

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

LCB File No. R112-06

October 3, 2006

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

AUTHORITY: §§1-30, 35-86, NRS 432A.077; §31, NRS 432A.077 and 432A.180; §§32-34,
NRS 432A.077 and 432A.141.

A REGULATION relating to children; requiring child care facilities that provide care for certain younger children to have an early care and education program; prohibiting the presence of weapons in certain child care facilities and providing certain restrictions concerning the presence of weapons in a family home or group home; revising certain provisions concerning the required ratio of staff members to children in a child care facility; requiring caregivers and directors of a child care facility who work with infants under a certain age to obtain training in sudden infant death syndrome; making various other changes relating to the standards of operation of a child care facility and providing additional requirements for certain types of child care facilities; and providing other matters properly relating thereto.

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this regulation.

Sec. 2. *“Developmentally appropriate care” and “developmentally appropriate education” means the provision of care or education in a manner that takes into account:*

- 1. The universal, predictable sequences of child development;*
 - 2. The particular sequences of child development of each child cared for in the facility;*
- and*
- 3. The principle that children learn best when learning is meaningful to them and is based on “first-hand” experiences.*

Sec. 3. *“Early care and education program” means a program in which developmentally appropriate care and education is provided to children based on the ages of the children served and on the type of setting within which that care and education is provided.*

Sec. 4. *“Educational child care institution” means a child care institution that is recognized by the Department of Education as providing educational opportunities primarily for privately placed children of school age.*

Sec. 5. *“Extended care accommodation facility” means an accommodation facility that:*

1. Provides temporary care to children for an amount of time that is more than 3 1/2 hours but is within the limits of time set forth in subsection 4 of section 15 of this regulation; and

2. Provides such care while the person responsible for placing the child in the extended care accommodation facility remains on the premises of the business establishment which operates the extended care accommodation facility.

Sec. 6. *1. “Facility for special events” means a facility which is:*

(a) Operated by a business that is licensed to conduct a business other than the provision of care to children; and

(b) Located on the premises of a business at which a special event is held.

2. The term does not include care to children that is provided in a hotel or motel room or in the private home of a person who is attending the special event.

Sec. 7. *“Nevada Registry” means the organization that operates the statewide system of career development and recognition created to:*

1. Acknowledge and encourage professional achievements in the early childhood care and education workforce in this State;

2. *Establish a professional development system in this State for the field of early childhood care and education;*
3. *Approve and track all informal training in the field of early childhood care and education in this State; and*
4. *Act as a statewide clearinghouse of information concerning the field of early childhood care and education.*

Sec. 8. 1. *“Residential child care institution” means a child care institution:*

(a) *Which provides care and psychoeducational services to children who are diagnosed as severely emotionally disturbed children; and*

(b) *In which the treatment goals and length of stay of a child are dependent upon the needs of the child with regard to his physical, social, emotional, moral and educational development.*

2. *As used in this section, “emotionally disturbed child” has the meaning ascribed to it in NRS 433B.080.*

Sec. 9. 1. *“Shelter child care institution” means a child care institution which provides residential care on a 24-hour basis to children who are in the custody of an agency which provides child welfare services and who are in need of temporary protection and care.*

2. *As used in this section, “agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 10. *A facility, other than an accommodation facility or a facility that provides care for ill children, may replace a caregiver who has:*

1. *An unplanned absence with an alternative caregiver:*

(a) *Who is able to be on the premises of the facility within 5 minutes of being requested to do so;*

(b) Whom the Bureau has investigated pursuant to paragraph (a) of subsection 2 of NAC 432A.200; and

(c) Who satisfies the requirements of NAC 432A.310 and paragraph (a) of subsection 1 of NAC 432A.323.

2. A prearranged absence with a substitute caregiver who satisfies each of the requirements of a caregiver set forth in this chapter and chapter 432A of NRS.

Sec. 11. *1. Each facility must ensure that weapons, including, without limitation, firearms, air rifles, bows, hunting knives or hunting slingshots, are not transported in any vehicle of the facility in which children are riding unless the weapons are made inoperable and inaccessible.*

2. A licensee of a family home or group home shall ensure that any weapons in the facility are unstrung and unloaded at all times when children are in the facility.

3. A licensee of a family home or group home shall ensure that any weapons in the facility are either stored in locked containers or rooms that are out of the reach of children or are made inoperable.

4. A licensee of a family home or group home shall ensure that any ammunition and arrows in the facility are stored in separate locked containers.

5. Except as otherwise provided in this subsection and NRS 202.3673, weapons are prohibited in any child care center, institution or facility for special events. The provisions of this subsection do not apply to a weapon carried by a peace officer or other law enforcement personnel certified by the Peace Officers' Standards and Training Commission pursuant to NRS 289.550.

Sec. 12. 1. *Each facility must ensure that any immunizations recommended by a veterinarian for a pet kept at the facility are up-to-date, regardless of whether the pet is kept inside or outside the facility.*

2. *Pets are only permitted in a facility if they are:*

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

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

(c) Inoculated as often as prescribed by a veterinarian; and

(d) Restricted from areas where food is prepared and from eating areas while meals are being served as required by state and local health agencies.

3. *Each facility must ensure that any litter boxes are kept out of the reach of young children and that play areas are cleaned of all animal feces before children are allowed access to those areas.*

Sec. 13. 1. *In addition to satisfying the requirements of NAC 432A.200, an applicant for a license to operate a facility for special events must:*

(a) Have and indicate in his application for a license to operate the facility a permanent physical location for the business where the records concerning the facility will be maintained.

(b) Submit to the Bureau an application for a license to operate the facility for each special event for which child care will be provided by the facility for special events which must include written approval from the owner or operator of the premises of the business at which the special event will be held and at which child care will be provided. The application must be filed with the Bureau at least 60 working days before the date on which the special event begins and must include:

- (1) The appropriate fee as prescribed in NAC 432A.200;*
 - (2) The name of the special event and the address at which the special event will occur;*
 - (3) The square footage and a diagram of the specific area in which child care will be provided;*
 - (4) A copy of the contract which will be provided to the parent of a child who will receive care provided by the facility for special events;*
 - (5) The plan for the program of care for the children who will receive child care provided by the facility for special events which must be broken down by the age groups of the children who will be served by the facility and the ages and number of children to whom child care services will be provided; and*
 - (6) A copy of the statement that will be provided to each parent of a child who receives care provided by the facility for special events which indicates that the members of the staff of the facility may have varied levels of training and experience.*
- 2. A license to operate a facility for special events issued by the Bureau must include a statement indicating that the members of the staff of the facility may have varied levels of training and experience.*
 - 3. The Bureau shall not renew a license to operate a facility for special events.*

Sec. 14. 1. *Child care that is provided by a facility for special events may be provided only:*

- (a) To the children of persons who are attending the special event; and*
- (b) On the dates on which the special event is occurring and may not be provided for more than:*
 - (1) Seven days; and*

(2) Ten hours in one day.

2. A parent of a child who is receiving child care services from a facility for special events must provide to the facility the full name, address and telephone number or pager number of at least two persons who may be contacted by the facility in an emergency involving the child.

3. A facility for special events must provide and accurately maintain a sheet for signing children and members of the staff in and out of the facility.

4. A facility for special events must be physically located in such a manner that any sale or dispensing of alcohol and any participation in gaming ventures are obscured from the view and hearing of children in the facility.

5. The records of the children receiving child care from a facility for special events must be maintained on-site at the facility. A parent of a child receiving care from a facility for special events must provide proper photo identification to remove the child from the facility. The facility will allow a child to be removed from the facility by a parent of the child only if the parent:

(a) Provides the facility with proper photo identification; and

(b) Is preauthorized as a person who is allowed to remove the child from the facility.

6. Any immunization records required by NRS 432A.230 for enrollment in a facility for special events may be faxed to the facility.

7. Each facility for special events shall ensure that a parent of a child is notified upon checking the child into the facility of an off-site emergency location where the children receiving care at the facility will be taken if the facility is evacuated. The emergency location must:

(a) Be predetermined by the facility after consultation and approval of the security department of the business at which the special event is being held, if any; and

(b) Not be above the main floor of the facility at which the special event is being held.

