
SENATE BILL NO. 430—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Finance

SUMMARY—Revises provisions governing certain child care facilities. (BDR 38-1162)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to children; transferring the authority to regulate and oversee certain child care facilities to the Health Division of the Department of Health and Human Services; eliminating the Bureau of Services for Child Care of the Division of Child and Family Services of the Department; repealing provisions relating to the Chief of the Bureau; eliminating the Board for Child Care; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Board for Child Care to adopt regulations and set
2 policies relating to child care facilities. Existing law also requires the Bureau of
3 Services for Child Care of the Division of Child and Family Services of the
4 Department of Health and Human Services to carry out and administer the licensure
5 of child care facilities. (Chapter 432A of NRS) **Section 26** of this bill repeals
6 provisions which created the Bureau and the Board for Child Care and repeals
7 related provisions governing the appointment and qualifications of the Chief of the
8 Bureau. **Sections 1-25** of this bill transfer the duties of the Board for Child Care to
9 the State Board of Health. **Sections 1-25** also transfer the duties of the Bureau to
10 the Health Division of the Department.



* S B 4 3 0 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 432A of NRS is hereby amended by
2 adding thereto a new section to read as follows:

3 “*Health Division*” means the *Health Division of the*
4 *Department.*

5 **Sec. 2.** NRS 432A.020 is hereby amended to read as follows:
6 432A.020 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 432A.0205 to
8 432A.028, inclusive, *and section 1 of this act* have the meanings
9 ascribed to them in those sections.

10 **Sec. 3.** NRS 432A.021 is hereby amended to read as follows:
11 432A.021 “Board” means the *State* Board ~~{for Child Care.}~~ *of*
12 *Health.*

13 **Sec. 4.** NRS 432A.040 is hereby amended to read as follows:
14 432A.040 The ~~{Bureau}~~ *Health Division* shall:

- 15 1. Serve as a clearinghouse for information relating to child
16 care.
- 17 2. Assist the Director in all matters pertaining to child care
18 services and programs.
- 19 3. Develop plans and conduct and arrange for research and
20 demonstration programs in the field of child care.
- 21 4. Provide technical assistance and consultation to political
22 subdivisions with respect to programs for child care.
- 23 5. Prepare, publish and disseminate educational materials
24 dealing with child care.
- 25 6. Gather statistics in the field of child care which other federal
26 and state agencies are not collecting.
- 27 7. Stimulate more effective use of existing resources and
28 available services for child care.

29 **Sec. 5.** NRS 432A.080 is hereby amended to read as follows:
30 432A.080 The Department through the *Health* Division may
31 make agreements, arrangements or plans to:

- 32 1. Cooperate with the Federal Government in carrying out the
33 purposes of this chapter or of any federal statutes pertaining to child
34 care services and programs and to this end may adopt such methods
35 of administration as are found by the Federal Government to be
36 necessary for the proper and efficient operation of such agreements,
37 arrangements or plans; and
- 38 2. Comply with such conditions as may be necessary to secure
39 benefits under those federal statutes.

40 **Sec. 6.** NRS 432A.090 is hereby amended to read as follows:
41 432A.090 The ~~{Bureau}~~ *Health Division* may develop a state
42 plan for services and programs relating to child care and may



1 comply with such other requirements as may be necessary to obtain
2 federal money. In developing and revising the state plan, the
3 ~~[Bureau]~~ *Health Division* shall consider, among other things,
4 the amount of money available from the Federal Government and
5 the conditions attached to the acceptance of such money, and the
6 limitations of legislative appropriations for services and programs
7 relating to child care.

8 **Sec. 7.** NRS 432A.100 is hereby amended to read as follows:

9 432A.100 1. The State Treasurer is designated as custodian
10 of all money received from the Federal Government for carrying out
11 the purposes of this chapter or any agreements, arrangements or
12 plans authorized thereby.

13 2. The State Treasurer shall make disbursements of such
14 money and from all state funds available for the purposes of this
15 chapter upon certification by the designated official of the ~~[Bureau]~~
16 *Health Division*.

