

**REVISED PROPOSED REGULATION OF THE
DIVISION OF CHILD AND FAMILY SERVICES OF THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

LCB File No. R131-10

November 13, 2012

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

AUTHORITY: §§1, 4, 65, 78, 103 and 112, NRS 424.020, 424.031 and 424.033; §§2, 3, 5-10, 12, 14, 41-47, 54, 56, 57, 59-64, 72-100 and 104-110, NRS 424.020; §11, NRS 424.020, 424.030, 424.031, 424.033 and 424.0335; §13, NRS 424.020 and 424.0367; §§15-32 and 39, NRS 424.093 and 424.094; §§33-38, NRS 424.093; §§40 and 55, NRS 424.020 and 424.034; §§48-50 and 53, NRS 424.020 and 424.0365; §§51 and 52, NRS 424.020 and 424.0385; §§58 and 111, NRS 424.020 and 424.093; §§66-71, NRS 424.020 and 424.030; §101, NRS 424.020 and 424.0383; §102, NRS 424.019 and 424.020.

A REGULATION relating to foster care for children; revising requirements relating to the criminal history of employees, independent contractors and residents of a foster home; requiring a person licensed to operate a foster home to notify the licensing authority upon the occurrence of certain significant events; requiring a foster home to develop a disaster plan; prohibiting the use of certain kinds of restraint on a foster child; requiring an agency which provides child welfare services to assign a child and family team to each child placed in a foster home; providing for the licensure of foster care agencies; establishing fees for the issuance and renewal of such a license; establishing the qualifications for certain staff of a specialized foster home or a foster care agency; limiting the persons who may supervise foster children in a specialized foster home; providing for the appropriate use and reporting of the use of restraint on children in certain foster homes; providing for policies on the management and administration of medication in certain foster homes; requiring a foster home, when enrolling a child in an elementary school, to inform the school district that the child is in foster care; providing certain recordkeeping requirements for specialized foster homes or a foster care agency; revising the minimum staffing ratios for various types of foster homes; revising the recommended and restricted forms of discipline that may be used on a foster child; making various other changes concerning the licensure and operation of foster homes; and providing other matters properly relating thereto.

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 55, inclusive, of this regulation.

Sec. 2. *“Central Repository” means the Central Repository for Nevada Records of Criminal History created by NRS 179A.075.*

Sec. 3. *“Child and family team” means a team assigned pursuant to section 14 of this regulation.*

Sec. 4. *“Communicable disease” has the meaning ascribed to it in NAC 441A.040.*

Sec. 5. *“Direct care staff” means a person who is responsible for the direct care or supervision of a child placed in a foster home. The term includes volunteer staff, but does not include nondirect care staff or a volunteer who provides services on an intermittent basis and who does not have unsupervised contact with a child placed in a foster home.*

Sec. 6. *“Licensee” means the person licensed by the licensing authority to operate a foster home.*

Sec. 7. *“Nondirect care staff” means a person who provides services or performs duties in a foster home or foster care agency who is not responsible for the direct care or supervision of a child. The term includes volunteer staff, but does not include direct care staff or a volunteer who provides services on an intermittent basis and who does not have unsupervised contact with a child.*

Sec. 8. *“Physical restraint” means the use of physical contact to limit a child’s movement or hold a child immobile.*

Sec. 9. *“Staff” means direct care staff and nondirect care staff.*

Sec. 10. *“Volunteer staff” means a person who provides services or performs duties in a foster home or for a foster care agency on a regular basis without compensation.*

Sec. 11. *As used in NRS 424.031 to 424.034, inclusive, the Division will interpret “employee” to include, without limitation, any independent contractor and volunteer staff of a foster home.*

Sec. 12. 1. *Upon the occurrence of a significant event involving a foster home or a child in a foster home, a licensee shall, after contacting necessary emergency personnel, provide notice of the event as provided in this section to the licensing authority and any caseworker assigned to the child.*

2. *The licensee shall provide verbal and written notice on the business day immediately following the significant event if the event involved:*

(a) The death of a child;

(b) An attempted suicide by a child;

(c) The ingestion of a poison or a drug overdose by a child;

(d) A traumatic event involving a child, including, without limitation, near drowning, suffocation or shock; or

(e) The abduction of a child.

3. *Except as otherwise required by subsection 2, the licensee shall provide verbal notice within 24 hours, and written notice within 2 business days after the occurrence of the significant event, if the event involved:*

(a) Any injury or trauma to a child which requires the services of a licensed medical professional, including, without limitation, an injury or trauma which requires hospitalization or emergency medical attention;

(b) An error in the administration of medication to a child;

(c) An outbreak of a communicable disease in the foster home;

(d) Any condition or situation that causes the foster home to close and requires a child to be moved out of the foster home;

(e) Any physical damage to or failure of a necessary electrical, heating, cooling, smoke- or fire-detection system, or any physical damage to or failure of any plumbing on the premises of the foster home, which may affect the safety of a child or the habitability of the foster home and which cannot be repaired within 24 hours after the damage or failure is discovered;

(f) A fire on the premises of the foster home which requires a response by a fire-fighting agency;

(g) A motor vehicle accident if a child was in the vehicle;

(h) Any change in the foster home which affects compliance with any licensing requirement, including, without limitation, any member of the household or staff who suffers a major illness or injury or who is arrested;

(i) A child who has run away from the foster home; or

(j) Any other significant event that may affect the safety, health or well-being of a child or any other person in the foster home.

4. If the significant event is a motor vehicle accident, the licensee shall submit a copy of the accident report, if available, with the written notice required by this section.

5. If the significant event is a missing child, an abducted child or a child who has run away from the foster home, the licensee shall, in addition to providing the notice required by this section, immediately notify the appropriate law enforcement agency and, if applicable, the natural parent or legal guardian of the child.

6. As used in this section:

(a) "Fire-fighting agency" has the meaning ascribed to it in NRS 433A.715.

(b) “Outbreak” has the meaning ascribed to it in NAC 441A.130.

Sec. 13. 1. A licensee shall develop for the foster home a written plan for responding to a disaster or other emergency. The plan must be consistent with the plan developed pursuant to NRS 432.410 by an agency which provides child welfare services that has placed a child in the foster home. A copy of the plan developed by the licensee must be submitted to the licensing authority. The plan must be kept in a central location inside the foster home, must be readily available for review and, to the extent it does not conflict with the plan developed pursuant to NRS 432.410 by an agency which provides child welfare services, must include:

(a) The manner in which to evacuate the foster home and the designation of an alternate location where the members of the foster home, including, without limitation, any child with a disability or special medical needs, may reside during an evacuation;

(b) The manner in which an evacuation will proceed if a child is at school or otherwise away from the foster home, and a description of the plan for any such child;

(c) A list of important telephone numbers, including, without limitation, alternate telephone numbers for the licensing authority, the staff of the foster home and an agency which provides child welfare services or other agency or person who has placed a child in the foster home;

(d) A plan for communicating before, during and after an evacuation, if possible, with any person or entity having physical custody of a child in the foster home;

(e) A description of the manner in which the licensee will receive information from emergency management personnel, and the manner in which the licensee or staff will coordinate with emergency personnel and juvenile courts, as required;

(f) A list of critical items to take, if possible, when evacuating the foster home, including, without limitation, medication, medical cards and medically necessary equipment for any child with a disability or special medical needs; and

(g) A description of the manner in which the licensee will make services available to children in the foster home to address the emotional impact of the emergency.

2. The licensee shall ensure that each child placed in the foster home, each family member residing in the foster home and the staff of the foster home are informed about where the plan is kept and receive training about the plan and the appropriate response in the event of a disaster or other emergency. The plan must be reviewed with a child within 7 days after the child is placed in the foster home.

3. The licensee shall update the plan at least annually and submit a copy of the updated plan to the licensing authority. At each annual visit by the licensing authority, the licensee shall make the current plan available for review by the representative of the licensing authority. The licensing authority shall review the plan and verify that it contains the information required by this section.

4. The licensing authority shall develop and provide to any applicant or licensee an example of a plan meeting the requirements of this section.

5. As used in this section, “disaster” has the meaning ascribed to it in NRS 432.400.

Sec. 14. 1. *An agency which provides child welfare services shall assign a child and family team for each child placed in a foster home. One member of the child and family team must be designated as the chair of the team, and that person is responsible for scheduling the meetings of the team.*

2. *The child and family team must include a foster parent or, if a foster parent is not available, another member of the direct care staff of the foster home and may include, without limitation:*

(a) The foster child, if appropriate;

(b) The natural parent or legal guardian of the child;

(c) Such professionals as are determined to be appropriate by the agency which provides child welfare services, which may include, without limitation, a psychologist, a teacher or an attorney; and

(d) Any family member, care provider or other person whom the agency which provides child welfare services determines is integral to the environment of the child or for the rehabilitation of the mental health of the child.

3. *If any member of the child and family team is not able to attend a scheduled meeting of the team, he or she shall notify the chair, and the chair shall determine whether to reschedule the meeting.*

Sec. 15. 1. *The licensing authority shall determine whether to require a license to operate a foster care agency within its jurisdiction.*

2. *If the licensing authority requires a license to operate a foster care agency, any person who wishes to operate a foster care agency or more than one foster home, group home or specialized foster home in the jurisdiction must apply for and obtain a license to operate a foster care agency in the manner provided in this chapter and chapter 424 of NRS.*

3. *Regardless of whether a licensing authority requires a license to operate a foster care agency within its jurisdiction, a foster care agency that operates a foster home in this State*

shall comply with the requirements for the licensure and operation of a foster home provided in this chapter and chapter 424 of NRS.

Sec. 16. *An applicant for a license to operate a foster care agency must submit to the licensing authority a completed application on a form prescribed by the Division. The application must be accompanied by:*

1. If the foster care agency is a business organization that has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS, a copy of the articles of incorporation, constitution and bylaws, and, if applicable, a copy of its certification of tax-exempt status from the Internal Revenue Service.

2. A list of the name, telephone number and address of each of the current members of the board of directors or other governing body of the foster care agency and any person who holds more than 5 percent ownership in the foster care agency.

3. An organizational chart or other chart showing the structure of the foster care agency.

4. A copy of any professional license or certification issued by this State to each person employed by the foster care agency, if the license or certification is relevant to the duties of the person or the services provided by the foster care agency.

5. A copy of the certificate of accreditation of the foster care agency, if applicable.

6. The fee for licensure of \$300 or an amount equal to the actual cost incurred by the licensing authority for providing the license, whichever is less.

7. A written statement that describes the services to be offered by the foster care agency and the scope of its operations, which must include, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster care agency.

8. *A copy of the foster care agency's written policies, procedures and practices concerning:*
- (a) Maintaining a professional relationship and regular contact between the staff of the foster care agency and the family of each child served by the foster care agency;*
 - (b) Sharing information about a child in foster care with a child's advocate and the agency which provides child welfare services or other agency or person who has placed the child in foster care;*
 - (c) Required training for the staff of the foster care agency;*
 - (d) Activities to ensure the delivery of quality services to children in foster care and their families;*
 - (e) The frequency of on-site monitoring of a foster home by the director of the foster care agency; and*
 - (f) The methods to be used to identify and reduce risks to the health, safety or well-being of children and the staff of the foster care agency.*
9. *If the applicant is a foster care agency that is operating in this State or another state, a report from an independent auditor of the complete financial information for the foster care agency or business organization that owns the foster care agency for the fiscal year immediately preceding the date of the application.*
10. *If the applicant is a foster care agency that is not currently operating in this State or another state, a proposed itemized budget for the operation of the foster care agency, including, without limitation, the expected expenses and revenue for the first year the foster care agency proposes to provide services in this State.*

11. A statement identifying the geographic area in which the foster care agency proposes to provide services in this State.

12. Evidence that the applicant currently holds and maintains:

(a) Motor vehicle liability insurance covering the motor vehicles used to conduct the normal business of the foster care agency;

(b) Worker's compensation insurance;

(c) Commercial general liability insurance;

(d) Professional liability insurance, if applicable; and

(e) A license to operate a business in this State issued by the Secretary of State or a license to operate a business in a city or county in this State issued by that city or county.

13. Except as otherwise provided in this subsection, evidence satisfactory to the licensing authority that the applicant has adequate money to support and sustain the activities of the foster care agency, including, without limitation, an amount adequate to pay for:

(a) Utilities, rent for commercial property and any other operating costs; and

(b) The salaries and other wages of any staff employed or anticipated to be employed by the foster care agency.

Sec. 17. 1. *In addition to complying with the requirements of section 16 of this regulation, an applicant for a license to operate a foster care agency must submit to the licensing authority:*

(a) Satisfactory proof that the investigation required by sections 30 and 31 of this regulation has been successfully completed for the director of the foster care agency and that the director has the education and experience required by section 34 of this regulation; and

(b) References from at least five persons who have known the director of the foster care agency in a professional capacity and who can attest to:

(1) The ability of the director to act as an administrator or leader; and

(2) The integrity of the director and that the conduct of the director is above reproach.

2. The licensing authority shall keep confidential any information received from a reference pursuant to this section.

Sec. 18. *In addition to complying with the requirements of sections 16 and 17 of this regulation, if a foster care agency is licensed to operate a foster home, the application for a license to operate a foster care agency must also be accompanied by:*

1. A list of the foster homes operated by the foster care agency and the contact information for each foster home, including, without limitation, the name, telephone number, address and electronic mail address of each foster home;

2. A list of each member of the staff of the foster care agency, including, without limitation, the name, title, education and experience of each member of the staff;

3. A description of the characteristics of the children to be served by the foster care agency, including, without limitation, the range of ages, gender, number of children and types and severity of problems of any children that require treatment;

4. A description of the duties and responsibilities of the staff of the foster care agency;

5. A written statement that describes the services to be offered by any foster home operated by the foster care agency and the scope of the operations of the foster care agency in each such foster home, including, without limitation, a statement of purpose and the philosophy, goals and objectives of the foster home;

6. *A copy of the foster care agency's written policies, procedures and practices concerning:*
- (a) Placement of a child in a foster home operated by the foster care agency and removal of a child from a foster home operated by the foster care agency;*
 - (b) Required training for the staff of the foster care agency concerning the applicable state and federal constitutional and statutory rights of a child placed in a foster home operated by the foster care agency;*
 - (c) A typical target period by which a child is expected to complete a program of treatment, if any, when provided at a foster home operated by the foster care agency and any limitations on the period that a child is allowed to remain in such a foster home;*
 - (d) Specialized services and behavioral interventions provided by the foster care agency;*
 - (e) Any culturally responsive services available to a child placed in a foster home operated by the foster care agency;*
 - (f) The manner in which a foster home operated by the foster care agency will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the foster home;*
 - (g) A plan for the safety of a child placed in a foster home operated by the foster care agency, which must include, without limitation, rules, structures and procedures for the supervision of the child which are designed to reduce the likelihood that the child will run away or engage in other harmful behavior;*
 - (h) Discipline of a child placed in a foster home operated by the foster care agency, including, without limitation, the types of discipline which are not allowed to be used on such a child;*

(i) Strategies for behavior management of a child placed in a foster home operated by the foster care agency;

(j) The use of force or restraint on a child placed in a foster home operated by the foster care agency;

(k) The recognition of suicidal behaviors and methods for preventing the suicide of a child placed in a foster home operated by the foster care agency;

(l) The administration and monitoring of medication by the direct care staff of a foster home operated by the foster care agency and any educational requirements relating thereto;

(m) Provisions for respite for foster parents; and

(n) The abuse of controlled substances by the staff of the foster care agency or a foster home operated by the foster care agency; and

7. If the applicant is or has been licensed to provide care for children in another state within the 10 years immediately preceding the date of the application:

(a) A copy of each current or expired license;

(b) Contact information for the entity that issued the license; and

(c) Verification from the entity that issued the license that no disciplinary action is pending or has been taken against the applicant while licensed.