8. Each facility for special events shall ensure that a manager who is 21 years of age or older is on duty at the specific area in which child care is being provided at all times that child care is being provided by the facility.

9. Each facility for special events shall ensure that a child who is receiving child care from the facility and who is 5 years of age or less does not participate in any field trips sponsored by the facility unless the child is accompanied by a parent.

10. A facility for special events shall submit to the Bureau a program plan for each field trip the facility plans at least 14 days before the field trip is to occur. The plan must include, without limitation:

(a) The company that will be providing the transportation;

(b) An itinerary of the field trip;

(c) An estimated time of departure for and return from the field trip;

(d) The plan for food service which must comply with any applicable requirements of state and local health agencies;

(e) The approximate ages and number of children who will be participating in the field trip;

(f) Lists for the members of the staff of the facility that identify the group of children for whom each member of the staff will be responsible during the field trip;

(g) A system of identification that will be prominently displayed and will assist each member of the staff in readily identifying each child who is in the group of children for whom the member of the staff will be responsible during the field trip;

(h) Copies of the notices of the field trip that were sent to and authorized by a parent of each child who will be participating in the field trip; and

(i) For each child who will be participating in the field trip:

(1) The telephone number and names of at least two persons who may be contacted by the facility in an emergency involving the child; and

(2) A statement signed by a parent of the child indicating that the child does not have any health issues that would prevent the child from participating in the field trip.

Sec. 15. 1. Each extended care accommodation facility must have:

(a) A designated napping area for all children cared for in the facility; and

(b) A separate area designated for infants and toddlers.

2. Any meals or snacks provided by an extended care accommodation facility pursuant to NAC 432A.385 may be provided by the facility or a parent of a child cared for in the facility. Food prepared at home by a parent of a child cared for in the facility may only be consumed by that child at the facility in accordance with state and local health agencies.

3. In addition to the 35 square feet of indoor space for each child required by NAC 432A.250, an extended care accommodation facility must have:

(a) A designated indoor area that provides sufficient space for physical activity, including, without limitation, climbing, basketball, dancing and gymnastics; and

(b) Either a separate designated indoor area that provides sufficient area for physical activity for infants and toddlers, or a time in which the designated indoor area described in paragraph (a) is used only for infants and toddlers.

4. An extended care accommodation facility may care for a child for not longer than 5 hours in any 24-hour period.

5. An extended care accommodation facility shall not operate as a preschool.

6. An extended care accommodation facility shall obtain the full name, address and telephone number or pager number of at least two persons who may be contacted by the facility in an emergency involving the child.

7. An extended care accommodation facility shall not provide field trips for children cared for in the facility.

NEW FIRST
PARALLEL
SECTION

Sec. 16. *Except as otherwise provided in section 20 of this regulation, a licensee of a 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 caregivers if the children are 2 years of age and older:*

1. For 1 to 6 children, inclusive, one caregiver;

2. For 7 to 20 children, inclusive, two caregivers;

3. For 21 to 35 children, inclusive, three caregivers;

4. For 36 to 50 children, inclusive, four caregivers;

5. For 51 to 65 children, inclusive, five caregivers;

6. For 66 to 80 children, inclusive, six caregivers;

7. For 81 to 93 children, inclusive, seven caregivers; and

8. If the number of children is greater than 93:

(a) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;

(b) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and

(c) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.

Sec. 17. 1. *Except as otherwise provided in section 20 of this regulation, 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., when children are generally asleep, at least the following number of caregivers:*

(a) For 1 to 15 children, inclusive, one caregiver;

(b) For 16 to 31 children, inclusive, two caregivers;

(c) For 32 to 46 children, inclusive, three caregivers;

(d) For 47 to 61 children, inclusive, four caregivers; and

(e) For every 15 children in excess of 61, one additional caregiver.

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

Sec. 18. 1. *Except as otherwise provided in section 20 of this regulation, a licensee of an educational child care institution shall have on duty between the hours of 9:00 p.m. and 6:30 a.m., when children are generally asleep, at least the following number of caregivers:*

(a) For 1 to 25 children, inclusive, one caregiver; and

(b) For every 25 children in excess of 25, one additional caregiver plus an additional on-call or back-up person on-site.

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

Sec. 19. 1. Except as otherwise provided in section 20 of this regulation, 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., when children are generally asleep, at least the following number of caregivers:

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

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

Sec. 20. 1. Portable wading pools must not be used in a facility. Other containers of water for use by one person may be used in a facility if:

- (a) The depth of the water in the container does not exceed 6 inches; and*
- (b) The container is emptied immediately after its use.*

2. When children cared for in a facility are engaged in a wading activity, other than a swimming lesson which is taught at a public swimming pool or a public body of water, the facility shall ensure that:

- (a) No child is in water with a depth that is higher than the chest of the child;*
- (b) At least one caregiver is within an arm's length of each child who is in the water;*
- (c) The children are not allowed to wade or swim in a moving body of water, including, without limitation, a stream, river, creek or irrigation ditch; and*

(d) At least one person who is currently certified as a lifeguard or water safety instructor by the American Red Cross or an equivalent water safety program is supervising the children. A public lifeguard may satisfy the requirement of this paragraph.

3. If a water activity is included in a program of a facility, the water activity must be offered as an optional activity and alternative activities must be available for children who do not wish to participate in the water activity.

4. When children cared for in a facility are engaged in a wading activity, other than a swimming lesson which is taught at a public swimming pool or a public body of water, and the children are:

(a) Less than 3 years of age, the ratio of caregivers to children must be one caregiver for each child;

(b) At least 3 years of age but are not old enough to attend kindergarten, the ratio of caregivers to children must be one caregiver for each four children;

(c) Attending kindergarten or a grade higher than that but are not yet old enough to attend fourth grade, the ratio of caregivers to children must be one caregiver for each six children; or

(d) Attending fourth grade or any grade higher than fourth grade, the ratio of caregivers to children must be one caregiver for each eight children.

Sec. 21. *The provisions of this chapter do not apply to:*

1. A child care program that is operated:

(a) By the Federal Government, including, without limitation, a program operated on a military base; or

(b) On an Indian reservation.

2. Any correctional facility for children that is operated or regulated by:

- (a) A state agency other than the Bureau; or*
 - (b) A political subdivision of this State.*
- 3. A treatment facility or other structured program for treating chemically dependent children that is licensed by a governmental entity other than the Bureau.*
- 4. A camp for youth that is licensed by a governmental agency other than the Bureau.*
- 5. A recreation program for children who are at least 5 years of age but not more than 15 years of age if:*
 - (a) The program is operated by a municipality;*
 - (b) The governing body of the municipality adopts standards of care by ordinance after a public hearing for its recreation-based programs; and*
 - (c) The governing body of the municipality informs the parents that a local child care licensing agency does not license the program.*
- 6. A program in which child care is provided on a temporary basis if:*
 - (a) The program teaches a talent, ability, expertise or proficiency, including, without limitation, gymnastics, judo, music and dance;*
 - (b) The program is not part of a school, a child care facility or an after-school child care operation; and*
 - (c) The program informs the parents that a local child care licensing agency does not license the program.*
- 7. A program that:*
 - (a) Operates not more than 2 days a week for less than 24 hours in 1 day;*
 - (b) Is related to an activity which takes place only once;*
 - (c) Is not part of a program or operation which is subject to regulation by this State; and*

(d) Informs the parents that a local child care licensing agency does not license the program.

8. A program which provides care for children who are old enough to attend kindergarten but are less than 16 years of age and which:

(a) Operates in conjunction with the school year;

(b) Is only available to children in connection with a public school schedule or a private school schedule;

(c) Operates only during breaks from the school year; and

(d) Is not part of a program or operation which is subject to regulation by this State.

9. A program which provides care for children and which:

(a) Is operated by an educational entity;

(b) Is accredited by a state agency;

(c) Operates primarily for educational purposes; and

(d) Accepts children who are at least old enough to attend a kindergarten class.

