~[At least 6 semester hours are in child development, child psychology, education related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,]~~ *6 additional college credits in child development, early childhood education or related courses. This must include a course in Business Administration or Early Childhood Administration (1000 hours of on the job training in an administrative position may be substituted for the business Administration or Early Childhood Administration course), and*

(3) *100 hours verifiable experience working directly with children; and* ~~[→ and have at least 6 months of verifiable experience which is satisfactory to the Bureau in a program related to child education, early childhood development or child care;~~

~~—(b) Have earned a high school diploma or, if approved by the Chief of the Bureau, a certificate based on general educational development, and have completed at least 12 semester hours of education, of which:~~

~~—(1) At least 6 semester hours are in child development; and~~

~~—(2) At least 6 semester hours are in child development, child psychology, education related to the health of children or in courses directly related to these fields, of which not more than 3 semester hours may be in courses concerning the business of child care,~~

~~→ and have at least 2 years of verifiable, satisfactory experience in a program related to child education, early childhood development or child care;]~~ *A child Care Development Specialist Certificate (Apprenticeship Certificate) and (1) A course in Business Administration or Early Childhood Administration (1000 hours of on the job training in an administrative position may be substituted for the Business Administration or Early Childhood Administration course).*

(c) Have a current credential as a “Child Development Associate (*CDA*),” which has been issued by the Council for Early Childhood Professional Recognition, Washington, DC 20005 *with 12 college credits in the following (credits could be part of a college-based CDA program): or (1) 6 college credits in child development specific to the ages of the children served at the facility and (2) 6 additional college credits in child development, early childhood*

education or related courses. This must include a course in Business Administration or Early Childhood Administration (1000 hours of on the job training in an administrative position may be substituted for the Business Administration or Early Childhood Administration course), and (3) 4000 hours verifiable experience working directly with children; or

(d) ~~[Have a combination of education and experience which, in the judgment of the Chief of the Bureau, is equivalent to that required by paragraph (a), (b) or (c).]~~ *High School Diploma or GED with 12 college credits in the following: (1) 6 college credits in child development specific to the ages of the children served in the facility. (2) 6 additional college credits in child development, early childhood education or related courses. This must include a course in Business Administration or Early Childhood Administration (12 months of on the job training in an administrative position may be substituted for the Business Administration or Early Childhood Administration course), and (3) 6000 hours verifiable experience working directly with children (experience can be concurrent with on the job training); or*

(e) *Combination of education and experience equivalent to that required by paragraph (a), (b), (c) or (d).*

(f) *The director of a facility caring for infants and toddlers must, in addition to the requirements and qualifications listed above, complete an additional 6 college credits in the development and programming specific to infants and toddlers and have 2000 hours verifiable experience working directly with this age group.*

(g) *If qualifying by option (c) the Director of a facility caring for infants and toddlers must hold a current credential as a “Child Development Associate for Infants and Toddlers” issued by the Council for Early Childhood Professional Recognition, Washington, DC 20005.*

3. All directors must apply for Career Ladder Placement with The Nevada Registry and maintain active status on an annual basis.

~~4~~³. Before a license is issued to a person to operate any child care facility for which a director is required, the person must submit a completed application for approval of the director. The application must be made on a form supplied by the Bureau. The applicant must sign an authorization which gives the Bureau permission to verify any information given in the application.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on June 10, 1998 (LCB File No. R047-98), contains the following provisions not included in NAC regarding the amendment of this section by LCB File No. R203-97:

“1. A person who was approved before April 1, 1998, as:

- (a) Director of a facility for which a director is required other than an accommodation facility or a family or group home;
- (b) Director of a nursery for infants and toddlers;
- (c) Program director of a preschool; or
- (d) Director of a special needs facility,

is not required to satisfy the amendatory provisions regarding the qualifications of directors set forth in 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, so long as the person remains at the facility in that capacity.

2. If the person wishes to become director of a different facility or of a different program within his current facility, he must satisfy the amendatory provisions regarding the qualifications of directors set forth in 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.”

NAC 432A.302 Appointment of director convicted of certain crimes prohibited; capabilities of staff. (NRS 432A.077)

1. A licensee of a child care facility shall not knowingly appoint a person as director of the facility or appoint or permit the appointment of a person as an employee or volunteer at the

facility if the person has been convicted of child abuse or neglect or any other crime involving physical harm to a person or if a criminal action for such a crime is pending against the person.

2. The staff of a child care facility must be able to:
 - (a) Work with children without recourse to physical punishment or psychological abuse;
 - (b) Communicate with children and their parents;
 - (c) Praise and encourage children and provide them with a variety of opportunities for learning and social experiences; and
 - (d) Recognize and eliminate hazards to the safety of children.

NAC 432A.304 Responsibilities of director. (NRS 432A.077)

1. Except as otherwise provided in subsection 4, the director of a child care facility shall be present in the facility at least 25 hours per week during its hours of operation. *If the member of the staff who is responsible for the operation of the facility when the director is not present at the facility and is in charge for more than 25 hours per week, that Staff member must apply for and qualify as a Director.*

2. The director is responsible for screening, scheduling and supervising the staff of the facility, and for the conduct of each member of the staff at the facility.

3. The director shall:

(a) Provide a program for child care for the facility which meets the requirements of this chapter;

(b) Provide space for an office, the storage of records, conferences with parents, meetings of the staff and all other needs of the program for child care;

(c) *Provide a written professional development plan for each caregiver, inclusive of the director, which defines a well-rounded training experience, based on the approved Core Knowledge Areas (CKA) of The Nevada Registry. This plan should be individualized to help each caregiver grown as a professional. It should identify strengths, areas in need of improvement, and gaps in training, interest and goals. Individual plans must be reviewed and updated on a continual basis.*

(d) ~~(e)~~ Maintain *organized individual records for each employee containing training documents, professional development plans,* personnel, enrollment, attendance and other activities;

(e) *Ensure the non-caregiving staff has the appropriate training necessary to protect the health and safety of children and staff members (i.e., nutrition, sanitation, safe environment, etc.)*

(f) ~~(d)~~ Work with parents and include them, whenever possible, in the programming and functioning of activities;

(g) ~~(e)~~ Cooperate with the Bureau and other agencies of government to improve the quality of child care and the competence of ~~caretakers~~ *caregivers*; and

(h) ~~(f)~~ Designate a member of the staff who is responsible for the operation of the facility when the director is not present at the facility.

4. If the facility is in operation 25 hours or less, the director shall be present in the facility during at least half the hours of operation.

NAC 432A.306 Requirements for caretakers. (NRS 432A.077)

1. Every ~~caretaker~~ *caregiver* of children in a child care facility must be:

- (a) At least 16 years of age;

- (b) Able to summon help in an emergency; and *be*
 - (c) Emotionally and physically qualified to carry out a program which places emphasis on the development of children; *and*
 - (d) Must apply for the Career Ladder Placement with The Nevada Registry and maintain active status on an annual basis.
2. Not more than 50 percent of the ~~[caretakers]~~ *caregivers* in a child care center, a child care institution or ~~[a preschool]~~ *an Early Care and Education Program* may be under 18 years of age. Any ~~[caretaker]~~ *caregiver* who is under 18 years of age and is employed in such a facility must:
- (a) Have completed a course in the development of children which is approved by:
 - (1) ~~[An agency designated by the Director of the Department; or]~~ *The Nevada Registry or other agency designated by the Director of the Department; or*
 - (2) If the Director has not designated an agency, the Bureau or the local licensing agency;
- or
- (b) Be currently enrolled in such a course.
3. A child care facility may not be operated unless a person who is 18 years of age or older is on the premises of the facility. *Volunteers of any age, and staff members under 18 years of age, may not be left alone and provide direct care to children without the supervision of a caregiver 18 years of age or older.*

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

“Sec. 19. 1. Each person who, on July 1, 2004, is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, or is required pursuant to the amendatory provisions of NAC 432A.320 to satisfy the training and certification requirements set forth in NAC 432A.323 and section 3 of this regulation [NAC 432A.322], shall:

(a) Complete the 9 hours of training required pursuant to the amendatory provisions of NAC 432A.320 or subsection 1 of NAC 432A.323; and

(b) Obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of NAC 432A.320 or section 3 of this regulation [NAC 432A.322],

↪ within 12 months after July 1, 2004, unless the person has completed the training within the 12 months before July 1, 2004, or unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that such a person has completed the training required pursuant to subsection 1 and has obtained certification in the administration of cardiopulmonary resuscitation as required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

3. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required pursuant to the amendatory provisions of NAC 432A.323, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

Sec. 20. Each person who on July 1, 2004, is a director or licensee of a child care facility or is a caretaker employed in a child care facility shall, within 12 months after July 1, 2004, and in addition to completing any training required pursuant to section 19 of this regulation and completing any course in the development of children required pursuant to NAC 432A.306, complete at least:

1. Three hours of training by completing a course in the development of children; and

2. Three hours of training in child care,

↪ unless the person has completed the training within the 12 months before July 1, 2004.”

NAC 432A.308 Completion by ~~[caretaker]~~ *caregiver* of program for recognition of signs and symptoms of illness and administration of first aid. (NRS 432A.077)

1. Whenever a child care facility is in operation, ~~[at least one of the caretakers on duty]~~ *all caregivers on duty* must have completed ~~[a program]~~ *training* for the recognition of signs and symptoms of illness and the administration of first aid.

2. ~~[/The program may be carried out in a classroom or on the job. The program]~~ *Signs and Symptoms of Illness training* must include ~~[/training in]~~ *information regarding* health and the observation and evaluation of signs and symptoms of illness and responses to illness and emergencies. *First Aid training must include* ~~[/including]~~ the administration of first aid to victims of fire, serious injury or the ingestion of poison. *Both* ~~[/The training]~~ must be provided by a licensed health care professional or a representative of a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or another appropriate institution *approved by The Nevada Registry*.

~~[/3. A licensee of a child care facility must present evidence to:
—(a) An agency designated by the Director of the Department; or
—(b) If the Director has not designated an agency, the Bureau or the local licensing agency,
→ showing that caretakers on duty while the facility is operating are in compliance with the requirements of this section, described in subsection 4.]~~

4. A certificate or other evidence of compliance issued by *the approved provider of such training* a licensed health care professional, a licensed health care agency or clinic, a community college, a university, the American National Red Cross, an adult education program in home nursing or another appropriate institution is adequate evidence of compliance.

5. The training must be approved by: (a) The Nevada Registry or other agency designated by the Director of the Department; or (b) If the Director has not designated an agency, the Bureau or the local licensing agency.

NAC 432A.310 Staff: Personal health. (NRS 432A.077)

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 report that states that the employee is free from active tuberculosis as required pursuant to subsection 2 or 3.

2. Before a person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, begins employment at a facility, he must have submitted to a:

(a) Mantoux tuberculin skin test; or

(b) Chest radiograph and examination by a provider of health care who is authorized to diagnose active tuberculosis,

→ within the 12 months immediately preceding the first day of employment at the facility.

3. Every member of the staff of a facility, including a volunteer, shall submit to:

(a) A Mantoux tuberculin skin test; or

(b) An examination by a provider of health care who is authorized to diagnose active tuberculosis,

→ at least once every 24 months after the date the skin test or chest radiograph and examination were conducted pursuant to subsection 2.

4. 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.

5. Each director shall report to his licensing agency any health problem reported to him pursuant to subsection 4.

6. 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.

7. *Child care providers with herpetic gingivostomatitis, cold sores or herpes labialis shall refrain from kissing, caressing or cuddling children; sharing food and drink with children and other caregivers; avoid touching the lesions; wash hands frequently; cover any skin lesion with a bandage, clothing or appropriate dressing.*

NAC 432A.320 Orientation program and basic training. (NRS 432A.077)

1. Newly employed members of the staff must be given an orientation ~~[program]~~ and trained by the director in the policies, procedures and programs of the facility. *The orientation shall address, at a minimum:*

- (a) Regulatory requirements;*
- (b) The goals and philosophy of the facility, policies and procedures;*
- (c) The planned program of activities at the facility;*
- (d) Policies and practices of the facility about relating to parents;*
- (e) Meal patterns and food handling policies and practices of the facility;*
- (f) Occupational health hazards for caregivers, including attention to the physical health and emotional demands of the job and special considerations for pregnant caregiver;*
- (g) Emergency health and safety procedures of the facility;*
- (h) General health and safety policies and procedures of the facility, including but not limited to the follows:*
 - 1) Hand washing techniques and indications for hand washing;*
 - 2) Diapering technique and toilet use, if care is provided to children in diapers and/or children needing help with toilet use, including appropriate diaper disposal and diapering-changing techniques;*
 - 3) Identifying hazards and injury prevention;*
 - 4) Correct food preparation, serving, and storage techniques if employee prepares food.*
 - 5) Knowledge of when to exclude children due to illness and the means of illness transmission;*
 - 6) Formula preparation, if formula is handled;*
 - 7) Universal and standard precautions and other measures to prevent exposure to blood and other body fluids, as well as program policies and procedures in the event of exposure to blood/body fluid;*
 - 8) Medication administration policies and practices.*

2. If required by the director or owner of the facility, a member of the staff shall participate in any specialized training related to child care which is offered in the community where the facility is located.

3. A volunteer who works at least ~~[20]~~ *5 hours or more* per week in a facility and participates in specialized child care training, as defined by the director:

- (a) Is a member of the staff of the facility for the purposes of this section; and*
- (b) Must satisfy the training and certification requirements set forth in NAC 432A.322, 432A.323 and 432A.326.*

4. *Orientation training cannot be applied toward meeting the initial or continuing professional development training requirements.*

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

“Sec. 19. 1. Each person who, on July 1, 2004, is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, or is required pursuant to the amendatory provisions of NAC 432A.320 to satisfy the training and certification requirements set forth in NAC 432A.323 and section 3 of this regulation [NAC 432A.322], shall:

(a) Complete the 9 hours of training required pursuant to the amendatory provisions of NAC 432A.320 or subsection 1 of NAC 432A.323; and

(b) Obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of NAC 432A.320 or section 3 of this regulation [NAC 432A.322],

↪ within 12 months after July 1, 2004, unless the person has completed the training within the 12 months before July 1, 2004, or unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that such a person has completed the training required pursuant to subsection 1 and has obtained certification in the administration of cardiopulmonary resuscitation as required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

3. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required pursuant to the amendatory provisions of NAC 432A.323, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

Sec. 20. Each person who on July 1, 2004, is a director or licensee of a child care facility or is a caretaker employed in a child care facility shall, within 12 months after July 1, 2004, and in addition to completing any training required pursuant to section 19 of this regulation and completing any course in the development of children required pursuant to NAC 432A.306, complete at least:

1. Three hours of training by completing a course in the development of children; and

2. Three hours of training in child care,

↪ unless the person has completed the training within the 12 months before July 1, 2004.”

**NAC 432A.322 Certification in administration of cardiopulmonary resuscitation.
(NRS 432A.077)**

1. ~~[Each person who is employed in a child care facility, other than in an accommodation facility, shall:]~~ *At least one staff member who has successfully completed training in the administration of Infant/Child/Adult cardiopulmonary resuscitation and in the treatment of obstructed airways shall be in the attendance, and easily accessible, at all times where children are in care.*

(a) At least one CPR trained staff member must be present in each area of facilities with multiple buildings and/or detached playgrounds.

(b) At least one CPR trained staff member must accompany children on field trips.