Sec. 19. *An applicant for a license to operate a foster care agency must authorize the release of such information as requested by the licensing authority, including, without limitation, any release necessary to allow the licensing authority to contact any person deemed necessary to evaluate the applicant.*

Sec. 20. *Whenever an application is submitted for a license to operate a foster care agency or for the renewal of a license to operate a foster care agency, the licensing authority*

may investigate and inspect the facilities of the foster care agency, including, without limitation, the office space of the foster care agency and the premises of any foster home operated by the foster care agency, to determine if the applicant is in compliance with the provisions of this chapter and chapter 424 of NRS.

Sec. 21. An applicant for a license to operate a foster care agency may withdraw the application at any time by submitting a written request for withdrawal to the licensing authority. After withdrawing an application, the applicant may reapply for a license to operate a foster care agency at any time without penalty.

Sec. 22. 1. If the licensing authority determines that an applicant for a license to operate a foster care agency meets the qualifications for licensure, the licensing authority shall issue a license to the applicant.

2. A license to operate a foster care agency is valid for 2 years.

3. A license issued pursuant to this section must include the name and address of the foster care agency and the person licensed to operate the foster care agency. If the foster care agency operates a foster home, the license must specify the type of foster home that the foster care agency is licensed to operate.

4. A license issued pursuant to this section is nontransferable and must be displayed in the administrative office of the foster care agency at all times.

Sec. 23. 1. To renew a license to operate a foster care agency, the person licensed to operate the foster care agency must submit an application, on a form prescribed by the Division, to the licensing authority at least 60 days before the expiration of the license.

2. The application must be accompanied by:

(a) A renewal fee of \$150 or an amount equal to the actual cost incurred by the licensing authority for providing the renewal, whichever is less;

(b) A written description of any changes in the foster care agency's tax-exempt status or charitable trust registration, if applicable;

(c) A written description of any changes in the services that the foster care agency provides;

(d) A list which includes the name of the director of the foster care agency and the name and title of each member of the staff of the foster care agency;

(e) A list of the name, telephone number and address of each of the current members of the board of directors or other governing body of the foster care agency and any person who holds more than 5 percent ownership in the foster care agency;

(f) A description of any pending investigation of the foster care agency or the person licensed to operate the foster care agency by an entity other than the licensing authority;

(g) A copy of any plan of corrective action prepared by the foster care agency pursuant to NRS 424.096 which is in place at the time of the application for renewal; and

(h) Any other information required by sections 16 and 17 of this regulation, if the information has changed since the license was issued or last renewed.

3. After receiving an application for renewal, the licensing authority must review the records of the foster care agency and may conduct an investigation and inspection pursuant to section 20 of this regulation.

4. Before renewing a license to operate a foster care agency, the licensing authority may, in addition to any other action:

- (a) Conduct a random survey of the parents or legal guardians of any children who have received services from the foster care agency;*
- (b) Review any incident report, report of abuse or neglect, financial and payment record or any other record that indicates the level of performance and quality of services provided by the foster care agency;*
- (c) Interview any staff, parent or legal guardian, or children or other clients associated with or receiving services from the foster care agency;*
- (d) Review the operations, staffing and records of any branch office of the foster care agency;*
- (e) If the licensing authority has requested the foster care agency to conduct a financial audit, review the results of the audit and any documented financial problems of the foster care agency;*
- (f) Evaluate the number of investigations concerning child abuse or neglect and licensing complaints, if any, involving any foster home operated by the foster care agency; or*
- (g) Take any combination of the actions listed in paragraphs (a) to (f), inclusive.*

Sec. 24. *In addition to complying with the requirements of section 23 of this regulation, if a foster care agency is licensed to operate a foster home, the application for renewal of a license to operate the foster care agency must also be accompanied by:*

- 1. A list of the foster homes operated by the foster care agency and the contact information for each foster home, including, without limitation, the name, telephone number, address and electronic mail address of each foster home;*
- 2. A list providing the name and title of each member of the staff of any foster home operated by the foster care agency; and*

3. *If requested by the licensing authority, a copy of any license to operate a foster home obtained or renewed by the foster care agency since the license was issued or last renewed.*

Sec. 25. *The licensing authority may deny an application for the issuance or renewal of a license to operate a foster care agency or may revoke an existing license to operate a foster care agency if the licensing authority determines that the applicant or person licensed to operate the foster care agency has made any intentional material misrepresentation or omission of information on an application for the issuance or renewal of such a license.*

Sec. 26. 1. *The licensing authority may, at any time, conduct an audit of the records of a foster care agency to determine whether the foster care agency is in compliance with the provisions of this chapter and chapter 424 of NRS.*

2. *If the licensing authority conducts an audit of a foster care agency, the person licensed to operate the foster care agency shall provide, upon request, records relating to:*

(a) *The license to operate the foster care agency and the name and address of the person licensed to operate the foster care agency;*

(b) *The services provided by the foster care agency;*

(c) *Any complaint filed against the foster care agency, including, without limitation, information regarding any investigation of such a complaint; and*

(d) *If the foster care agency has participated in a hearing pursuant to NRS 424.096, any records indicating whether the foster care agency has corrected any deficiency and whether the foster care agency is currently in compliance with the provisions of this chapter and chapter 424 of NRS.*

3. *Within 30 days after completing the audit, if the licensing authority determines that the foster care agency is not in compliance with any provision of this chapter or chapter 424 of*

NRS, the licensing authority shall provide written notice of that determination to the person licensed to operate the foster care agency. If the licensing authority determines that grounds exist to revoke or to refuse to renew the license of the foster care agency, the notice must comply with the requirements of section 28 of this regulation and the licensing authority must conduct a hearing in accordance with that section.

Sec. 27. 1. The licensing authority must conduct an investigation whenever it has reason to believe that there are grounds:

(a) To refuse to issue or renew a license to operate a foster care agency; or

(b) To revoke a license to operate a foster care agency.

2. The licensing authority may require an independent financial review of a foster care agency if the financial management of the foster care agency is being investigated and may affect the health, safety or well-being of the children in a foster home operated by the foster care agency. The report of any such financial review must be provided to the licensing authority.

Sec. 28. 1. If the licensing authority determines after conducting an audit or investigation pursuant to section 26 or 27 of this regulation that grounds exist to revoke or to refuse to issue or renew a license to operate a foster care agency, the licensing authority must conduct a hearing in accordance with this section and NRS 424.096 after providing written notice to the applicant or the person licensed to operate the foster care agency. The notice must include, without limitation, a statement of the grounds for the licensing authority's determination and the time and place of the hearing.

2. The licensing authority shall hold a hearing with the applicant or the person licensed to operate the foster care agency to determine whether to take any of the actions enumerated

in NRS 424.096. If the licensing authority requires the person licensed to operate the foster care agency to prepare a plan of corrective action, the person shall submit the plan of corrective action to the licensing authority for review and approval within 30 days after the hearing. The person licensed to operate the foster care agency may use the services of a consultant to develop or carry out the plan of corrective action.

Sec. 29. *Except as otherwise required by law:*

1. The licensing authority shall keep confidential any information provided to the licensing authority by a foster care agency pursuant to this chapter and chapter 424 of NRS.

2. A foster care agency shall ensure that each member of the board of directors or other governing body of the foster care agency, its staff, any independent contractor and any other person affiliated with the foster care agency keeps confidential any information regarding a person who receives services from the foster care agency.

Sec. 30. *Except as otherwise provided in this section, the licensing authority shall cause an investigation to be conducted of the background and personal history of each person licensed to operate a foster care agency, each applicant for a license to operate a foster care agency, each member of the staff of the foster care agency and each independent contractor associated with the foster care agency, in the manner provided for a foster home in NRS 424.031. If any such person is otherwise the subject of an investigation conducted pursuant to NRS 424.031, the licensing authority is not required to duplicate that investigation.*

Sec. 31. *1. Unless he or she is otherwise the subject of an investigation conducted pursuant to NRS 424.031, each applicant for a license to operate a foster care agency, each person licensed to operate a foster care agency, each employee of the foster care agency and*

each independent contractor associated with the foster care agency must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031 and 424.033; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

5. The licensing authority shall immediately inform the applicant for a license to operate a foster care agency or the person licensed to operate a foster care agency whether an employee or independent contractor of the foster care agency has been convicted of a crime listed in NRS 424.031.

6. The licensing authority may deny an application for a license to operate a foster care agency or may suspend or revoke such a license if the licensing authority determines that the applicant or the person licensed to operate the foster care agency has been convicted of a crime listed in NRS 424.031 or has failed to terminate an employee or terminate the foster care agency's contractual relationship with an independent contractor who has been convicted of any crime listed in NRS 424.031.

Sec. 32. 1. Upon receiving information from the licensing authority or its designee pursuant to section 31 of this regulation or evidence from any other source that an employee or independent contractor of a foster care agency has been convicted of a crime listed in NRS 424.031, the foster care agency shall terminate the employment of the employee or terminate its contractual relationship with the independent contractor after allowing the employee or independent contractor time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor believes that the information or evidence of his or her conviction is incorrect, the employee or independent contractor must inform the foster care agency immediately. A foster care agency that is so informed shall give the employee or independent contractor 30 days to correct the information.

3. During the period in which an employee or independent contractor seeks to correct information pursuant to subsection 2, it is within the discretion of the foster care agency whether to allow the employee or independent contractor to continue to work for the foster care agency, except that the employee or independent contractor shall not have contact with a child receiving services from the foster care agency without supervision during any such period.

Sec. 33. 1. A foster care agency must have a director who is responsible for the overall operation of the foster care agency and, if the foster care agency is so licensed, any foster home operated by the foster care agency.

2. The director must be at least 21 years of age and is responsible for:

(a) The administration of the foster care agency in compliance with the requirements of this chapter and chapter 424 of NRS.

(b) Ensuring that the investigation required by sections 30 and 31 of this regulation is successfully completed for each member of the staff of the foster care agency before any such person assumes any work-related duties. The director shall submit five satisfactory references to the licensing authority for each member of the staff or any independent contractor of the foster care agency. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy, treatment and other records.

(d) Screening, hiring, scheduling and supervising the staff of the foster care agency while on duty.

(e) Overseeing the operations of the foster care agency, including, without limitation:

(1) The determination of the appropriateness of placing a child in a foster home;
(2) Assessments of children and the development of treatment plans;
(3) Providing technical assistance to the staff of the foster care agency and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the foster care agency; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children receiving services from the foster care agency.

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and any other agency or person receiving services from the foster care agency, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of placement or care provided by the foster care agency and the competence of its staff.

3. The director must be present in the foster care agency for at least 25 hours per week to ensure that the staff carry out the operation of the foster care agency in accordance with the philosophy and procedures of the foster care agency. The director shall designate a supervisory staff member to monitor the foster care agency to ensure continuous program compliance during any time that the director is not present in the foster care agency.

4. The director shall report any proposed change in the services, policies or procedures of the foster care agency to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall review the proposed change to determine whether the change may affect the status of the license to operate the foster care agency.

5. If a foster care agency operates one or more specialized foster homes, the director of the foster care agency may also serve as the director of the specialized foster homes. The director of the foster care agency may serve as the director of any other foster home operated by the foster care agency, even if the foster home is not required to have a director.

Sec. 34. 1. The director of a foster care agency must have:

(a) A bachelor's degree or more advanced degree from an accredited college or university in the field of social work, social welfare, marriage and family therapy, psychology or a closely related field, including, without limitation, human development, criminal justice or education, and at least 1 year of experience in an administrative or managerial position; or

(b) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to the requirements set forth in paragraph (a).

2. The director of the foster care agency may serve in another position in the foster care agency or a foster home operated by the foster care agency if the director also meets the qualifications for that position.

Sec. 35. 1. *If the director of a foster care agency resigns or is terminated, the foster care agency shall notify the licensing authority in writing not later than 5 business days after the resignation or termination occurs.*

2. If a vacancy in the position of director occurs, the foster care agency must apply to the licensing authority for approval to operate the foster care agency temporarily without a director. If approval is given, the foster care agency may operate without a director for not more than 6 months unless an extension is granted by the licensing authority.

3. A foster care agency that applies for permission to operate temporarily without a director pursuant to subsection 2 shall:

(a) Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of section 34 of this regulation, unless the foster care agency receives approval from the licensing authority to designate an acting director who does not meet those requirements;

(b) Notify the licensing authority within 1 business day after the designation of the acting director;

(c) Require the acting director to carry out the duties and responsibilities of a director;

(d) Ensure that the health, safety and well-being of any child in its care will not be adversely affected; and

(e) Immediately begin to recruit a new director.

Sec. 36. A foster care agency shall:

1. Establish and carry out a plan for the management of its financial affairs which ensures that the foster care agency has sufficient money to adequately support the services provided by the foster care agency.

2. Maintain financial records relating to any services provided by the foster care agency, including, without limitation, records of:

(a) Any assets and liabilities of the foster care agency;

(b) Any donations received by the foster care agency during the most recent 5 fiscal years;

and

(c) All receipts collected and disbursements paid by the foster care agency during the most recent 5 fiscal years.

3. Establish a budget that identifies:

(a) The direct costs of providing services, including, without limitation, salaries and other personnel expenses; and

(b) The indirect costs of providing services, including, without limitation, daily operating costs.

4. Make available to the licensing authority a copy of the budget for the most recent fiscal year and a report of any expenditures made during that year relating to the services provided by the foster care agency.

Sec. 37. 1. At least once every 6 months, a foster care agency that operates a foster home shall conduct a written evaluation of each foster home operated by the foster care agency to determine if the foster home is in compliance with the provisions of this chapter and chapter 424 of NRS and the policies and procedures of the foster care agency. Each evaluation must state whether the foster home is in compliance with these requirements. The foster care agency shall maintain a file for each foster home which it operates containing the evaluations conducted pursuant to this section and shall make the evaluations available to the licensing authority upon request.

2. Each evaluation conducted pursuant to this section must include, without limitation, consideration of:

(a) Any change in the composition of the foster home, including, without limitation, the marital or relationship status, death, pregnancy, birth or miscarriage of any resident of the foster home;

(b) Any change in the housing arrangement provided to any resident of the foster home, including, without limitation, a change in room, a change in the telephone number, a change in the location or address of the foster home, any remodeling of the foster home or the addition of a pool or other standing body of water to the foster home;

(c) Any change in the employment or income of any member of the foster family, if applicable;

(d) Any change in the mental or physical health of any member of the foster family or staff of the foster home that may affect his or her ability to provide care to a child placed in the foster home;

(e) The record maintained for each foster child pursuant to section 54 of this regulation;

(f) The training completed by the staff of the foster home since the last evaluation;

(g) An inspection of the foster home;

(h) The fire drills conducted by the foster home; and

(i) The insurance and registration of any vehicle used by the foster home.