17 **Sec. 8.** NRS 432A.110 is hereby amended to read as follows:

18 432A.110 1. All gifts of money which the ~~[Bureau]~~ *Health*
19 *Division* is authorized to accept must be deposited in the State
20 Treasury for credit to the Gift Account for Child Care Services in
21 the Department of Health and Human Services' Gift Fund. The
22 money may be invested and reinvested and must be used in
23 accordance with the conditions of the gift.

24 2. All claims must be approved by the ~~[Chief]~~ *Administrator*
25 *of the Health Division* before they are paid.

26 **Sec. 9.** NRS 432A.131 is hereby amended to read as follows:

27 432A.131 1. Child care facilities, other than child care
28 institutions, in any county or incorporated city where the governing
29 body has established an agency for the licensing of child care
30 facilities and enacted an ordinance requiring that child care facilities
31 be licensed by the county or city need not be licensed by the
32 ~~[Bureau]~~ *Health Division*. The licensing agency shall adopt such
33 standards and other regulations as may be necessary for the
34 licensing of child care facilities, and the standards and regulations:

35 (a) Must be not less restrictive than those adopted by the Board;
36 and

37 (b) Take effect only upon their approval by the ~~[Bureau]~~ *Health*
38 *Division*.

39 2. An agency for the licensing of child care facilities
40 established by a city or county may waive compliance with a
41 particular standard or other regulation by a child care facility if:

42 (a) The agency finds that the practices and policies of that
43 facility are substantially equivalent to those required by the agency
44 in its standards and other regulations; and



1 (b) The waiver does not allow a practice which violates a
2 regulation adopted by the Board.

3 3. A governing body may adopt such standards and other
4 regulations as may be necessary for the regulation of facilities which
5 provide care for fewer than five children. If the standards so adopted
6 are less restrictive than the standards for the licensure of child care
7 facilities which have been adopted by the Board, the governing body
8 shall not issue a license to the smaller facilities, but may register
9 them in accordance with the standards which are less restrictive.

10 4. If a governing body intends to amend or repeal an ordinance
11 providing for the licensing of child care facilities and the effect of
12 that action will be the discontinuance of the governing body's
13 licensure of child care facilities, the governing body shall notify the
14 ~~[Bureau]~~ *Health Division* of its intention to do so at least 12 months
15 before the amendment or repeal becomes effective.

16 5. A child care institution must be licensed by the ~~[Bureau.]~~
17 *Health Division*.

18 **Sec. 10.** NRS 432A.141 is hereby amended to read as follows:

19 432A.141 1. If, after investigation, the ~~[Bureau]~~ *Health*
20 *Division* finds that an applicant is in full compliance with the
21 provisions of this chapter and the standards and regulations adopted
22 pursuant to this chapter, the ~~[Bureau]~~ *Health Division* shall issue to
23 the applicant the license applied for.

24 2. The ~~[Bureau]~~ *Health Division* shall charge and collect a fee
25 for each license issued for a child care facility in an amount
26 prescribed by regulation of the Board.

27 3. The initial license issued by the ~~[Bureau]~~ *Health Division*
28 may be effective for a period not exceeding 1 year from the date of
29 issuance.

30 4. A license that is renewed by the ~~[Bureau]~~ *Health Division* is
31 effective for 1 year from the date of renewal.

32 5. A license applies only to the person named therein and is not
33 transferable.

34 6. A license issued for:

35 (a) An outdoor youth program is valid only for the area of
36 operation described in the license.

37 (b) Any other child care facility is valid only for the premises
38 described in the license.

39 **Sec. 11.** NRS 432A.150 is hereby amended to read as follows:

40 432A.150 Each license issued by the ~~[Bureau]~~ *Health Division*
41 must contain:

42 1. The name of the person or persons authorized to operate the
43 licensed facility;

44 2. The location of the licensed facility or, if the license is for an
45 outdoor youth program, the area of operation of the program; and



1 3. The number of beds authorized in the licensed facility, the
2 nature of services offered and the service delivery capacity.

