

DIVISION OF PUBLIC AND BEHAVIORAL HEALTH

March 10, 2014

LCB File # R013-14

Information Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation.

AB 109, AB93 and the proposed regulations require that child care facilities maintain and safe guard the health, safety and well-being of children through appropriate qualifications, trainings, and full background checks and imposing fines for facilities that fail to meet and maintain NRS and NAC regulated standards.

The commonality in all being proposed through this agency and within the responses is the children. Children command, demand, and deserve all this State has to offer in respect to ensuring safety through the best possible process of risk assessment and analysis as provided through NAC and NRS codes and their amendments.

2. A description of how public comment was solicited, a summary of the public response and an explanation how other interested persons may obtain a copy of the summary.

During the 2013 Legislature, Assembly Bill 109 and Assembly Bill 93 were passed in the interest of child welfare and safety. AB 109 concerns the requirements of current and future Directors of Child Care Facilities as well as continued training hours for all employees of Child Care facilities. AB 93 concerns the process requirements for initiated background checks for all employed within Child Care Facilities These bills were heard in the 2013 legislative session and public input was elicited and taken into consideration by the legislators. They were passed and signed into statute by Governor Sandoval.

Correlating at this time was Legislatures directive for the program to formalize a course of action that would remove the programs use of general funds.

Regulations numbers 010-12, 011-12 and 112-12p have all been consolidated to Regulation Number 013-14, which encompasses the following:

- Delineates the proposed administrative fine structure as it would pertain to Licensed Child Care Facilities.
- Removes requirements for a partial background check and reinforces a mandated full background check of all individuals who work within Licensed Child Care Facilities.
- Removes language from Nevada Administrative Code (NAC) 432A as pertains to nurseries within Group homes and removes language as pertains to waiver process.

Pursuant to NRS 233B.0608 (2) (a), the Division of Public and Behavioral Health has requested input from child care facilities.

A Small Business Impact Questionnaire was sent to child care facilities along with a copy of the proposed regulation changes, on January 10, 2014. The questions on the questionnaire were:

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- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response:

Summary of Comments Received (70 responses were received out of the 492 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation(s) have any beneficial effect upon your business?	Do you anticipate any indirect effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
27-YES 41-NO	8-YES 58-NO	10-YES 52-NO	6-YES 57-NO
*Fines should not be imposed. Child Care Licensing should be a resource and with fines it may not be. *Training requirements are too high, the costs for training is excessive. *Fingerprinting all volunteers including parents will be an extreme cost to the facility or will deter parents from volunteering.	*Director and staff will ensure regulations are being met.	*Fine amount is too steep. *Fines may cause businesses to close	*Will make facilities responsible.

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Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Latisha Brown at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
3811 W. Charleston Blvd, Suite 210
Las Vegas, NV 89102
Latisha Brown, Child Care Licensing Program Manager
Phone: 702-486-3822
Email: labrown@health.nv.gov

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3. The number of persons who: 1) attended the hearing eighteen (18) present three(0) via teleconference; 2) testified at each hearing one (1); and 3) submitted to the agency written statements none (0).

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4. If provided, the name, telephone number, business address, business telephone number, electronic e-mail address and name of entity represented for individuals described above.

See attached Sign In Sheets from attendees in Las Vegas and Carson City.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Division of Public and Behavioral Health has held several opportunities for the public and the regulated community to provide comments regarding the AB109 and AB93, including the economic impact the proposed regulations may have. In consideration of the responses received from the questionnaire the program had concluded a need for further explanation of purpose and method in efforts to be all inclusive and transparent throughout this process.

- Child Care Licensing acknowledges that parent volunteers at facilities should not be subjected to the same requirements as an employee of the facility or a volunteer not utilizing the facility in a parent/patron capacity. Amendment language to be added to exclude parent volunteers needing to receive a background check.
- The increase in child care training hours from 15 annual hours to 24 annual hours has been noted as a significant change, which is why implementation has been planned as a gradual increase over a 3 year span:

****It is also important to note that trainings are also made available online through Nevada Registry to help accommodate the increase in training participation.**

- The proposed administrative fines will be utilized after a facility has been given an opportunity to correct the non-compliance item and to act solely as progressive action where deemed necessary through a documented pattern. Nevada has proposed a fine \$100 per day for continued non-compliance; meaning the responsibility to ensure compliance and no fine is completely at the will of the facility. Facilities can only be written out of compliance for violations documented within NAC and NRS 432A. These documents are available to all facilities per the Division website or upon request. Surveyors and the Child Care licensing team will continue to be available to assist through consultation and trainings with facilities to generate and promote compliance through collaboration.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The proposed regulations have been adopted without any change because the proposed regulations did not meet with noted public objections. The proposed changes were reasonable in merit and substance for the industry and the agency.

7. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

> Both adverse and beneficial effects; and

> Both immediate and long-term effects

NONE

8. The estimated cost to the agency for enforcement of the proposed regulation: NONE

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulatory federal agency.

This regulation does not affect other State agencies, overlap, or duplicate authority. Currently, there is no federal involvement or regulation.

10. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

At this time, there are no federal regulations

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

NONE

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~~Attachments: Proposed Regulations~~

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