(c) At least one CPR trained staff member must be present while transporting children in care.

~~[(a) Except as otherwise provided in subsection 2 and NAC 432A.560 and 432A.570, obtain certification in the administration of cardiopulmonary resuscitation within 90 days after the person commences his employment in the facility; and]~~

~~(d)~~~~(b)~~ CPR trained staff members must maintain current certification in the administration of cardiopulmonary resuscitation.

2. A person is not required to obtain the certification required pursuant to subsection 1 if, on the date that he commences his employment in the facility, he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in this section.

3. ~~[The certification required pursuant to subsection 1 must include certification in administering cardiopulmonary resuscitation to children and:~~

~~—(a) To infants, if care is provided to infants at the facility; and~~

~~—(b) To adults, if necessary to ensure that the person is certified to administer cardiopulmonary resuscitation to children of all ages for which care is provided at the facility.]~~

4. Each course completed to obtain and maintain the certification required pursuant to subsection 1 must be taught by a certified instructor who meets the standards of ~~[the American Heart Association or the American National Red Cross.]~~ *a nationally or internationally recognized provider of CPR including the American Heart Association, the American National Red Cross, Medical First Aid, EMS Safety, and the American Safety and Health Institute.*

5. Evidence that an employee has obtained and maintained current certification in the administration of cardiopulmonary resuscitation as required pursuant to this section must be included in his personnel file and must be kept at the facility.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), the source of this section (section 3 of the regulation), contains the following provisions not included in NAC:

"1. Each person who, on July 1, 2004, is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, or is required pursuant to the amendatory provisions of NAC 432A.320 to satisfy the training and certification requirements set forth in NAC 432A.323 and section 3 of this regulation [NAC 432A.322], shall:

(a) Complete the 9 hours of training required pursuant to the amendatory provisions of NAC 432A.320 or subsection 1 of NAC 432A.323; and

(b) Obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of NAC 432A.320 or section 3 of this regulation [NAC 432A.322],

↳ within 12 months after July 1, 2004, unless the person has completed the training within the 12 months before July 1, 2004, or unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that such a person has completed the training required pursuant to subsection 1 and has obtained certification in the administration of cardiopulmonary resuscitation as required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

3. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required pursuant to the amendatory provisions of NAC 432A.323, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section."

NAC 432A.323 Initial courses of training in child care. (NRS 432A.077)

1. Except as otherwise provided in subsection 3, within 90 days after commencing ~~[his]~~ employment ~~[in a child care facility]~~, each *caregiver* ~~[person who is employed in a child care facility]~~ other than *those employed* in an accommodation facility or a facility that provides care for ill children, ~~[shall complete at least 9 hours of]~~ training which must include:

(a) Training received for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to NAC 432A.322; and

(b) ~~[Training concerning:]~~ *3 or more hours in Child Development and/or Guidance and Discipline specific to the age group served;*

(c) 2 or more hours in the recognition and reporting of child abuse and neglect;

(d) 2 or more hours in the administration of first aid; and

(e) 2 or more hours in the signs and symptoms of illness to include the prevention of bloodborne pathogens.

~~[(1) The administration of first aid;~~

~~—(2) The recognition of signs and symptoms of illness;~~

~~—(3) The recognition of child abuse and neglect; and~~

~~—(4) The reporting requirements relating to child abuse and neglect.]~~

2. Except as otherwise provided in subsection 3, within 12 months after commencing a position ~~[as a director of a child care facility, obtaining a license to operate a child care facility or~~

~~commencing employment as a caretaker in a child care facility, each such director, licensee and caretaker]~~ *all caregivers* shall, in addition to completing ~~[any training required pursuant to subsection 1 and completing any course in the development of children required pursuant to NAC 432A.306, complete at least:]~~ *the initial training requirements obtain additional training to total 15 professional development hours.*

(a) ~~[Three hours of training by completing a course in the development of children; and~~
~~—(b) Three hours of training in child care.]~~ *All staff who work in an infant/toddler nursery are required to attend a two hour course in Sudden Infant Death training in the first twelve months of employment.*

3. *If new employees have had training in a, b, c, d, and e within the last two years, they can be exempt from repeating that specific topic to meet initial training requirements.*

~~[3]4.~~ A person is not required to complete:

(a) The training required pursuant to subsection 1 for the purpose of obtaining certification in the administration of cardiopulmonary resuscitation if on the date that he commences his employment in the facility he is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in NAC 432A.322.

(b) Any other training required pursuant to subsection 1 or 2 if he has completed that training within the previous 12 months.

~~[4]5.~~ The training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required to be completed pursuant to this section must be provided by one of the persons, agencies or institutions listed in NAC 432A.308 as qualified to provide such training.

~~[5]6.~~ The training required pursuant to subsections 1 and 2 must be designed to:

(a) Ensure the protection of the health and safety of each child accommodated in the facility; and

(b) Promote the physical, moral and mental well-being of each child accommodated in the facility.

~~[6]7.~~ If the facility is a special needs facility, the training required pursuant to subsections 1 and 2 must also be designed to provide information on the characteristics of handicapping conditions and appropriate programs for children with special needs. The training must be ~~[established or]~~ approved by:

(a) ~~[An agency designated by the Director of the Department;]~~ *The Nevada Registry or other agency designated by the Director of the Department* or;

(b) If the Director has not designated an agency, the Bureau or the local licensing agency.

7. Evidence that an employee has completed the training required pursuant to subsections 1 and 2 must be included in his personnel file and must be kept at the facility. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

“Sec. 19. 1. Each person who, on July 1, 2004, is employed in a child care facility, other than in an accommodation facility or a facility that provides care for ill children, or is required pursuant to the amendatory provisions of NAC 432A.320 to satisfy the training and certification requirements set forth in NAC 432A.323 and section 3 of this regulation [NAC 432A.322], shall:

(a) Complete the 9 hours of training required pursuant to the amendatory provisions of NAC 432A.320 or subsection 1 of NAC 432A.323; and

(b) Obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of NAC 432A.320 or section 3 of this regulation [NAC 432A.322],

↪ within 12 months after July 1, 2004, unless the person has completed the training within the 12 months before July 1, 2004, or unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that such a person has completed the training required pursuant to subsection 1 and has obtained certification in the administration of cardiopulmonary resuscitation as required pursuant to subsection 1 must be included in his personnel file and must be kept at the facility.

3. With regard to training concerning the administration of first aid and the recognition of signs and symptoms of illness that is required pursuant to the amendatory provisions of NAC 432A.323, the evidence listed in NAC 432A.308 as adequate evidence of compliance is adequate evidence of compliance for the purposes of this section.

Sec. 20. Each person who on July 1, 2004, is a director or licensee of a child care facility or is a caretaker employed in a child care facility shall, within 12 months after July 1, 2004, and in addition to completing any training required pursuant to section 19 of this regulation and completing any course in the development of children required pursuant to NAC 432A.306, complete at least:

1. Three hours of training by completing a course in the development of children; and
2. Three hours of training in child care,

↪ unless the person has completed the training within the 12 months before July 1, 2004.”

NAC 432A.326 ~~[Continuing training in child care.]~~ *Continuing Professional Development*
(NRS 432A.077)

1. During each 12-month period immediately succeeding the completion of the initial training required pursuant to NAC 432A.323, each director ~~[and licensee of a child care facility and each caretaker]~~ *caregiver* who is employed at the facility shall ~~[participate in a program of training in child care for at least 15 hours, of which not more than 3 hours may be training in the administration of cardiopulmonary resuscitation, including a course completed to maintain the certification required pursuant to NAC 432A.322.]~~ *complete 15 professional development hours (no more than 3 may be in the administration of cardiopulmonary resuscitation).* ~~[The program may be in the form of:]~~ *These hours may be:*

(a) ~~[Workshops or conferences;]~~ *Informal such as on-site training, community workshops or conferences; or*

(b) Formal ~~[training;]~~ *college or university course.* ~~[or~~
~~—(c) Training at a child care facility during the period of employment.]~~

2. Any training included in the program relating to the administration of cardiopulmonary resuscitation must be taught by a certified instructor who meets the standards of ~~[the American Heart Association or the American National Red Cross.]~~ *a nationally or internationally recognized provider of CPR including the American Heart Association, the American National Red Cross, Medic First Aid, EMS Safety, or the American Safety and Health Institute.*

3. The ~~[program]~~ *training* must be ~~[provided]~~ or approved by:

- (a) *The Nevada Registry or other [An agency]* designated by the Director of the Department;
- (b) If the Director has not designated an agency, the Bureau or the local licensing agency.

4. A director, licensee or caretaker described in subsection 1 may not receive credit toward the program of training required pursuant to subsection 1 for hours of training received concerning the administration of first aid or concerning the recognition of signs and symptoms of illness more than once every 36 months.

NAC 432A.340 Information to be provided by parent; maintenance of record for each child. (NRS 432A.077)

1. Procedures for admission must provide the caretaker with sufficient information and instruction from the parents to enable the caretaker to prepare a record and to make decisions or act on behalf of the child.

2. Before the admission of a child to a facility, the parent shall give the following information to the caretaker:

- (a) The child's full legal name, date of birth, current address and preferred name;
 - (b) The name, address and telephone number of each parent responsible for the child and any special instructions needed to reach the parent during the hours the child is in the facility;
 - (c) The name, address and telephone number of any person who can assume responsibility for the child and is authorized to take the child from the facility if the parents cannot be reached;
 - (d) Information concerning the health of the child, including any special needs of the child; and
 - (e) A written authorization signed by a parent which allows emergency surgical and medical care.
3. The caretaker shall, unless the facility is an accommodation facility:
- (a) Make a record for each child that includes the date the record was prepared and the date the child is scheduled to attend the facility; and
 - (b) Maintain each record in good order.

NAC 432A.350 Information to be provided by facility; criteria for admission into facility that provides care for ill children. (NRS 432A.077)

1. Every licensee of a facility shall adopt a written statement which:
- (a) Sets forth the general services to be offered to the children;
 - (b) Provides for the special needs of each child;
 - (c) States the requirements for admission and procedures for enrollment;
 - (d) Sets forth fees and any plan for payment of fees;
 - (e) Provides rules relating to personal belongings brought to the facility;
 - (f) Covers arrangements for transportation;
 - (g) Requires written parental permission for trips and activities outside the facility;
 - (h) Provides for parental involvement in the general functions of the facility;
 - (i) Gives either or both parents the right to observe the program of the licensee before enrollment and at any time after enrollment of the child;
 - (j) ~~Notifies either or both parents if smoking of tobacco is permitted on the premises of the facility in a designated area approved by the fire authority;~~ *Maintain a policy specifying that smoking, use of chewing tobacco, use of alcohol, use or possession of illegal drugs, overuse or inappropriate use of prescription drugs unauthorized toxic substances is prohibited in the child care facility at all times.*
 - (k) Notifies either or both parents if and when a member of the staff who is trained and certified in cardiopulmonary resuscitation (CPR) is on duty at the facility; and
 - (l) Notifies either or both parents of the contents of any plan created pursuant to NAC 432A.280 to ensure that the staff of the facility is prepared to respond to an emergency.
2. In addition to the information required by subsection 1, a licensee for a facility that provides care for ill children shall adopt criteria for admission that set forth:
- (a) The illnesses and disabilities that are accepted;

- (b) The illnesses and disabilities that are not accepted;
- (c) The ages of children served by the facility;
- (d) The information required from a parent before a child may be admitted to the facility; and
- (e) The procedures to be followed by the staff of the facility in the event of an emergency.

3. Every licensee shall provide a copy of the statement described in subsection 1 to each paid or volunteer member of its staff, to each parent of a child enrolled in the facility and to the Bureau.

4. The name, business address and business telephone number of any person who has legal or administrative responsibility for the facility must be provided to each parent of a child enrolled in the facility and to the Bureau.

5. The licensee of a facility shall notify each parent of a child enrolled in the facility and the Bureau of significant changes in the services offered by the facility.

NAC 432A.360 Limitation on disclosure of information pertaining to child. (NRS 432A.077)

1. The licensee of a facility shall not disclose to any person who is not a member of the staff of the facility or a member of the licensing staff of the Bureau information pertaining to any child, unless:

- (a) The parent has given written permission for the disclosure; or
- (b) There is an emergency as determined by the director or the member of the staff who is in charge at the time of the emergency.

2. The licensee of a facility shall have available forms which allow a parent to release information pertaining to his child.

NAC 432A.370 Evidence and record of health of child. (NRS 432A.077)

1. Evidence of each child's health must be presented to the director of a facility, other than an accommodation facility or a facility that provides care for ill children, within 30 days after his initial admission. The evidence must include a written statement from a licensed physician or registered nurse attesting to the status of the child's health and stating that all known special conditions are under treatment and the child is capable of adjusting to the programs of the facility.

2. A licensee of each such facility shall keep a record of each child which includes any pertinent information on the status of the child's health and any special needs of the child.

NAC 432A.372 Medical care: Chart and first-aid kit; written provisions; directory. (NRS 432A.077)

1. An easily understandable chart describing first aid and emergency treatment must be available in each facility. A well-stocked first-aid kit must be readily available at all times.

2. Every licensee of a facility other than an accommodation facility shall have written provisions for:

- (a) Consulting with physicians or registered nurses regarding the health of the children;
- (b) Obtaining assistance in developing and maintaining current health policies; and
- (c) Informing members of the staff on matters of health affecting the children, including dental health and personal cleanliness and care.

3. A written directory of emergency health services must be readily available in the facility. The directory must include the name, address and telephone number of:

- (a) A hospital, clinic or other constantly staffed medical facility; and
- (b) A physician or registered nurse to be called for each child if the parents of the child have signed a written agreement stating that the person is acceptable.

NAC 432A.374 Medical care: Isolation of ill or injured child; transportation of child. (NRS 432A.077)

1. If a child becomes seriously ill or injured in a child care facility, other than a facility that provides care for ill children, he must be immediately isolated from other children and placed under appropriate supervision. A parent, a person designated by a parent or a physician designated by a parent, must be promptly notified and the child must be removed from the facility as quickly as possible. Members of the staff of a facility shall not administer any medical treatment, except emergency first aid and prescribed medications to the child.
2. If a member of the staff transports or accompanies a child for professional emergency care, he shall remain with the child until the parents assume responsibility for the care of the child.

NAC 432A.376 Medication. (NRS 432A.077) Except as otherwise provided in NAC 432A.585:

1. Each prescribed medication must be plainly labeled, contain the name of the child or adult for whom it is prescribed and be stored in a locked cabinet or be made inaccessible to children. Medications for external use must be kept in a separate section of the locked cabinet. Medications stored in a refrigerator must be made inaccessible to children.
2. Except in an emergency, only one person designated by the licensee of a facility may administer medications to children.
3. The licensee of a facility shall maintain a written record containing:
 - (a) The name of each medication administered;
 - (b) The name of the child to whom it was administered; and
 - (c) The date and time on which it was administered on a weekly basis. The record must be kept in the child's file.
4. A prescribed medication must, upon discontinuance of use, be promptly destroyed or returned to the child's parent.

NAC 432A.378 Reports of accident, injury, communicable disease or death. (NRS 432A.077)

1. Upon the occurrence of any accident or injury which requires emergency professional medical care of a child, the director, operator or owner of each facility shall report the occurrence to the Bureau or local licensing agency as soon as possible and shall keep on file at the facility a report of the occurrence.
2. If the director, operator or owner of a facility finds that any reportable communicable disease may be present in the facility, he shall report that condition to the Bureau or local licensing agency as soon as possible. The Bureau or local licensing agency shall provide the list of reportable communicable diseases to all licensees and applicants.
3. The director, operator or owner of each facility shall report as soon as possible to the Bureau or local licensing agency the death of any child who attends or lives in the facility.