3 **Sec. 12.** NRS 432A.160 is hereby amended to read as follows:

4 432A.160 1. Except as otherwise provided in this section, the
5 ~~{Bureau}~~ *Health Division* may issue a provisional license, effective
6 for a period not exceeding 1 year, to a child care facility which:

7 (a) Is in operation at the time of adoption of standards and other
8 regulations pursuant to the provisions of this chapter, if the ~~{Bureau}~~
9 *Health Division* determines that the facility requires a reasonable
10 time under the particular circumstances, not to exceed 1 year from
11 the date of the adoption, within which to comply with the standards
12 and other regulations;

13 (b) Has failed to comply with the standards and other
14 regulations, if the ~~{Bureau}~~ *Health Division* determines that the
15 facility is in the process of making the necessary changes or has
16 agreed to effect the changes within a reasonable time; or

17 (c) Is in the process of applying for a license, if the ~~{Bureau}~~
18 *Health Division* determines that the facility requires a reasonable
19 time within which to comply with the standards and other
20 regulations.

21 2. The provisions of subsection 1 do not require the issuance of
22 a license or prevent the ~~{Bureau}~~ *Health Division* from refusing to
23 renew or from revoking or suspending any license in any instance
24 where the ~~{Bureau}~~ *Health Division* considers that action necessary
25 for the health and safety of the occupants of any facility or the
26 clients of any outdoor youth program.

27 3. A provisional license must not be issued pursuant to this
28 section unless the ~~{Bureau}~~ *Health Division* has completed an
29 investigation into the qualifications and background of the applicant
30 and the employees of the applicant pursuant to NRS 432A.170 to
31 ensure that the applicant and each employee of the applicant, or
32 every resident of the child care facility or participant in any outdoor
33 youth program who is 18 years of age or older, has not been
34 convicted of a crime listed in subsection 2 of NRS 432A.170 and
35 has not had a substantiated report of child abuse or neglect made
36 against him or her.

37 **Sec. 13.** NRS 432A.170 is hereby amended to read as follows:

38 432A.170 1. The ~~{Bureau}~~ *Health Division* may, upon
39 receipt of an application for a license to operate a child care facility,
40 conduct an investigation into the:

41 (a) Buildings or premises of the facility and, if the application is
42 for an outdoor youth program, the area of operation of the program;

43 (b) Qualifications and background of the applicant or the
44 employees of the applicant;

45 (c) Method of operation for the facility; and



- 1 (d) Policies and purposes of the applicant.
- 2 2. The ~~[Bureau]~~ *Health Division* shall secure from appropriate
3 law enforcement agencies information on the background and
4 personal history of every applicant, licensee or employee of an
5 applicant or licensee, or every resident of a child care facility or
6 participant in an outdoor youth program who is 18 years of age or
7 older, to determine whether the person has been convicted of:
- 8 (a) Murder, voluntary manslaughter or mayhem;
- 9 (b) Any other felony involving the use of a firearm or other
10 deadly weapon;
- 11 (c) Assault with intent to kill or to commit sexual assault or
12 mayhem;
- 13 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
14 indecent exposure or any other sexually related crime;
- 15 (e) Abuse or neglect of a child or contributory delinquency;
- 16 (f) A violation of any federal or state law regulating the
17 possession, distribution or use of any controlled substance or any
18 dangerous drug as defined in chapter 454 of NRS;
- 19 (g) Abuse, neglect, exploitation or isolation of older persons or
20 vulnerable persons, including, without limitation, a violation of any
21 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any
22 other jurisdiction that prohibits the same or similar conduct; or
- 23 (h) Any offense involving fraud, theft, embezzlement, burglary,
24 robbery, fraudulent conversion or misappropriation of property
25 within the immediately preceding 7 years.
- 26 3. The ~~[Bureau]~~ *Health Division* shall request information
27 concerning every applicant, licensee or employee of an applicant or
28 licensee, or every resident of a child care facility or participant in an
29 outdoor youth program who is 18 years of age or older, from the
30 Statewide Central Registry for the Collection of Information
31 Concerning the Abuse or Neglect of a Child established pursuant to
32 NRS 432.100 to determine whether there has been a substantiated
33 report of child abuse or neglect made against any of them.
- 34 4. The ~~[Bureau]~~ *Health Division* may charge each person
35 investigated pursuant to this section for the reasonable cost of that
36 investigation.
- 37 5. The information required to be obtained pursuant to
38 subsections 2 and 3 must be requested concerning an:
- 39 (a) Employee of an applicant or licensee, resident of a child care
40 facility or participant in an outdoor youth program who is 18 years
41 of age or older not later than 3 days after the employee is hired, the
42 residency begins or the participant begins participating in the
43 program, and then at least once every 6 years thereafter.