Sec. 38. *A foster care agency shall develop a process to allow a child receiving services from the foster care agency, the parent or guardian of the child and any other person representing the child to file a complaint concerning the foster care agency or any foster home operated by the foster care agency. The process for registering a complaint must be clearly defined and include methods for resolving such a complaint.*

Sec. 39. *In addition to providing any information required pursuant to sections 15 to 39, inclusive, of this regulation, a foster care agency shall provide to the licensing authority any information requested by the licensing authority.*

Sec. 40. 1. *A specialized foster home must have a director who is responsible for the overall operation of the specialized foster home.*

2. The director must be at least 21 years of age and is responsible for:

(a) The administration of the specialized foster home in compliance with the requirements of this chapter and chapter 424 of NRS.

(b) Ensuring that the investigation required by NRS 424.031 and 424.033 is successfully completed for each member of the staff of the specialized foster home and that each member

of the staff completes any required training before any such person assumes any work-related duties. The director shall submit five satisfactory references to the licensing authority for each member of the staff of the specialized foster home. The licensing authority is not required to share with the director any concerns raised by a reference unless the licensing authority is able to do so without compromising the confidentiality of the reference.

(c) Maintaining records relating to personnel, occupancy, treatment and other records.

(d) Screening, hiring, scheduling and supervising the staff of the specialized foster home while on duty.

(e) Overseeing the operations of the specialized foster home, including, without limitation:

(1) The determination of the appropriateness of placing a child in the specialized foster home;

(2) Assessments of children and the development of treatment plans;

(3) Providing technical assistance to the staff of the specialized foster home and any agency which provides child welfare services;

(4) Reviewing and updating the policies and procedures of the specialized foster home; and

(5) Developing procedures to manage and reduce risks to the health, safety and well-being of the children placed in the specialized foster home.

(f) Working collaboratively with the agency which provides child welfare services, the juvenile court and the parent or guardian of each child placed in the specialized foster home, as appropriate.

(g) Cooperating with the agency which provides child welfare services and other governmental entities to improve the quality of care provided by the specialized foster home and the competence of its staff.

3. The director must be present in person in the specialized foster home for at least 25 hours per week to ensure that the staff carry out the operation of the specialized foster home in accordance with the philosophy and procedures of the specialized foster home. The director shall designate a supervisory staff member to monitor the specialized foster home to ensure continuous program compliance during any time that the director is not present in the specialized foster home.

Sec. 41. 1. The director of a specialized foster home must have:

(a) A bachelor's degree or more advanced degree from an accredited college or university in the field of social work, social welfare, marriage and family therapy, psychology or a closely related field, including, without limitation, human development, criminal justice or education, and at least 1 year of experience in an administrative or managerial position; or

(b) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to the requirements set forth in paragraph (a).

2. If a specialized foster home specializes in the treatment of sexually aggressive youth, the director or another member of the staff of the specialized foster home must have:

(a) A master's degree or doctoral degree in psychology, social work, marriage and family therapy or another social science, and at least 2 years of experience working with juvenile sex offenders; or

(b) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to the requirements set forth in paragraph (a).

3. *The director may serve in another position in the specialized foster home if the director also meets the qualifications for that position.*

Sec. 42. 1. *If the director of a specialized foster home resigns or is terminated, the specialized foster home must notify the licensing authority in writing not later than 5 business days after the resignation or termination occurs.*

2. *If a vacancy in the position of director occurs, the specialized foster home must apply to the licensing authority for approval to continue the operation of the specialized foster home without a director. If approval is given, the specialized foster home may operate without a director for not more than 6 months unless an extension is granted by the licensing authority.*

3. *A specialized foster home that applies to operate without a director pursuant to subsection 2 shall:*

(a) *Not later than 14 calendar days after the vacancy in the position of director is created, designate an acting director who meets the requirements of section 41 of this regulation, unless the specialized foster home receives approval from the licensing authority to designate an acting director who does not meet those requirements;*

(b) *Notify the licensing authority within 1 business day after the designation of the acting director;*

(c) *Require the acting director to carry out the duties and responsibilities of a director;*

(d) *Ensure that the health, safety and well-being of any child in its care will not be adversely affected; and*

(e) *Immediately begin to recruit a new director.*

Sec. 43. 1. *Each specialized foster home must provide to the licensing authority, with its initial application for a license, a written statement of the programs offered by the specialized*

foster home, including, without limitation, the models used for treatment, the services it offers and the scope of its programs. Written notice of any proposed change in the programs and services offered must be given to the licensing authority at least 30 days before the change is scheduled to take effect. The licensing authority shall assess the proposed change and determine whether the change may affect the status of the license of the specialized foster home.

2. The statement required by subsection 1 must also include:

(a) A statement of purpose and the philosophy, goals and objectives of the specialized foster home;

(b) A description of the characteristics of the children to be placed in the specialized foster home, including, without limitation, the range of ages, gender, number of children and types and severity of problems of the children to be treated;

(c) A typical target period by which a child is expected to complete a program of treatment and any limitations on the length of time a child may remain in the specialized foster home;

(d) A description of the structured therapeutic environment and services that will be offered by the specialized foster home;

(e) A description of the duties and responsibilities of the staff of the specialized foster home;

(f) A statement concerning staffing patterns and plans to meet requirements for the supervision of children placed in the specialized foster home, including, without limitation, the number of staff on duty and the availability of additional staff;

(g) A description of the educational requirements, qualifications, level of training and experience required for the staff of the specialized foster home;

(h) The manner in which the specialized foster home will meet the medical, educational, spiritual, vocational and recreational needs of a child placed in the specialized foster home;

(i) Activities to ensure the delivery of quality services to a child placed in the specialized foster home and his or her family;

(j) Provisions for respite for foster parents;

(k) A plan for the safety of a child placed in the specialized foster home, which must include, without limitation, rules, structures and procedures for the supervision of the child which are designed to reduce the likelihood that the child will run away or engage in other harmful behavior; and

(l) The methods to be used to identify and reduce risks that may jeopardize the health, safety or well-being of a child placed in the specialized foster home and of its staff.

3. The statement required by subsection 1 must also include a description of the policies of the specialized foster home as they relate to:

(a) Admitting and discharging a child to and from the specialized foster home;

(b) Establishing and maintaining a professional relationship and maintaining regular contact between the staff of the specialized foster home and the family of each child placed in the specialized foster home;

(c) Sharing information about a child placed in the specialized foster home with the child's advocate and the agency which provides child welfare services or other agency or person who has placed a child in the specialized foster home;

(d) Managing behavior using a standardized curriculum that targets the emotional and behavioral issues of children in specialized foster care;

(e) Providing culturally responsive services to a child placed in the specialized foster home;

- (f) Transporting children placed in the specialized foster home;*
- (g) Disciplining children placed in the specialized foster home, including, without limitation, the types of discipline that must not be used to punish a child;*
- (h) Training in the administration and monitoring of prescription and nonprescription medication to ensure the safe management and administration of medication;*
- (i) The privacy and confidentiality of a child placed in the specialized foster home and his or her family;*
- (j) Suicide awareness and prevention;*
- (k) The screening of and responding to crises and emergencies, including a crisis or emergency involving a missing child, a child who has run away from the specialized foster home, an acute psychiatric episode, suicidal ideation or attempted suicide, or the injury or illness of a child requiring hospitalization;*
- (l) The seclusion and restraint of a child placed in the specialized foster home; and*
- (m) Receiving, resolving and documenting disputes or complaints involving a child placed in the specialized foster home or the family of such a child.*

Sec. 44. 1. *A specialized foster home shall ensure that a child placed in the specialized foster home is supervised by a person who is at least 21 years of age and continues to be so supervised any time the child is in or around a pool or other free-standing body of water.*

2. *A specialized foster home shall ensure that a child does not supervise or babysit another child in the specialized foster home unless:*

- (a) The supervising child is the parent of the child being supervised; and*

(b) The child and family team has approved the supervision and documented the supervision in the treatment plan established pursuant to section 45 of this regulation for both children.

3. A specialized foster home shall ensure that a child placed in the specialized foster home receives supervision appropriate to the age, development, maturity, behavior and emotional needs of the child and that the child is given independence to the extent appropriate to the child's treatment needs and goals and only to the extent approved by the child and family team and documented in the treatment plan of the child established pursuant to section 45 of this regulation.

4. A specialized foster home shall not leave a child in the specialized foster home without supervision by direct care staff unless it is part of the child's treatment plan established pursuant to section 45 of this regulation, and is documented in the treatment plan and approved by the child and family team.

5. A specialized foster home may use electronic devices to monitor a child during the night, which may include, without limitation, the use of:

(a) Door alarms;

(b) Motion detectors;

(c) Lasers;

(d) Audio surveillance monitors; or

(e) With the approval of the licensing authority and with the agreement of the child and family team that such surveillance is necessary for the safety of the child or others, video surveillance monitors in common areas.

Sec. 45. 1. *A specialized foster home shall ensure that a child placed in the specialized foster home has a comprehensive treatment plan which identifies treatment strategies that will be used with the child in accordance with the child's diagnosis. The treatment plan must be developed with the participation of the child and family team and must be submitted, within 30 days after the child's placement, to the agency which provides child welfare services or other agency or person who has placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate. The specialized foster home shall keep a copy of the treatment plan in the child's record or file maintained by the specialized foster home and provide a copy of the treatment plan to the licensing authority upon request.*

2. Every 90 days, the specialized foster home shall submit a progress report on the child to the agency which provides child welfare services or other agency or person who has placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate.

3. Within 30 days after the child is discharged from the specialized foster home, the specialized foster home shall provide a summary of the discharge in writing to the agency which provides child welfare services or other agency or person who has placed the child in the specialized foster home, the parent or guardian of the child and the juvenile court, as appropriate.

Sec. 46. 1. *A specialized foster home and a foster care agency that operates a foster home shall ensure that each member of the staff of the foster home:*

(a) Is at least 21 years of age;

(b) Is sufficiently mature to provide effective supervision of a child; and

(c) Possesses the physical and emotional condition to carry out assigned responsibilities in a manner consistent with the written policies, procedures and practices submitted pursuant to section 16 of this regulation or the statement submitted pursuant to section 43 of this regulation, as applicable.

2. A member of the staff of a specialized foster home or a foster care agency that operates a foster home may hold more than one position within the specialized foster home or a foster home operated by the foster care agency, as applicable, if the staff member is qualified to carry out all the responsibilities of the position.

3. A person employed by a specialized foster home or a foster care agency that operates a foster home as direct care staff must possess a high school diploma or general equivalency diploma.

4. A person employed by a specialized foster home or a foster care agency that operates a foster home as a supervisor must submit proof to the specialized foster home or foster care agency that he or she possesses a bachelor's degree in social work, marriage and family counseling, psychology or a closely related field and has at least:

(a) One year of full-time experience supervising caseworkers or direct care staff in a specialized foster home or a foster home operated by a foster care agency, or as a supervisory employee serving children and their families in the field; or

(b) Two years of full-time experience as a caseworker or direct care staff in a specialized foster home or a foster home operated by a foster care agency or serving children and their families in the field.

5. A person employed by a specialized foster home or a foster care agency that operates a foster home as a case manager to provide support and consultation to direct care staff must possess:

(a) A bachelor's degree in a program of human studies; or

(b) A bachelor's degree in a different field and at least 2 years of experience working with children and families.

6. A specialized foster home or a foster care agency that operates a foster home shall verify the qualifications of any member of the staff hired by the specialized foster home or foster care agency, as applicable.

Sec. 47. 1. *Any person employed as direct care staff by a specialized foster home or a foster care agency that operates a foster home must complete not less than 40 hours of training before providing supervision or direct care of a child or beginning any other responsibilities related to the supervision or direct care of children.*

2. The training required by subsection 1 must include instruction concerning:

(a) Reporting requirements and information concerning the manner in which to identify and report child abuse or neglect;

(b) Policies, procedures and practices of the specialized foster home or foster care agency to ensure privacy and confidentiality of information about any child in the specialized foster home or a foster home operated by the foster care agency and the family of such a child;

(c) The relevant laws concerning the licensing of a specialized foster home or a foster home operated by a foster care agency;

(d) The impact on the caregiver of providing care to a foster child;

(e) The stages of child development and the potential behaviors of a child who has suffered abuse, neglect or trauma, with emphasis on these behaviors during each stage of child development;

(f) Information on other factors that may impact the life of a child, including, without limitation, child welfare services, juvenile justice and the role of staff in relation to those factors;

(g) Information concerning resources within the educational system available to a child and the role of staff in collaborating with and advocating for the child within the educational system;

(h) Management of symptomatic behaviors associated with various mental health diagnoses;

(i) If the specialized foster home or a foster home operated by the foster care agency serves a special population or accepts referrals of children who have unique needs or particular issues that require attention, including, without limitation, issues relating to gender identification, pregnancy, sexual abuse, sexually aggressive behavior, developmental disabilities, the juvenile justice system or complex medical problems, specialized training to address those unique needs or particular issues;

(j) Appropriate methods for documenting activity within the specialized foster home or a foster home operated by the foster care agency, including, without limitation, progress notes or reports, treatment plans, medication logs and incident reports;

(k) The need for establishing permanency for a child;

(l) Working appropriately with families;

(m) Identifying and responding to the diversity and cultural background of a child;

(n) Topics related to separation, loss and attachment; and

(o) Techniques for talking down or defusing a potentially violent situation or crisis.

3. Before providing training pursuant to this section, a specialized foster home or a foster care agency that operates a foster home must submit the curriculum for the training to the licensing authority for approval. The training program may be presented using any appropriate format, including, without limitation, treatment-specific training, presentations made by or to a group, external training or training provided by staff in the specialized foster home or foster home operated by the foster care agency, as applicable.

4. Except as otherwise provided in this subsection, a specialized foster home or a foster care agency that operates a foster home shall ensure that a member of the direct care staff who has transferred from another specialized foster home or a foster home operated by the foster care agency completes the training required by this section, except that the person is not required to complete the training if he or she provides evidence of having previously completed the training. A member of the direct care staff who provides such evidence must receive training on the policies, procedures and practices of the current foster home.

Sec. 48. *Each member of the direct care staff of a specialized foster home or a foster care agency that operates a foster home must complete training which meets the requirements of NRS 424.0365 within 30 days after beginning his or her employment and annually thereafter. Such training must include, without limitation, techniques for behavior management and discipline that are recommended and prohibited by NAC 424.525 and 424.530.*

Sec. 49. *1. Except as otherwise provided in this section, a specialized foster home and a foster care agency that operates a foster home shall ensure that each member of the direct*

care staff completes not less than 20 hours of continuing education annually. The continuing education required by this subsection must be appropriate to the position held by the person.

2. The continuing education courses required by subsection 1 must emphasize the development of advanced skills in any specialized training appropriate to the position for which the person was hired and which is offered in the community where the specialized foster home or a foster home operated by the foster care agency is located, including, without limitation, the best practices for meeting the needs of a child placed in the specialized foster home or a foster home operated by the foster care agency. The continuing education may be presented using any appropriate method, including, without limitation, presentations made by or to a group, external training or training provided by staff in the specialized foster home or foster home operated by the foster care agency, as applicable.

3. Any relevant continuing education completed by a member of the direct care staff of a specialized foster home or a foster care agency that operates a foster home which is required to maintain a professional license may be counted towards the hours of continuing education required by subsection 1.

4. All direct care staff of a specialized foster home or a foster care agency that operates a foster home must obtain and maintain certification on the use of physical restraint from a nationally recognized program or a program approved by the licensing authority before providing care to a child in the specialized foster home or a foster home operated by the foster care agency and must receive additional training annually to maintain the certification.

5. Any member of the direct care staff of a specialized foster home or a foster care agency that operates a foster home who will be responsible for administering medication to a child

must receive training on the management and administration of medication within 30 days after the person's date of hire and annually thereafter.