NAC 432A.380 Nutrition. (NRS 432A.077)

1. To the extent set forth in subsection 3, a licensee of a facility shall meet the daily nutritional needs of each child. Meals and snacks must be of a quality and quantity which supplements the food served at home. Cultural and ethnic foods which are appropriate for children must be considered in planning meals. To the extent possible, information provided by parents concerning their child's eating habits and preferences or special needs regarding food must be considered in planning for meals.

2. A licensee of a facility shall consult the Bureau or local licensing agency or some other public agency for nutritional information which is applicable to children of ages receiving care at the facility. *All meals and snacks and the preparation, service, and storage shall meet the requirements for meals following the USDA Child and Adult Care Food Program.*

3. ~~[A licensee of a facility shall serve every child who stays in the facility:
—(a) For 5 or more but less than 10 hours per day, a quantity of food which will supply at least one-third of the recommended dietary allowance established by the Food and Nutrition Board of the National Academy of Sciences.]~~

(b) For 10 or more hours per day, a quantity of food which will supply at least one-half of the recommended dietary allowance established by that Board. *Children in care for eight or fewer hours shall be offered at least one meal and two snacks or two meals and one snack. Children in care for more than eight hours shall be offered at least two meals and two snacks or three snacks and one meal. Nutritious snack shall be offered to all children in midmorning and midafternoon. Children shall be offered food at intervals at least two hours apart and not more than three hours apart unless the child is asleep.*

4. Foods and beverages which are sweet or have little nutritional value must not be served to children except as an addition to the meals or snacks served to comply with the requirements of subsection 3.

5. Every menu must be in writing, dated, planned a week in advance, and kept on file in the facility for at least 90 days after the corresponding meal is served. The licensee of a facility shall post the current menu, including any changes, in the kitchen and in a public place within the facility convenient for parental inspection. Family homes and group homes are exempt from the requirements of this subsection.

6. A child may bring his lunch to a facility in a properly identified bag or other container. The licensee of a facility shall refrigerate such lunches or place them in a cold, protected area.

7. A child is not allowed in the kitchen of any facility unless he is supervised.

8. Whenever possible, members of the staff of the facility must eat with the children and encourage them to eat a variety of food and observe table manners.

9. Drinking water must be freely available to all children at all times.

10. Food must not be used as a basis for discipline or reward. Children should be encouraged, but must not be forced, to eat.

NAC 432A.385 Snacks and meals. (NRS 432A.077)

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 wide base; and

- (3) 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) Discard any food that is left in a dish after a meal;
 - (g) *Bottles /food shall not be kept in water for longer than five minutes and must be stirred, shaken and tested prior to beginning to feed the infant. Infants shall not be held during food preparation. Warming pots need to be emptied, cleaned and sanitized daily.*
 - (~~h~~ h) Store each bottle of formula and container of food in accordance with the instructions from the manufacturer of the formula or food;
 - (~~h~~ i) 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;
 - (~~h~~ j) Immediately refrigerate and label each container of breast milk provided by a parent;
 - (~~h~~ k) Return each bottle to the appropriate parent each day;
 - (~~h~~ l) Return any unused, open container of food to the appropriate parent each day if the child was not fed directly from the container of food; and
 - (l) 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 the 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.

NAC 432A.390 Standards for programs. (NRS 432A.077)

- 1. Every licensee of a facility shall develop a program to meet the basic needs of children for:
 - (a) Good health and normal physical development;
 - (b) Optimal mental growth;
 - (c) Stimulating language and communicative experiences;
 - (d) The attention, acceptance and affection of others;
 - (e) Opportunities to experience success and to test mental, physical and social skills;
 - (f) Self-identity and a sense of competence and worth;
 - (g) The security provided by gentle discipline;
 - (h) Relations with others which set forth the rights of adults and the rights of children;

- (i) Learning experiences planned with the aid of the child's parents which ensure harmony with the life style and cultural background of the child;
 - (j) Activities which facilitate social growth and adjustment; and
 - (k) The time and opportunity to learn independence and personal care.
2. A licensee of a facility shall teach each child personal hygiene. The licensee of a facility shall require all children to wash before meals and after using a toilet.
 3. If the weather permits, all children must have a daily period of outdoor play. A licensee of a facility shall provide opportunities for active play which builds muscles such as climbing, jumping, running and playing with toys which have wheels. The quantity and quality of materials and equipment must be sufficient to avoid excessive competition between the children and long waiting periods to use the materials or equipment.
 4. Every child who is in a facility for more than 5 hours per day must have a period for a nap during the day. A child who cannot sleep must rest during the period provided for a nap. The licensee of a facility shall provide a cot, mat or bed for each child.
 5. The amount, variety and arrangement and use of materials and equipment used in a facility must be appropriate to the developmental needs of the children cared for in the facility. Materials must be stored in a manner that allows children to select, remove and replace the materials independently or with minimal assistance.
 6. Furniture must be durable, safe and intended for use by children or appropriately adapted for use by children.
 7. A licensee of a facility shall provide space for the storage of the children's clothing and the storage must be within easy reach of the children.

NAC 432A.400 Discipline. (NRS 432A.077)

1. A licensee of a facility shall enhance a child's behavior through positive guidance, redirection of the child's behavior and the setting of clear-cut limits on behavior.
2. A member, employee or other person associated with a facility shall not, for any reason:
 - (a) Inflict physical punishment, in any manner or form, upon any child;
 - (b) Verbally abuse or threaten a child;
 - (c) Make derogatory remarks about the child or his family;
 - (d) Threaten a child with the loss of love of any person;
 - (e) Threaten a child with punishment by a deity;
 - (f) Subject a child to any form of punishment which pertains to food or rest or restricts the use of a toilet or other bathroom fixture; or
 - (g) Subject a child to any form of punishment by other children. Parental consent to allow any person within the facility to punish a child contrary to the provisions of this section is void.
3. Disciplinary measures used in a facility must be consistent with supportive, positive action, and may include:
 - (a) Holding a child's arm to prevent hitting;
 - (b) Bodily picking up the child and removing him from the group, and:
 - (1) Sitting with the child until he is ready to play without hitting; or
 - (2) Isolating the child under observation for no more than 10 minutes;
 - (c) Informing the child in a simple, positive manner what conduct is expected while he is in the facility;
 - (d) Praising and recognizing a child who behaves in the expected manner; and
 - (e) Directing a child who is in a situation that is creating problems to a new activity.

NAC 432A.410 Reports of child abuse or neglect. (NRS 432A.077) If any person suspects that child abuse or neglect is occurring in a facility, the person may immediately report his suspicions to the Bureau. Every licensee or employee of a facility who has reason to believe child abuse or neglect is occurring in the facility, in the child's home or elsewhere shall report his beliefs to the appropriate authority as required in NRS 432B.220.

NAC 432A.411 Sanitary measures for changing diapers. (NRS 432A.077)

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 clothing that may be contaminated with contagious matter must be stored in an individual plastic bag and be returned to the parents daily. *The child care facility will not rinse or dump the contents of the diaper. Diapers shall be able to contain urine and stool and minimize contamination as in commercial disposable diapers. Children using cloth diapers need an absorbent inner liner and a waterproof outer covering.*
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.

NAC 432A.412 Written procedures for washing of hands. (NRS 432A.077)

1. Each facility must have written procedures concerning the washing of hands.
2. The staff of a facility shall follow the procedures of the facility concerning the washing of hands and shall instruct, monitor and assist the children being cared for at the facility to ensure that the children follow the procedures.
3. The procedures concerning the washing of hands must require, without limitation, that:
 - (a) The staff of the facility wash their hands with soap from a dispenser and warm water:
 - (1) Any time that their hands come into contact with blood, mucus, vomit, feces or urine;
 - (2) Before preparing or handling food;
 - (3) Before engaging in any activity related to serving food, including, without limitation, setting the table;
 - (4) Before and after eating a meal or snack;
 - (5) After using the toilet, helping a child use the toilet or changing a diaper with or without gloves;
 - (6) After attending to an ill child; ~~and~~
 - (7) After handling an animal;
 - (8) *After giving medication to a child; and*
 - (9) *After cleaning or handling garbage.*
 - (b) The children being cared for in the facility wash their hands with soap from a dispenser and warm water:

- (1) Any time that their hands come into contact with blood, mucus, vomit, feces or urine;
 - (2) Before handling food;
 - (3) Before and after eating a meal or snack; ~~and~~
 - (4) After handling an animal;
 - (5) After changing of diaper;*
 - (6) After playing in water; and*
 - (7) After playing in sandboxes.*
- (c) The staff of the facility shall ensure that:
- (1) Each bathroom has running water, soap and single-use or disposable towels; and
 - (2) Any common basin or sink which is filled with standing water is not used for the washing of hands.

NAC 432A.413 Written guidelines for toilet training. (NRS 432A.077)

1. Each facility must develop written guidelines concerning the methods used by the staff of the facility for toilet training and the use of appropriate equipment and clothing for such training.
2. The guidelines concerning toilet training must be distributed to each parent of each child being cared for at the facility who is not yet toilet trained.
3. The guidelines must require the staff of the facility:
 - (a) Not to force a child to remain on the toilet for a prolonged period of time or punish a child for wetting or soiling his clothing;
 - (b) Not to leave a child unattended while the child is sitting on a potty-chair or on the toilet;
 - (c) To instruct and assist the children in washing their hands after using the toilet; and
 - (d) If a potty-chair is used to train a child to use the toilet, to:
 - (1) Place the potty-chair on a washable, impervious floor;
 - (2) Use the potty-chair in accordance with the instructions from the manufacturer;
 - (3) Ensure that the potty-chair is stored and used in an area that is not in close proximity to an area used for the preparation of food;
 - (4) Empty the potty-chair into a toilet immediately after each use; ~~and~~
 - (5) Thoroughly clean and disinfect the potty-chair after each use; *and*
 - (6) Disinfect the utility sink where the chair was cleaned.*

NAC 432A.414 Sanitary measures for floors, rugs, carpets and nonporous surfaces. (NRS 432A.077)

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. *If the facility is cleaning the rug or carpet with their own carpet cleaning machine, a professional cleaning may be required if the area does not appear to be clean.*
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 the 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.
4. The disinfecting agent used pursuant to subsection 3 must consist of:

- (a) One-fourth of a cup of liquid chlorine bleach added to 1 gallon of water that is prepared fresh daily;
- (b) One tablespoon of liquid chlorine bleach added to 1 quart of water that is prepared fresh daily; or
- (c) A solution that is approved by the appropriate state or local agency and is at least as effective as the solutions described in paragraphs (a) and (b).

NAC 432A.415 Safety and sanitation of toys, equipment and other objects and material used for play. (NRS 432A.077)

- 1. Equipment and any material other than a toy that is used for play in a facility must be durable and free from characteristics that may be hazardous or injurious to a child who is less than 2 years of age, including, without limitation, such characteristics as sharp or rough edges, toxic paint or objects that are small enough for a child of that age to swallow and choke on.
- 2. Any object, toy or component of a toy that is accessible by a child who is less than 3 years of age at a facility must meet the federal size requirements set forth in 16 C.F.R. § 1501.4.
- 3. Toys with sharp points or edges, plastic bags and objects made from Styrofoam must not be accessible to a child who is less than 3 years of age.
- 4. A toy or any other piece of equipment that is used for play must be made of a material that is capable of being disinfected and must be cleaned and disinfected promptly after the toy or other piece of equipment has been soiled or put into the mouth of a child, or not less than one time each day.
- 5. The staff of a facility shall not provide a stuffed animal to any child unless the stuffed animal is laundered or disinfected not less than one time each day or more often if necessary.
- 6. Toys placed in a crib at a facility must be appropriate for the age of the child using the crib. The staff of a facility shall adhere to any requirement set forth on the label of a toy regarding the safe use of the toy.
- 7. Each room at a facility that is used for play and other activities for children must have:
 - (a) Low, open shelves to store toys;
 - (b) An adequate supply of toys that are *in good condition* and appropriate for the age of the children. Any and all toys that are broken *or have missing parts shall be repaired or replaced*;
 - (c) Tables and chairs that are the appropriate size for the children; and
 - (d) Any other equipment that is necessary to meet the needs of the children.
- 8. *Baby walkers that the child can move across the floor shall not be used in a child care facility.*

NAC 432A.416 Sleeping devices; napping. (NRS 432A.077)

During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building, on the same floor, and be readily accessible and available to be summoned to ensure the safety of the children. In rooms where children less than 24 months of age are present, the appropriate ratio and group size must be maintained at all times. Rest areas shall be lighted enough to allow visual supervision of children at all times.

- 1. The staff of each facility shall:
 - (a) *Make sure that infants under 12 months of age shall be placed on their backs on a firm mattress, mat, or pad manufactured for sale as infant sleeping equipment. Waterbeds, sofas, soft mattresses, pillows, and other soft surfaces shall be prohibited as infant sleeping surfaces.*

- (a) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to sleep in;
 - (b) Equip any such sleeping device with a waterproof, firm-fitting mattress;
 - (c) Ensure that each crib to be used by a child who is 6 months of age or younger is constructed with vertical slats that are not more than 2 3/8 inches apart;
 - (d) Ensure that a child who is 18 months of age or younger sleeps in a crib which is appropriate for his age or in another sleeping device which has been approved by the Bureau;
 - (e) Ensure that a child who is older than 18 months of age sleeps in an appropriate crib or on a cot or mat;
 - (f) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;
 - (g) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;
 - (h) Ensure that the bedding that each child uses is used only for that particular child;
 - (i) Replace the bedding each time it is wet or soiled by a child or when the sleeping device is to be used by another child;
 - (j) Within 15 minutes after a child in a crib has awakened from a nap, take the child out of the crib and engage him in an appropriate activity;
 - (k) Ensure that each child takes a nap as needed;
 - (l) Ensure that each napping child is in an area from which the staff can readily hear and see the child; and
 - (m) Ensure that each napping child is checked by a caretaker not less than one time every 15 minutes.
2. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

Additional Requirements for Certain Types of Facilities

NAC 432A.420 Nurseries for infants and toddlers: Part of larger facility; director. (NRS 432A.077)

1. A nursery for infants and toddlers may be a part of another type of facility if each part of the facility meets the requirements of this chapter. If such a nursery is a part of a larger facility, the director or one ~~caretaker~~ *caregiver* who meets the qualifications of a director for the nursery must spend at least one-half of his time in the nursery.
2. ~~The director of a nursery for infants and toddlers in any facility must:~~
 - ~~—(a) Have completed the training required to become a professional nurse;~~
 - ~~—(b) Have completed the training required to become a licensed practical nurse, and have at least 6 months of verifiable experience which is satisfactory to the Bureau in a program related to the care of children under 3 years of age;~~
 - ~~—(c) Hold a current credential as a “Child Development Associate for Infants and Toddlers” issued by the Council for Early Childhood Professional Recognition, Washington, DC 20005;~~
 - ~~—(d) Be at least 21 years of age and hold a high school diploma or, if approved by the Chief of the Bureau, its equivalent, and have completed at least 12 semester hours of education, of which:~~
 - ~~—(1) At least 6 semester hours are in infant and toddler development; and~~
 - ~~—(2) At least 6 semester hours are in child development, education related to the health of children or courses directly related to these fields;~~

~~→ and at least 2 years of verifiable experience which is satisfactory to the Bureau in a program related to the care of children under 3 years of age; or
—(e) Have a combination of education and experience which, in the judgment of the Chief, is equivalent to one of the requirements described in paragraphs (a) to (d), inclusive.]~~

3. In a facility where a director is not required, the director of the nursery for infants and toddlers shall ensure that the required number of persons on the staff is maintained.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on June 10, 1998 (LCB File No. R047-98), contains the following provisions not included in NAC regarding the amendment of this section by LCB File No. R203-97:

"1. A person who was approved before April 1, 1998, as:

- (a) Director of a facility for which a director is required other than an accommodation facility or a family or group home;
- (b) Director of a nursery for infants and toddlers;
- (c) Program director of a preschool; or
- (d) Director of a special needs facility,

→ is not required to satisfy the amendatory provisions regarding the qualifications of directors set forth in 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, so long as the person remains at the facility in that capacity.