1 (b) Applicant at the time that an application is submitted for
2 licensure, and then at least once every 6 years after the license is
3 issued.

4 **Sec. 14.** NRS 432A.175 is hereby amended to read as follows:

5 432A.175 1. Every applicant for a license to operate a child
6 care facility, licensee and employee of such an applicant or licensee,
7 and every resident of a child care facility or participant in an
8 outdoor youth program who is 18 years of age or older, shall submit
9 to the ~~[Bureau,]~~ *Health Division*, or to the person or agency
10 designated by the ~~[Bureau,]~~ *Health Division*, to enable the ~~[Bureau,]~~
11 *Health Division* to conduct an investigation pursuant to NRS
12 432A.170, a:

13 (a) Complete set of fingerprints and a written authorization for
14 the ~~[Bureau]~~ *Health Division* or its designee to forward the
15 fingerprints to the Central Repository for Nevada Records of
16 Criminal History for submission to the Federal Bureau of
17 Investigation for its report;

18 (b) Written statement detailing any prior criminal convictions;
19 and

20 (c) Written authorization for the ~~[Bureau]~~ *Health Division* to
21 obtain any information that may be available from the Statewide
22 Central Registry for the Collection of Information Concerning the
23 Abuse or Neglect of a Child established pursuant to NRS 432.100.

24 2. If an employee of an applicant for a license to operate a
25 child care facility or licensee, or a resident of a child care facility or
26 participant in an outdoor youth program who is 18 years of age or
27 older, has been convicted of any crime listed in subsection 2 of NRS
28 432A.170 or has had a substantiated report of child abuse or neglect
29 filed against him or her, the ~~[Bureau]~~ *Health Division* shall
30 immediately notify the applicant or licensee, who shall then comply
31 with the provisions of NRS 432A.1755.

32 3. An applicant for a license to operate a child care facility or
33 licensee shall notify the ~~[Bureau]~~ *Health Division* within 2 days
34 after receiving notice that:

35 (a) The applicant, licensee or an employee of the applicant or
36 licensee, or a resident of the child care facility or participant in an
37 outdoor youth program who is 18 years of age or older, or a facility
38 or program operated by the applicant or licensee, is the subject of a
39 lawsuit or any disciplinary proceeding; or

40 (b) The applicant or licensee, an employee, a resident or
41 participant has been charged with a crime listed in subsection 2 of
42 NRS 432A.170 or is being investigated for child abuse or neglect.

43 **Sec. 15.** NRS 432A.178 is hereby amended to read as follows:

44 432A.178 1. A child care facility shall maintain a copy of:



1 (a) The license issued to the facility by the **[Bureau] Health**
2 **Division** or an agency for the licensing of child care facilities
3 established by a county or incorporated city;

4 (b) Any summaries of complaints provided to the facility
5 pursuant to subsection 3 of NRS 432A.190;

6 (c) The report of any investigation conducted with respect to the
7 complaints; and

8 (d) The report of any disciplinary action taken against the
9 facility pursuant to NRS 432A.190.

10 2. The information maintained pursuant to subsection 1 must
11 be provided in the form prescribed pursuant to subsection 3:

12 (a) To the parent or guardian of a child who enrolls the child in
13 the facility, at or before the time of enrollment.

14 (b) To the parent or guardian of a child, upon request, who is
15 considering enrolling the child in the facility.

16 (c) In the case of disciplinary action taken pursuant to NRS
17 432A.190, to the parents or guardians of all children admitted to the
18 facility. Notice of disciplinary action must be provided to the
19 parents or guardians of the children admitted to the facility within 3
20 working days after receipt by the licensed child care facility.

21 3. The **[Bureau] Health Division** shall develop a standard form
22 for reporting the information required to be provided pursuant to
23 subsection 2. The information reported on the form must include all
24 required information for the 12-month period ending on the last day
25 of the month immediately preceding the month in which the
26 information is provided.