Sec. 50. 1. *A specialized foster home and a foster care agency that operates a foster home shall document all continuing education or other training provided to staff pursuant to sections 47, 48 and 49 of this regulation in a training log. The training log must include, without limitation:*

- (a) The name of the person who attended the training;*
- (b) The date of the training;*
- (c) The number of hours of the training;*
- (d) The name of the training course and the topics covered in the training; and*
- (e) The name and credentials of the instructor.*

2. A specialized foster home and a foster care agency that operates a foster home shall keep a copy of the curriculum or outline of each course of continuing education or other training that is attended by direct care staff.

3. A specialized foster home and a foster care agency that operates a foster home shall provide a certificate of completion to a staff member or foster parent for any training provided to the staff member or foster parent and keep a copy of any such certificate.

4. A specialized foster home and a foster care agency that operates a foster home shall submit the training records required by this section to the licensing authority upon request.

Sec. 51. 1. *Each specialized foster home and foster care agency that operates a foster home shall adopt and enforce a policy on medication management and the administration of prescription and nonprescription medication. The licensee or person licensed to operate the*

foster care agency shall ensure that each employee of the foster home who will administer medication to a child receives a copy of and understands the policy.

2. The policy must include, without limitation:

(a) Training requirements for any direct care staff who will be responsible for administering medication to a child;

(b) Procedures for administering medication to a child, including, without limitation, documenting the administration of medication and any error in administration;

(c) Except for medication which must be kept with a child pursuant to the instructions of a physician, provisions for storing medication, including, without limitation, a requirement that all medication be kept in a locked container or cabinet;

(d) Provisions for a manual or other record which includes the orders of the treating physician for each child and information on the potential side effects of each medication that is administered by direct care staff;

(e) Procedures for documenting and managing any adverse reaction to medication, including, without limitation, procedures for notifying the physician of a child in the case of a minor reaction or notifying emergency medical personnel in the case of a severe reaction;

(f) Procedures for reporting any incident relating to the administration of medication to a child, including, without limitation, documentation and reporting to a physician any severe reaction to medication or errors in administering medication;

(g) Procedures for the handling and disposing of medication that comply with any standards for the disposal of medication or drugs required by law; and

(h) Procedures for minimizing and addressing errors that occur in the administration of medication.

Sec. 52. 1. *A specialized foster home or a foster home operated by a foster care agency that administers any prescription and nonprescription medication to a child shall maintain a record of each medication administered to a child. The record must contain:*

(a) The name, age and any known allergies of the child;

(b) For a child to whom a psychotropic medication is administered, the written consent provided pursuant to NRS 432B.4687 by the person who is legally responsible for the psychiatric care of the child;

(c) Except for the administration of a medication governed by the specific requirements of paragraph (b), written consent provided by the parent or legal guardian of the child for the administration of any prescription or nonprescription medication, and for any change in the administration of medication to the child;

(d) Separate sections for each prescribed medication which must contain the name and dosage of the medication, the recommended schedule for administering the medication and the purpose of the medication;

(e) The date and time any medication is actually administered to the child and the initials of the member of the direct care staff who administered the medication;

(f) Documentation of any information provided to the child concerning the medication, including, without limitation, the name and dosage of the medication, the recommended schedule for administering the medication and the purpose of the medication;

(g) A notation that the member of the direct care staff observed that the medication was taken properly and was not saved by the child;

(h) A notation or other documentation of potential and anticipated effects of the medication, including, without limitation, any desired, expected or unexpected effects, as observed by the direct care staff; and

(i) Documentation of any errors related to the management or administration of the medication, including, without limitation:

(1) Administration of medication to the child that was not authorized;

(2) Administration of the incorrect medication to the child;

(3) Failure to provide a dose of the medication to the child;

(4) Administration of the incorrect dose of the medication to the child;

(5) Administration of the medication to the child at the incorrect time; and

(6) Failure to provide medication because of the refusal of the child to take the medication, including the circumstances surrounding the refusal.

2. As used in this section, “person who is legally responsible for the psychiatric care of the child” means the person who is deemed to be the person legally responsible for the psychiatric care of the child pursuant to NRS 432B.4684 or is appointed by the court pursuant to NRS 432B.4685.

Sec. 53. 1. *A member of the direct care staff in a specialized foster home or a foster home operated by a foster care agency may use physical restraint on a child placed in the specialized foster home or the foster home operated by the foster care agency only if:*

(a) The physical restraint is used to protect the safety of the child or other persons from imminent threat of physical injury or to prevent severe property damage; and

(b) The member of the direct care staff using physical restraint has completed the training required by section 49 of this regulation.

2. If a member of the direct care staff in a specialized foster home or a foster home operated by a foster care agency uses or witnesses the use of physical restraint on a child placed in the specialized foster home or foster home operated by a foster care agency, the member of the direct care staff must, within 24 hours after the incident, provide the director of the specialized foster home or foster care agency, as applicable, with a written report describing the incident.

3. If the director of a specialized foster home or foster care agency receives a report pursuant to subsection 2, the director or the director's designee must:

(a) Orally notify the caseworker of the child not later than 24 hours after receiving the report; and

(b) Provide a copy of the report to the caseworker and the licensing authority not later than 7 calendar days after the date of the incident.

Sec. 54. 1. *A specialized foster home and a foster care agency that operates a foster home shall maintain a record for each child placed in the specialized foster home or a foster home operated by the foster care agency, as applicable. The record must be:*

(a) Kept in a secure location to ensure confidentiality and protection from unauthorized access;

(b) Protected from loss, damage or alteration;

(c) Current and accurate;

(d) Made available upon request to the licensing authority for review, copying or auditing and at reasonable times to the agency which provides child welfare services;

(e) Retained for 6 years after the date of discharge of the child or closure of the child's case; and

(f) Destroyed after the period of retention in a manner which ensures that information from the record cannot be reconstructed, to ensure protection of the child's information.

2. Each record maintained by a specialized foster home or a foster care agency pursuant to subsection 1 must include, without limitation:

(a) The name of the child and any aliases used by the child;

(b) The date of birth of the child;

(c) The race and ethnicity of the child;

(d) A photograph of the child, taken on the day of admission to the specialized foster home or a foster home operated by the foster care agency and annually thereafter;

(e) The intake, referral and assessment information collected for admission of the child, including, without limitation, psychological, psychiatric, social or physical evaluations and admission summaries;

(f) The date of admission of the child to the specialized foster home or a foster home operated by the foster care agency;

(g) The contact information for any parent, guardian, custodian and caseworker of the child and the agency which provides child welfare services;

(h) Emergency contact information for any parent, guardian, custodian, caseworker and physician of the child;

(i) The medical history of the child, including, without limitation:

(1) The name of each physician, dentist and other treatment provider of the child;

(2) A record of any medical care, dental care and immunizations received by the child, including, without limitation, diagnostic information, the name of the physician and plan for

treatment during placement in the specialized foster home or a foster home operated by the foster care agency;

(3) A record of any illness or significant symptoms of illness the child has experienced while in foster care;

(4) A record of any medication administered to the child; and

(5) Any known allergies or physical limitations of the child;

(j) Any records or reports regarding the child's education and educational needs;

(k) Any plan of treatment for the child, ongoing progress reports, summaries of discharge from medical centers and requests for prior authorization for medical services or other documented authorization requests;

(l) Any accident reports and incident reports regarding the child;

(m) Any restrictions on visits with or activities of the child;

(n) A record, made at the time of admission to and discharge from the specialized foster home or a foster home operated by the foster care agency, of the child's clothing and personal property;

(o) Signed authorizations for the release of information relating to the child or other required authorizations;

(p) A record of any rights of the child that are denied or limited and the disposition of any complaint involving the child; and

(q) Progress notes concerning observations made by staff of the child's behavior, progress or contact with others in the specialized foster home or a foster home operated by the foster care agency or with regard to the child's care or treatment.

Sec. 55. 1. A specialized foster home and a foster care agency that operates a foster home shall maintain records of all staff and foster parents employed by the foster home or foster care agency. The records must comply with the requirements of NRS 424.034 and must also include, without limitation:

(a) Applications for employment, including, without limitation, an employment history and any needed authorizations for the release of information relating to the staff member or foster parent;

(b) References provided for the staff member or foster parent;

(c) Results of tuberculosis tests submitted pursuant to NAC 424.167;

(d) Records of relevant training;

(e) Performance evaluations;

(f) Copies of any current professional licenses issued by this State to a staff member or foster parent, if the licenses are relevant to the duties of the staff member or foster parent or the services provided by the specialized foster home or foster care agency;

(g) For any licensee, person licensed to operate the foster care agency or staff member who transports foster children by motor vehicle, a copy of his or her current driver's license and, if a personal vehicle is used for this purpose, a copy of his or her current motor vehicle liability insurance policy; and

(h) Any other necessary information, which may include, without limitation, incident reports or moving traffic violations involving a staff member or foster parent.

2. A specialized foster home or foster care agency shall notify the licensing authority when a staff member or foster parent is no longer employed by the specialized foster home or foster care agency.

Sec. 56. NAC 424.005 is hereby amended to read as follows:

424.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 424.010 to 424.080, inclusive, *and sections 2 to 10, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 57. NAC 424.011 is hereby amended to read as follows:

424.011 “Applicant” includes:

1. A person applying to be a provider of foster care;
2. A resident of a foster home who is 18 years of age or older ~~[]~~, *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594*; and
3. ~~[A volunteer or an employee of a foster home who will be providing foster care.]~~ *Direct care staff.*

Sec. 58. NAC 424.025 is hereby amended to read as follows:

424.025 “Director” means the person responsible for the ~~[on-site administration]~~ *operation* of a foster home ~~[]~~ *or foster care agency.*

Sec. 59. NAC 424.100 is hereby amended to read as follows:

424.100 The purpose for licensing foster homes is to *ensure that children who are in need of substitute care are able to live in an environment that supports their physical, mental and emotional development and to* protect children from abuse, neglect, exploitation or other mistreatment. The licensing process determines whether the foster home is safe for children and ~~[the foster parents]~~ *whether staff* can provide suitable care for children.

Sec. 60. NAC 424.110 is hereby amended to read as follows:

424.110 1. Any person or agency who wishes to operate a foster home must contact the appropriate licensing authority representative for an application and return the completed application to the licensing authority.

2. When a person or agency applies for a license, the application must include information on the person or agency applying for the license, the director ~~for operator~~ and staff, as applicable.

3. The *licensee or* director ~~for operator~~ of the foster home is responsible for interviewing each prospective ~~employee~~ *member of the staff* and submitting a copy of each employment application and resume to the licensing authority upon request.

~~3.~~ 4. Intentional misrepresentation or omission of information on a foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

Sec. 61. NAC 424.120 is hereby amended to read as follows:

424.120 1. A licensing authority representative shall conduct a fair and impartial investigation of each foster home after receipt of an application for the licensing of the home, and shall investigate the home to determine whether the licensing requirements are met and the maximum capacity and range of ages of children for which the home may be licensed. The licensing authority representative shall gather direct and collateral data to complete the licensing study. A licensing authority representative may visit the foster home at any time, announced or unannounced, to determine compliance with licensing requirements and must be available for consultation as appropriate. The licensing authority representative shall visit each foster home at least once ~~during the annual licensing period.~~ *annually*. That visit may be conducted as part of the initial issuance of a license ~~for the renewal of a license.~~ *and annually thereafter.*

2. The director or ~~operator~~ *licensee* of each foster home shall submit such reports as the agency which provides child welfare services requires.

Sec. 62. NAC 424.135 is hereby amended to read as follows:

424.135 1. Fire safety inspections must be conducted by a licensing authority representative or the local fire inspector based on the home's total occupancy, including the number of foster children for whom the home is to be licensed. If the home will accept or is currently occupied by a person who is nonambulatory ~~or~~ *or* a person with a severe disability, ~~or a person with mental retardation,~~ each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the licensing authority representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.

(b) Ten or more, the State Fire Marshal or his or her designee shall inspect the home. The State Fire Marshal may, based upon information he or she receives regarding the home, designate the licensing authority representative to conduct the inspection.

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

Sec. 63. NAC 424.145 is hereby amended to read as follows:

424.145 ~~{1.—Treatment homes may meet the criteria of either family or group foster homes.~~
~~—2.}~~ Homes providing emergency shelter care must meet the criteria of a family *foster home* or *a* group foster home.

Sec. 64. NAC 424.160 is hereby amended to read as follows:

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

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

3. The total number of children for which a foster home may be licensed must be determined by a licensing authority representative based upon the following factors:

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

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

(c) The skills and abilities of the foster parents and the staff, as applicable.

(d) The characteristics of the children in foster care.

(e) The services provided and the program description.

(f) Other factors the licensing authority determines to be relevant.

4. Foster care must not be provided for more than two children who are under the age of 18 months or four children who are under the age of 5 years, including in that total any children of the foster parents under the age of 18 months or 5 years, without the approval of the licensing authority representative.

Sec. 65. NAC 424.165 is hereby amended to read as follows:

424.165 Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory ~~clearance through~~ *report about the applicant from a* local law enforcement *agency* and submittal of fingerprints pursuant to NRS 424.033 ; ~~and NAC 424.195 and 424.280;~~
2. A satisfactory ~~clearance through~~ *report from* the Statewide Central Registry established pursuant to NRS 432.100 on all applicants and members of the household who are 18 years of age or older ~~;~~ *, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594;*
3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;
4. Receipt of a signed foster home application form;
5. ~~Contact;~~ *Documentation of contact*, either oral or written, with five satisfactory references; and
6. Satisfactory completion of the training specified in NAC 424.270.

Sec. 66. NAC 424.167 is hereby amended to read as follows:

424.167 1. A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence, on a form provided by the licensing authority, that the person and each member of his or her household who is 18 years of age or older, *other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594*, is free from active tuberculosis. The evidence must be in the form of a report which states that the person, including a person who has received a bacillus Calmette-Guerin (BCG) vaccination, is free from active tuberculosis and has 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 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

2. If a license to operate a foster home is issued to the person applying for the license, ~~he or she~~ *the licensee* shall ensure that each ~~volunteer or employee~~ *member of the staff* of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a ~~volunteer or employee~~ *person* may comply with the provisions of subsection 1 before beginning employment or volunteer work at the foster home in lieu of complying within the 24 months immediately preceding the date of filing of the application for a license to operate a foster home.

3. Each person who is required to submit to a skin test or chest radiograph and examination pursuant to this section and who remains as a member of the household or ~~a volunteer or employee~~ *staff* of the foster home 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 1 or 2.

Sec. 67. NAC 424.170 is hereby amended to read as follows:

424.170 1. In addition to the matters required by NRS 424.030, a license must show:

(a) The number of persons who are nonambulatory or who have severe disabilities ~~or persons with mental retardation~~ *that* the foster home is approved to accept, if applicable.