2. If the person wishes to become director of a different facility or of a different program within his current facility, he must satisfy the amendatory provisions regarding the qualifications of directors set forth in 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."

**NAC 432A.425 Nurseries for infants and toddlers: General requirements.
(NRS 432A.077)**

1. The director or a designated member of the staff of a nursery for infants and toddlers or other facility that enrolls infants and toddlers shall discuss policies concerning the health of an infant or toddler with the parents before enrollment of the child. Every parent must be given a description of and agree in writing to the following matters concerning the child:

- (a) Feeding;
- (b) Diapering;
- (c) Changes of clothing, which are to be provided by the parents;
- (d) Bathing, including, without limitation, the kind of soap to be used;
- (e) Precautions against infectious disease;
- (f) Sleeping;
- (g) Toilet training;
- (h) Daily reports to the parents;
- (i) Any special precautions regarding the health and safety of the child; and
- (j) Any other information deemed necessary by the facility or the Bureau.

2. A caretaker must be assigned to a specific group of infants on a continuing basis.

3. Except as otherwise provided in paragraph (m) of subsection 1 of NAC 432A.416, each infant and toddler must be under direct visual observation by a qualified caretaker at all times.

4. Each infant and toddler must be given undivided attention by the same caretaker for at least 30 minutes in the morning and 30 minutes in the afternoon, including periods of feeding and bathing. The caretaker shall, during this time:

- (a) Hold and talk to the child;
- (b) Encourage the development of the child's coordination by allowing him to reach for, grasp, creep, crawl or pull up;
- (c) Give toddlers the opportunity to develop the large muscles of the body by activities such as climbing and walking; and

(d) Encourage the child to interact socially through playing, using language and solving problems using materials and equipment that are appropriate for the age of the child. Infants under 6 months of age must be provided an additional period of not less than 2 hours of activity each day out of the crib, for example, in a playpen or other suitable area.

5. Each licensee of a facility shall provide an indoor area which is covered by a soft or nonabrasive material and is protected from traveled walkways where crawling children can be on the floor for at least a part of the day.

6. A caretaker may take the infant or toddler assigned to him outside or to areas of the facility other than their usual room for a part of each day to provide a change in their physical environment and to increase opportunities for social interaction.

7. When weather permits, each toddler over 12 months of age must be taken outside for a portion of each day. If the weather is extremely hot, the toddler must be kept in a shaded area while outdoors.

8. An infant who is awake must not be left in a crib for long periods without direct adult care and never for more than 30 minutes at a time.

9. The staff of a nursery for infants and toddlers shall separate the infants from the toddlers while the toddlers are engaging in physical activities.

10. There must be a resilient surface under equipment that is used for playing and climbing at a nursery for infants and toddlers. Such equipment must be appropriate for the age of the children using the equipment.

11. The staff of a nursery for infants and toddlers shall promote the healthy development of toddlers by:

- (a) Expressing feelings with words;
- (b) Giving directions that are worded in a positive manner;
- (c) Modeling desirable behavior; and
- (d) Redirecting behavior.

12. The staff of a nursery for infants and toddlers shall not discipline or punish an infant or toddler by confining him to a crib, high chair, playpen or other such piece of furniture or equipment.

13. The staff of a nursery for infants and toddlers shall prepare a daily report for each infant less than 12 months of age for whom it provides care. The report must be posted in a conspicuous place in each room used to care for the infants and must include, without limitation, information concerning the feeding, diapering and sleeping of each infant.

NAC 432A.430 ~~{Preschools.}~~ *Early Care and Education Programs* (NRS 432A.077)

~~{1. The licensee of a preschool shall have a program that includes:}~~ *All child care facilities providing care for children birth through age 8 must have a developmentally appropriate Early Care and Education program that includes.*

(a) An assessment of each child's individual needs and of activities which are suitable to his needs. *To assess young children's strengths, progress and needs, use assessment methods that are developmentally appropriate, culturally and linguistically responsive, tied to children's daily activities, supported by professional development, inclusive of families and connected to specific, beneficial purposes;* and

(b) A comparison of each child's actual growth, status and progress with his potential growth, status and progress.

2. ~~[A licensee of a preschool must develop a specific plan for child care and instruction which is designed to achieve the following objectives:]~~ *The director of an early care and education program and/or the licensee of a family or group home should develop a plan for care and education specific to the ages of the children served which is designed to achieve the following objectives:*

- (a) Successful adjustment of the child to an environment away from home;
- (b) Familiarity of the child with a group setting;
- (c) Development in the child of an interest and joy in learning;
- (d) Development in the child of a feeling of security and individual success;
- (e) Development of a child's self-expression and self-control;
- (f) Development of creativity in the child; and
- (g) Development of a child's sense of responsibility.

3. A plan of the curriculum and a description of the methods of delivering instruction must be prepared by a licensee of ~~[a preschool.]~~ *the early care and education program.* The plan must:

- (a) Be made available for parental review;
- (b) Be prepared before the program becomes effective;
- (c) Be kept on file for at least 1 year;
- (d) Include a program of speaking and listening to English;
- (e) Include a program to develop a child's awareness of basic mathematical concepts;
- (f) Provide for the involvement of parents in learning activities at the preschool and at home;
- (g) Provide for the development of a child's skill in music, arts and crafts and pleasure received from these activities;
- (h) Provide for the development of a child's awareness of his natural surroundings and stimulate his curiosity about his environment; and
- (i) Provide for increasing a child's awareness of the need for good physical health, personal hygiene, exercise and nutrition.

4. A licensee ~~[of a preschool]~~ must recognize each child's individual level of development and provide an assortment of materials, equipment and activities broad enough to meet the social, emotional, physical and cognitive development of each child.

5. A licensee ~~[f a preschool]~~ may allow the number of children stated on its license to participate in the program for 4 or fewer hours per day.

~~[6. Every licensee of a preschool must have a person designated as its program director who develops and supervises the preschool's curriculum. The person must be at least 21 years of age and:~~

~~—(a) Have a bachelor's degree in teaching or child development from an accredited college or university and have completed at least 12 semester hours of education, of which:~~

~~—(1) At least 6 semester hours are in child development or in courses directly related to child development; and~~

~~—(2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~

~~—(b) Have at least 2 years of experience in a full-time, verifiable position, be a graduate of a 2-year educational course in child development and have completed at least 12 semester hours of education, of which:~~

- ~~— (1) At least 6 semester hours are in child development or in courses directly related to child development; and~~
- ~~— (2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~
- ~~— (c) Have at least 2 years of experience in a full-time, verifiable position, be a graduate of a 1-year certified program of child development and have completed at least 12 semester hours of education, of which:~~
 - ~~— (1) At least 6 semester hours are in child development or in courses directly related to child development; and~~
 - ~~— (2) At least 6 semester hours are in child development, child psychology or education related to the health of children or in courses directly related to child psychology or education related to the health of children;~~
- ~~— (d) Hold a current credential as a “Child Development Associate” issued by the Council for Early Childhood Professional Recognition, Washington, DC 20005; or~~
- ~~— (e) Have a combination of education and experience which, in the judgment of the Chief, is equivalent to one of the requirements described in paragraphs (a) to (d), inclusive.]~~

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NAC 432A.....Special event facilities.

- 1. Child care is limited to the children of special event attendees.*
- 2. Child care is limited to the dates of the special event, not to exceed 7 days and no more than 10 hours per day.*
- 3. Parent or guardian of child in care must remain on the premises of the business establishment in which the special event is being held. Parents must provide emergency phone numbers and the name and contact information for an emergency contact person. A sign in and sign out sheet of children and staff must be correctly maintained at all times.*
- 4. The child care facility must follow all child care regulations pertaining to the care of infants and toddlers.*
- 5. The child care facility must be physically located in such a manner to obscure from view and hearing of the children the sale and dispensing of alcohol, gaming ventures, etc.*
- 6. The facility must provide proof of general liability insurance.*
- 7. The applicant must obtain a child care license pursuant to the State of Nevada and local city/county ordinances and must have a permanent physical business location where all records will be maintained.*

8. *The applicant must submit an application for each Special Event which must include written approval from the owner/operator of the Special Events facility in which child care will be provided. The application for a license must be filed with the licensing agency at least 60 working days prior to the commencement date of the special event. The application must include the name and address of the special event location, square footage and a diagram of the specific area in which child care will be provided, copy of the parent contract, program plan of care based upon age groups, number and ages of children in which services will be provided.*

9. *The child care facility will follow all other child care requirements to include an annual inspection from the fire, health and sanitation and licensing agencies.*

10. *Children's records must be maintained onsite. Parents/guardians must provide proper photo identification to remove children from the event. Only those listed as pre-authorized and showing proper photo identification will be allowed to remove children from the event.*

11. *Immunization records and/or statement from physician can be faxed to the facility.*

12. *Parents must be notified at check-in of an off-site emergency location should the facility be evacuated. This location will be predetermined with the approval of the facility security department. The child care location cannot be above the main floor of the facility.*

13. *Shift manager (over the age of 21) shall be on duty at all times child care is being provided.*

14. *Children ages 5 and under cannot participate in field trips without being accompanied by a parent or guardian. Any child age 6 and under and or weighing 60 pounds must be restrained in a car seat while traveling in any vehicle while in the care of the license provider. A program plan for field trip must be submitted to the license agency 14 days prior to the event to include the name of the transportation/bus company; approved itinerary; estimated time of departure and return; plan for food service; approximate ages and number of children participating in field trip; individual lists of each group of children given to staff member in charge of field trip; prominently displayed identification system for staff to readily identify his/her group of children; and copies of field trip permits authorized by parent/guardian in addition to emergency contact information and health statements for each child participating in field trip.*

NAC 432A.435 Accommodation facilities. (NRS 432A.077)

1. During the hours of operation, each accommodation facility must have a person on duty who is designated as the person responsible for the operation of the facility.

2. An accommodation facility may care for a child for not longer than 3 1/2 hours in any 24-hour period while the adult responsible for placing the child in the accommodation facility remains on the premises of the business establishment which operates the accommodation facility.

3. The accommodation facility must maintain a daily attendance record which includes the name of each child cared for in the facility, his date of birth, the names of his parents or guardians, the home address and telephone number of his parents or guardians, his time of arrival and departure and the name of a person to contact in the case of an emergency.

4. The accommodation facility must be located in a separate section of the business establishment and enclosed from the other business conducted in the establishment. If the accommodation facility is operated by a business that is licensed to sell or dispense alcohol or to

conduct gaming in any form, the accommodation facility must be physically located in such a manner that the sale and dispensing of alcohol and the participation in gaming ventures are isolated and obscured from the view and hearing of the children in the accommodation facility.

5. No medication may be administered to a child in an accommodation facility.

NAC 432A..... “Extended Care Accommodation facilities:

1. Must have a designated napping area for all children and a separate infant/toddler area;

2. Meal/snack provisions can be provided by center or parent;

3. Must maintain diapering and potty requirements;

4. In addition to 35 square feet of indoor space per child must have a designated indoor area for large motor play, allowing for physical activity i.e. climbers, basketball, dancing, gymnastics, pinball, etc. A separate large indoor motor play area for infants/toddlers, or a time designated for infant/toddler use only;

5. Have a qualified director if care is provided to children under the age of 2 years;

6. Allow for 5 hours of child care per day within a 24 hour period, weekends and holidays, and Monday through Friday between the hours of 4:00 pm. to 5:30 a.m.

7. Preschool services will be prohibited;

8. Facility must be located on the premises of a licensed business, in which care is primarily provided to its clients and parents are required to remain on the premises of the licensed business;

9. Must obtain two emergency contacts and maintain in file for each child and contact information should include full names, addresses, and telephone numbers to include the emergency telephone number or pager where parents can be immediately reached in case of emergency.

10. Facility is prohibited from field trips.

NAC 432A.440 Institutions: General requirements. (NRS 432A.077)

1. A licensee of an institution may:

(a) Contract with any parent, *guardian, or custodian of the child* for the supervision, care and guidance of a child;

(b) Provide for the moral and religious training of the children according to the religious belief of the child or his parents; or

(c) Accept guardianship of a child when appointed as a guardian by a juvenile court.

2. A licensee of an institution shall:

(a) Establish the policies which it will follow and review the policies and purposes on a regular basis to determine whether the interests of the children are being served;

(b) Review its practices to ensure that they do not discriminate in the employment of personnel, the admittance of children or the services provided to children on the basis of race, color, national origin, religion or the marital status or age of the parents;

(c) Approve a budget and be responsible for obtaining and disbursing money;

(d) Maintain accurate records of the employment of members of its staff;

(e) Employ a qualified person as director and delegate to him the responsibility for the administration of the institution and the employment of other members of the staff; and

(f) Notify the Bureau of any major changes which are pending or have occurred in the organization or administration of the institution, including any changes in its owner or director.

3. A director of an institution shall:

(a) Possess knowledge of services available for the welfare of children and demonstrate administrative skill and leadership;

(b) Be a graduate of an accredited college or university and have taken a minimum of 15 credits in the social sciences;

(c) Have at least 2 years' experience in an administrative or supervisory position in a child care facility; and

(d) Authorize a member of the staff who is qualified to be a director to act as director in his absence.

4. The director, or a person to whom he has delegated responsibility, must be available to parents and the Bureau at all times.

5. The licensee of an institution shall notify the parents, *guardian, or custodian* of a child of the child's discharge within a reasonable time before the discharge. Discharge of a child must be a part of a planned program which was established after informing the child and his parents. Upon discharge, the licensee of an institution shall provide pertinent information regarding the child's health to the person receiving the child.

6. A representative of the Bureau who is authorized by the Chief must have access to any report of an institution which is pertinent to licensing.

7. Each licensee of an institution shall develop a list of clothing which is required for each child at the institution and shall maintain the child's wardrobe at a level which is comparable to that of other children in the community. Each child's clothing must, by a label or marking, be identified as belonging to the particular child. Children must, to the greatest extent feasible, be allowed to participate in the selection and purchase of their clothing. Donated clothing may be used at an institution only if it is suitable for use and in good condition.

8. Any serious illness or hospitalization of a child must be reported to his parent.

9. Each licensee of an institution shall arrange with a physician licensed in this State or with a clinic employing a physician to serve as the medical director of or consultant to the institution and to be responsible for a program of medical care within the institution, which includes visits to the institution and office visits.