27 4. The **[Bureau] Health Division** and every agency for the
28 licensing of child care facilities established by a county or
29 incorporated city shall inform persons seeking information
30 concerning child care facilities of their right to information pursuant
31 to this section.

32 **Sec. 16.** NRS 432A.1785 is hereby amended to read as
33 follows:

34 432A.1785 1. Each applicant for a license to operate a child
35 care facility and licensee shall maintain records of the information
36 concerning its employees and any residents of the child care facility
37 or participants in any outdoor youth program who are 18 years of
38 age or older that is collected pursuant to NRS 432A.170 and
39 432A.175, including, without limitation:

40 (a) Proof that the applicant or licensee submitted fingerprints to
41 the Central Repository for Nevada Records of Criminal History for
42 its report; and

43 (b) The written authorization to obtain information from the
44 Statewide Central Registry for the Collection of Information



1 Concerning the Abuse or Neglect of a Child established pursuant to
2 NRS 432.100.

3 2. The records maintained pursuant to subsection 1 must be
4 made available for inspection by the ~~{Bureau}~~ *Health Division* at
5 any reasonable time, and copies thereof must be furnished to the
6 ~~{Bureau}~~ *Health Division* upon request.

7 **Sec. 17.** NRS 432A.180 is hereby amended to read as follows:

8 432A.180 1. Any authorized member or employee of the
9 ~~{Bureau}~~ *Health Division* may enter and inspect any building or
10 premises of a child care facility or the area of operation of an
11 outdoor youth program at any time to secure compliance with or
12 prevent a violation of any provision of this chapter.

13 2. The State Fire Marshal or a designee of the State Fire
14 Marshal shall, at least annually:

15 (a) Enter and inspect every building or premises of a child care
16 facility, on behalf of the ~~{Bureau;}~~ *Health Division;* and

17 (b) Observe and make recommendations regarding the drills
18 conducted pursuant to NRS 432A.077,
19 ➔ to secure compliance with standards for safety from fire and other
20 emergencies.

21 3. The State Health Officer or a designee of the State Health
22 Officer shall enter and inspect at least annually, every building or
23 premises of a child care facility and area of operation of an outdoor
24 youth program, on behalf of the ~~{Bureau;}~~ *Health Division,* to
25 secure compliance with standards for health and sanitation.

26 4. The annual inspection of any child care facility which
27 occasionally or regularly has physical custody of children pursuant
28 to the order of a court must include, without limitation, an
29 inspection of all areas where food is prepared and served,
30 bathrooms, areas used for sleeping, common areas and areas located
31 outdoors that are used by children at the child care facility. The
32 State Health Officer shall publish reports of the inspections and
33 make them available for public inspection upon request.

34 **Sec. 18.** NRS 432A.190 is hereby amended to read as follows:

35 432A.190 1. The ~~{Bureau}~~ *Health Division* may deny an
36 application for a license to operate a child care facility or may
37 suspend or revoke such a license upon any of the following grounds:

38 (a) Violation by the applicant or licensee or an employee of the
39 applicant or licensee of any of the provisions of this chapter or of
40 any other law of this State or of the standards and other regulations
41 adopted thereunder.

42 (b) Aiding, abetting or permitting the commission of any illegal
43 act.



1 (c) Conduct inimical to the public health, morals, welfare and
2 safety of the people of the State of Nevada in the maintenance and
3 operation of the child care facility for which a license is issued.

4 (d) Conduct or practice detrimental to the health or safety of the
5 occupants or employees of the child care facility, or the clients of
6 the outdoor youth program.

7 (e) Conviction of any crime listed in subsection 2 of NRS
8 432A.170 committed by the applicant or licensee or an employee of
9 the applicant or licensee, or by a resident of the child care facility or
10 participant in the outdoor youth program who is 18 years of age or
11 older.

12 (f) Failure to comply with the provisions of NRS 432A.178.

13 (g) Substantiation of a report of child abuse or neglect made
14 against the applicant or licensee.

15 (h) Conduct which is found to pose a threat to the health or
16 welfare of a child or which demonstrates that the applicant or
17 licensee is otherwise unfit to work with children.