- (b) The type of license.
- (c) The signature of the licensing authority representative.
- 2. The current license must be on file in the foster home.
- 3. The license is nontransferable and applies only to the address *and the licensee* stated on the license.
- 4. The license becomes invalid when ~~it~~ :
 - (a) *It* is voluntarily returned ~~[-, the]~~ ;
 - (b) *The* foster family moves to another location ~~[or it]~~ ;
 - (c) *In the case of a foster home operated by a foster care agency, the licensee is no longer affiliated with the foster care agency; or*
 - (d) *The license* is revoked.
- 5. In the case of *a foster care agency which operates* multiple foster homes , ~~[or locations,]~~ each foster home must receive a license and have a designated ~~[operator who is the]~~ caregiver, such as a teaching parent or house parent. The license must be issued in the name of the ~~[person operating the multiple foster homes]~~ *caregiver* and specify the address ~~[and name of the operator]~~ of the specific foster home. If the specific ~~[operator]~~ *caregiver* of the foster home changes, the license becomes invalid.
- 6. *A person who is licensed to operate:*
 - (a) *A family foster home may also be issued a license to operate a specialized foster home at the same location if the person otherwise qualifies for a license to operate a specialized foster home and a total of not more than six children are cared for at that location pursuant to both licenses.*

(b) A specialized foster home may also be issued a license to operate a family foster home at the same location, if the person otherwise qualifies for a license to operate a family foster home and a total of not more than six children are cared for at that location pursuant to both licenses.

Sec. 68. NAC 424.175 is hereby amended to read as follows:

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

2. A licensing authority representative may revise the contents of a license and shall provide the licensee with a written discussion of any proposed changes. The licensee may submit a request to the licensing authority representative for a review of the proposed changes. The licensing authority representative shall review the proposed changes but the changes are not subject to appeal.

3. The licensing authority representative shall conduct any review requested pursuant to this section within 30 days after the licensing authority representative receives the request and shall inform the licensee in writing of his or her decision regarding the review.

Sec. 69. NAC 424.185 is hereby amended to read as follows:

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

2. The decision of the licensing authority to deny an initial application may be subject to review by the Administrator or the designee of the Administrator. However, such denials are not subject to the appeal process. Foster home licensure occurs at the discretion of the licensing authority and is not a right.

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

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

Sec. 70. NAC 424.200 is hereby amended to read as follows:

424.200 1. Whenever the licensing authority has reason to believe that a foster home is operating without a license, or a licensed foster home is not conforming to the conditions of the license or the requirements for foster home care, the licensing authority shall make an investigation to determine the facts. The licensing authority ~~{shall have the authority to}~~ *may* inspect the premises where the violation is alleged to occur and ~~{to}~~ conduct such other investigations as ~~{may be}~~ *are* indicated. *A foster care agency shall participate in such an inspection to the extent requested by the licensing authority.*

2. If it is found that a person is operating a foster home without a license, the licensing authority may either issue a license if the person is found to be in compliance with licensing requirements or may refer the matter to the legal counsel of the agency which provides child welfare services for appropriate action. If it is found that a licensed foster home is not conforming to the requirements for foster home care, the licensing authority may, depending on the circumstances:

(a) Issue a written notice specifying the nature of the noncompliance, a plan of corrective action and the time in which each corrective action must be taken;

(b) If the noncompliance does not involve health or safety issues, continue the license conditioned on the foster home achieving full conformity by a date set forth in the written notice issued pursuant to paragraph (a);

(c) Suspend the license;

(d) Revoke the license; or

(e) Refer the person to the legal counsel of the agency which provides child welfare services for appropriate action.

3. Allegations regarding possible child abuse or neglect of foster children will be investigated in accordance with chapter 432B of NRS.

Sec. 71. NAC 424.205 is hereby amended to read as follows:

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

2. A license to operate a foster home may be revoked by the licensing authority whenever a foster home fails to meet the requirements for a license. A licensing authority representative shall send a written statement to the foster family giving the reasons for revocation of the license and notification of the procedure for hearing grievances relating to the revocation as set forth in NRS 424.045 and NAC 424.210. A revocation is effective 30 days after the date the notice is sent.

3. In cases of noncompliance with one or more licensing requirements which are believed to be hazardous to children or which involve a health or safety issue, the licensing authority may suspend a license and require the foster home to cease operation immediately. The suspension of a license pursuant to this subsection is not subject to the procedures set forth in NAC 424.210, but a licensee may submit a request for a review of the suspension by the Administrator. Pursuant to NRS 424.045, the Administrator or the designee of the Administrator shall review the suspension within 30 days after the receipt of the request.

4. When a license to operate a foster home is suspended or revoked, the foster children in the foster home must be removed from the foster home by the agency ~~that~~ *or other person who* placed the child in the foster home within the period determined by the licensing authority.

Sec. 72. NAC 424.220 is hereby amended to read as follows:

424.220 1. The licensing authority shall submit a quarterly report to the Division on a form prescribed by the Division or, if available, a report generated by the Unified Nevada

Information Technology for Youth System. The report must include, without limitation, the number of:

(a) Applications for a license to operate a foster home received during the quarter, pending from the previous quarter and denied during the quarter. The information relating to the applications denied during the quarter must include the reasons for the denial.

(b) Waivers *or modifications* granted or denied pursuant to NAC 424.800 . ~~and the number of approvals granted or denied pursuant to NAC 424.160, 424.195, 424.250, 424.300, 424.375, 424.455, 424.465, 424.535, 424.555, 424.590, 424.655 and 424.680.~~ The information relating to the waivers ~~and approvals~~ *or modifications* that were denied must include the reasons for the denial.

(c) Licenses to operate a foster home that were revoked or suspended and the reasons for each revocation or suspension.

(d) Requests for an administrative hearing, the period within which those requests were received, the period within which the administrative hearings were held, the outcome of the administrative hearings and the period within which written decisions concerning the matters heard were rendered.

(e) Initial licenses to operate a foster home that were issued.

(f) Licenses to operate a foster home that were renewed.

(g) Complaints relating to licensees, other than complaints concerning abuse or neglect, that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(h) Complaints relating to licensees concerning abuse or neglect that were received, the number of those complaints that were investigated by the agency which provides child welfare services, the number of those complaints that were investigated by a law enforcement agency and the outcome of each investigation.

(i) Complaints relating to a foster home for children that is being operated without a license as required by NRS 424.030 that were received and the outcome of each investigation made pursuant to NRS 424.050 concerning such a foster home.

(j) Resources available for placing a child in foster care, including, without limitation:

(1) The number of licensed family foster homes and the number of beds available for foster children in those family foster homes; and

(2) The number of licensed group foster homes and the number of beds available for foster children in those group foster homes.

2. The information required to be included in the quarterly report described in subsection 1 must be reported separately for care given by a person maintaining a foster home who is related to a foster child placed in the foster home and for care given by a person maintaining a foster home who is not related to a foster child who is placed in the foster home.

Sec. 73. NAC 424.250 is hereby amended to read as follows:

424.250 1. A sufficient number of *direct care* staff must be on duty and available at all times to ~~assure~~ *ensure* proper care for children ~~[-The]~~ *in a foster home. Except as otherwise provided in this section, the* minimum number of *direct care* staff ~~employed~~ in a ~~group~~ foster home ~~[-excluding staff or volunteer staff whose sole functioning is clerical, housekeeping, maintenance and other ancillary services,]~~ is:

Type	Age Range	Staff/Child Ratio
<i>Family Foster Homes or Specialized Foster Homes</i>	<i>0-5 years</i>	<i>1:4</i>
<i>Foster Homes</i>	<i>6-18 years</i>	<i>1:6</i>
Group Foster Homes	<i>0-5 years</i>	<i>1:4</i>
	[0-18] <i>6-18 years</i>	1:8 [or as otherwise] [approved]
Group Treatment Homes	0-6 years	1:4
	6-18 years	1:6
Group Emergency Shelter Homes	0-18 years	1:8]

Staffing ratios specified in this subsection apply to each ~~[residence or dwelling in a]~~ foster home ~~[system and are inclusive of the staff's own children, if those children are living in the foster home.]~~ *in addition to the limitations provided in NAC 424.160.*

2. ~~[Treatment homes may be required to provide]~~ *Each specialized foster home must have a minimum of one ~~[responsible adult, who must be awake and on duty in the home during the children's normal sleeping hours.]~~ member of the direct care staff available to provide care within the specialized foster home pursuant to an alternative plan of supervision approved by the child and family team and documented in the treatment plan developed for each child pursuant to section 45 of this regulation.*

3. *Each foster home shall ensure that the children in the foster home are cared for as needed.* Additional staff may be required at the discretion of the licensing authority if the licensing authority determines it is necessary because of, among other factors, the behavior and treatment needs of the children. ~~[The agency which provides child welfare services]~~

4. When directed by the licensing authority, a specialized foster home may be required to provide a minimum of one member of the direct care staff who must be awake and on duty in the home during a child's normal sleeping hours. A specialized foster home may not use an outside child care facility that is not part of the treatment plan of a child to meet staffing requirements.

5. The licensing authority may approve exceptions to the specified staffing ratio upon determining that the needs of the children in foster care will be met and when acceptable alternatives are presented. The limitations set forth in subsection 4 of NAC 424.160 relating to the number of children for which foster care may be provided must not be exceeded.

Sec. 74. NAC 424.265 is hereby amended to read as follows:

424.265 ~~[The foster family or facility must have demonstrated sound money management practices and financial responsibility. Households receiving aid to dependent children or food stamps may apply to become foster parents but should contact their eligibility worker to determine how the foster care payment will affect their benefits under those programs.]~~

1. The licensing authority shall ensure that a foster home is financially solvent. A foster home must, as a condition of licensure:

(a) Demonstrate that it has adequate financial resources to provide basic necessities for all persons residing in the home before a child is placed in the foster home;

(b) Demonstrate the ability to meet all of its financial obligations regardless of whether the foster home receives payments for providing foster care;

(c) Agree to account for all money expended for clothing and incidental expenses for each child who is placed in the foster home;

(d) Unless the foster home is operated as a public program, provide financial records to the licensing authority which demonstrate ongoing financial solvency, upon the request of the licensing authority; and

(e) Disclose whether the foster home has been the subject of bankruptcy proceedings.

2. The licensing authority shall keep confidential any financial records or information provided by a foster home pursuant to this section.

Sec. 75. NAC 424.270 is hereby amended to read as follows:

424.270 1. ~~Applicants~~ *Except as otherwise provided in this section, applicants* for a license to operate a foster home must attend at least 8 hours of training in foster parenting provided or approved by the agency which provides child welfare services. If the home has a pool, hot tub or ~~jacuzzi, another~~ *other* free-standing body of water, ~~or a sauna,~~ the applicants must *obtain information on water safety and the risk of drowning and must* also complete training *in pool safety and receive certification* in cardiopulmonary resuscitation. ~~and pool safety before licensure.~~

2. ~~Foster~~ *Except as otherwise provided in this section,* parents must attend 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

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

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

5. The requirements of this section are not applicable to any person who is subject to the requirements of sections 47, 48 and 49 of this regulation and completes the continuing education or other training required by those sections.

Sec. 76. NAC 424.275 is hereby amended to read as follows:

424.275 1. Adults who provide foster care for children ~~[shall]~~ *must* provide evidence of their character and ability to care for children. The licensing authority must have received at least five satisfactory references for such a person.

2. ~~[Directors of group foster homes home shall submit five satisfactory references to the licensing authority on each employee hired to care for children. The licensing authority must receive at least five satisfactory references for the director of a group foster home.~~

~~—3.]~~ A licensing authority representative is not obligated to share with the applicant concerns raised by references if the licensing authority representative cannot do so without compromising the reference's confidentiality.

3. A licensing authority may deny an application for a license to operate a foster home based upon a negative reference.

Sec. 77. NAC 424.285 is hereby amended to read as follows:

424.285 The licensing authority shall consider the composition ~~[and marital status]~~ of a foster family and *the staff of a foster home* on an individual basis. Emphasis will be placed on how the composition of the foster family or staff will affect children to be placed in the foster home.

Sec. 78. NAC 424.295 is hereby amended to read as follows:

424.295 1. Volunteer staff ~~[will be]~~ *are* subject to the same ~~[licensing]~~ requirements *of this chapter and chapter 424 of NRS* as other staff. ~~[, including law enforcement checks and references.]~~

2. The duties of volunteer staff must be defined ~~[.]~~ *by the licensee.*

Sec. 79. NAC 424.300 is hereby amended to read as follows:

424.300 *1.* If an applicant or a foster parent is providing professional care directly to a child in the custody of the agency which provides child welfare services, the applicant or foster parent can only be a foster parent for that child with the approval of the Administrator or the designee of the Administrator. ~~[Persons]~~ *Such approval may be granted only if the applicant or foster parent demonstrates that approval is in the best interest of the child and that his or her role as a foster parent will not affect the professional relationship with the child or that the professional relationship will terminate without detriment to the child.*

2. For purposes of this section, persons providing professional care include, but are not limited to:

~~[1.]~~ *(a)* A minister who is counseling the child.

~~[2.]~~ *(b)* A psychiatrist or psychologist who is treating the child.

~~[3.]~~ *(c)* A social worker or mental health counselor who is counseling the child.

~~[4.]~~ *(d)* The child's probation officer.

~~[5.]~~ *(e)* The child's teacher.

~~[6.]~~ *(f)* A physician who is treating the child.

~~[7.]~~ *(g)* The guardian ad litem for the child.

~~[8.]~~ *(h)* The child's attorney.

~~19.~~ (i) A person who is responsible for the child in his or her capacity as an employee providing child welfare services as defined in NRS 432B.044.

Sec. 80. NAC 424.365 is hereby amended to read as follows:

424.365 1. ~~The~~ *Except as otherwise provided in this subsection, the* foster home must have at least 200 square feet of living space per occupant, including foster children. *The licensing authority may approve an exception to this requirement if the applicant or licensee demonstrates that less living space will not endanger the safety of any foster child in the foster home.* As used in this subsection, “living space” includes all areas of the house except an unfinished basement, office or similar area not usually occupied by the family in their daily living.

2. The foster home must have adequate space for individual study and recreation, regardless of the number of children in the foster home.

3. The dining area must be large enough to permit all the family members, staff and foster children to eat together.

4. Cooking and food service areas should be well planned and equipped. The size of the kitchen and the equipment will depend on the number of persons to be served.

5. All rooms used as living or sleeping quarters, including kitchens and lavatories, must be clean, lighted, well-ventilated and heated, except that laundry rooms need not be heated.

6. Rooms must have furnishings comfortable and suitable for use by children as appropriate.

7. Group foster homes must have at least one centrally located living room, for the free and informal use of the children, which is large enough to accommodate the group to be served without crowding. A quiet area for study purposes must be provided. The foster home must have study tables or desks and chairs available for use by the children.

Sec. 81. NAC 424.375 is hereby amended to read as follows:

424.375 1. ~~Unless an exception is approved by the licensing authority:~~

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

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

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

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

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

4. ~~Unless an exception is approved by the licensing authority, children~~ **Children** of the opposite sex who are 5 years of age or older must not share a bedroom, and children over 12 months of age must not sleep in the same room with an adult. A child of the foster parents who is 18, 19 or 20 years of age may share a room with a foster child of the same sex and similar age if this arrangement is ~~approved by the licensing authority representative.~~ **appropriate based upon the circumstances and needs of each child.**

5. ~~Unless an exception is approved by the licensing authority, the~~ **The** foster parents' bedroom must be located on the same floor as the bedroom of any child under 8 years of age.

6. Except as otherwise provided in this subsection, ~~for as approved by the licensing authority,~~ each child must be provided with his or her own bed, which must be at least 30 inches

wide and of a length which is adequate for the child's height, and the bottom of which is at least 6 inches off the floor. Siblings of the same sex may share a double bed.

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

8. ~~[Unless an exception is approved by the licensing authority, bunk]~~ **Bunk** beds with more than two bunks are prohibited. If bunk beds are used, the upper bunk must have a guardrail.