10. A private school which is religious in nature and which offers an education program:

(a) For children who are old enough to attend kindergarten; and

(b) Which provides not more than 3 hours of child care either before or after the customary school day in the community in which the facility is located.

11. A child care program which is operated by an educational entity that is accredited and which:

(a) Is offered either before or after the customary school day in the community in which the program is located; and

(b) Accepts children who are at least old enough to attend a kindergarten class.

12. A child care program which is operated by an entity that has contracted with an educational entity to operate the program and:

(a) Which is offered either before or after the customary school day in the community in which the program is located;

(b) Which accepts children who are at least old enough to attend a kindergarten class; and

(c) In which the content of the curriculum taught in the program is approved by the educational entity that is a party to the contract.

Sec. 22. NAC 432A.010 is hereby amended to read as follows:

432A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432A.012 to 432A.165, inclusive, *and sections 2 to 9, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 23. NAC 432A.012 is hereby amended to read as follows:

432A.012 “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.]~~ *has the meaning ascribed to it in NRS 432A.0205.*

Sec. 24. NAC 432A.020 is hereby amended to read as follows:

432A.020 ~~["Caretaker" means any]~~ *“Caregiver” means a* natural person ~~:~~

~~—1. Who is 16 years of age or older;~~

~~—2. Who meets the qualifications in this chapter; and~~

~~—3. Whose duties include the direct care, supervision and guidance]~~ *who is responsible for the direct care and education* of children in a facility.

Sec. 25. NAC 432A.050 is hereby amended to read as follows:

432A.050 “Child care center” means any facility in which the licensee regularly provides day or night care for more than 12 children ~~[]~~ *and which is developmentally appropriate for those children.*

Sec. 26. NAC 432A.078 is hereby amended to read as follows:

432A.078 “Department” means the Department of *Health and* Human ~~[Resources.]~~
Services.

Sec. 27. NAC 432A.080 is hereby amended to read as follows:

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

Sec. 28. NAC 432A.145 is hereby amended to read as follows:

432A.145 “Nursery for infants and toddlers” means a child care facility ~~[in]~~ :

1. In which the licensee provides *developmentally appropriate early* care *and education* for five or more children who are under 2 years of age ~~[]~~ ; *and*

2. That has established specific goals to enhance the cognitive, social, emotional, physical and creative development of each child at the facility.

Sec. 29. NAC 432A.170 is hereby amended to read as follows:

432A.170 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. *As determined appropriate by the Bureau, provide technical assistance and support to licensees of facilities and to caregivers;*

5. Aid the Board in developing an awareness within local communities of the need to protect children by licensing operators of facilities; and

~~[5.]~~ 6. 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.

Sec. 30. NAC 432A.180 is hereby amended to read as follows:

432A.180 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]~~ submit *on a quarterly basis* to the Bureau a roster of all facilities in its jurisdiction which are currently licensed.

Sec. 31. NAC 432A.190 is hereby amended to read as follows:

432A.190 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. ~~[More frequent inspections may be made if the Bureau has reason to believe the licensee of a facility is not meeting the requirements]~~ *Any authorized member or employee of the Bureau may enter and inspect any building or premises of a facility at any time pursuant to NRS 432A.180 to secure compliance with or prevent a violation of any provision* 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.

Sec. 32. NAC 432A.200 is hereby amended to read as follows:

432A.200 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:~~ shall:

(a) Conduct an investigation into the qualifications and background of ~~every~~:

(1) Every applicant and his employees ~~[-, and every]~~ other than an educational intern who provides direct care to children for a period of less than 6 months; and

(2) 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 resident of the facility who is at least 16 years of age but less than 18 years of age;*

(c) Conduct a partial investigation into the background of every volunteer of the facility who is at least 16 years of age and who regularly works for 15 hours or more per week in the facility;

(d) 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]~~ *Except as otherwise provided in this paragraph, every* employee or a resident of the facility *who is at least 18 years of age and every volunteer who is at least 18 years of age and who regularly works for 15 hours or more per week in 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.

5. *A volunteer who regularly works fewer than 15 hours per week in a facility must submit to the Bureau an application for a background investigation through the Statewide*

Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 within 3 working days after the date of his presence in the facility.

6. Every 2 years after the investigation conducted pursuant to subsection 2 is completed, the Bureau shall conduct a partial investigation into the background of each volunteer who is at least 16 years of age and who regularly works for 15 hours or more in a facility and into the background of each licensee and employee.

7. The Bureau ~~will~~ *shall* immediately notify the applicant or licensee if the investigation *conducted pursuant to subsection 2* indicates that he or an employee or resident *or a volunteer who regularly works for 15 hours or more per week* of the facility has been convicted of any offense listed in subsection 2 of NRS 432A.170.

~~6.~~ 8. 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,~~ *Bureau of Health Protection Services of the Health Division of the Department,* finding satisfactory conditions, may be accepted by the Chief as proof of compliance with the applicable regulations.

~~7.—A]~~

9. *With the exception of a facility that is licensed by a branch of the military or naval service of the United States, 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.*

~~{8.}~~ **10.** 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.

~~{9.}~~ **11.** 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.

~~{10.}~~ **12.** 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.

13. *As used in this section, “partial investigation” includes, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.*

Sec. 33. NAC 432A.210 is hereby amended to read as follows:

432A.210 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 *of the Bureau* 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 *provided* 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.

Sec. 34. NAC 432A.220 is hereby amended to read as follows:

432A.220 1. ~~Except as otherwise provided in section 13 of this regulation,~~ a licensee of a facility may apply for reissuance of a license ~~no~~ *by submitting an application for reissuance which must be received by the Bureau, or postmarked if mailed, not* later than 45 days before the expiration of the license. The Bureau shall provide all forms and materials necessary for reissuance of a license. *The Bureau shall charge a late fee of \$50 for an application for reissuance of a license that is received or postmarked later than 30 days before the expiration of the license.*

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.

Sec. 35. NAC 432A.250 is hereby amended to read as follows:

432A.250 1. Except as otherwise provided in this subsection, subsection ~~2~~ **3** 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 ~~and~~, *multipurpose rooms and gymnasiums that are not regularly used.*

(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.

2. *Each facility must:*

(a) *Ensure that each room of the facility which is used by children is:*

(1) Maintained free of drafts and at a temperature that is not less than 65 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of October through March and at a temperature that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of April through September; and

(2) Heated, cooled and ventilated to maintain the temperatures required in this paragraph and to avoid the accumulation of odors and fumes;

(b) Ensure that electrical devices or electrical apparatuses which are accessible to children are not located near any type of water source, including, without limitation, any sink, tub, shower area or wading pool; and

(c) Install nonflammable barriers, including, without limitation, permanent guards or shields to cover heating units, including, without limitation, hot water heating pipes and baseboard heaters with a surface temperature that is hotter than 100 degrees Fahrenheit, to ensure that those heating units are inaccessible to children.

3. 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.

~~13.1~~ 4. 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, ~~have trees or a structure which can provide adequate shade for the children using the area;~~ *provide, during the months of April through September, a shade area or areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children allowed in the outdoor play area;*

(e) Have *acceptable, as determined by the Bureau, depths of* resilient ~~surfaces~~ *surfacing* underneath any elevated play equipment ~~;~~ *which extends at least 6 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.]~~ 5. 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.]~~ 4.

Sec. 36. NAC 432A.280 is hereby amended to read as follows:

432A.280 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 must, at a minimum, be reviewed on a quarterly basis during a meeting of the staff of the facility. Each licensee shall ensure that the plan is, at a minimum, evaluated annually and is changed as necessary.*

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;
- (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.

Sec. 37. NAC 432A.290 is hereby amended to read as follows:

NEW FIRST
PARALLEL
SECTION

432A.290 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 shall notify the Bureau if there is a lapse in the insurance coverage required by this subsection. 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.