18 (i) Violation by the applicant or licensee of the provisions of
19 NRS 432A.1755 by continuing to employ a person, allowing a
20 resident to continue to reside in the child care facility or allowing a
21 participant in an outdoor youth program to continue to participate in
22 the program if the employee, or the resident or participant who is 18
23 years of age or older, has been convicted of a crime listed in
24 subsection 2 of NRS 432A.170 or has had a substantiated report of
25 child abuse or neglect made against him or her.

26 2. In addition to the provisions of subsection 1, the **[Bureau]**
27 **Health Division** may revoke a license to operate a child care facility
28 if, with respect to that facility, the licensee that operates the facility,
29 or an agent or employee of the licensee:

30 (a) Is convicted of violating any of the provisions of
31 NRS 202.470;

32 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
33 244.360, 244.3603 or 268.4124; or

34 (c) Is ordered by the appropriate governmental agency to correct
35 a violation of a building, safety or health code or regulation but fails
36 to correct the violation.

37 3. The **[Bureau]** **Health Division** shall maintain a log of any
38 complaints that it receives relating to activities for which the
39 **[Bureau]** **Health Division** may revoke the license to operate a child
40 care facility pursuant to subsection 2. The **[Bureau]** **Health Division**
41 shall provide to a child care facility:

42 (a) A summary of a complaint against the facility if the
43 investigation of the complaint by the **[Bureau]** **Health Division**
44 either substantiates the complaint or is inconclusive;



1 (b) A report of any investigation conducted with respect to the
2 complaint; and

3 (c) A report of any disciplinary action taken against the facility.
4 ➔ The facility shall make the information available to the public
5 pursuant to NRS 432A.178.

6 4. In addition to any other disciplinary action, the ~~[Bureau]~~
7 *Health Division* may impose an administrative fine for a violation
8 of any provision of this chapter or any regulation adopted pursuant
9 thereto. The ~~[Bureau]~~ *Health Division* shall afford to any person so
10 fined an opportunity for a hearing. Any money collected for the
11 imposition of such a fine must be credited to the State General Fund.

12 5. On or before February 1 of each odd-numbered year,
13 the ~~[Bureau]~~ *Health Division* shall submit to the Director of the
14 Legislative Counsel Bureau a written report setting forth, for the
15 previous biennium:

16 (a) Any complaints included in the log maintained by the
17 ~~[Bureau]~~ *Health Division* pursuant to subsection 3; and

18 (b) Any disciplinary actions taken by the ~~[Bureau]~~ *Health*
19 *Division* pursuant to subsection 2.

20 **Sec. 19.** NRS 432A.200 is hereby amended to read as follows:

21 432A.200 1. When the ~~[Bureau]~~ *Health Division* denies,
22 suspends or revokes a license for a child care facility, the ~~[Bureau]~~
23 *Health Division* shall afford reasonable notice to all parties by
24 certified mail, which notice must contain the legal authority,
25 jurisdiction and reasons for the action taken.

26 2. The aggrieved person may file notice of appeal with the
27 ~~[Chief]~~ *Administrator of the Health Division or a designee of the*
28 *Administrator* within 10 calendar days after receipt of notice of
29 action of the ~~[Bureau]~~ *Health Division*.

30 3. Within 20 calendar days after the receipt of the notice of
31 appeal, the ~~[Chief]~~ *Administrator of the Health Division or a*
32 *designee of the Administrator* shall hold a hearing.

33 4. Notice of the hearing must be given no less than 5 days
34 before the date set for the hearing.

35 **Sec. 20.** NRS 432A.210 is hereby amended to read as follows:

36 432A.210 1. Except as provided in subsection 1 of NRS
37 432A.131, the ~~[Bureau]~~ *Health Division* may bring an action in the
38 name of the State to enjoin any person, state or local government
39 unit or agency thereof from operating or maintaining any child care
40 facility:

41 (a) Without first obtaining a license therefor; or

42 (b) After his or her license has been revoked or suspended by
43 the ~~[Bureau]~~ *Health Division*.



1 2. It is sufficient in such an action to allege that the defendant
2 did, on a certain date and in a certain place, operate and maintain the
3 facility without a license.