Upper bunks must not be used by children under 8 years of age.

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

10. Each child must have access to a closet, locker or dresser for clothing and personal belongings in his or her sleeping area unless another arrangement is approved by the licensing authority.

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

12. The licensing authority may approve an exception to any requirement of this section if the applicant or licensee submits a request for an exception with a written plan demonstrating that the exception is in the best interest of the foster child and that granting an exception will not endanger the safety of any foster child in the foster home.

Sec. 82. NAC 424.390 is hereby amended to read as follows:

424.390 1. If the heating, ventilation or air-conditioning system has an output of more than 2,000 cubic feet per minute, it must have an automatic shutdown.

2. Wood stoves are permitted if they have been properly installed and approved by the appropriate governmental authority.

3. Adequate precautions must be taken to ensure the safety of children in homes where stoves and heating appliances are used.
4. Portable heaters are prohibited.
5. The heating system, including any chimney, must be safe, maintained in good repair and of sufficient size to keep the house comfortably warm.
6. Gas water heaters must be vented to the outside. All water heaters must ~~have a pop-off valve and allow for adequate drainage.~~ *meet industry standards for safety and be set to a temperature not to exceed 120 degrees Fahrenheit.*
7. Unvented heaters which use liquid, solid or gas fuels are prohibited.

Sec. 83. NAC 424.410 is hereby amended to read as follows:

424.410 ~~Family foster homes shall have a telephone where available. Group homes and any home providing emergency shelter care must have a telephone.~~ *A foster home must have an operable telephone that is accessible in the foster home at all times when the home is occupied. Emergency telephone numbers, including , without limitation, the telephone numbers of health agencies, fire and police departments and ambulance services, shall must be posted by the telephone. in a central location in the foster home.*

Sec. 84. NAC 424.420 is hereby amended to read as follows:

424.420 1. The water in pools, hot tubs and saunas must be maintained in a healthy condition which is suitable for use by children. Ponds used for swimming must be maintained in the same condition as a pool.

2. Foster homes which have pools , ~~or~~ ponds *or other standing bodies of water, as determined by the licensing authority*, and which are licensed to care for any toddlers must provide a fence which is at least 4 feet high on all sides of the pool , ~~or pond,~~ *pond or other*

standing body of water, and which separates the pool, ~~or~~ pond *or other standing body of water* from the general yard area. The fence must:

- (a) Have no vertical opening more than 4 inches wide.
- (b) Be of such a design that young children cannot climb it or squeeze under it.
- (c) Allow a clear view of the pool, *pond or other standing body of water* from the house.

↪ The gate must be self-closing and have a self-latching mechanism which is in proper working order and out of the reach of young children.

3. If a foster home is licensed to care only for children other than toddlers:

(a) The area surrounding a pool or hot tub, regardless of whether the pool or hot tub is located in or above the ground, must be fenced and locked in a manner which prevents access by children or others who are not entitled to use the pool or hot tub; or

(b) If the area surrounding the pool or hot tub is not fenced, there must be a secured, protective covering which will not allow access by a child. Pool covers must be completely removed when the pool is in use. When the pool cover is in place, it must be free from standing water.

4. A reaching pole with a hook, and a ring buoy, must be provided as minimum safety devices ~~or~~ *unless the pool, pond or other standing body of water is such that a person supervising a child is able to reach the child in the water and remove the child by hand.*

5. Steps leading to an above-ground pool must be removed when the pool is not in use.

6. Saunas, tanning booths and other attractive nuisances must be locked in a manner which prevents access by children.

7. If a wading pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. *A wading pool must be emptied when not in use or comply with all regulations applicable to a swimming pool.*

8. A sauna or any free-standing body of water located on the premises of the foster home must be inaccessible to children, including, without limitation, a pool ~~[,]~~ or hot tub . ~~[or jacuzzi.]~~ Equipment or materials used by children must not be stored in such areas.

9. As used in this section, “toddlers” means children who are at least 12 months of age but less than 5 years of age.

Sec. 85. NAC 424.455 is hereby amended to read as follows:

424.455 1. A foster home ~~[must]~~ *shall* not combine foster care with regular paid care for others, including day care, ~~[without]~~ *unless the foster home has received* the approval of the ~~[Administrator or the designee of the Administrator.]~~ *licensing authority. If such approval is given, the licensing authority may place restrictions on the license of the foster home because of the number of children cared for in the home on a regular basis and may require the licensee to discontinue providing paid care for others if the licensing authority determines that providing such care may adversely affect the ability of the foster home to provide foster care. A foster home that provides paid care for others shall comply with all requirements relating to staffing in a foster home when it provides both foster care and paid care for others.*

2. A foster home may house adult roomers or boarders under the following circumstances : ~~[, if approved by the licensing authority:]~~

(a) The roomer or boarder must have been in residence 6 months or longer at the time of initial licensing and:

(1) Be considered a part of the family; or

(2) Have been a foster child who has reached the age of 18 years; and

(b) The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff ~~[]~~, *unless the roomer or boarder is a person who remains under the jurisdiction of a court pursuant to NRS 432B.594.*

Sec. 86. NAC 424.465 is hereby amended to read as follows:

424.465 1. The selection of a foster home involves the matching of the child's individual needs to the capacities of the foster family. The decision to place the child in a foster home is jointly made by the child's ~~[worker and]~~ *caseworker*, the foster parents ~~[]~~ *and the agency providing child welfare services or other agency or person who intends to place the child in a foster home.*

2. The preparation of a child for placement in a foster home is primarily the responsibility of the child's ~~[worker.]~~ *caseworker*. The foster parents must also be involved in the preparation planning.

3. Whenever possible, arrangements should be made for the child to visit the foster home before admission, the other children in the foster home should be prepared for the child's arrival and the child's room should be ready for him or her.

4. Preplacement planning may be abbreviated in emergency placement situations.

5. The foster home ~~[must]~~ *shall* not accept a private placement without the prior approval of a licensing authority representative.

Sec. 87. NAC 424.475 is hereby amended to read as follows:

424.475 The *licensee or* director ~~[or operator]~~ of a foster home shall notify:

1. A licensing authority representative if the foster home will accept placements from more than one agency.

2. A licensing authority representative within 1 working day after a foster child is placed in the foster home or removed from the foster home by any agency or person other than the agency which provides child welfare services unless an agency, other than the agency which provides child welfare services, has an exclusive contract with the foster home to provide the agency which provides child welfare services with a monthly report of placements.

3. ~~{A licensing authority representative within 72 hours after the occurrence of any changes in the foster home which affect its continuing conformance with the requirements for foster home care, including, without limitation:~~

~~—(a) Any major illness occurring to any member of the household; and~~

~~—(b) Any major illness or injury occurring to any foster child.~~

~~—4.]~~ A licensing authority representative before the occurrence of any of the following changes:

(a) A move from one home to another.

(b) A member of the household or staff leaves or a new member joins the household or staff.

(c) A decision to remodel the home.

(d) A decision to discontinue providing foster home care.

(e) Any significant change in the routines used with the child, including, but not limited to, the imposition of a new program of house rules concerning discipline.

~~{5.—The appropriate law enforcement personnel as soon as it has been determined that a child has run away. The agency with responsibility for the child must be notified within 1 working day after the event.~~

~~—6. —The social worker]~~

4. *The caseworker* of the placing agency responsible for a child before any ~~volunteer staff~~ or other persons begin to have regular contact with the child.

Sec. 88. NAC 424.478 is hereby amended to read as follows:

424.478 A provider of ~~family~~ foster care shall provide the agency responsible for a foster child with at least 10 working days' notice of any request ~~by the provider~~ for the removal of the child from the ~~family~~ foster home unless:

1. The provider has a written agreement with the agency which provides child welfare services to the contrary; or
2. There is an immediate and unanticipated danger to the foster child or another person if the child is not removed before that notice can be given.

Sec. 89. NAC 424.480 is hereby amended to read as follows:

424.480 *In addition to maintaining the records required by sections 45 and 54 of this regulation, as applicable:*

1. The foster home shall maintain ongoing records on the child's development, behavior and treatment, which may include a daily log and a monthly evaluation, as prescribed by the agency with responsibility for the child. ~~Such records shall~~ *The records must* be made available upon request to the ~~child's caseworker or to the licensing worker.~~ *agency which provides child welfare services.*
2. The foster home shall inventory the child's clothing and belongings when the child is placed in the home and when the placement ends.
3. The foster home shall maintain records on the child's medical and dental care.
4. When a child leaves the foster home, all records ~~shall~~ *must* be given to the child's caseworker.

Sec. 90. NAC 424.485 is hereby amended to read as follows:

424.485 1. A foster parent shall maintain such confidentiality as is required by state law regarding information relating to the children in his or her care and their families. The licensing authority may revoke or suspend the license to operate a foster home of a foster parent who violates this subsection.

2. The ~~[director or an operator of a foster home]~~ *licensee* shall ensure that children in the care of that foster home are not identified by name or by clear description, or photographed for any publication or other printed or broadcast media.

Sec. 91. NAC 424.490 is hereby amended to read as follows:

424.490 1. The foster home shall maintain the home and vehicles in safe operating condition.

2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.

3. ~~[State law regarding car seats and seat belts must be observed at all times when transporting foster children.~~

~~—4.]~~ 4. The foster home shall secure prior approval from the agency with responsibility for the child before taking the child out-of-state or on a trip or vacation which will require the child to be away from the family home for overnight or longer.

~~[5.]~~ 4. Any person who provides transportation to a foster child ~~[in a private motor vehicle shall possess]~~ :

(a) *Must possess* at least the minimum liability insurance coverage required by state law ~~[.]~~ ;

(b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and

(c) Shall observe all other laws of this State concerning the operation of a motor vehicle.

Sec. 92. NAC 424.500 is hereby amended to read as follows:

424.500 1. A foster home shall ~~provide~~:

(a) Provide a safe, stable and nurturing environment.

(b) Encourage a child's autonomy, respect a child's privacy and consider a child's preferences or choices when providing care, supervision, guidance or instruction.

(c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes, behaviors and culture of a child and his or her family.

(d) Employ direct care staff who are knowledgeable about and understanding of children who have greater physical or emotional needs.

(e) Provide effective supervision and employ staff who possess the vitality, interest and understanding to meet the needs of a child in the care of the foster home. Prospective staff must be selected based upon their ability to care for a foster child with consideration of the ages and needs of any other children in the care of the foster home.

(f) Employ staff who have the ability to work with and guide a child within a group setting or individually. Staff must possess the physical and emotional health to carry out the responsibilities of caring for a child.

(g) Work cooperatively with the agency which provides child welfare services, teachers and other professionals to meet the needs of a child.

(h) Accurately observe and record each child's progress in the foster home.

(i) *Provide* care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.

2. The foster home shall not release a foster child to anyone for 24-hour care other than the agency from whom the child was received or a person specifically designated by that agency.

3. The foster home shall plan activities that provide for and stimulate social relationships, creative activities and hobbies. Children must be afforded an opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of each child **[H]**, *which may include, without limitation:*

(a) *Activities that promote leisure or play;*

(b) *Activities that promote self-expression and communication;*

(c) *Appropriate physical exercise to encourage development of gross and fine motor skills;*

(d) *Activities to encourage mental or intellectual stimulation and development;*

(e) *Activities appropriate to the child's ethnicity or culture; and*

(f) *Indoor and outdoor recreational activities.*

4. Foster homes which care for adolescents shall seek to prepare them for successful independent living by offering "first-hand" experiences in tasks such as budgeting and saving money, obtaining transportation, preparing meals, washing clothes and solving problems.

5. The foster home shall provide each child with an opportunity to earn money or receive an allowance appropriate to the child's age and commensurate with reasonable peer-group standards. The child must be given guidance in the saving and spending of income.

6. The foster parent shall be nonjudgmental regarding the child's parents.

7. *The foster parent shall assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel.*

8. *The foster parent shall assist the agency which provides child welfare services to ensure that the child is provided with ongoing visitation and contact with siblings or other family members, if requested by the caseworker of the child.*

9. The foster home shall see that each child observes curfew and all other requirements specified by law.

~~[8.]~~ 10. Smoking is prohibited in ~~[the facilities of group homes.]~~ *a foster home and in the presence of foster children.*

Sec. 93. NAC 424.505 is hereby amended to read as follows:

424.505 *Except as otherwise provided in section 44 of this regulation for a specialized foster home, a foster home shall ensure that foster children are supervised in the following manner:*

1. Minors shall not supervise foster children unless approved by the *foster* child's ~~[social worker.]~~ *caseworker.*

2. Foster children must be given supervision appropriate to their age and maturity.

3. Foster children ~~[shall]~~ *must* not supervise or babysit other children unless approved by the foster child's ~~[social worker.~~

~~—4.— Children shall] caseworker.~~

4. *Foster children must* always be supervised by an adult when in or around a pool ~~[~~ ~~Adults shall]~~, *pond or other standing body of water, in a manner appropriate for the age and maturity of the children.*

5. *Adults must* not allow themselves to be distracted by ~~[household chores.]~~ *daily activities.*

Sec. 94. NAC 424.520 is hereby amended to read as follows:

424.520 1. Discipline, to be effective, must be fair, reasonable, consistent and related to the offense.

2. Discipline must be handled with kindness and understanding and administered in such a way as to help the child develop self-control and to assume responsibility for his or her own behavior.

3. Well-defined rules setting limits on behavior must be established and made known to each child. When appropriate, children must be allowed to participate in establishing the rules , which must be displayed.

4. Appropriate and timely remedial action must be taken when children in foster care exhibit inappropriate behavior, are out of control or commit delinquent acts.

5. Consent by parents or others to punish a child contrary to the provisions of this section is void.

6. ~~[When]~~ *Except as otherwise provided in section 53 of this regulation for a specialized foster home or a foster home operated by a foster care agency, when* serious physical intervention is required by the caregiver to protect the child, other persons or property, an incident report must be filed within 48 hours with a licensing authority representative and the ~~[social worker]~~ *caseworker* of the agency responsible for the child.

Sec. 95. NAC 424.525 is hereby amended to read as follows:

424.525 The following are recommended behavior management techniques:

1. ~~[Restraining by holding a child who is physically aggressive in order to protect oneself, staff, the child or others from harm.~~

~~—2.]~~ Picking up a child who is out of control and removing him or her from the setting. This is appropriate only to younger children whose size and weight enable such action.

~~[3.]~~ 2. Informing the child in a simple and positive manner what conduct is expected.

~~[4.]~~ 3. Restriction to the child's room or other area ~~[and/or]~~ *or* withholding privileges such as attending social gatherings or watching television.

~~[5.]~~ *As used in this subsection, "social gathering" does not include an approved visit with any member of a child's family.*

4. Sitting with a child until the child gains control of his or her behavior and can return to normal activities.

~~[6.]~~ 5. Redirecting the child to a new or different activity.

~~[7.]~~ 6. Praising and recognizing a child who behaves in the expected manner.

~~[8.]~~ 7. The use of a point system to recognize good behavior and create an incentive to improve inappropriate behavior.

8. The withdrawal of positive reinforcement for a temporary time for inappropriate behavior, including, without limitation, removal from participation in the current routine or activities or allowing the child to be alone voluntarily in a quiet, unlocked room.