4. If, during the time school is in operation, the licensee of a facility provides transportation for ~~[school age]~~ children *of school age* 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.]~~

5. The licensee of a facility must maintain a log for transportation provided by the licensee of a facility. The log must be maintained at the facility for at least 4 months after the transportation is provided. The log must include:

(a) The name of each child who was transported;

(b) The date the transportation was provided by the licensee of the facility;

(c) The time of departure of the vehicle and the time the vehicle arrived at its destination;

(d) The signature of the driver of the vehicle;

(e) The name of each adult who was transported in the vehicle, including, without limitation, the driver of the vehicle; and

(f) The signed verification required by subsection 6.

6. Upon arrival at the destination, two members of the staff of the facility shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually and physically sweep the vehicle to ensure a child is not left behind in the vehicle, and include

in the log signed verification that each child who was transported in the vehicle is accounted for and that the visual and physical sweeps were conducted.

Sec. 38. NAC 432A.290 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

432A.290 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 shall notify the Bureau if there is a lapse in the insurance coverage required by this subsection. 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.

4. *Except as otherwise provided in subsection 6 and NAC 432A.532, when transporting children, the licensee of a facility shall ensure that the ratio of staff to children in the vehicle satisfies the applicable requirement for the ratio of members of staff to children set forth in NAC 432A.524. The maximum group size set forth in the table provided in NAC 432A.524 does not apply during the transportation of children of school age. When transporting children who are 2 years of age and older, a licensee of a special needs facility shall ensure that the ratio of members of staff to children in the vehicle satisfies the applicable requirement for the ratio of members of staff to children set forth in NAC 432A.532.*

5. If, during the time school is in operation, the licensee of a facility provides transportation for children of school age to and from a public or private school, the ratio of staff to children in the vehicle must be not less than one member of the staff for every 15 children.

~~5.~~ 6. The licensee of a facility must maintain a log for transportation provided by the licensee of a facility. The log must be maintained at the facility for at least 4 months after the transportation is provided. The log must include:

- (a) The name of each child who was transported;
- (b) The date the transportation was provided by the licensee of the facility;
- (c) The time of departure of the vehicle and the time the vehicle arrived at its destination;
- (d) The signature of the driver of the vehicle;

(e) The name of each adult who was transported in the vehicle, including, without limitation, the driver of the vehicle; and

(f) The signed verification required by subsection ~~[6.]~~ 7.

~~[6.]~~ 7. Upon arrival at the destination, two members of the staff of the facility shall mark each child off the log as the child departs the vehicle, conduct a physical inspection and visually and physically sweep the vehicle to ensure a child is not left behind in the vehicle, and include in the log signed verification that each child who was transported in the vehicle is accounted for and that the visual and physical sweeps were conducted.

Sec. 39. NAC 432A.300 is hereby amended to read as follows:

432A.300 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 *home* or group home shall:

(a) Serve as the director of the facility, if ~~[he]~~ *the licensee* 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 ~~[-]~~:

~~—(a) Have earned], must:~~

(a) *Hold* a bachelor's or associate's degree ~~[and have completed]~~ *which includes the completion of* at least 12 ~~[semester hours of education,]~~ *credits from an accredited college or university,* of which:

(1) At least 6 ~~[semester hours]~~ *credits* are in child development ~~[-]~~ *that is specific to the development of children who are the ages of the children served at the facility;* and

(2) At least 6 ~~[semester hours]~~ *credits* 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 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;~~

~~—(c) Have a] *early childhood education or related courses and which include either a course
in business administration or early childhood administration or, in lieu of the course in
business administration or early childhood administration, include the completion of at least
1,000 hours of on-the-job training in an administrative position involving early child care and
education,*~~

~~↪ and have at least 1,000 hours of verifiable experience working directly with children;~~

(b) Hold a certificate as a child care development specialist and have completed:

(1) A course in business administration or early childhood administration; or

(2) One thousand hours of on-the-job training in an administrative position involving early child care and education;

(c) Except as otherwise provided in subsection 3, hold a current credential as a “Child Development Associate,” which has been issued by the Council for ~~Early Childhood~~ Professional Recognition, Washington, ~~DC-20005; or~~ D.C., and have completed at least 12 credits from an accredited college or university, of which:

(1) At least 6 credits are in child development that is specific to the development of children who are the ages of the children served at the facility; and

(2) At least 6 credits are in child development, early childhood education or related courses and include either a course in business administration or early childhood administration or, in lieu of the course in business administration or early childhood administration, include the completion of at least 1,000 hours of on-the-job training in an administrative position involving early child care and education,

↪ and have at least 4,000 hours of verifiable experience working directly with children;

(d) Hold a high school diploma or general equivalency diploma and have completed at least 12 credits from an accredited college or university, of which:

(1) At least 6 credits are in child development that is specific to the development of children who are the ages of the children served at the facility; and

(2) At least 6 credits are in child development, early childhood education or related courses and include either a course in business administration or early childhood administration or, in lieu of the course in business administration or early childhood administration, include the completion of at least 12 months of on-the-job training in an administrative position involving early child care and education,

↪ *and have at least 6,000 hours of verifiable experience working directly with children; or*

(e) 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), (c) or ~~((e))~~ or (d).

3. In addition to satisfying the requirements of subsection 2, the director of a facility described in subsection 1 that provides care for infants and toddlers must:

(a) Complete an additional 6 credits from an accredited college or university in courses relating to the development of infants and toddlers that are specific to the development of and programs for the care of children under 30 months of age;

(b) Have at least 2,000 hours of verifiable experience working directly with children under 30 months of age; and

(c) If the director is qualifying pursuant to paragraph (c) of subsection 2, in lieu of holding a current credential as a “Child Development Associate,” hold a current credential as a “Child Development Associate” with an endorsement to work with infants and toddlers, which has been issued by the Council for Professional Recognition, Washington, D.C.

4. Each director of a facility described in subsection 1 must apply with the Nevada Registry or its successor organization and annually renew his registration before the date on which it expires.

5. 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.

Sec. 40. NAC 432A.304 is hereby amended to read as follows:

432A.304 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.~~

~~2.]~~ The director *of a child care facility* is responsible for screening, scheduling and supervising the staff of the facility ~~and~~ and for the conduct of each member of the staff at the facility.

~~3.]~~ 2. 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) Maintain *organized separate* records ~~of personnel, enrollment, attendance and other activities;~~

~~(d)]~~ *for each employee that include, without limitation, documents related to training. Such records must include, without limitation:*

(1) Documents verifying that the employee has:

(I) Received the orientation and the basic training outlined in NAC 432A.320;

(II) Completed the training required pursuant to NAC 432A.323; and

(III) Completed the training required pursuant to NAC 432A.326; and

(2) A copy of the documentation concerning, and the results of, the investigation of the employee's background and personal history which is conducted pursuant to NRS 432A.170, including, without limitation, a clearance letter from the Bureau or a current child care work card, and a release form for this information completed by the employee;

(d) Ensure that each member of the staff of the facility who is not a caregiver, but whose job duties may directly impact children cared for in the facility, has the training necessary to protect the health and safety of the children and the health and safety of the other members of the staff, including, without limitation, training concerning proper nutrition, methods of sanitation and procedures for maintaining a safe environment in the facility;

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

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

~~[(f)]~~ *(g) 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.]~~ **3.** 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.

Sec. 41. NAC 432A.306 is hereby amended to read as follows:

432A.306 1. Every ~~[caretaker of children]~~ caregiver in a child care facility must ~~[be:~~

~~—(a) At]~~:

(a) Be at least 16 years of age;

(b) ~~[Able]~~ Be able to summon help in an emergency; ~~[and~~

~~—(c) Emotionally]~~

(c) Be emotionally and physically qualified to carry out a program which places emphasis on the development of children ~~[:]~~; and

(d) Apply with the Nevada Registry or its successor organization, and annually renew his registration before the date on which it expires.

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~~ *The Nevada Registry or its successor organization, or any other* agency designated by the Director of the Department ~~;~~ *to approve such courses;* or

(2) If *the course has not been approved by the Nevada Registry or its successor organization, and* the Director has not designated ~~an agency,~~ *another agency to approve such courses,* 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.