10. Each child must receive adequate dental care.

11. Each licensee of an institution shall provide:

(a) Separate toilets and bathrooms for children of each sex who are over 6 years of age;

(b) Separate bath and toilet facilities for the staff;

(c) One toilet for every eight children, one tub or shower for every eight children and one washbasin for every four children; and

(d) At least one toilet and washbasin near every living room and recreation area.

12. A licensee of an institution shall:

(a) Provide each child with a bed for his own use, which must be at least 30 inches wide, of a length which is adequate for the child's height and the bottom of which is at least 6 inches above the floor;

(b) Provide separate sleeping areas for boys and girls;

(c) House no more than four children in one sleeping area, except that partitions may be used in large areas;

(d) Keep all beds at least 3 feet apart at the head, foot and sides;

(e) Provide each bed with level box springs, a comfortable and supportive mattress in good condition, a pillow, two sheets and coverings which are sufficient for the child's comfort;

(f) Provide a complete change of clean bed linens at least once a week; and

(g) Provide each child with a closet, locker or dresser for clothing and personal belongings, access to which must be reserved solely to the child.

~~[NAC 432A.445—Institutions: Social workers. (NRS 432A.077)~~

~~—1.— A licensee of a child care institution shall maintain a ratio of social workers to children that will fulfill the needs of the children, but there must be at least two social workers for every 50 children in the institution.~~

~~—2.— Each social worker must:~~

~~—(a) Possess a bachelor's or more advanced degree which is based on at least 15 credits in the social sciences; and~~

~~—(b) Within 2 years after commencing employment with the institution, participate in at least 180 hours of documented training while in service.]~~

NAC 432A.450 Institutions: Programs. (NRS 432A.077)

1. Each licensee of an institution shall:

(a) Formulate, in writing, a statement of:

(1) The services and specific programs offered; and

(2) The procedure for admission and the information which must be contained in an application for admission.

(b) Obtain or develop a complete social study of each child not later than 30 days after his admission.

(c) If caring for a child for money, enter into a written agreement with the parent of the child which outlines the duties and responsibilities of each party.

2. Each licensee of an institution shall:

(a) Establish a regular program of activities which has sufficient flexibility to respond to the needs of each child;

(b) Integrate the institutional programs with activities in the community in a manner that allows children to participate in the normal living patterns of the community;

(c) Maintain and develop constructive relationships between the child and his parents, brothers and sisters, other relatives, and members of the staff of the institution;

(d) Make the greatest use of small groups of persons to aid in developing the individuality of the child and helping him to attain a sense of personal identity;

(e) Establish a program of personal hygiene for every child;

(f) Provide every child with his own toiletries, including a toothbrush and comb, and with clean towels and washcloths;

(g) Provide space for individual storage of toiletries; and

(h) Establish policies governing the social, emotional, physical and intellectual development of each child.

3. Each licensee of an institution shall provide supervised work for each child which is appropriate to the age, health and abilities of the child. Work must be assigned for the purpose of training and contributing to the growth of the particular child. Work must not interfere with the child's time for school, his periods of study, play and sleep, his normal relations within the community, or visits with his family.

4. ~~[A licensee of an institution shall differentiate between daily chores that children are generally expected to perform to prepare them to become independent, specific assignments of work which are available to children as a means of earning money and jobs performed in or out~~

~~of the institution to gain vocational training. If possible, a licensee of an institution shall, either by gift or for work done, provide every child of school age with an allowance which he is permitted to spend at his own discretion.]~~ *A licensee of an institution must have a written policy on any daily chores that the children are expected to perform and any merit system used by the institution for the children to provide consequences for their conduct.*

5. A licensee of an institution shall not use any child to solicit money for the institution in any way which would be harmful or cause embarrassment to the child or his family. The written consent of the parent or legal guardian must be obtained before an institution may use a child's picture or name in any written, visual or oral system of communication.

6. Each licensee of an institution shall have written policies on religious training. The consent of a child's parent must be obtained before a child may attend church or receive religious instruction.

7. Each licensee of an institution is responsible for providing academic or vocational training to each child. The licensee of an institution shall, by using resources in the community, provide specialized training for children who are unable to benefit from a regular school program because of their physical, mental or emotional disabilities.

8. Recreation and programs of activity must be planned as an integral part of the institution's total program.

9. Each licensee of an institution shall have a written, planned program to supervise the children's health and provide medical and dental care.

10. *The licensee shall provide a statement outlining the policy and procedures for utilizing isolation and/or restraints on children. Staff must be trained and certified through a nationally recognized organization to utilize any restraints. If restraints and/or isolation is used, a committee must evaluate and review the process within 30 days to determine safety guidelines, effectiveness on modifying child's behavior and compliance procedures as outlined in facility's written statement.*

NAC 432A.460 Institutions: Records. (NRS 432A.077)

1. Each licensee of an institution shall maintain an individual record for each child accepted for care. The record is confidential and must be protected from examination by unauthorized persons.

2. Every record must contain the following *when available*:

- (a) The child's full name, birthplace and date of birth;
- (b) The religion of the child and his parents;
- (c) Both parents' full names;
- (d) If the child's parents are deceased, the date, place and cause of death;
- (e) If the child's parents are divorced or separated, the date and place of the divorce or separation;
- (f) The names, addresses and dates of birth of other children in the family;
- (g) The names and addresses of close relatives;
- (h) The name of a person to whom the child may be referred for care;
- (i) The date and reason for placement of the child;
- (j) The financial terms of the placement;
- (k) The report of the original study and investigation of the child, including:
 - (1) All information concerning the educational, economic and cultural background of the child's family; and

- (2) All personal information about the child, including his:
 - (I) History of development and health;
 - (II) Personality;
 - (III) Placement and adjustment in school;
 - (IV) Previous placements in institutions; and
 - (V) Relationships with his family;
- (l) Any available documents pertaining to the current legal custody of the child;
- (m) Every written contract between the licensee of an institution and the child's parents, except an authorization to provide medical care, which must be kept in the records of the health of the child;
- (n) Reports and records of schools attended by the child, including his grades, progress and adjustment;
- (o) Records or summarized reports of the child's progress and development while under care, the work done with the child's family, and plans for care and supervision of the child after discharge;
- (p) If members of the staff of another agency or institution are also working with the child, the licensee of an institution mainly providing care to the child shall periodically provide the staff members of the other agency or institution with summary reports of the services it is providing and shall formulate plans for continuing the services, for maintaining an appropriate staff and for arranging conferences with other agencies and institutions who are also providing care for the child; and
- (q) Reports of the staff of the institution concerning the child's adjustment to the institutional setting.

NAC 432A.470 Special needs facilities: Meeting required before admission of child. (NRS 432A.077) Before a child may be admitted to a special needs facility, his parents, the appropriate members of the staff of the facility and any appropriate specialists shall meet to determine whether the needs of the child can be adequately met by the facility and to ascertain the information and training which must be obtained from his parents and other persons who provide services to the child.

NAC 432A.475 Special needs facilities: Training of staff; plan of services. (NRS 432A.077) A special needs facility shall provide the members of its staff with appropriate training and prepare a written plan of services for each child with special needs it accepts. The plan of services must contain:

1. The name, age and date of birth of the child;
2. The name, address and telephone number of the parents of the child;
3. Any information needed to contact the parents of the child;
4. Any information needed to contact an appropriate person in an emergency;
5. The name and telephone number of any physician or specialist who is treating the child;
6. The name and telephone number of any special consultants who are available to the facility to assist in the care or treatment of the child;
7. The signatures of all persons participating in and agreeing to abide by the plan;
8. If relevant to the plan, a diagnosis of the child's special condition;
9. Any special needs of the child, precautions or arrangements concerning:
 - (a) Diet and feeding;

- (b) Devices and equipment;
- (c) Positioning;
- (d) Body wastes;
- (e) Communication;
- (f) Management of behavior; and
- (g) Modification of the building or other aspects of the environment;

10. Any specific plans for training the members of the staff of the facility regarding any needs, precautions or arrangements identified pursuant to subsection 9; and

11. A date for review of the plan by the parents of the child, the appropriate members of the staff of the facility, and the physician of the child, if appropriate.

NAC 432A.485 Special needs facilities: Qualifications of director. (NRS 432A.077)

The director of a special needs facility must:

1. Have earned a bachelor's or associate's degree, and have completed at least:

(a) Twelve semester hours of education, of which:

(1) Three semester hours are in child development;

(2) Six semester hours are in the education of children with special needs; and

(3) Three semester hours are in child psychology, education related to the health of children, the education of children with special needs or courses directly related to those subjects; and

(b) Six months of verifiable experience, satisfactory to the Bureau, in a program related to the education of children, early childhood development, child care or the education of children with special needs;

2. Have earned a high school diploma or a certificate based on general educational development approved by the Chief of the Bureau, and have completed at least:

(a) Twelve semester hours of education, of which:

(1) Three semester hours are in child development;

(2) Six semester hours are in the education of children with special needs; and

(3) Three semester hours are in child development, child psychology, education related to the health of children, the education of children with special needs or courses directly related to those subjects; and

(b) Two years of verifiable experience satisfactory to the Bureau, in a program related to child education, early childhood development, child care or the education of children with special needs; or

3. Have a combination of education and experience which, in the judgment of the Chief of the Bureau, is equivalent to the requirements of subsection 1 or 2.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on June 10, 1998 (LCB File No. R047-98), contains the following provisions not included in NAC regarding the amendment of this section by LCB File No. R203-97:

"1. A person who was approved before April 1, 1998, as:

(a) Director of a facility for which a director is required other than an accommodation facility or a family or group home;

(b) Director of a nursery for infants and toddlers;

(c) Program director of a preschool; or

(d) Director of a special needs facility,

↪ is not required to satisfy the amendatory provisions regarding the qualifications of directors set forth in 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, so long as the person remains at the facility in that capacity.

2. If the person wishes to become director of a different facility or of a different program within his current facility, he must satisfy the amendatory provisions regarding the qualifications of directors set forth in 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.”

Immunization Against Disease

NAC 432A.500 Mumps. (NRS 432A.230, 439.200)

1. ~~[The State Board of Health hereby declares the disease of mumps to be a communicable disease.]~~ *The State Board of Health hereby declares the disease of Hepatitis B, Diphtheria, Pertussis, Tetanus, Haemophilus Influenzae type B, Polio, Measles, Mumps, Rubella and Varicella to be a communicable disease.*

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this State unless he has been immunized against ~~[the mumps]~~ *these diseases according to the nationally acceptable standard for his age.*

~~[NAC 432A.505 Haemophilus influenzae type b. (NRS 432A.230, 439.200)~~

~~—1. The State Board of Health hereby declares infection with Haemophilus influenzae type b to be a communicable disease.~~

~~—2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a child care facility in this State unless he has been immunized against Haemophilus influenzae type b.]~~

NAC 432A.510 Documents to be submitted by parent who resides outside county. (NRS 432A.077, 432A.230)

1. If the operator of a facility conditionally admits a child whose parent has not established permanent residence in the county in which the facility is located, the operator shall keep the proof submitted by the parent that he has not established a permanent residence in the county on file at the facility for 1 year. The proof must be in the form designated by the licensing authority and may include a driver’s license.

2. In any case governed by this section, the parent shall submit a written statement of the immunization status of his child to the operator of the facility. The statement must be signed by the parent.

Staffing Requirements; Number of Children

NAC 432A.520 General requirement. (NRS 432A.077) A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care and individual attention to each child and allow time for interaction between the staff and the children to promote the children’s social competence, emotional well-being and intellectual development.

In addition to the number of staff required to meet the staff to child ratio, one additional caregiver per group of children must be present on all field trips away from the child care facility, for the purpose of safety, to assist in providing direct supervision.

NAC 432A.522 Nurseries for infants and toddlers. (NRS 432A.077)

~~[1. A licensee of a nursery for infants and toddlers shall have on duty at least the following number of caretakers:~~

~~—(a) If all children in the nursery are under 9 months old, one caretaker for every four children;~~

- ~~—(b) If all children in the nursery are between 9 months and 18 months old, one caretaker for every six children; or~~
- ~~—(c) If all children in the nursery are between 18 months and 3 years old, one caretaker for every eight children,~~
- ~~↪ except that if there are more than six children in the facility, there must be at least two caretakers on duty in the facility.~~
- ~~—2. If the nursery contains children from more than one of these age groups, the required number of staff members is determined by computing the average of the ages of all children attending the nursery and using the average age to determine the applicable ratio of caretakers to children.]~~

<i>AGES</i>	<i>RATIO</i>	<i>GROUP SIZE</i>
<i>Birth to 1 year</i>	<i>1:4</i>	<i>8</i>
<i>1 year to 2 years</i>	<i>1:5</i>	<i>10</i>
<i>2 years to 3 years*</i>	<i>1:6 OR 1:7</i>	<i>12 OR 14</i>
<i>3 years to 4 years</i>	<i>1:11</i>	<i>22</i>
<i>4 years to 6 years</i>	<i>1:12</i>	<i>24</i>
<i>6 years to 8 years**</i>	<i>1:15</i>	<i>30</i>
<i>8 years to 12 years</i>	<i>1:15</i>	<i>30</i>

If group contains kindergarten children then ratio and group size for that age group apply: 1:12 and 24

Mixed age group situations:

- 1) During the center’s regular hours of operation, children in different age categories may be mixed within a group if:

 - a) There is no more than a 36-month range in age among the children in the group.*
 - b) The staff:ratio and group size is determined by the age of the majority of the children if no children under 33 months of age are present.*
 - c) If children age birth to 33 months of age are in the group, the staff:child ratio and group size is determined by the youngest child present.**
 - 2) Item 1(a) does not apply to mixed age groups composed entirely of school age children (children attending kindergarten or higher)*
 - 3) During morning arrival and afternoon departure, mixed age groups must meet the following criteria:

 - a) The total arrival and departure time does not exceed 25 percent of the daily hours of operation.*
 - b) The staffing ratios in 1) b and c above apply to arrival and departure times.**
- Maximum group size does not apply*

NAC 432A.524 Child care centers, ~~[child care institutions,]~~ preschools and accommodation facilities: Caretakers during the day. (NRS 432A.077) Except as otherwise provided in NAC 432A.532, a licensee of a child care center, child care institution, preschool or accommodation facility shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caretakers:

1. Where the children are 2 years of age and older:

- (a) For 1 to 6 children, inclusive, one caretaker;
- (b) For 7 to 20 children, inclusive, two caretakers;
- (c) For 21 to 35 children, inclusive, three caretakers;
- (d) For 36 to 50 children, inclusive, four caretakers;
- (e) For 51 to 65 children, inclusive, five caretakers;
- (f) For 66 to 80 children, inclusive, six caretakers;
- (g) For 81 to 93 children, inclusive, seven caretakers; and
- (h) For every 13 children in excess of 93, one additional caretaker.

2. In a classroom which contains children who are 2 or more years of age but less than 3 years of age:

- (a) For 1 to 10 children, inclusive, one caretaker;
- (b) For 11 to 20 children, inclusive, two caretakers;
- (c) For 21 to 30 children, inclusive, three caretakers; and
- (d) For every 1 to 10 children, inclusive, in excess of 30, one additional caretaker.