9. Strategies to teach adaptive behavior which include the use of positive reinforcement.

10. Assigning consequences that are specifically related to the child's behavior.

Sec. 96. NAC 424.530 is hereby amended to read as follows:

424.530 1. The following are examples of unacceptable disciplinary techniques. The list is not exclusive. Foster parents shall discuss disciplinary techniques with the child's ~~[social worker]~~ *caseworker* before they are used. The foster parent shall not:

(a) Subject a child to verbal abuse, humiliate the child, threaten the child or make derogatory remarks about the child or his or her family.

(b) Threaten to subject or subject a child to pushing, punching, shaking, rough handling, force feeding, biting, *spanking*, hitting of any kind, including with an implement, isolation in a closed space, such as a closet or unlit or unventilated space, or *any other corporal punishment* *or* other extreme discipline.

(c) *Threaten to remove the child from the foster home.*

(d) Threaten a child with the loss of love of any person.

~~(d)~~ (e) Threaten a child with punishment by a deity.

~~(e)~~ (f) Threaten to deny or deny food, shelter, medication or rest, or threaten to restrict or restrict the use of a toilet or other bathroom fixture as punishment.

~~(f)~~ (g) Threaten to subject or subject a child to any form of punishment by other children.

~~(g)~~ (h) Threaten to subject or subject a child to excessive ~~time-out.~~

~~(h)~~ *withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or requiring the child to be alone in a room for an extended period of time.*

(i) Threaten to wash or wash a child's mouth out with soap or detergent ~~or threaten~~ *or any similar threats or acts.*

(j) *Threaten* to tape or tape the mouth of a child ~~.~~

~~(i)~~ *or any similar threats or acts.*

(k) *Threaten to place or place a sauce made from hot peppers or other pungent condiment sauce in the mouth of a child or any similar threats or acts.*

(l) Threaten to deprive or deprive a child of visits with significant others in the child's life as a form of punishment when the agency placing the child has identified the visitation as appropriate.

~~(m)~~ (m) Threaten to withhold or withhold the allowance of a child provided by the agency which provides child welfare services.

(n) Subject a child to work that does not have a purpose as a means of punishment, including, without limitation, scrubbing the floor with a toothbrush, writing repetitive phrases, pulling weeds in a field of weeds, excessive exercise or any similar acts.

2. The ~~threat of or~~ use of ~~spanking~~ *a mechanical restraint, chemical restraint, involuntary physical confinement or psychological coercion or confinement of a foster child* as a form of discipline is prohibited. *Involuntary physical confinement does not include the withdrawal of positive reinforcement for inappropriate behavior, including, without limitation, removal from participation in the normal routine or activities of the foster home or allowing the child to be alone voluntarily in a quiet, unlocked room.*

3. *As used in this section:*

(a) “Chemical restraint” means the administration of drugs for the specific and exclusive purpose of controlling an acute or episodic aggressive behavior when alternative intervention techniques have failed to limit or control the behavior. The term does not include the administration of drugs on a regular basis, as prescribed by a physician, to treat the symptoms of a mental, physical, emotional or behavioral disorder and for assisting a child in gaining self-control over his or her impulses.

(b) “Mechanical restraint” means the use of any device, including, without limitation, mittens, straps, a restraint chair, handcuffs, belly chains and a four-point restraint, to limit a child’s movement or hold a child immobile.

Sec. 97. NAC 424.535 is hereby amended to read as follows:

424.535 1. Children must be encouraged to participate in the daily chores or work activities.

2. Tasks and work assignments must be appropriate to the child's age, health and ability.

3. Excessive work assignments interfering with normal development, school, health or necessary recreation are not permitted.

4. The ~~director or operator of a foster home~~ *licensee* shall ensure that children in the care of ~~that~~ *the* foster home are not used for money-making endeavors or for soliciting on behalf of the foster home except as approved by the agency which provides child welfare services.

Sec. 98. NAC 424.540 is hereby amended to read as follows:

424.540 1. Food ~~shall~~ *must* be provided in the quantity and quality necessary to meet the child's dietary needs.

2. Consideration ~~shall~~ *must* be given to the child's cultural and religious diet preferences.

3. Special diets ~~shall~~ *must* be followed as prescribed.

4. Drinking water ~~shall~~ *must* be available to all children at all times, except that water may be restricted in evening hours to control bedwetting.

5. ~~A group foster home shall provide or arrange for appropriate nutritional information and consultation.~~

~~—6.]~~ Only use of pasteurized milk or powder dry milk ~~will be~~ *may be* allowed for foster children's consumption.

Sec. 99. NAC 424.550 is hereby amended to read as follows:

424.550 1. All members of the household of the foster home must be free from communicable disease. Each foster parent must be in sufficiently good physical and mental health, and be physically and emotionally capable, to provide the necessary care to children. A

member of the household may be required to have a physical or psychological examination or a diagnostic test performed as required pursuant to NAC 424.167 or when one of the following conditions exist:

(a) A serious health problem or communicable disease was present in the household during the previous year.

(b) There is reason to believe that the foster parent may not be physically or emotionally capable of meeting the needs of foster children.

(c) The licensing authority representative has reason to believe that the health of the child in foster care may be in jeopardy.

2. If the foster parent has reason to believe that a communicable disease is or might be present in the foster home, regardless of its source, he or she shall so notify the health authority and a licensing authority representative as soon as possible, but not later than 72 hours after the time of the initial suspicion.

3. As used in this section ~~is~~:

~~—(a) “Communicable disease” has the meaning ascribed to it in NAC 441A.040.~~

~~—(b) “Health”, “health authority” has the meaning ascribed to it in NRS 441A.050.~~

Sec. 100. NAC 424.555 is hereby amended to read as follows:

424.555 1. Group foster homes shall ~~have~~ *adopt* a written policy on the services for health care and treatment, and shall follow the policy.

2. The foster home parents or *direct care* staff shall closely observe children for signs of illness.

3. All children residing in the foster home must be currently immunized against any communicable ~~[and contagious disease, including, without limitation, measles, mumps and rubella.]~~ *disease.*

4. The services of specialists for treatment and consultation will be obtained when referred by a licensed practitioner and approved by the agency placing the child.

5. The ~~[director or operator of a foster home]~~ *licensee* shall ensure that any program of medication, physical therapy, special exercises or other activity prescribed by a licensed medical practitioner for a child in the care of the foster home is adhered to.

6. A dental health program must be designed to effect good oral hygiene, education and practice.

7. No foster care provider may have a child tested for the acquired immune deficiency syndrome virus without the consent of the agency which provides child welfare services or the agency placing the child.

Sec. 101. NAC 424.560 is hereby amended to read as follows:

424.560 1. The foster home parents or *direct care* staff shall supervise or administer all prescription and nonprescription medication ~~[]~~ *taken by a foster child.*

2. Any nonprescription medication must be administered only for the purpose indicated by the manufacturer on the label of the medication or as prescribed or recommended in writing by a licensed medical practitioner.

3. Prescription medication must be prescribed by a licensed medical practitioner. *The licensee shall request information regarding the medication from the medical practitioner as required by NRS 424.0383.* Medication must be given only to the child for whom it has been prescribed and only in the prescribed dosage.

4. A record for each child must be maintained on all ~~prescribed medications.~~ *prescription and nonprescription medications administered to the child.* The record must become part of the child's permanent file of ~~prescriptions.~~

~~5. In a family foster home, medication must be kept in a place inaccessible to children. In a group foster home,~~ *medications. The record must include, without limitation, the information received from the medical practitioner pursuant to NRS 424.0383 and a copy of the information must be provided to the licensing authority and the agency which provides child welfare services within 10 business days after receipt of the information.*

5. *Except as otherwise provided in this subsection, all* medication must be kept in a locked place, ~~with the exception of~~ *including, without limitation, any* medication that requires refrigeration. *Medication which must be kept with a child pursuant to the instructions of a physician is not required to be kept in a locked place.*

6. ~~Except as otherwise provided in this subsection, medicines and stimulants must be plainly labeled and stored in an orderly fashion in a locked cupboard, box or cabinet or other location inaccessible to children. Poisons or medications for external use only must be kept in a separate area, also inaccessible to children. Medicine may be accessible to a child if a licensing authority representative determines it is appropriate for the child to have access to the medicine, based on the age and stage of development of the child.~~

~~7.]~~ All unused prescribed ~~medications~~ *medication* must be destroyed in a manner:

- (a) Recommended for such destruction on the label of the medication; or
- (b) Determined by the local health authority.

7. In addition to complying with this section, a licensee who operates a group foster home shall have and carry out a policy on the management and administration of medication in the manner prescribed by section 51 of this regulation.

Sec. 102. NAC 424.570 is hereby amended to read as follows:

424.570 1. The foster home shall ~~[see]~~ *ensure* that each child attends school as required by law and shall provide or cooperate with persons responsible for the educational planning for each child. Each child ~~[shall]~~ *must* be afforded the opportunity to complete schooling or training in accordance with his or her aptitude.

2. The foster home parents and *direct care* staff shall:

(a) Provide social, physical and emotional nurturing to help the child to develop and maintain his or her full potential and acceptable social behavior.

(b) Cooperate with the school in assignments, discipline and school activities.

(c) Ensure attendance in the appropriate school, special education or training program, in accordance with the agency's direction.

(d) Provide an adequate study environment.

3. When the foster home enrolls a child in an elementary school, the foster home shall inform the school district where the child is to attend school that the child is in foster care so that the elementary school may prepare an academic plan for the child as required pursuant to NRS 388.155. The foster home shall provide a copy of the academic plan to the licensing authority and the agency which provides child welfare services not later than 10 business days after receiving the plan.

Sec. 103. NAC 424.580 is hereby amended to read as follows:

424.580 1. The foster home shall provide training in good health practices, including proper habits in eating, bathing, personal grooming and hygiene, suitable to the child's age.

2. Children in care ~~[shall]~~ **must** be kept clean and well groomed.

3. The child's ~~[worker shall]~~ **caseworker must** be consulted before anything is done to change the child's personal appearance, i.e., major changes in hair length or hair styles, ear piercing, etc.

4. Unless the foster home parents or **direct care** staff are skilled in hair cutting, the children in care ~~[shall]~~ **must** have professional haircuts.

Sec. 104. NAC 424.590 is hereby amended to read as follows:

424.590 1. Immunization of all household pets must be up to date, regardless of whether the pets are kept inside or outside the foster home. The presence of any pet deemed potentially hazardous to a child is cause for the denial or revocation of a license to operate a foster home. Exotic or potentially dangerous pets or other animals ~~[, including ferrets and boa constrictors,]~~ are prohibited ~~[without the written approval of a]~~ **unless the licensee has obtained any required permit or license to keep the pet or animal and has provided the** licensing authority ~~[representative.]~~ **with a written plan documenting the reasons that the pet or animal does not present a threat to the safety of a child in the home.**

2. Pets are permitted in a foster home 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.

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

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

Sec. 105. NAC 424.595 is hereby amended to read as follows:

424.595 1. All hazardous chemicals, tools and other equipment, including matches, plastic bags, paints, gasoline, ~~{medicines,}~~ insecticides, and cleaning and laundry materials, ~~{shall be stored out of the reach of young children.}~~ *must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children.* Products which could cause poisoning or contamination ~~{shall}~~ *must not* be stored ~~{separately from}~~ *with* food products . ~~{and out of the reach of children.}~~

~~—2.— There shall be no}~~

2. *Not* more than 10 gallons of flammable liquid *may be* stored on the premises , *and any such liquid must be stored* in approved storage containers ~~{;}~~ or within the requirements of the local regulatory agency.

Sec. 106. NAC 424.600 is hereby amended to read as follows:

424.600 ~~{Any}~~

1. *Except as otherwise provided in subsection 2, any* weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, ~~{shall}~~ *must* be unstrung and unloaded at all times when children are in the home. They ~~{shall}~~ *must* be stored in locked containers or rooms out of the reach of children or made inoperable. Ammunition and arrows ~~{shall}~~ *must* be stored in

separate locked containers. Weapons ~~[shall]~~ *must* not be transported in any vehicle in which children are riding unless the weapons are made inoperable and inaccessible.

2. The provisions of this section do not apply to a law enforcement officer who is required to keep a weapon on his or her person if the weapon is maintained as required by subsection 1 whenever the person is not required to carry the weapon.

Sec. 107. NAC 424.605 is hereby amended to read as follows:

424.605 ~~[1.—The director or operator of each foster home shall have a written fire evacuation plan for the foster home. The director or operator of a foster home with 10 or more occupants shall ensure that the fire evacuation plan is posted in the foster home.~~

~~—2.]~~ A fire drill must be held at least once a month *in each foster home* and recorded documentation of the activity must be posted in ~~[each]~~ *the* foster home and must be made available for inspection by the licensing authority.

Sec. 108. NAC 424.750 is hereby amended to read as follows:

424.750 1. The Division will audit the records of an agency which provides child welfare services to determine compliance with the provisions of this chapter, chapter 424 of NRS, any other applicable state and federal law and any written agreements entered into with the Division or the Department of Health and Human Services. The records that are subject to such an audit include, without limitation, information contained in the files of the agency relating to:

(a) An application for a license to operate a foster home ~~[]~~ *or foster care agency*, including, without limitation, an evaluation and an assessment of the family of the applicant ~~[]~~, *if appropriate;*

(b) The disposition of an application described in paragraph (a);

(c) A license to operate a foster home *or foster care agency* issued by the licensing authority, including information indicating the name and address of the licensee ~~[]~~ *or person licensed to operate the foster care agency*, any limitation on the number of children that may be placed in ~~[the] a~~ foster home and any other limitations of the license;

(d) The renewal of a license described in paragraph (c);

(e) A checklist developed to meet licensing requirements of a foster home concerning human health, fire and safety, and such additional information as the Division may require, including, without limitation, information relating to an inspection or analysis of well water, a septic tank or a sewer ~~[]~~, *individual treatment plans, medical records, incident reports, and personnel and training records*;

(f) A complaint concerning a licensee ~~[]~~ *or person licensed to operate the foster care agency*, including the investigation of such a complaint;

(g) Whether the requirements for notification set forth in NAC 424.205 and the procedure for hearing grievances relating to a license to operate a foster home set forth in NRS 424.045 and NAC 424.210 were satisfied;

(h) A case file maintained concerning a foster home ~~[]~~ *or foster care agency*, including any notes in such a case file; and

(i) Any waivers *or modifications* granted pursuant to NAC 424.800 and any approvals granted pursuant to ~~[NAC 424.160, 424.195, 424.250, 424.300, 424.375, 424.455, 424.465, 424.535, 424.555, 424.590, 424.655 and 424.680.]~~ *section 35 or 42 of this regulation.*

2. Within 30 days after the completion of an audit performed pursuant to subsection 1, the Division will issue a written notice to the agency which provides child welfare services if the Division determines as a result of the audit that the agency is not in compliance with the

provisions of this chapter, chapter 424 of NRS, any applicable state or federal law, or any written agreements entered into with the Division or the Department of Health and Human Services. The notice must set forth the nature of the noncompliance.

3. Within 30 days after receipt of a notice issued pursuant to subsection 2, the agency which provides child welfare services shall submit to the Division a plan of action to address the areas of noncompliance. The agency may use the services of a consultant to *develop or* carry out the plan of action. Upon request by an agency which provides child welfare services, the Division will provide assistance to the agency relating to carrying out a plan of action.

4. The Division will reevaluate the areas of noncompliance within 4 to 6 months after the completion of the audit. Within 6 months after completion of the audit, the agency which provides child welfare services shall complete the plan of action or demonstrate that it has made significant progress, as determined by the Division, towards completing the plan of action. If the Division determines that the agency has demonstrated that it has made significant progress towards completing the plan of action, the Division may grant the agency an additional 3 months to complete the plan.