4. A volunteer for a child care facility, regardless of his age, and a member of the staff of the facility who is under 18 years of age, may not provide direct care to a child at the facility unless the care is provided under the supervision of an employee of the facility who is 18 years of age or older.

Sec. 42. NAC 432A.308 is hereby amended to read as follows:

432A.308 1. Whenever a child care facility is in operation, ~~at least one of the caretakers~~ *each caregiver* 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~~ *training for the recognition of signs and symptoms of illness* must include ~~training in~~, *without limitation, the provision of information concerning* health and the observation and evaluation of signs and

symptoms of illness and responses to illness and emergencies . ~~[, including]~~ *The training for the administration of first aid must include, without limitation, training relating to* the administration of first aid to victims of fire, serious injury or the ingestion of poison. ~~[The]~~ *Both types of* training must be ~~[provided]~~ :

(a) *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.~~

~~—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.] an institution approved by the Nevada Registry or its successor organization; and~~

(b) *Approved by:*

(1) *The Nevada Registry or its successor organization, or any other agency designated by the Director of the Department to approve the training; or*

(2) *If the training is not approved by the Nevada Registry or its successor organization, and the Director has not designated another agency to approve the training, the Bureau or the local licensing agency.*

3. A certificate or other evidence of compliance issued by 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 , *an approved provider of such training* or another appropriate institution is adequate evidence of compliance.

Sec. 43. NAC 432A.310 is hereby amended to read as follows:

432A.310 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~~ *caregiver* 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~~ caregiver 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~~ caregiver, if self-employed, shall immediately report to his licensing agency any person residing at his facility who contracts a serious communicable disease.

7. Each caregiver or member of the staff of a facility who has herpetic gingivostomatitis, a cold sore or herpes labialis shall:

(a) Refrain from kissing, caressing or cuddling children;

(b) Refrain from sharing food or drink with children or with other caregivers or members of the staff;

(c) Avoid touching the lesions;

(d) Wash his hands frequently; and

(e) Cover any skin lesion with a bandage, clothing or other appropriate dressing.

Sec. 44. NAC 432A.320 is hereby amended to read as follows:

432A.320 1. ~~Newly~~ *Within the first 2 weeks after commencing employment, newly employed members of the staff must be given an orientation program and be trained by the director in the policies, procedures and programs of the facility. The orientation must address, at a minimum:*

(a) Any regulatory requirements that govern the facility;

(b) The goals and philosophy and the policies and procedures of the facility;

- (c) Any planned programs of activities of the facility;*
- (d) The policies and practices of the facility for relating to parents;*
- (e) Meal patterns and food handling policies and practices of the facility;*
- (f) Dealing with occupational health hazards for caregivers, including, without limitation, paying attention to the physical health and emotional demands of the job and being aware of any special considerations required by a caregiver who is pregnant;*
- (g) The emergency health and safety procedures of the facility; and*
- (h) The general health and safety policies and procedures of the facility, including, without limitation, policies and procedures concerning:*
 - (1) Hand-washing techniques and when hand washing is required;*
 - (2) Techniques for diapering and for assisting in the use of a toilet if care is provided to children in diapers or children needing help with using a toilet, including, without limitation, techniques for the disposal of diapers and for changing diapers;*
 - (3) Identifying hazards and methods for preventing injuries;*
 - (4) Techniques for preparing, serving and storing food for employees who are involved in any of these activities concerning food for children at the facility;*
 - (5) Excluding a child from the facility because the child has an illness, and the manner in which illnesses are transmitted between persons;*
 - (6) Methods for preparing formula if formula is prepared at the facility;*
 - (7) Any precautions and other measures that should be taken to prevent exposure to blood and other bodily fluids, and policies and procedures to follow in the event of exposure to blood or other bodily fluids; and*
 - (8) The administration of medication.*

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~~ 15 hours 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. Any training received by an employee of a facility or a volunteer who works in a facility as part of the orientation required by this section may not be applied toward meeting training requirements set forth in NAC 432A.323 and 432A.326.

Sec. 45. NAC 432A.322 is hereby amended to read as follows:

432A.322 1. Each person who is employed in a child care facility, other than in an accommodation facility, shall:

(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

(b) 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 *a nationally or internationally recognized provider of training in cardiopulmonary resuscitation, including, without limitation, the American Heart Association, ~~or~~ the American National Red Cross ~~],~~ Medic First Aid International, EMS Safety Services, Inc., or 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.

Sec. 46. NAC 432A.323 is hereby amended to read as follows:

432A.323 1. Except as otherwise provided in subsection ~~[3.]~~ *4 and section 10 of this regulation*, within 90 days after commencing his employment *or position* in a child care facility, each ~~[person]~~ *caregiver* who is employed in a child care facility ~~]~~ *and each director of a child care facility* other than *a caregiver employed in or director of* 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]:~~

(a) *Any training required by the facility in which the director serves or in which the caregiver is employed* for the purposes of obtaining certification in the administration of cardiopulmonary resuscitation as required pursuant to NAC 432A.322; ~~and~~

~~—(b) Training concerning:~~

~~—(1) The~~

(b) *Three or more hours of training in child development or guidance and discipline specific to the age group served by the facility in which the director serves or in which the caregiver is employed;*

(c) *Two or more hours of training in the* administration of first aid;

~~[(2) The]~~

(d) *Two or more hours of training in the* recognition of signs and symptoms of illness ~~;~~
~~—(3) The],~~ *which must include, without limitation, training in the prevention of exposure to bloodborne pathogens;*

(e) *Two or more hours of training in the* recognition *and reporting* 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]~~

(f) *If the caregiver or director works with infants under 12 months of age, at least 2 hours of training concerning sudden infant death syndrome.*

2. *Except as otherwise provided in section 10 of this regulation, 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]~~ *caregiver, each caregiver* 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 ~~1~~:

~~—(a) Three hours of training by completing a course in the development of children; and~~

~~—(b) Three hours of training in child care.] 15 hours of training in professional development as required pursuant to NAC 432A.326.~~

3. *Except as otherwise provided in section 10 of this regulation, within 12 months after commencing employment as a member of the staff of a facility, each member of the staff of a facility who works in a nursery for infants and toddlers shall, in addition to completing any training required pursuant to subsections 1 and 2, and completing any course in the development of children required pursuant to NAC 432A.306, complete at least 2 hours of training concerning sudden infant death syndrome.*

4. A ~~person~~ *new employee of a child care facility* is not required to complete ~~1~~:

~~—(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] the~~ training required pursuant to subsection 1 ~~or 2~~ if he has completed that training within the previous ~~12 months.~~

~~—4.] 24 months.~~

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 *and* 3 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 *and* 3 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}~~ *The Nevada Registry or its successor organization, or any other* agency designated by the Director of the Department ~~{;}~~ *to approve such training;* or

(b) If *the training has not been approved by the Nevada Registry or its successor organization, and* the Director has not designated ~~{an agency,}~~ *another agency to approve such courses,* the Bureau or the local licensing agency.

~~{7.}~~ 8. Evidence that an employee has completed the training required pursuant to subsections 1 , ~~{and}~~ 2 *and* 3 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.

Sec. 47. NAC 432A.326 is hereby amended to read as follows:

432A.326 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~~ *complete* at least 15 hours ~~[;]~~ *of training in professional development*, 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. The program may be in the form]~~ *The required hours of training may consist* of:

- (a) ~~[Workshops]~~ *Informal training, including, without limitation, on-site training at a facility, community workshops* or conferences;
- (b) Formal training; or
- (c) ~~[Training at a child care facility during the period of employment.]~~ *An early child care and education course offered by a community college or university.*

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 *a nationally or internationally recognized provider of training in cardiopulmonary resuscitation, including, without limitation*, the American Heart Association , ~~[or]~~ the American National Red Cross ~~[;]~~, *Medic First Aid International, EMS Safety Services, Inc., or the American Safety and Health Institute.*

3. The ~~[program]~~ *training* must be ~~[provided or]~~ approved by:
- (a) ~~[An]~~ *The Nevada Registry or its successor organization, or any other* agency designated by the Director of the Department ~~[;]~~ *to approve such training;* or
 - (b) If *the training has not been approved by the Nevada Registry or its successor organization, and* the Director has not designated ~~[an agency,]~~ *another agency to approve such courses*, the Bureau or the local licensing agency.