NAC 432A..... *Section 6. Child care institutions: Caretakers during the day. A licensee child care institution shall have on duty between the hours of 6:30 a.m. and 9:00 p.m. at least the following number of caretakers:*

1. Where the children are 2 years of age and older:

- (a) For 1 to 6 children, inclusive, one caretaker;*
- (b) For 7 to 20 children, inclusive, two caretakers;*
- (c) For 21 to 35 children, inclusive, three caretakers;*
- (d) For 36 to 50 children, inclusive, four caretakers;*
- (e) For 51 to 65 children, inclusive, five caretakers;*
- (f) For 66 to 80 children, inclusive, six caretakers; and*
- (g) For 81 to 93 children, inclusive, seven caretakers.*

2. Where the amount of children is in excess of 93:

(a) For every 13 children in excess of 93 at a shelter care institution, one additional caretaker.

(b) For every 18 children in excess of 93 at an educational child care institution, one additional caretaker.

(c) For every 10 children in excess of 93 at a residential care institution, one additional caretaker.

3. Where the children are under the age of 2 refer to NAC432A.522.

NAC 432A.526 Child care centers, ~~[child care institutions]~~ and accommodation facilities: Caretakers at night. (NRS 432A.077)

1. Except as otherwise provided in NAC 432A.532, a licensee of a child care center, child care institution or accommodation facility which is operated between the hours of 9:00 p.m. and 6:30 a.m. shall have on duty the following number of caretakers:

- (a) For 1 to 15 children, inclusive, one caretaker;
- (b) For 16 to 31 children, inclusive, two caretakers;
- (c) For 32 to 46 children, inclusive, three caretakers;
- (d) For 47 to 61 children, inclusive, four caretakers; and
- (e) For every 15 children in excess of 61, one additional caretaker.

2. Every member of the staff of a child care center, child care institution or accommodation facility who is on duty at night shall remain awake during duty hours.

NAC 432A..... Shelter child care institution: Caretakers during the night.

1. A licensee of a shelter child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m. at least the following number of caretakers:

- (a) For 1 to 15 children, inclusive, one caretaker;*
- (b) For 16 to 31 children, inclusive, two caretakers;*
- (c) For 32 to 46 children, inclusive, three caretakers;*
- (d) For 47 to 61 children, inclusive, four caretakers; and*
- (e) For every 15 children in excess of 61, one additional caretaker.*

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

NAC 432A..... Educational child care institution: Caretakers during the night.

1. A licensee of a educational child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m. at least the following number of caretakers:

- (a) For 1 to 25 children, inclusive, one caretaker;*
- (b) For every 25 children, one additional caretaker plus an additional on-call or back-up person onsite.*

2. Every member of the staff who is on duty at night shall remain awake during duty hours.

NAC 432A.....Residential child care institution: Caretakers during the night.

1. A licensee of a residential child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m. at least the following number of caretakers:

- (a) For 1 to 15 children, inclusive, one caretaker;*
- (b) For 16 to 31 children, inclusive, two caretakers;*
- (c) For 32 to 46 children, inclusive, three caretakers;*
- (d) For 47 to 61 children, inclusive, four caretakers; and*
- (e) For every 15 children in excess of 61, one additional caretaker.*

2. Every member of the staff who is on duty at night shall remain awake during duty

NAC 432A.528 Child care centers: Caretakers for infants and toddlers. (NRS 432A.077)

1. Whenever one or more infants or toddlers are being cared for in a child care center, the licensee shall have at least one caretaker on duty who is designated to provide that care.

2. An additional caretaker must be on duty whenever more than six children are in a child care center during the hours of 6:30 a.m. and 9:00 p.m.

NAC 432A.530 Child care centers: Additional children outside normal school hours. (NRS 432A.077)

1. A licensee of a child care center may, after obtaining the written permission of the Chief of the Bureau, provide care before and after normal school hours for up to three additional children or 10 percent more children than the number stated on the facility's license, whichever number is greater, if each of the additional children is at least 6 years of age and less than 16 years of age.

2. A licensee of a child care center who accepts such additional children shall have one additional caretaker for up to 20 children so accepted and one additional caretaker for every 1 to 20 additional children thereafter.

3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

NAC 432A..... Swimming/Wading Ratios: Caregivers required for swimming and wading activities.

1. When children are engaged in a wading activity a minimum of two caregivers must be present at all times with one staff within arms length of the water container.

2. Children under school age are not allowed in water over chest high in depth.

3. Children under school age are not allowed in open bodies of water such as lakes, ponds, rivers, streams, irrigation ditches for the purpose of wading or swimming.

4. Adult Volunteers can be counted in ratios for swimming, wading, and field trips.

5. When children are swimming, supervision shall include at all times at least one person currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program. If swimming is being done at a pool open to other persons and a lifeguard or lifeguards are provided by the pool or each operator, an additional lifeguard is not necessary.

6. Whenever swimming is included in the program of the child care center, the program shall be offered on an optional basis with alternative activities available for children who do not participate in swimming.

For children under 3 years of age, one caregiver for one child;

For 3-5 years old, one caregiver for four children;

Kindergarten to Grade 3, one caregiver for six children;

Grade 4 and older, one caregiver for eight children.

NAC 432A.532 Special needs facilities. (NRS 432A.077) A licensee of a special needs facility in which care is provided to children who are 2 years of age and older shall have on duty at all times at least the following number of caretakers:

1. For 1 to 6 children, inclusive, one caretaker;
2. For 7 to 20 children, inclusive, two caretakers;
3. For 21 to 30 children, inclusive, three caretakers;
4. For 31 to 40 children, inclusive, four caretakers;
5. For 41 to 50 children, inclusive, five caretakers;
6. For 51 to 60 children, inclusive, six caretakers;
7. For 61 to 70 children, inclusive, seven caretakers;
8. For 71 to 80 children, inclusive, eight caretakers;
9. For 81 to 90 children, inclusive, nine caretakers;
10. For 91 to 100 children, inclusive, 10 caretakers; and
11. For every 6 children in excess of 100, one additional caretaker.

NAC 432A.534 Family homes. (NRS 432A.077)

1. ~~In a family home, not more than four of the children may be less than 2 years of age, and not more than two of the children may be less than 1 year of age.~~ **In a family home, the providers own children less than six year of age will be counted in the approved ratios. In a family home not more than three children may be less than two years of age, and not more than two children may be less than one year of age.**

2. A licensee of a family home shall:

- (a) Have one caretaker on duty at all times;
 - (b) Have a second caretaker on duty whenever four or more of the children in the facility are children with special needs; and
 - (c) Provide an alternate caretaker in case of an emergency.
3. If a licensee of a family home is:
- (a) A natural person, the licensee shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.
 - (b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.

NAC 432A.536 Group homes. (NRS 432A.077)

1. In a group home, not more than ~~eight~~ *six* of the children may be less than 3 years of age, and not more than ~~four~~ *three* of the children may be less than 1 year of age. *In a group home the providers own children less than six years of age will be counted in the approved ratios.*
2. A group home must have one caretaker on duty at all times. An additional caretaker must be on duty whenever one or more of the following conditions exist:
- (a) More than six children are in the facility;
 - (b) More than four of the children are less than 2 years of age; or
 - (c) More than two of the children are less than 1 year of age.
- ↪ Three caretakers must be on duty whenever eight or more of the children in the facility are children with special needs.
3. If a licensee of a group home is:
- (a) A natural person, the licensee shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.
 - (b) Not a natural person, one of the persons listed on the license pursuant to NRS 432A.150 as a person authorized to operate the facility shall:
 - (1) Reside in the facility; and
 - (2) Provide direct care to the children in the facility.

NAC 432A.538 Family homes and group homes: Additional children outside normal school hours. (NRS 432A.077)

1. A licensee of a family home or group home may, after obtaining the written permission of the Chief of the Bureau, provide care before and after normal school hours for as many as three children in addition to the number stated on the facility's license if each of the additional children is at least 6 years of age *or attending school full day* and less than 16 years of age.
2. Children who live in such a home and are ~~10~~ *11* years of age or less must be included in counting the additional children.
3. The care must not exceed 3 consecutive hours before normal school hours and 3 consecutive hours after normal school hours.

NAC 432A.540 Facilities that provide care for ill children. (NRS 432A.077)

1. A licensee of a facility that provides care for ill children shall have on duty at least the following number of staff:

(a) If all children in the facility are younger than 2 years old, one member of the staff for every three children;

(b) If all children in the facility are between 2 years and 3 years old, one member of the staff for every four children;

(c) If all children in the facility are between 3 years and 6 years old, one member of the staff for every five children; or

(d) If all children in the facility are older than 6 years, one member of the staff for every seven children.

2. If the director provides care for ill children, he may be included in calculating the ratio of staff to children.

3. If a facility that provides care for ill children contains children from more than one of these age groups, the required number of staff is determined by computing the average of the ages of all children attending the facility and using the average age to determine the applicable ratio of staff to children.

Facilities That Provide Care for Ill Children

NAC 432A.550 Authorized facilities; admissible children; limitation on period of care. (NRS 432A.077)

1. Care for ill children may be provided by:

(a) A facility that is licensed by the Bureau to provide care solely for ill children;

(b) A child care center that designates a separate area for use by ill children;

(c) A family home; or

(d) A group home.

2. A licensee of a facility that provides care for ill children may care for a child who is prohibited from remaining in any other child care facility because he:

(a) Has a short-term or minor illness;

(b) Has a short-term physical disability; or

(c) Is recuperating from an acute episodic illness.

3. A facility must not provide care for an ill child for more than 14 hours in any 24-hour period.

NAC 432A.555 Facility operating in conjunction with child care center. (NRS 432A.077) A facility that provides care for ill children in conjunction with a child care center must:

1. Keep on file a daily schedule of work for all members of the staff.

2. Not transfer a child from the facility to the center during any day that the child began at the facility.

NAC 432A.560 Director of facility: Qualifications. (NRS 432A.077)

1. The director of a facility that provides care for ill children must be:

(a) A physician as defined in NRS 630.014;

(b) A physician assistant as defined in NRS 630.015;

(c) An advanced practitioner of nursing, as defined in NRS 632.012, who has a specialty in pediatrics;

(d) A registered nurse as defined in NRS 632.019; or

(e) A licensed practical nurse, as defined in NRS 632.016, who has 2 years of experience in pediatric nursing.

2. The director shall complete at least 60 hours of initial training in:

(a) The control of communicable diseases; and

(b) The recognition of signs and symptoms of childhood illnesses and the care of childhood illnesses.

3. The director must be:

(a) At least 21 years of age; and

(b) Certified in the administration of cardiopulmonary resuscitation.

4. The certification in the administration of cardiopulmonary resuscitation set forth in subsection 3 must be obtained before a person may hold the position of director of a facility that provides care for ill children.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

"1. Notwithstanding the amendatory provisions of NAC 432A.560 and subsection 2 of NAC 432A.570, each person who, on July 1, 2004, is a director of a facility that provides care for ill children or a member of the staff of such a facility shall obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of section 3 of this regulation [NAC 432A.322] within 12 months after July 1, 2004, unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that the director of the facility or the member of the staff of the facility has completed the requirements of subsection 1 must be included in his personnel file and must be kept at the facility."

NAC 432A.565 Director of facility: General duties. (NRS 432A.077) The director of a facility that provides care for ill children shall:

1. Provide a child with activities during the day that meet the needs of the child, including:

(a) Activities that take place inside or outside and which are consistent with the developmental level, ability and physical condition of the child and the plan of care for the child;

(b) Rest and relaxation;

(c) Eating and drinking; and

(d) Toileting and personal hygiene.

2. Modify the plan of care for each child daily.

3. Monitor the records completed by staff.

4. Notify a parent of his child's progress.

NAC 432A.570 Staff of facility: Qualifications; personnel file. (NRS 432A.077)

1. Each member of the staff of a facility that provides care for ill children:

(a) Must be at least 18 years of age.

(b) Must be trained and certified in first aid and in the administration of cardiopulmonary resuscitation.

(c) Shall earn a total of 3 hours of training each year in the control of communicable diseases and the recognition and treatment of childhood illnesses.

(d) Must provide to the facility his record of immunizations before beginning employment.

2. The certification in the administration of cardiopulmonary resuscitation set forth in subsection 1 must be obtained before a person may be employed as a member of the staff of a facility that provides care for ill children.

3. Evidence that a member of the staff has completed the requirements of paragraphs (b), (c) and (d) of subsection 1 must be included in his personnel file and must be kept at the facility.

REVISER'S NOTE.

The regulation of the Board for Child Care filed with the Secretary of State on July 1, 2004 (LCB File No. R203-03), which amended this section, contains the following provisions not included in NAC:

"1. Notwithstanding the amendatory provisions of NAC 432A.560 and subsection 2 of NAC 432A.570, each person who, on July 1, 2004, is a director of a facility that provides care for ill children or a member of the staff of such a facility shall obtain the certification in the administration of cardiopulmonary resuscitation required pursuant to the provisions of section 3 of this regulation [NAC 432A.322] within 12 months after July 1, 2004, unless on July 1, 2004, the person is certified in the administration of cardiopulmonary resuscitation and that certification satisfies the requirements set forth in section 3 of this regulation [NAC 432A.322].

2. Evidence that the director of the facility or the member of the staff of the facility has completed the requirements of subsection 1 must be included in his personnel file and must be kept at the facility."

NAC 432A.575 Physician: Requirement; duties. (NRS 432A.077)

1. Except as otherwise provided in subsection 3, a licensee of a facility that provides care for ill children shall employ or enter into a contract with a physician.

2. The physician shall:

- (a) Be on call when the facility is in operation;
- (b) Make quarterly inspections of the facility;
- (c) Act as a liaison to all appropriate health officers; and
- (d) Assist in the development of standards for the operation of the facility.

3. If the director of the facility is a physician, the licensee is exempt from the requirements of subsection 1 and the director shall carry out the provisions of subsection 2.

NAC 432A.580 Written standards for operation of facility. (NRS 432A.077)

1. The licensee of a facility that provides care for ill children shall develop and carry into effect written standards for the operation of the facility.

2. The standards must include:

- (a) An admission policy;
- (b) Procedures for the control of infection;
- (c) Methods for the daily care of children;
- (d) Procedures for recording information about a child;
- (e) Plans for the training of staff;
- (f) Procedures for the care and referral of a child with worsening symptoms;
- (g) Procedures for communication by staff to parents and health care providers;
- (h) Procedures for feeding and bathing a child;
- (i) Procedures for a daily examination of each child in accordance with NAC 432A.595;
- (j) Procedures for providing emergency health care, including community resources and referrals;
- (k) Procedures for the use and administration of medication in accordance with NAC 432A.585;
- (l) Procedures for cleaning the facility;
- (m) Procedures for administering first aid; ~~and~~
- (n) Procedures for storage of sanitizing materials;

(o) Each room housing ill children shall have a hand washing sink with soap and paper towels.

(p) Children will have a diaper changing area separate from the well children.

NAC 432A.585 Procedures for use and administration of medication. (NRS 432A.077)

Procedures for the use and administration of medication in a facility that provides care for ill children must include the following provisions:

1. Except as otherwise provided in this subsection, only the director or a person designated by him may administer medication to a child or provide assistance to a child who administers medication to himself.

2. All prescription medications must be:

(a) Authorized by a physician;

(b) In the original container;

(c) Labeled with the name of the child, the date and directions for administration; and

(d) Refrigerated, if required; *and*

(e) All medications shall have a child proof cap.

3. All nonprescription medications must be:

(a) Authorized by a physician, health care provider or emergency care provider;

(b) Labeled with the name of the child, the date and directions for administration; ~~and~~

(c) Refrigerated, if required; *and*

(d) All medications shall have a child proof cap.