5. The Division may direct the licensing authority to revoke or suspend a license to operate a foster home *or foster care agency* and to remove any foster children placed in the foster home based upon a failure to comply with the provisions of this chapter or chapter 424 of NRS by the agency which provides child welfare services, ~~or~~ the foster home *or the foster care agency* as determined by the Division as a result of an audit performed pursuant to subsection 1.

Sec. 109. NAC 424.800 is hereby amended to read as follows:

424.800 ~~[Except as otherwise provided in NAC 424.195, the]~~

1. The Administrator or, if he or she chooses to designate a designee, the designee of the Administrator may, on a case-by-case basis, waive a specific requirement of this chapter if the waiver is for the betterment of the foster care program and child and is not in violation of any statute of this State or federal law.

2. The licensing authority may, on a case-by-case basis, modify a specific requirement of this chapter applicable to any applicant or the holder of any license upon request if:

(a) The applicant or the holder of the license demonstrates that the alternative proposed is equally effective and will not endanger the health, safety or well-being of a foster child; and

(b) The modification is not in violation of any statute of this State or federal law.

Sec. 110. NAC 424.820 is hereby amended to read as follows:

424.820 Each group foster home , **specialized foster home and foster care agency that operates a foster home** shall carry liability insurance in the amounts appropriate for the protection of all concerned. No license may be issued until verification has been obtained that the policy is in force. If the liability policy is cancelled or not renewed, the director shall notify the licensing authority **not less than** 20 days before the effective date of cancellation or nonrenewal. Failure to maintain the insurance in force is a basis for the revocation of a license.

Sec. 111. 1. The provisions of sections 34 and 41 of this regulation do not apply to a person who was hired as a director of a foster care agency or treatment home, now known as a specialized foster home, respectively, before the effective date of this regulation if the person has been continuously employed in any capacity by the foster care agency or specialized foster home with no separation from employment since at least January 1, 2008.

2. The provisions of section 46 of this regulation do not apply to a person who was hired as a supervisor of or a case manager for a treatment home, now known as a specialized foster home, or a foster home operated by a foster care agency before the effective date of this regulation.

3. Notwithstanding the provisions of section 46 of this regulation, until July 1, 2013, a specialized foster home or a foster home operated by a foster care agency may hire a person who does not meet the qualifications set forth in section 46 of this regulation as a supervisor of or a case manager for a specialized foster home or foster home operated by a foster care agency so long as the person hired meets those qualifications within 18 months after the date of hire.

Sec. 112. NAC 424.061, 424.067, 424.075, 424.140, 424.150, 424.195, 424.280, 424.650, 424.655, 424.660, 424.665, 424.670, 424.675, 424.680, 424.690, 424.695, 424.700 and 424.705 are hereby repealed.

TEXT OF REPEALED SECTIONS

424.061 “Operator” defined. (NRS 424.020) “Operator” means:

1. For a license issued pursuant to NRS 424.030 to operate a family foster home, a provider of family foster care; or

2. For a license issued pursuant to NRS 424.030 to operate a group foster home, the person to whom a license to operate a group foster home is issued and under whose auspices the group foster home operates. This person may be the same person as the director.

424.067 “Provider of family foster care” defined. (NRS 424.020) “Provider of family foster care” has the meaning ascribed to it in NRS 424.017.

424.075 “Treatment home” defined. (NRS 424.020) “Treatment home” means a specialized type of foster home that is capable of handling children who require special care for physical, mental or emotional reasons.

424.140 Applicability of special licensing procedures. (NRS 424.020) If any person desires to operate more than one foster home, the following special licensing procedures apply:

1. If the combined total placements of all those homes does not exceed six children, family foster care standards apply.

2. If each of those homes has six placements or less, but the combined total exceeds six, each home must be licensed by family foster care standards and the program by group home standards. The licensee may have any number of homes as long as there are six or fewer placements in each home.

3. If each of those homes has more than six placements, each home and the program must be licensed by group home standards.

424.150 Nonprofit foster homes: Incorporation in State of Nevada. (NRS 424.020) A nonprofit foster home, or its parent body, must be incorporated in the State of Nevada or be a corporation qualified in this State, and shall operate in accordance with an established constitution and bylaws. The director or operator of a nonprofit foster home shall submit a copy of the articles of incorporation, constitution and bylaws, and tax-exempt letter from the Internal Revenue Service, to the licensing authority.

424.195 Denial, suspension or revocation of license: Criminal history of applicant, licensee or prospective employee. (NRS 424.020, 424.031)

1. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if the applicant, licensee holding the license to operate the foster home or a prospective employee of the foster home:

- (a) Has been convicted of a crime involving harm to a child;
- (b) Has charges pending against him or her for a crime involving harm to a child; or
- (c) Has been arrested and is awaiting final disposition of the charges pending against him or her for a crime involving harm to a child.

2. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if any person listed in subsection 1 has a felony conviction for, has charges pending against him or her for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him or her for a felony conviction for:

- (a) Child abuse or neglect;
- (b) Spousal abuse;
- (c) Any crime against children, including child pornography;
- (d) Any crime involving violence, including rape, sexual assault or homicide, but not including any other physical assault or battery; or
- (e) Physical assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years.

3. If any of the persons listed in subsection 1 has been convicted of, has charges pending against him or her for, or has been arrested and is awaiting final disposition of the charges pending against him or her for:

(a) A felony or a gross misdemeanor, the home must not be licensed without the approval of the Administrator or the designee of the Administrator. The Administrator or the designee of the Administrator may approve the issuance of a license or the continuance of a license if the applicant or licensee has been convicted of a felony described in subsection 2, has charges pending against him or her for a felony described in subsection 2 or has been arrested and is awaiting final disposition of the charges pending against him or her for a felony described in subsection 2, if the Administrator or the designee of the Administrator determines that such an approval or continuation is in the best interest of the child.

(b) One or more misdemeanors, the home must not be licensed without the approval of the Administrator or the designee of the Administrator.

424.280 Investigations of criminal history of employees and prospective adult residents. (NRS 424.020, 424.031, 424.033)

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

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

(a) A local law enforcement agency provides a satisfactory report.

(b) The licensing authority has received at least five satisfactory references regarding the person.

(c) The person's fingerprints have been taken.

↪ A conditional employee is subject to dismissal by the foster home if the Federal Bureau of Investigation indicates the employee has a criminal history. Such history must be discussed with the licensing authority to determine the acceptability of the employee. Failure to dismiss an unacceptable employee is grounds for revocation of the license to operate the foster home.

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

4. A person who is 18 years of age or older and who wishes to move into a foster home after the initial licensure of the foster home must:

(a) Submit two sets of fingerprint cards to the licensing authority or its approved designee; and

(b) Except as otherwise provided in subsection 5, be cleared through fingerprinting, ↪ before moving into the foster home.

5. A person described in subsection 4 may reside in the foster home pending satisfactory clearance through the Federal Bureau of Investigation if approved by the licensing authority and if:

(a) A local law enforcement agency provides a satisfactory report.

(b) The licensing authority has received at least five satisfactory references regarding the person.

(c) The person has submitted his or her fingerprint cards to the licensing authority or its approved designee as required by subsection 4.

↳ Except as otherwise required in NAC 424.195, if an unsatisfactory report is received from the Federal Bureau of Investigation, the licensing authority shall determine the acceptability of the resident on a case-by-case basis. If unacceptable, the director or the operator of the foster home shall either terminate his or her license or have the resident move out of the foster home.

424.650 Director: Requirement; minimum age; duties. (NRS 424.020)

1. Every group treatment home must have a director who is responsible for the overall operation of the group treatment home.

2. A director of a group treatment home must be over 21 years of age and must be responsible for:

(a) Administrating the group treatment home program to meet the licensing requirements.

(b) Maintaining personnel, occupancy and other records.

(c) Screening, hiring, scheduling and supervising the staff of the group treatment home, and for the conduct of any member of the staff of the group treatment home while on duty.

(d) Working with the agency responsible for the child and including them in the program treatment planning.

(e) Cooperating with the agency which provides child welfare services and other governmental agencies to improve the quality of foster care provided in group treatment homes and the competence of caregivers.

(f) Developing and carrying out a plan to create understanding and acceptance by community leaders and neighbors.

3. The director of a group treatment home must be present on-site an average of 20 hours per week. The director shall appoint someone to be in charge while he or she is away from the group treatment home. In the case of multiple group treatment homes, the director must be present on-site monitoring the program for a total minimum of 20 hours per week.

424.655 Director: Qualifications. (NRS 424.020)

1. The director of a group treatment home must have either:

(a) A bachelor's degree with at least 12 semester hours in human growth and development, counseling and guidance, child psychology, education related to the health of children, or in courses directly related to these fields, and at least 6 months of verifiable experience which is satisfactory to the licensing authority in a program related to human growth and development or counseling and guidance;

(b) A high school diploma, a general equivalency diploma or equivalent certificate or a certificate based on general education development, if approved by the licensing authority, and at least 6 semester hours in human growth and development, guidance and counseling, child psychology, education related to the health of children, or in courses directly related to these fields, and at least 2 years of verifiable satisfactory experience in a program related to human growth and development or counseling and guidance; or

(c) A combination of education and experience which, in the judgment of the licensing authority, is equivalent to paragraphs (a) and (b).

2. The director of a group treatment home must provide the agency which provides child welfare services with verification that educational requirements are met.

424.660 Vacancy in position of director. (NRS 424.020)

1. In the event of a vacancy created by the resignation, termination, etc., of the director, a provisional license, not to be renewed, may be issued to the group foster home for 3 months with the following conditions:

(a) The health, safety and well-being of the group home residents will not be threatened or jeopardized; and

(b) There is adequate staff present, at all times, to ensure minimum staff coverage.

2. During the 3-month provisional licensing period, the hiring authority for the group home must be actively recruiting a new director. Approval of a new or proposed director shall take place during this 3-month period.

424.665 Staff: Qualifications. (NRS 424.020)

1. Group home staff shall be sufficiently mature to provide effective supervision and possess the vitality, interest and understanding to meet the needs of children. Prospective group home staff shall be selected for their ability to care for children in relation to the ages and needs of the children to be accepted for care.

2. The educational background of group foster home staff should be appropriate to the position for which they are hired. A combination of experience and education will be taken into consideration.

3. Group home staff must be able to work with and control children in a group.

4. Group home staff must be able to work cooperatively with caseworkers, teachers and other professional personnel in carrying out a treatment plan to meet the individual child's needs.

5. Group home personnel who have responsibility for working directly with children and families shall be able to:

(a) Work with and guide children in a group;

(b) Deal with the individual needs of each child;

(c) Work cooperatively with caseworkers, the court, teachers, counselors and other professionals to develop and carry out the treatment plan; and

(d) Accurately observe and report each child's progress in carrying out the treatment plan.

6. Ancillary staff, including cooks, housekeepers, drivers or other persons not having the direct responsibility for the care and guidance of the children, shall be able to understand inconsistencies in child behavior and support the work of staff who have direct responsibility for carrying out the treatment plan.

7. All group home staff must have sufficient physical and emotional strength and vigor to carry out assigned responsibilities involved in caring for a group of children in a manner consistent with the facility's program and designated level of care.

424.670 Staff: Training. (NRS 424.020)

1. Newly employed members of the staff of a group home must be given an orientation program and trained by the director in the policies, procedures and programs of the group home.

2. Members of the child care staff shall participate in any specialized training appropriate to the position for which they were hired and which is offered in the community where the group home is located. A minimum of 20 hours per year shall be required and documented.

424.675 Director and staff: References. (NRS 424.020) The licensing authority must receive at least five satisfactory references for:

1. A director of a group treatment home; and
2. Each member of the staff of a group treatment home.

424.680 Director, foster parents and staff: Criminal history. (NRS 424.020)

1. Any person employed as a director of a group treatment home or applying to be a foster parent who has been convicted of:

(a) A felony or gross misdemeanor must not be employed in that position without the approval of the Administrator or the designee of the Administrator.

(b) One or more misdemeanors must not be employed in that position without the approval of the Administrator or the designee of the Administrator.

2. Except as otherwise provided in NAC 424.195, any other person employed or volunteering his or her services within a group foster home who has been convicted of a felony or gross misdemeanor or one or more misdemeanors may be employed or may volunteer his or her services upon factual verification of rehabilitation. Each person's background must be evaluated for the position for which the person will be employed or will fill as a volunteer and reviewed by the Administrator or the designee of the Administrator.

424.690 Description of services offered and scope of program: Submission to Division; contents. (NRS 424.020)

1. Each treatment home must provide, upon its initial application for a license, a written description of the services it offers and the scope of its program. Notice of any proposed changes in the program and services offered must be presented to the licensing authority in writing at least 30 days before the change. The licensing authority will assess the proposed changes.

2. The description required by subsection 1 must include:

(a) A statement of purpose and the philosophy, goals and objectives of the treatment home.

(b) The characteristics of the children to be served, including the range of ages, sex, number of children and severity of problems to be treated.

- (c) A target period for a child typically to complete the program and any limitations, if any, on the length of time a child may remain in the care of the treatment home.
- (d) A statement of services to be offered on-site.
- (e) A statement about staffing patterns and plans to meet requirements for supervision, including the number of staff on duty, ancillary staff available and general information about the educational qualifications of the staff, including the level of training and experience required.
- (f) A statement of the policy for admissions.
- (g) A plan for establishing a professional relationship with each child's family and for maintaining regular contact.
- (h) A plan for sharing information with a child's advocate and the agency placing the child in the treatment home.
- (i) A plan for providing social and psychological services.
- (j) A plan for meeting the medical needs of children.
- (k) A plan for meeting the educational, vocational and recreational needs of children.
- (l) A statement regarding the provision of transportation.

424.695 Plan of treatment: Preparation and submission. (NRS 424.020) A group foster home shall prepare a comprehensive plan of treatment for each child and submit it to the agency placing the child in the home within 30 days after placement. The plan must be worked out jointly with the child, the child's caseworker and natural parents, and any other appropriate persons. The plan must address projected planning for the child's return home or to an alternative placement in the community.

424.700 Records: Children. (NRS 424.020) A treatment home shall keep records of a child's activities and progress and additional records as required by the agency placing the child

in the treatment home. All such records must be available for review, copying or auditing by authorized representatives of the agency which provides child welfare services and the agency placing the child at reasonable times, without prior notice, during normal business hours. A folder for each child accepted for foster care must be maintained and include, without limitation:

1. The name of the child.
2. The date of birth of the child.
3. The date of admission of the child to the treatment home.
4. The name of the agency placing the child in the treatment home and the caseworker.
5. The medical history of the child, including a record of any medical care, dental care and immunizations received, and any medication regimen carried out, while in foster care.
6. Any records and reports regarding the education of the child.
7. A plan of treatment for the child.
8. The case history of the child.
9. Any progress reports, accident reports and incident reports regarding the child.
10. Any restrictions on visits or activities.
11. A record of the child's clothing at the time of admission and discharge.
12. The date and reason for the child's discharge and the name of the person to whom the child is discharged.

424.705 Records: Staff. (NRS 424.020) Treatment homes will maintain personnel records for all employees, which shall include:

1. Application for employment, which shall include an employment history and any needed release of information forms.
2. References.

3. Health reports.
4. Record of training.
5. Any other needed information, such as incident reports, regarding the employee.
6. Regular supervisor's evaluations.
7. Law enforcement checks.