4. A director ~~[, licensee or caretaker]~~ *or caregiver* 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.

Sec. 48. NAC 432A.340 is hereby amended to read as follows:

432A.340 1. Procedures for admission must provide the ~~[caretaker]~~ *caregiver* with sufficient information and instruction from the parents to enable the ~~[caretaker]~~ *caregiver* 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:]~~ *caregiver*:

- (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]~~ *caregiver* 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.

Sec. 49. NAC 432A.350 is hereby amended to read as follows:

432A.350 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~~ *For a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, notifies either or both parents that smoking of tobacco in any form is prohibited in the facility at all times;*

(k) *For a facility other than a child care facility as defined in paragraph (a) of subsection 7 of NRS 202.2491, 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;

~~(l)~~ (l) 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

~~(m)~~ (m) 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.

Sec. 50. NAC 432A.376 is hereby amended to read as follows:

432A.376 Except as otherwise provided in NAC 432A.585:

- 1. Each prescribed medication must be ~~plainly labeled, contain~~ :
 - (a) *Kept in the original container which must have a child-proof lid;*
 - (b) *Plainly labeled;*
 - (c) *Contain* the name of the child or adult for whom it is prescribed ; and ~~be stored~~
 - (d) *Stored* in a locked cabinet or be made inaccessible to children.

2. 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. *Nonprescription medications must be kept in a container with a child-proof lid.*

~~{2.}~~ 3. Except in an emergency, only one person designated by the licensee of a facility may administer medications to children. *A person designated by the licensee of a facility pursuant to this subsection must be trained in the administration of medication by a health care professional or the parent of a child cared for in a facility and authorized to administer the medication pursuant to 453.375 or 454.213.*

~~{3.}~~ 4. 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.}~~ 5. A prescribed medication must, upon discontinuance of use, be promptly destroyed or returned to the child's parent.

Sec. 51. NAC 432A.380 is hereby amended to read as follows:

432A.380 1. To the extent set forth in ~~{subsection 3,}~~ *subsections 3 and 4*, 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}~~ *supplement* 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.

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.~~

~~4.] a facility:~~

(a) For 8 hours or less in 1 day must be offered at least one meal and two snacks or two meals and one snack; and

(b) For more than 8 hours in 1 day must be offered at least two meals and two snacks or three snacks and one meal.

4. A nutritious snack must be offered to all children in the midmorning and the midafternoon. Each child must be offered food at intervals that are at least 2 hours apart and, unless the child is asleep during that time, are not more than 3 hours apart.

5. 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.] subsections 3 and 4.~~

6. 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.}~~ 7. 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.}~~ *perishable lunches in a refrigerator capable of storing the lunches at 40 degrees Fahrenheit or less.*

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

~~{8.}~~ 9. 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.}~~ 10. Drinking water must be freely available to all children at all times.

~~{10.}~~ 11. Food must not be used as a basis for discipline or reward. Children should be encouraged, but must not be forced, to eat.

Sec. 52. NAC 432A.385 is hereby amended to read as follows:

432A.385 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) *Ensure that bottles and containers of food are not kept in water longer than 5 minutes, and stir, shake and test a bottle or container of food before using the bottle or container to feed an infant;*

(h) Not hold an infant while preparing food;

(i) On a daily basis, empty, clean and sanitize any pot used to warm a bottle or food;

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

~~(k)~~ (k) 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;

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

~~(m)~~ (m) Return each bottle to the appropriate parent each day;

~~(n)~~ (n) 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

~~(o)~~ (o) 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~~ caregiver 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~~ caregiver if the ~~caretaker~~ caregiver 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.

Sec. 53. NAC 432A.411 is hereby amended to read as follows:

- 432A.411 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 facility is not required to rinse or dump the contents of a diaper or the underwear of a child cared for in the facility. Each diaper used, including, without limitation, a commercial disposable diaper, must be able to contain urine and stool and minimize contamination. If cloth diapers are used on children, an absorbent inner liner and a waterproof outer covering must be provided with the diaper.

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.

Sec. 54. NAC 432A.412 is hereby amended to read as follows:

432A.412 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) Before and after giving medication to a child; and*
 - (9) After cleaning a container used to store garbage 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 the diaper or underwear of the child is changed;*
 - (6) After playing in water; and*
 - (7) After playing in a sandbox.*
- (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.

Sec. 55. NAC 432A.413 is hereby amended to read as follows:

432A.413 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 potty-chair was cleaned.

Sec. 56. NAC 432A.414 is hereby amended to read as follows:

432A.414 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 carpeted floor or rug is cleaned by a member of the staff of the facility using a carpet cleaning*

machine, the Bureau may require the carpeted floor or rug to be professionally cleaned if the carpeted floor or rug 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 ~~{}~~ *and kept in a closed container;*

(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).

Sec. 57. NAC 432A.415 is hereby amended to read as follows:

432A.415 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;

(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. Any toy that is broken or has a missing part must be repaired or replaced before the toy may be used in the facility.

9. Walkers for children that are designed to be moved across the floor must not be used in a facility.

Sec. 58. NAC 432A.416 is hereby amended to read as follows:

432A.416 1. *Members of the staff must be readily accessible and available to be summoned to ensure the safety of the children.*

2. *Areas provided for napping or sleeping in a facility must be sufficiently lighted to provide for visual supervision of the children at all times.*

3. The staff of each facility shall:

(a) *Ensure that each infant under 12 months of age is placed on his back on a firm mattress, mat or pad manufactured for use by an infant when the infant is napping or sleeping;*

(b) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to *nap or* sleep in;

~~(b)~~ (c) Equip any such sleeping device with a waterproof, firm-fitting mattress;

~~(e)~~ (d) 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)~~ (e) 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)~~ (f) Ensure that a child who is older than 18 months of age sleeps in an appropriate crib or on a cot or mat;

~~(f)~~ (g) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;

~~(g)~~ (h) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;

~~(h)~~ (i) Ensure that the bedding that each child uses is used only for that particular child;

~~(j)~~ (j) 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;

~~(k)~~ (k) 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;

~~(l)~~ (l) Ensure that each child takes a nap as needed;

~~(m)~~ (m) Ensure that each napping *or sleeping* child is in an area from which the staff can readily hear and see the child; and

~~(n)~~ (n) Ensure that each napping *or sleeping* child is checked by a ~~caretaker~~ *caregiver* not less than one time every 15 minutes.

~~4.~~ 4. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

5. The staff of a facility shall not use a waterbed, sofa, soft mattress, pillow or any other soft surface as a surface on which to place an infant under 12 months of age to nap or sleep.

Sec. 59. NAC 432A.416 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

432A.416 1. *Each member of the staff that is necessary to meet the applicable requirement for the ratio of staff to children set forth in NAC 432A.524 and 432A.526 for napping or sleeping children must be on the same floor in the same building where the children are napping or sleeping.* Members of the staff must be readily accessible and available to be summoned to ensure the safety of the children.

2. Areas provided for napping or sleeping in a facility must be sufficiently lighted to provide for visual supervision of the children at all times.

3. The staff of each facility shall:

- (a) Ensure that each infant under 12 months of age is placed on his back on a firm mattress, mat or pad manufactured for use by an infant when the infant is napping or sleeping;
- (b) Use a safe, sturdy, well-constructed, single-level, free-standing crib, portable crib or playpen for children to nap or sleep in;
- (c) Equip any such sleeping device with a waterproof, firm-fitting mattress;
- (d) 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;
- (e) 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;
- (f) Ensure that a child who is older than 18 months of age sleeps in an appropriate crib or on a cot or mat;
- (g) Ensure that each sleeping device has appropriate bedding and a waterproof and washable covering;
- (h) Wipe clean each sleeping device with a disinfectant not less than one time each week or more often if necessary;
- (i) Ensure that the bedding that each child uses is used only for that particular child;
- (j) 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;
- (k) 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;
- (l) Ensure that each child takes a nap as needed;
- (m) Ensure that each napping or sleeping child is in an area from which the staff can readily hear and see the child; and

(n) Ensure that each napping or sleeping child is checked by a caregiver not less than one time every 15 minutes.