4 **Sec. 21.** NRS 432A.380 is hereby amended to read as follows:

5 432A.380 A provider shall not conduct an outdoor youth
6 program unless it employs:

7 1. A field administrator who:

8 (a) Is not less than 25 years of age;

9 (b) Holds a baccalaureate or higher degree, from an accredited
10 college or university, in recreational therapy or a related field;

11 (c) Has completed a program of training, approved by the
12 ~~Bureau.~~ **Health Division**, on survival in the wilderness;

13 (d) Has not less than 2 years' experience in the specific type of
14 outdoor youth program being conducted; and

15 (e) Is certified and receives annual training in the use and
16 administration of first aid, including cardiopulmonary resuscitation.

17 2. Senior field staff and support staff who:

18 (a) Are not less than 21 years of age;

19 (b) Have graduated from high school and satisfactorily
20 completed not less than 24 semester hours of academic instruction,
21 at an accredited college or university, in subjects relating to the care
22 of children;

23 (c) Have completed a program of training, approved by the
24 ~~Bureau.~~ **Health Division**, on survival in the wilderness;

25 (d) Have not less than 6 months' experience in the field with an
26 outdoor youth program; and

27 (e) Are certified and receive annual training in the use and
28 administration of first aid, including cardiopulmonary resuscitation.

29 3. Additional field staff, in such a number as necessary to
30 comply with the requirements of NRS 432A.480, who:

31 (a) Are not less than 21 years of age;

32 (b) Have graduated from high school and satisfactorily
33 completed not less than 12 semester hours of academic instruction,
34 at an accredited college or university, in subjects relating to the care
35 of children;

36 (c) Display skills in leadership; and

37 (d) Are certified and receive annual training in the use and
38 administration of first aid, including cardiopulmonary resuscitation.

39 **Sec. 22.** NRS 432A.390 is hereby amended to read as follows:

40 432A.390 1. A provider may authorize:

41 (a) A person to obtain experience in the field, as an intern
42 member of the staff of an outdoor youth program, if the person is:

43 (1) Not less than 21 years of age; and

44 (2) Supervised by the field staff.



1 (b) A person who is not a client or member of the staff of an
2 outdoor youth program to participate in the program as a voluntary
3 assistant if the person is:

- 4 (1) Not less than 18 years of age;
- 5 (2) Under the direct supervision of the field staff; and
- 6 (3) Not allowed to supervise clients.

7 2. A provider and a field administrator shall not:

8 (a) Without the specific approval of the ~~[Bureau]~~ *Health*
9 *Division*, allow a person to participate in an outdoor youth program
10 unless the person has attained the age of 14 years.

11 (b) Allow a client who is less than 18 years of age to participate
12 in an outdoor youth program with any client who is 18 years of age
13 or older.

14 **Sec. 23.** NRS 432A.410 is hereby amended to read as follows:

15 432A.410 Each member of the staff of an outdoor youth
16 program, including intern members, must be properly trained before
17 they may participate in the program. The training required by this
18 section must be approved by the ~~[Bureau]~~ *Health Division* and:

19 1. Consist of:

- 20 (a) Not less than 7 days of academic instruction; and
- 21 (b) Not less than 21 days of practical instruction in the field.

22 2. Include instruction in:

- 23 (a) Leadership and the exercise of good judgment;
- 24 (b) The maintenance of a daily log;
- 25 (c) Management of the behavior of clients;
- 26 (d) Skills and techniques for the counseling, teaching and
27 supervision of clients;
- 28 (e) Skills and techniques for conducting expeditions without
29 adversely affecting the environment;
- 30 (f) The procurement, preparation and conservation of water,
31 food and shelter in the field;
- 32 (g) Procedures for sanitation;
- 33 (h) Navigational skills;
- 34 (i) Precautions for local environmental conditions;
- 35 (j) First aid, including cardiopulmonary resuscitation, and other
36 medical information that is useful in the field;
- 37 (k) Procedures for and the use of equipment to maintain the
38 safety of clients;
- 39 (l) Procedures to be used in emergencies;
- 40 (m) Relevant federal, state and local laws and regulations; and
- 41 (n) Such other information, skills and techniques as the ~~[Bureau]~~
42 *Health Division* deems necessary.