4. The director may administer medication to a child after receiving an oral order from a physician if the director requests a written confirmation of the order from the physician.

5. Except as otherwise provided in subsection 6, all medications must be locked and inaccessible to children.

6. Medications that require refrigeration must be kept separate from food and inaccessible to children.

7. Unused medication must be returned to a parent and outdated medicine must be discarded.

8. The director shall post a chart in a conspicuous place that includes:

(a) Information on the health and medication of the children in the facility; and

(b) A record of the administration of medication of each child.

9. A member of the staff shall note in the record of a child and the director shall advise a parent of:

(a) All medication administered to a child; and

(b) The occurrence of any health problem, including diarrhea, vomiting, continuous hunger, refusal to eat, a nosebleed, a skin rash or high temperature.

10. Special training is required to administer a drug through a G-Tube, by injection or through oral inhalation techniques and these medications must be administered by a trained health care professional.

NAC 432A.590 Admission of child: Prerequisites. (NRS 432A.077)

1. Before a child is admitted into a facility that provides care for ill children, the director:

(a) Shall conduct an assessment of the health of the child.

(b) Shall receive from the parent:

(1) A medical history of the child, including any allergies and dietary problems, on a form provided by the facility;

- (2) A medical release form provided by the facility and signed by the parent;
 - (3) The name, address and telephone number of the child's physician, health care provider or emergency care provider and any other information needed for obtaining emergency medical care;
 - (4) The record of immunizations of the child; and
 - (5) A statement of the current and recent illnesses or disabilities of the child, his medical needs and any symptoms that require notification of a parent or physician.
- (c) Shall develop a plan of care for the child with the parent. The plan must be in writing and signed and dated by the parent.
2. The director may:
- (a) Admit a child only after evaluating the medical history, symptoms and physical condition of the child.
 - (b) Require an examination of a child by a physician, including a diagnosis, treatment and prognosis, before accepting the child.

NAC 432A.595 Admission of child: Release by parent; initial evaluation. (NRS 432A.077)

- 1. The director may admit a child to a facility that provides care for ill children only if a parent brings the child to the facility and releases the child to a member of the staff.
- 2. An initial evaluation of each child must be conducted upon his arrival by the director or a physician, a physician assistant, an advanced practitioner of nursing, a registered nurse or a licensed practical nurse who has the qualifications required by subsection 1 of NAC 432A.560.
- 3. The initial evaluation must include:
 - (a) An assessment of the child's condition and the name of the person making the assessment;
 - (b) The status of the child's illness, including contagion and duration;
 - (c) A recommendation for the number of evaluations of the child to be conducted by a member of the staff during the day; and
 - (d) Recommendations for the diet and activity level of the child.

NAC 432A.600 Admission of child: Medical conditions requiring approval of appropriate health authority. (NRS 432A.077) The director of a facility that provides care for ill children shall not admit a child who has one or more of the following conditions unless the admittance is approved by the appropriate health authority:

- 1. Diarrhea:
 - (a) That is caused by shigella, salmonella, campylobacter or giardia;
 - (b) That is accompanied by dehydration or loss of fluid;
 - (c) That is accompanied by blood, mucus or loss of color in the stools;
 - (d) That is accompanied by poor fluid intake;
 - (e) That is accompanied by marked lethargy; or
 - (f) For more than 3 days, unless the parent provides evidence that the child is under the care of a physician.
- 2. Difficulty breathing or rapid breathing.
- 3. Asthma and a severe upper respiratory infection, unless the parent provides evidence that the child is under the care of a physician.
- 4. Episodes of vomiting for a period of longer than 6 hours.
- 5. Yellowish skin or eyes.

6. An axillary temperature of 101° Fahrenheit or higher and:
 - (a) Mucus that has a foul odor or is yellow or green;
 - (b) An undiagnosed rash; or
 - (c) A sore throat.
7. Severe coughing.
8. Chicken pox, pertussis, measles, mumps, rubella, diphtheria or herpes simplex and is contagious.
9. Untreated scabies, tinea corporis or capitis (ringworm).
10. An ear infection, unless the parent provides evidence that the child is under the care of a physician.
11. Untreated head lice.
12. Any other condition that precludes his admission to the facility, as determined by the director.

NAC 432A.605 Periodic evaluations of child. (NRS 432A.077)

1. A member of the staff of the facility that provides care for ill children shall conduct evaluations of each child as recommended by the director or health care provider who performed the initial evaluation of the child.
2. After each evaluation the member of the staff shall record:
 - (a) The date and time of each evaluation;
 - (b) The temperature, pulse and respiration of the child;
 - (c) The amount of food and fluid ingested by the child;
 - (d) The color, consistency and number of the child's stools; and
 - (e) A description of the activity of the child, including sleep, rest and play.

NAC 432A.610 Communication with parents regarding illness or injury of child. (NRS 432A.077)

1. The director of a facility that provides care for ill children shall:
 - (a) Immediately notify a parent of any significant change in his child's illness or any injury received in the facility more serious than a minor cut or scratch; and
 - (b) Obtain instructions from the parent for a course of action.
2. If the director determines that a child's illness or injury exceeds the maximum level of care for which the facility is licensed, the parent must be notified and the child must be removed from the facility. If the parent cannot be contacted, the director shall follow the provisions for emergency care on the medical release form.

NAC 432A.615 Isolation of child whose condition worsens. (NRS 432A.077)

1. A facility that provides care for ill children must have an area to isolate, if necessary, and care for a child whose condition has worsened until the child is removed from the facility.
2. A child who is in an area of isolation must be under constant visual observation by a member of the staff.

NAC 432A.620 Accommodations for child to rest; supervision of resting child.

1. A licensee of a facility that provides care for ill children must provide:
 - (a) An area for each child to rest without disturbance from other activities.
 - (b) A bed or crib for each child that must be at least 6 inches above the floor.
2. A member of the staff shall supervise a resting child.

Outdoor Youth Programs

NAC 432A.630 Purpose of program: Report of provider. (NRS 432A.077)

1. A provider shall prepare a written report of the purpose of his outdoor youth program. The report must contain a statement describing:
 - (a) The philosophy of the program;
 - (b) The long-term and short-term goals of the program;
 - (c) The services provided by the program;
 - (d) The population to be served by the program;
 - (e) The criteria for accepting clients into the program;
 - (f) The fees to be charged for the program; and
 - (g) The manner in which clients participate in activities related to the solicitation of money, publicity and research.
2. The provider shall submit a copy of the report to the Bureau and make the report available to the public upon request.

NAC 432A.635 Governing body of program: Requirement; identity; powers and duties. (NRS 432A.077)

1. Each outdoor youth program must have a governing body that has authority over the policies and activities of the program.
2. The governing body must be:
 - (a) The board of directors, if the provider is a nonprofit organization;
 - (b) The board of directors, if the provider is an organization that operates for a profit; or
 - (c) The owner, if the provider is a natural person.
3. The governing body shall:
 - (a) Establish the policy of the outdoor youth program;
 - (b) Ensure compliance with the policy of the outdoor youth program;
 - (c) Ensure compliance with the requirements of federal, state and local statutes, regulations and ordinances;
 - (d) Notify the Bureau within 30 days after a change in the administration of the program or the purpose of the program;
 - (e) Ensure that the program is adequately funded and financially sound;
 - (f) Maintain a list of the members of the governing body, including the name, address and term of each member; and
 - (g) Prepare a chart of the program's organization and a summary that identifies and describes all units of operation within the program. The chart and summary must define the lines of authority and the responsibility of each member of the staff.
4. If the governing body is composed of more than one person, the governing body shall:
 - (a) Establish bylaws;
 - (b) At least twice a year, hold formal meetings; and
 - (c) Maintain written minutes of the meetings, which must include:
 - (1) The names of the persons who attend the meeting;
 - (2) The date of the meeting;
 - (3) The items on the agenda for the meeting; and
 - (4) The action taken by the governing body, if any.

NAC 432A.640 Maintenance of file regarding program. (NRS 432A.077) A provider shall maintain a file containing:

1. A chart and summary of the program's organization prepared pursuant to NAC 432A.635;
2. The bylaws of the governing body;
3. The minutes of the meetings of the governing body prepared pursuant to NAC 432A.635;
4. The records of enrollment and sponsorship of the clients;
5. Each lease, contract and service agreement to which the provider is a party;
6. The insurance policies of the provider;
7. The annual budgets and audit reports; and
8. If applicable, documentation of the ownership and incorporation of the program.

NAC 432A.645 Maintenance of accounts, books and records; provision of information. (NRS 432A.077) A provider shall:

1. At all times, maintain records of enrollment for all clients at the base camp;
2. For at least 3 years, maintain complete and accurate accounts, books and records in a manner that is accessible and standardized; and
3. Provide information that is accurate and factual to the parents of the clients, the community and the media.

NAC 432A.650 Proof of solvency of program. (NRS 432A.077) A provider shall not conduct an outdoor youth program unless it maintains at least \$100,000 in an account that is established for the purpose of proving the solvency of the program.

NAC 432A.655 Plan to ensure quality of program; records of use of plan. (NRS 432A.077)

1. A provider shall prepare a plan to ensure the quality of the program. The plan must describe the methods and standards used by the provider to ensure that his services are of a high quality.
2. The provider shall maintain records of his use of the plan.
3. The provider shall make the plan and the records of its use available for review at the base camp.

NAC 432A.660 Guidelines and procedures for administration of program. (NRS 432A.077) A provider shall prepare guidelines and procedures for administration to ensure that the outdoor youth program is managed properly.

NAC 432A.665 Appointment of field administrator. (NRS 432A.077, 432A.380) The provider shall appoint a field administrator who meets the qualifications set forth in NRS 432A.380.

NAC 432A.670 Staff: Employment; internal policies to ensure qualifications. (NRS 432A.077, 432A.380)

1. The provider shall employ a sufficient number of trained and qualified staff to:
 - (a) Meet the specific needs of the clients at a ratio of staff to clients which is not less than that required by NRS 432A.480.
 - (b) Perform supervisory, administrative, fiscal, clerical and culinary duties.

- (c) Maintain the facilities and property of the program.
 - (d) Communicate with clients whose primary language is not English.
 - (e) Comprise a treatment team which is able to perform the duties set forth in NRS 432A.450.
2. The provider shall adopt such internal policies as are necessary to ensure that each member of the staff is certified, licensed or otherwise qualifies to hold his assigned position.

NAC 432A.675 Employees: Personnel policies and procedures; job descriptions. (NRS 432A.077)

1. The field administrator shall adopt written personnel policies and procedures which cover:
- (a) The manner in which grievances by employees will be addressed.
 - (b) The lines of authority.
 - (c) The required orientation and ongoing training of employees.
 - (d) The manner and schedule for evaluating the performance of the individual employees.
 - (e) Rules of conduct for employees.
2. The provider shall create and maintain a written job description for each position, which includes a specific statement of duties and responsibilities and the minimum level of education, training and work experience required.

NAC 432A.680 Employees: Training. (NRS 432A.077, 432A.410) In addition to the training required pursuant to NRS 432A.410, the field administrator shall ensure that each employee of the program is trained in:

- 1. The philosophy, objectives and services provided by the program.
- 2. The statutory responsibilities of employees of such programs.
- 3. The legal rights of the disabled.
- 4. Current teaching methods.

NAC 432A.685 Employees: Personnel files. (NRS 432A.077)

1. The provider shall establish and maintain a personnel file for each employee. Each individual file must include:

- (a) The person's application for employment, including a record of his previous employment and related references.
- (b) Evidence of his applicable credentials and certifications.
- (c) An initial medical evaluation, including the results of a tuberculin test.
- (d) ~~[A current record of all related training successfully completed and certification obtained by the employee, including training in such areas as the administration of first aid and the certification in the administration of cardiopulmonary resuscitation required pursuant to NAC 432A.322.]~~ *Verification that the individual has applied for Career Ladder placement with The Nevada Registry.*
- (e) *A copy of the employee's individual professional development plan.*
- (f) *Verification that individual has received orientation and the basic training outlined in NAC 432A.320.*
- (g) *Verification that the individual has completed the initial courses of training in child care outlined in NAC 432A.323.*
- (h) *Copies of training certificates verifying the completion of continuing training requirements outlined in NAC 432A.326.*
- (i) ~~(f)~~ A copy of each evaluation of ~~his~~ *the individual's* work performance.

(j) ~~(g)~~ A copy of ~~his~~ *the individual's* registration as an alien, if applicable.

(k) ~~(h) A copy of the results of the investigation of his~~ *the individual's* background and personal history which is conducted pursuant to NRS 432A.170 *which includes a clearance letter from the Bureau or current child care work card as well as a completed Consent and Release form.*

(l) ~~(i)~~ A copy of the rules of conduct for employees which has been signed by the employee indicating that he has received and understands the rules.

(m) *Other documentation as required by the Bureau.*

2. The field administrator shall allow each employee reasonable access to his respective personnel file and shall allow the employee to insert written statements in the file. The provider shall retain the personnel file of an employee for at least 1 year after the termination of his employment.

NAC 432A.690 Volunteers and student interns: Plan for use; personnel files. (NRS 432A.077)

1. The field administrator of a program which uses volunteers or student interns shall adopt a written plan for using such assistance. The plan must address such issues as:

(a) The necessary direct supervision of the volunteer or intern by a paid member of the staff.

(b) The manner and extent of required orientation and training of the volunteer or intern regarding the philosophy of the program, the needs of the clients and the methods of meeting those needs.

2. The field administrator shall maintain a personnel file on each volunteer or intern. The file must include all of the information required for employees pursuant to NAC 432A.685, except that the record of all related training successfully completed and certification obtained is only required if that training or certification is required pursuant to NAC 432A.320.

NAC 432A.695 Policy of requirements for eligibility into program. (NRS 432A.077)

A provider shall prepare a written policy of the requirements for eligibility into his program, which must include:

1. Legal status of clients who are eligible for the program;

2. Age and gender of clients who are eligible for the program;

3. The needs and problems of clients that can best be served by program;

4. The limitations of the program; and

5. A statement that the provider will place each client in a component of the program which meets the client's needs in the manner that is the least restrictive.

NAC 432A.700 Policy and procedure for admission into program; notice of admission or refusal to admit client. (NRS 432A.077)

1. A provider shall have a written policy and procedure for admission into his program, which must include:

(a) An explanation of the requirements which must be met before a client is placed in his program;

(b) An explanation of the evaluation of the client that is required by NRS 432A.450 and NAC 432A.720; and

(c) An explanation of the requirements for admission at the request of a client.

2. When a client is admitted into a program, the provider shall notify the parent or guardian of the client's admission.

3. When admission into a program is refused to a client, the provider shall provide a signed written statement of the reason for the refusal to the parent or guardian of the client.

NAC 432A.705 Plan for transfer and discharge of client; policy for unplanned discharge of client. (NRS 432A.077)

1. With the participation of the client, a provider shall prepare a plan for the transfer and discharge of the client. The plan must:

- (a) Specify the resources available to the client upon his discharge;
- (b) State the reason for the transfer or discharge;
- (c) Summarize the services that were provided to the client by the program;
- (d) Evaluate the achievement of the goals and objectives of the client; and
- (e) Contain the signature and title of the person who prepared the summary.

2. The plan for the transfer and discharge of a client must be explained to the client in a language or manner that he understands.