4. The staff of a facility shall not change the diaper of a child in a crib or other sleeping device.

5. The staff of a facility shall not use a waterbed, sofa, soft mattress, pillow or any other soft surface as a surface on which to place an infant under 12 months of age to nap or sleep.

Sec. 60. NAC 432A.420 is hereby amended to read as follows:

432A.420 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.

Sec. 61. NAC 432A.425 is hereby amended to read as follows:

432A.425 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]~~ *caregiver* must be assigned to a specific group of infants on a continuing basis.

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

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

Sec. 62. NAC 432A.430 is hereby amended to read as follows:

432A.430 1. ~~[The licensee of a preschool shall have a program that includes:~~

~~—(a) An assessment of each child's individual needs and of activities which are suitable to his needs; 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]~~

Each facility, including, without limitation, a family home and a group home, shall have an early care and education program.

2. Each facility, including, without limitation, a family home and group home, shall develop a plan for care and education which is specific to children who are the ages of the children served in the program and 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]~~ *The director of a facility shall prepare a* plan of the curriculum and a description of the methods of delivering instruction . ~~[must be prepared by a licensee of a preschool.]~~ 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~~ facility 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]~~ *Each facility, including, without limitation, a family home and group home, shall* 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 of 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.]~~

Sec. 63. NAC 432A.450 is hereby amended to read as follows:

432A.450 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]~~ *establish a written policy that sets forth:*

(a) *Any* daily chores that ~~[children are generally]~~ *a child is* 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.] ; and~~

(b) *Any merit system that will be used by the institution to provide consequences to a child for his 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. Each licensee of an institution shall provide a statement outlining the policies and procedures concerning the use of isolation or restraints with the children. The members of the staff of the institution must be trained and certified through a nationally recognized organization concerning the use of restraints. If isolation or restraints are used, a committee established by the institution must evaluate and review the process concerning the use of isolation or restraints within 30 days after the isolation or restraints are used to determine:

- (a) Whether safety guidelines were followed by the institution;*
- (b) The effectiveness of the process concerning modifying the behavior of the child; and*
- (c) The institution's compliance with the written policies and procedures of the institution.*

Sec. 64. NAC 432A.460 is hereby amended to read as follows:

432A.460 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 ~~[-]~~ *information, if 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.

Sec. 65. NAC 432A.520 is hereby amended to read as follows:

432A.520 **1.** A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care, *supervision* 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.

NEW FIRST
PARALLEL
SECTION

2. *A member of the staff who is supervising a child pursuant to subsection 1 must:*
- (a) Be physically present in the room where the child being supervised is present;*
 - (b) Observe, oversee and guide the child;*
 - (c) Be aware of the needs of the child and accountable for the care of the child; and*
 - (d) Maintain a proximity to the child that allows the member of the staff to be capable of intervening if his assistance or direction is needed by the child.*

Sec. 66. NAC 432A.520 is hereby amended to read as follows:

NEW
SECOND
PARALLEL
SECTION

432A.520 1. A licensee of a child care facility shall have a staff which is sufficient in number to provide physical care, supervision 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.

2. *In addition to the number of members of the staff that are required to satisfy the applicable ratio of staff to children set forth in NAC 432A.524, one additional caregiver per group of children must be present on all field trips away from the child care facility to assist in providing direct supervision to the children and to increase the safety of the children.*

3. A member of the staff who is supervising a child pursuant to subsection 1 must:

- (a) Be physically present in the room where the child being supervised is present;
- (b) Observe, oversee and guide the child;
- (c) Be aware of the needs of the child and accountable for the care of the child; and
- (d) Maintain a proximity to the child that allows the member of the staff to be capable of intervening if his assistance or direction is needed by the child.

Sec. 67. NAC 432A.524 is hereby amended to read as follows:

432A.524 *1.* Except as otherwise provided in *subsections 2 and 3*, NAC *432A.290 and*
432A.532, *and section 20 of this regulation*, a licensee of a child care center, ~~child-care~~
~~institution, preschool or~~ accommodation facility *or facility for special events* shall have on duty
between the hours of 6:30 a.m. and 9:00 p.m. ~~at least the following~~ *the* 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.]~~

caregivers required pursuant to the following table:

| <i>AGE OF THE CHILDREN</i> | <i>RATIO OF MEMBERS OF STAFF TO CHILDREN</i> | <i>MAXIMUM GROUP SIZE</i> |
|----------------------------|--|---------------------------|
| | | |

| | | |
|---|-------------|-----------|
| <i>Birth to less than 12 months of age</i> | <i>1:4</i> | <i>8</i> |
| <i>12 months of age to less than 24 months of age</i> | <i>1:5</i> | <i>10</i> |
| <i>24 months of age to less than 30 months of age</i> | <i>1:6</i> | <i>12</i> |
| <i>30 months of age to less than 3 years of age</i> | <i>1:7</i> | <i>14</i> |
| <i>3 years of age to less than 4 years of age</i> | <i>1:11</i> | <i>22</i> |
| <i>4 years of age to less than 6 years of age</i> | <i>1:12</i> | <i>24</i> |
| <i>6 years of age to less than 12 years of age</i> | <i>1:15</i> | <i>30</i> |

2. Except as otherwise provided in subsection 3, if a group contains one or more children who are at least 4 years of age but who are not old enough to attend kindergarten, the ratio and group size for children of that age group apply.

3. During the regular hours of operation of a child care center, the center may mix children of different age categories in a group if:

(a) Except as otherwise provided in subsection 4, there is not more than a 36-month range in age among the children in the group;

(b) The ratio of members of staff to children and the maximum group size are determined by the age of the majority of the children in the group unless there are children in the group who are less than 36 months of age; and

(c) The ratio of members of staff to children and the maximum group size are determined by the youngest child in the group if there are any children in the group who are less than 36 months of age.

4. The provisions of paragraph (a) of subsection 3 do not apply to groups of children that are composed entirely of children of school age, including children who are attending kindergarten.

5. The ratio of members of staff to children and the maximum group size set forth in paragraph (b) or (c) of subsection 3, as applicable, do not apply during the arrival of the children in the morning and the departure of the children in the afternoon if the total arrival and departure time does not exceed 25 percent of the daily hours of operation of the child care center or facility.

6. The maximum group size set forth in subsection 1 does not apply to an outdoor play area that is used by the child care center or facility routinely or is used by the child care center or facility for special activities at the child care center or facility that are not more than 2 hours in duration.

7. As used in this section, “group size” means the specific number of children, distinct from a larger population of children cared for in a child care center or facility, who interact with each other and, with one or more members of the staff of a child care center or facility in a well-defined space. As used in this subsection, “well-defined space” means a space that is enclosed by a temporary wall or physical barrier that is at least 3 feet tall and is appropriate

for use in separating an area into more than one distinct space and for reducing distractions for the children in that space.

Sec. 68. NAC 432A.526 is hereby amended to read as follows:

432A.526 1. Except as otherwise provided in NAC 432A.532, a licensee of a child care center, ~~[child care institution or]~~ accommodation facility *or facility for special events* 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;]~~ *caregivers*:

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

2. Every member of the staff of a child care center, ~~[child care institution or]~~ accommodation facility *or facility for special events* who is on duty at night shall remain awake during duty hours.

Sec. 69. NAC 432A.528 is hereby amended to read as follows:

432A.528 1. Whenever one or more infants or toddlers *who are under 2 years of age* are being cared for in a child care center, the licensee shall have at least one ~~[caretaker]~~ *caregiver* on duty who is designated to provide that care.

2. An additional ~~[caretaker]~~ *caregiver* must be on duty whenever more than six ~~[children]~~ *infants or toddlers who are under 30 months of age* are in a child care center during the hours of 6:30 a.m. and 9:00 p.m.