43 **Sec. 24.** NRS 432A.460 is hereby amended to read as follows:

44 432A.460 A field administrator shall:



1 1. Establish a base camp that is continuously monitored by at
2 least one member of the staff of the outdoor youth program while
3 clients are participating in the program.

4 2. Maintain in the base camp:

5 (a) A master map of the entire area in which activities are
6 conducted pursuant to the program.

7 (b) A file regarding each client and member of the staff who is
8 participating in the program. Each file must contain biographical
9 and medical information concerning the client or member of the
10 staff and information regarding his or her qualifications and fitness
11 for participation in the program.

12 (c) A current list of each client and member of the staff who is
13 on an expedition.

14 (d) A copy of the itinerary for each expedition, including the
15 intended schedule, and a map of the route for the expedition. The
16 field administrator shall, before the expedition leaves the base camp,
17 deliver a copy of the itinerary and map to the ~~{Bureau}~~ *Health*
18 *Division*.

19 (e) A log of each communication between the base camp and a
20 group on expedition.

21 3. Supervise the maintenance of communications, inspection of
22 equipment and rendering of first aid.

23 4. Provide the ~~{Bureau}~~ *Health Division* with any information
24 it requests regarding the outdoor youth program.

25 **Sec. 25.** NRS 432A.500 is hereby amended to read as follows:

26 432A.500 1. A field administrator shall ensure that each
27 group of clients does not hike beyond the physical limitations of the
28 weakest member of the group. If the outdoor temperature is greater
29 than 90 degrees Fahrenheit, clients must not be allowed to hike
30 between 10 a.m. and 6 p.m.

31 2. The field staff shall:

32 (a) Provide clients with daily instruction upon:

33 (1) Federal, state and local laws and regulations for the
34 protection of the environment; and

35 (2) Conducting themselves in such a manner as not to have
36 an adverse effect on the environment.

37 (b) Maintain a common daily log of all accidents, injuries,
38 administrations of medication, behavioral problems and any unusual
39 incidents that occur. The log must be in bound form, except that a
40 log may be recorded electronically while on an expedition if it is
41 transcribed into a bound volume immediately after the expedition.
42 All entries must be in permanent ink and signed by the entrant. A
43 provider or field administrator shall, upon request, allow any
44 authorized member or employee of the ~~{Bureau}~~ *Health Division* to



1 inspect the log, and shall not allow any person to alter or destroy the
2 log or any of its entries.

3 (c) While on an expedition, carry an itinerary of the expedition,
4 including the intended schedule, and a map of the route for the
5 expedition.

6 **Sec. 26.** NRS 432A.022, 432A.023, 432A.060, 432A.070,
7 432A.071, 432A.073 and 432A.075 are hereby repealed.

8 **Sec. 27.** The Legislative Counsel shall:

9 1. In preparing the reprint and supplements to the Nevada
10 Revised Statutes, appropriately change any references to an officer,
11 agency or other entity whose name is changed or whose
12 responsibilities are transferred pursuant to the provisions of this act
13 to refer to the appropriate officer, agency or other entity.

14 2. In preparing supplements to the Nevada Administrative
15 Code, appropriately change any references to an officer, agency or
16 other entity whose name is changed or whose responsibilities are
17 transferred pursuant to the provisions of this act to refer to the
18 appropriate officer, agency or other entity.

19 **Sec. 28.** Any regulations adopted by the Board for Child Care
20 before July 1, 2011, pursuant to chapter 432A of NRS remain in
21 effect and may be enforced by the State Board of Health until the
22 State Board of Health adopts regulations to repeal or replace those
23 regulations.

24 **Sec. 29.** This act becomes effective on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

432A.022 "Bureau" defined.

432A.023 "Chief" defined.

432A.060 Chief: Appointment; qualifications.

432A.070 Chief: Duties and powers.

432A.071 Board for Child Care: Creation; composition.

**432A.073 Board for Child Care: Selection, qualifications
and terms of members.**

**432A.075 Board for Child Care: Meetings; compensation of
members and employees.**