3. The provider shall prepare a written policy for discharging clients when the discharge has not been planned.

NAC 432A.710 Agreement among provider, client, and parent or guardian. (NRS 432A.077)

1. A written agreement must be prepared by the client, his parent or guardian and the provider. The agreement must contain:

- (a) The rules of the program;
- (b) The expectations of the client and his family;
- (c) The services to be provided and cost of the services;
- (d) The provider's authority to give any necessary medication, first aid and medical treatment to the client;
- (e) Arrangements for absences, visits, vacation, mail, gifts and telephone calls; and
- (f) A copy of the plan for treatment of the client prepared pursuant to NAC 432A.725.

2. The agreement prepared pursuant to subsection 1 must be signed by all parties and kept in the client's file. A copy of the agreement must be made available to any interested person.

NAC 432A.715 Maintenance of record regarding client. (NRS 432A.077) A provider shall maintain a written record for each client, which must include:

1. Information relating to vital statistics, including, if applicable, the Medicaid number of the client;

2. Biographical information concerning the client;

3. The personal history of the client, including:

- (a) His development socially, emotionally and physically;
- (b) His legal status;
- (c) The name, address and telephone number of appropriate persons to be contacted in emergencies;

(d) A photograph of the client at the time of admission; and

(e) Other information that relates to the client's background and is pertinent to the program;

4. Health records of the client obtained pursuant to NRS 432A.440 and:

- (a) A history of immunization;
- (b) A list of medications prescribed to the client;

(c) Records of physical, dental and visual examinations of the client, if relevant to his participation in the program; and

(d) A complete record of any treatment provided for specific illnesses or medical emergencies;

5. A consent form signed by a parent or guardian authorizing the client to participate in the program, unless the program was ordered by a court;

6. A copy of the written agreement entered into pursuant to NAC 432A.710;

7. A copy of the plan for treatment of the client prepared pursuant to NAC 432A.725;

8. A summary of visits and contacts by the client's family; and

9. A summary of the client's attendance, including the reason for any absences.

NAC 432A.720 Evaluation of clients. (NRS 432A.077, 432A.450)

1. In emergency situations which necessitate the immediate placement of a client in a program, an evaluation conducted pursuant to NRS 432A.450 must be completed within 30 days.

2. When evaluating a client, the members of the staff shall consider the client's age, cultural background and dominant language or mode of communication.

NAC 432A.725 Assignment and duties of psychologist or clinical social worker; contents of plan of treatment. (NRS 432A.077, 432A.450)

1. The field administrator shall assign to each client a psychologist or clinical social worker who is licensed to practice in this State. The psychologist or clinical social worker shall develop, use and review a plan of treatment, which must include:

(a) The findings of the evaluation performed pursuant to NRS 432A.450 and NAC 432A.720;

(b) A statement of the long-term and short-term goals and objectives of the client, which must include:

(1) Goals and objectives established as a result of the evaluation performed pursuant to NRS 432A.450 and NAC 432A.720;

(2) Goals and objectives determined by the client's behavior, skills and attitude or the circumstances;

(3) Evidence that the concerns voiced by the client were considered in establishing his goals and objectives; and

(4) Evidence that the client's family participated in establishing his goals and objectives, unless it is determined that the participation of the family will not benefit the client;

(c) A description of the daily activities to be performed by the client;

(d) A description of the services and treatment to be provided to the client or arranged for the client;

(e) A schedule for the client to meet his goals and objectives;

(f) A description of the methods which will be used for evaluation; and

(g) A plan for the care of the client after he is released from the program.

2. The description of the treatment provided to the client or arranged for the client must include:

(a) The identity of the person who will be providing the treatment;

(b) The date and duration of the treatment;

(c) A description of the treatment;

(d) The signature and title of the person preparing the description;

(e) A monthly report of the client's progress or lack of progress in reaching his goals and objectives; and

(f) Documentation of each review of the record of a client, which must include:

- (1) The signature of the person reviewing the record;
- (2) The title of the person reviewing the record;
- (3) The date of the review; and
- (4) The reason for the review.

NAC 432A.730 Preparation and review of plan for treatment; dissemination of monthly reports on progress. (NRS 432A.077, 432A.450)

1. A psychologist or clinical social worker shall prepare a plan for the treatment of a client within 10 days after the client is admitted to the program.

2. The psychologist or clinical social worker shall review each plan at least once each month and make his monthly reports on the progress of a client available to:

- (a) The Bureau;
- (b) The client;
- (c) The parent or guardian of the client; and
- (d) Any person who works directly with a client, as appropriate.

NAC 432A.735 Management of behavior: Policy and procedure; annual training; restrictions. (NRS 432A.077)

1. A provider shall prepare a written policy and procedure for the management of behavior, which must include:

- (a) A description of the behavior of a client that is appropriate and inappropriate; and
- (b) Acceptable responses by the members of the staff to behavior by the client that is inappropriate.

2. The policy and procedure prepared pursuant to subsection 1 must be provided to each member of the staff. The staff must receive annual training relating to the management of behavior, which has been approved by the Bureau.

3. A member of the staff shall not use or permit the use of physical restraint or methods that are humiliating or frightening to control the actions of a client.

4. A member of the staff may use passive restraint only as a temporary means of physical containment to protect the client, another person or property. Passive restraint may not be used as a form of punishment.

5. A member of the staff may not use a method to incapacitate the client physically, unless the method has been identified and approved by the Bureau.

NAC 432A.740 Policy for rights of clients: Preparation; dissemination. (NRS 432A.077)

1. A provider shall prepare a written policy for the rights of its clients, which must include:

(a) A statement concerning the confidentiality of the information obtained by the provider and of the records that are current and closed;

(b) The reasons for terminating the participation of a client involuntarily and the criteria for admitting a client into the program after he has been discharged;

(c) A description of the potential harm to or acts of violence by a client or another;

(d) A list of the responsibilities of a client, including the performance of manual tasks and compliance with the rules of conduct established by the program;

(e) The fee for the services and other costs associated with the program;

(f) The procedure for filing a grievance or complaint;

- (g) The client's right to be free from discrimination;
 - (h) The client's right to be treated with dignity;
 - (i) Except as otherwise provided in NRS 432A.540, the client's right to communicate with his family, attorney, physician, clergyman or other persons, unless it is determined that communication with a particular person will not benefit the client;
 - (j) A list of the persons, if any, whose rights to visit the client have been restricted by a court;
 - (k) Except as otherwise provided in NRS 432A.540, the client's right to send and receive mail in accordance with applicable requirements regarding security, health and safety;
 - (l) The client's right to use the telephone at the expense of the client; and
 - (m) A statement of the rights of clients who smoke, if any, and of clients who do not smoke.
2. The field administrator shall, upon admission, present and inform the client of the policy described in subsection 1 orally and in writing in a language or manner that the client understands.
 3. The field administrator shall, upon admission, provide the parent or guardian of the client with a copy of the policy described in subsection 1.

NAC 432A.745 Policy regarding transportation of client from his home to location of base camp. (NRS 432A.077, 432A.420) The field administrator of an outdoor youth program which includes as a part of its service the escort of a client or prospective client from his respective home or other location to the program's base camp shall establish a written policy regarding the manner of transportation and treatment of the client during the escort. The primary purpose of the policy must be to ensure the safety of the client. The policy must prohibit the transportation of a client or prospective client without his consent. The policy must require the use of techniques for transportation and treatment which are the least restrictive techniques that are possible under the circumstances.

NAC 432A.750 Contents of written procedures regarding transportation of clients. (NRS 432A.077, 432A.420) The written procedures regarding the transportation of clients which are adopted by the field administrator pursuant to NRS 432A.420 must require:

1. That the equipment in each vehicle for the administration of first aid must comply with the recommendations of the American Red Cross.
2. The staff and clients to comply with all applicable safety laws and regulations, including the mandatory use of safety belts and shoulder harnesses.

NAC 432A.755 Contact between field staff and base camp. (NRS 432A.077, 432A.490) In addition to the requirements of NRS 432A.490, the field staff must be able to communicate with the base camp by radio at all times. The field administrator shall provide for a system of physical contact in the event that the system for communication by radio fails.

NAC 432A.760 Compliance with requirements and policies regarding sanitation and use of land; instruction regarding reduction of impact on land. (NRS 432A.077, 432A.500)

1. A field administrator shall ensure that the clients and staff of the outdoor youth program comply with all applicable laws, regulations and policies regarding sanitation, the use of the land and the desire to reduce the impact their presence has on the land.

2. The field administrator shall direct the staff of the program to provide daily instruction to the clients of the program regarding the reduction of their impact on the land while they are camping or engaging in other activities on undeveloped land.

NAC 432A.765 Contents of plan for preventing diseases and coping with emergencies; approval of plan regarding infectious and communicable diseases. (NRS 432A.077, 432A.430) In the written general plan for preventing diseases and coping with emergencies prepared pursuant to NRS 432A.430, the field administrator shall include procedures to be followed in the base camp as well as in the field. The plan for the prevention and elimination of infectious and communicable diseases must be approved by the local health authority.

NAC 432A.770 Documenting and reporting of incidents affecting health or safety of client. (NRS 432A.077)

1. A provider must prepare a written policy for documenting and reporting to the Bureau all deaths of clients, injuries, fights, physical confrontations, uses of passive physical restraints, suspected incidents of abuse or neglect and other situations or circumstances affecting the health or safety of a client. The documentation must include:

- (a) A summary of the incident;
- (b) The date and time of emergency intervention, if any;
- (c) A list of any referrals made;
- (d) Information obtained after the incident; and
- (e) The signature of the person preparing the report.

2. The provider shall maintain a copy of the report in the respective file of each client involved in an incident described in subsection 1.

3. If an incident involves the abuse, neglect or death of a client, the provider shall:

- (a) Prepare a preliminary written report within 24 hours after the incident; and
- (b) Notify the Bureau, the parent or guardian of the client and the appropriate law enforcement agency.

NAC 432A.775 Report of grievance by client. (NRS 432A.077) A provider shall prepare a written report for each grievance made by a client, which must include:

1. The nature of the grievance; and
2. The conclusion or disposition of the grievance.

NAC 432A.780 Revocation of license for violation of statute or regulation. (NRS 432A.077, 432A.190) The Chief of the Bureau shall immediately revoke any license issued to an outdoor youth program pursuant to the provisions of chapter 432A of NRS if he reasonably believes that any applicable statute or regulation has been violated.

Exempted programs to child care licensing regulations include the following:

<i>Entity</i>	<i>Description of Exempt Programs</i>
<i>Federal</i>	<i>A facility operated on a federal installation, including military bases and Indian Reservations.</i>
<i>State; Children’s Camp</i>	<ul style="list-style-type: none"> <i>a) Any correctional facility for children operated or regulated by another state agency or political subdivision;</i> <i>b) A treatment facility or structured program for treating chemically dependent persons that is licensed by another governmental entity;</i> <i>c) A youth camp licensed by another governmental entity;</i>
<i>Municipal; Community Center</i>	<p><i>A recreation program for school aged children (5-15 years) with the following criteria:</i></p> <ul style="list-style-type: none"> <i>a) A municipality operates the program.</i> <i>b) The governing body of the municipality annually adopts standards of care by ordinance after a public hearing for the recreation based programs. At a minimum, these standards must include staffing ratios, minimum employee qualifications, staff training, health and safety standards and mechanisms for monitoring and enforcing adopted local standards, as well as specific program information;</i> <i>c) The recreation based program provides these standards to the parents of each program participant. This would be accomplished by making a Parent Handbook accessible to the parents of the participants.</i> <i>d) The program informs the parents that the state does not license the program; and</i> <i>e) The program does not advertise as licensed child care.</i>

The following programs of limited duration are exempt from state licensing:

<i>Program of Limited Duration</i>	<i>Criteria for Exemption</i>
<i>Parents on Premises</i>	<ul style="list-style-type: none"> <i>a) The program operates in association with a business, contract instructor or school district.</i> <i>b) The parent or person responsible for the child attends or engages in some activity within the program center or program complex.</i> <i>c) A child may be in care when the parent or person responsible for the child engages in a nearby activity; and</i> <i>d) The parent or person responsible for the child can be contacted at all times.</i>
<i>Skills Program</i>	<ul style="list-style-type: none"> <i>a) The program teaches a talent, ability, expertise or proficiency.</i> <i>b) The program is not part of a school, a child care facility or after-school child care operation.</i> <i>c) Each child attends less than three hours a day.</i>
<i>Parent Day/Night Out Program</i>	<ul style="list-style-type: none"> <i>a) The program operates not more than two days a week;</i> <i>b) It operates for less than 24 hours a day;</i> <i>c) It is a one time activity</i> <i>d) It is not part of an operation subject to state regulation.</i>
<i>Year Round Program</i>	<ul style="list-style-type: none"> <i>a) The program operates in conjunction with the school year. This includes both public and private school schedules.</i> <i>b) It provides care for children who are at least five and under the age of 16 years; and</i> <i>c) It is not part of an operation subject to regulation.</i>
<i>Seasonal Programs; Day Camps Summer Camps Track Breaks Before/After School</i>	<ul style="list-style-type: none"> <i>a) The program operates during the school district school breaks</i> <i>b) It provides care for children who are at least five and under the age of 16 years;</i> <i>c) It is not part of an operation subject to regulation.</i>

The following educational facilities and programs are exempt from our regulation:

<i>Educational Facility</i>	<i>Criteria for Exemption</i>
<i>Accredited Educational Facility For Grades Pre-Kindergarten and Above; Tutoring Program</i>	<ul style="list-style-type: none"> <i>a) The educational facility operates primarily for educational purposes;</i> <i>b) The educational facility operates the program;</i> <i>c) All children in the program are at least pre-kindergarten age;</i> <i>d) Another state agency accredits the educational facility</i>

<i>Private School; Educational Facility that is Religious in Nature; Tutoring Program</i>	<i>a) The educational facility offers an education program b) All children in the program are at least kindergarten age c) No more than three hours total of child care is provided before or after the customary school day in the community; d) It operates at least: 1) Kindergarten through grade three; 2) Grades 9 through 12; or 3) The same pattern of public school grade clustering as the local school district elementary grades (1 through 6).</i>
<i>Before and/or After School Program Operated by An Accredited Educational Facility; Tutoring Program</i>	<i>a) The educational facility is accredited b) The educational facility operates the child care program; and c) All children in the program are at least pre-kindergarten age</i>
<i>Before and/or After School Child Care Operated by a Contracted Entity; Tutoring Program</i>	<i>a) The accredited educational facility contracts with an entity b) All children in the program are at least pre-kindergarten age; c) The educational facility approves the curriculum content of the before and after d) school child care program.</i>

Various Time Frames for the drafted proposed regulations:

Participation on Career Ladder through The Nevada Registry:

Stage 1: Beginning in July 2006, all NEW Directors must submit a Participant Application for Career Ladder placement as part of the initial qualification process and maintain active status on an annual basis.

Stage 2: By December 31, 2007, all EXISTING Directors must submit a Participant Application for Career Ladder placement with The Nevada Registry and maintain active status on an annual basis.

Stage 3: Beginning in January 2009, all NEW caregivers subject to the initial licensing requirements for investigation and background checks must submit a Participant Application for Career Ladder placement with The Nevada Registry, with the first 90 days of employment, and maintain active status on an annual basis.

Stage 4. By July 31, 2010, all EXISTING caregivers must have submitted a Participant Application for Career Ladder placement with The Nevada Registry and maintain active status on an annual basis.