Sec. 70. NAC 432A.530 is hereby amended to read as follows:

432A.530 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~~ *is attending first grade or a grade higher than first grade but is* less than 16 years of age.

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

Sec. 71. NAC 432A.532 is hereby amended to read as follows:

432A.532 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;~~ *caregivers:*

1. For 1 to 6 children, inclusive, one ~~caretaker;~~ *caregiver;*
2. For 7 to 20 children, inclusive, two ~~caretakers;~~ *caregivers;*
3. For 21 to 30 children, inclusive, three ~~caretakers;~~ *caregivers;*
4. For 31 to 40 children, inclusive, four ~~caretakers;~~ *caregivers;*
5. For 41 to 50 children, inclusive, five ~~caretakers;~~ *caregivers;*
6. For 51 to 60 children, inclusive, six ~~caretakers;~~ *caregivers;*
7. For 61 to 70 children, inclusive, seven ~~caretakers;~~ *caregivers;*
8. For 71 to 80 children, inclusive, eight ~~caretakers;~~ *caregivers;*
9. For 81 to 90 children, inclusive, nine ~~caretakers;~~ *caregivers;*

10. For 91 to 100 children, inclusive, 10 ~~{caretakers;}~~ *caregivers*; and

11. For every 6 children in excess of 100, one additional ~~{caretaker.}~~ *caregiver*.

Sec. 72. NAC 432A.534 is hereby amended to read as follows:

432A.534 1. In a family home ~~{,not}~~:

(a) *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 ~~{,}~~; *and*

(b) *Any children of the licensee of the family home who are less than 6 years of age will be counted for the purpose of the ratios set forth in this section.*

2. A licensee of a family home shall:

(a) Have one ~~{caretaker}~~ *caregiver* on duty at all times;

(b) Have a second ~~{caretaker}~~ *caregiver* on duty whenever four or more of the children in the facility are children with special needs; and

(c) Provide an alternate ~~{caretaker}~~ *caregiver* 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.

Sec. 73. NAC 432A.536 is hereby amended to read as follows:

432A.536 1. In a group home ~~{,not}~~:

(a) *Not* more than eight of the children may be less than 3 years of age, and not more than four of the children may be less than 1 year of age ~~[.]~~; *and*

(b) *Any children of the person who is required to reside in the facility pursuant to subsection 3 who are less than 6 years of age will be counted for the purpose of the ratios set forth in this section.*

2. A group home must have one ~~[caretaker]~~ *caregiver* on duty at all times. An additional ~~[caretaker]~~ *caregiver* 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]~~ *caregivers* 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.

Sec. 74. NAC 432A.538 is hereby amended to read as follows:

432A.538 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~~ :

(a) *At* least 6 years of age *or is attending school for a full day*; and ~~Hess~~

(b) *Less* than 16 years of age.

2. Children who live in such a home and are ~~H0~~ *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.

Sec. 75. NAC 432A.580 is hereby amended to read as follows:

432A.580 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 ~~and~~;

(o) A requirement that each room in which an ill child resides must have a sink for washing hands that is equipped with soap and paper towels; and

(p) A requirement that a separate area must be provided for changing the diapers of children who are ill and children who are well.

Sec. 76. NAC 432A.585 is hereby amended to read as follows:

432A.585 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 ~~and~~ *which must have a child-proof lid;*

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

(d) Refrigerated, if required.

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) Kept in a container which has a child-proof lid.

4. ~~[The]~~ *Except as otherwise provided in subsection 10, 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. Only persons trained in the administration of medication by a health care professional or a parent of a child cared for in a facility and authorized pursuant to NRS 453.375 or 454.213 may administer medication to the child.

Sec. 77. NAC 432A.685 is hereby amended to read as follows:

432A.685 1. The provider shall establish and maintain a personnel file for each employee.

Each individual file must include ~~{ }~~, *without limitation:*

(a) *The information required by paragraph (c) of subsection 2 of NAC 432A.304.*

(b) The person's application for employment, including a record of his previous employment and related references.

~~{(b)}~~ (c) Evidence of his applicable credentials and certifications.

~~{(e)}~~ (d) An initial medical evaluation, including the results of a tuberculin test.

~~{(d)}~~ (e) 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.

~~{(e)}~~ (f) A copy of each evaluation of his work performance.

~~{(f)}~~ (g) A copy of his registration as an alien, if applicable.

~~{(g) A copy of the results of the investigation of his background and personal history which is conducted pursuant to NRS 432A.170.}~~

(h) 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.

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.

Sec. 78. Section 16 of this regulation is hereby amended to read as follows:

Sec. 16. Except as otherwise provided in section 20 of this regulation, a licensee of a 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 caregivers ~~§§~~:

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

~~§1~~ (a) For 1 to 6 children, inclusive, one caregiver;

~~§2~~ (b) For 7 to 20 children, inclusive, two caregivers;

~~§3~~ (c) For 21 to 35 children, inclusive, three caregivers;

~~§4~~ (d) For 36 to 50 children, inclusive, four caregivers;

~~§5~~ (e) For 51 to 65 children, inclusive, five caregivers;

~~§6~~ (f) For 66 to 80 children, inclusive, six caregivers;

~~§7~~ (g) For 81 to 93 children, inclusive, seven caregivers; and

~~§8~~ (h) If the number of children is greater than 93:

~~§a~~ (1) At a residential child care institution, for every 10 children in excess of 93, one additional caregiver;

~~§b~~ (2) At a shelter child care institution, for every 13 children in excess of 93, one additional caregiver; and

~~§c~~ (3) At an educational child care institution, for every 18 children in excess of 93, one additional caregiver.

2. If the children are less than 2 years of age, the ratio of staff to children and the maximum group size set forth in the table provided in subsection 1 of NAC 432A.524 apply.

Sec. 79. NAC 432A.030, 432A.160, 432A.445 and 432A.522 are hereby repealed.

Sec. 80. A child care facility is exempt from the provisions of paragraph (e) of subsection 4 of NAC 432A.250 as amended by this regulation until the date for compliance with those provisions established by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services or an agency for the licensing of child care facilities established by a county or city, as applicable.

Sec. 81. A person who on January 1, 2007, serves as a director of a child care facility other than a facility that provides care for ill children, a special needs facility or a family home or group home, is not required to satisfy the provisions of NAC 432A.300 as amended by this regulation unless after that date he applies for a position as a director of a child care facility other than the child care facility for which he served as the director on January 1, 2007.

Sec. 82. Each person who on January 1, 2007, is a director of a child care facility other than a facility that provides care for ill children, a special needs facility or a family home or group home shall, on or before December 31, 2008, apply with the Nevada Registry or its successor organization.

Sec. 83. Each caregiver who on January 1, 2007, is a caregiver employed in a child care facility other than a caregiver who is employed in an accommodation facility or a facility that provides care for ill children shall, on or before December 31, 2009, apply with the Nevada Registry or its successor organization.

Sec. 84. Notwithstanding the provisions of NAC 432A.534 as amended by this regulation, a person who, on January 1, 2007, is a licensee of a family home is not required to satisfy the amendatory requirements of paragraph (b) of subsection 1 of that section until January 1, 2010.

Sec. 85. Notwithstanding the provisions of NAC 432A.536 as amended by this regulation, a person who, on January 1, 2007, is a licensee of a group home is not required to satisfy the amendatory requirements of paragraph (b) of subsection 1 of that section until January 1, 2010.

Sec. 86. 1. This section and sections 1 to 37, inclusive, 39 to 58, inclusive, 60 to 65, inclusive, 68 to 77, inclusive and 79 to 85, inclusive, of this regulation become effective on January 1, 2007, or the date on which the regulation is filed by the Legislative Counsel with the Secretary of State, whichever occurs later.

2. Sections 16, 37, 58 and 65 of this regulation expire by limitation on December 31, 2009.

3. Sections 38, 59, 66, 67 and 78 of this regulation become effective on January 1, 2010.

TEXT OF REPEALED SECTIONS

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.

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.

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.

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.