

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

LCB File No. R044-02

June 3, 2002

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

AUTHORITY: §§1-14, 16-23, 25, 27-29, 32-65 and 67-69, NRS 424.020; §§15, 24, 26, 30 and 31, NRS 424.020 and 424.045; §66, NRS 424.020 and 424.077.

Section 1. Chapter 424 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *“Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*

Sec. 3. *“Licensing authority” has the meaning ascribed to it in NRS 424.016.*

Sec. 4. *“Licensing authority representative” means:*

1. In a county whose population is 100,000 or more, the director of the agency of the county that provides or arranges for necessary child welfare services or a person designated by him; or

2. In a county whose population is less than 100,000, the administrator or a person designated by him.

Sec. 5. *“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.

Sec. 6. "Provider of family foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 7. 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 human resources. 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, including, without limitation, an evaluation and an assessment of the family of the applicant;

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

(c) A license to operate a foster home issued by the licensing authority, including information indicating the name and address of the licensee, any limitation on the number of children that may be placed in the 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;

(f) A complaint concerning a licensee, 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, including any notes in such a case file; and

(i) Any waivers 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.

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 human resources. 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 a plan of corrective action for the areas of noncompliance to the division. The agency may use the services of a consultant to carry out the plan of corrective 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 corrective action.

4. The division will reevaluate the areas of noncompliance within 4 to 6 months after the completion of the audit. The agency which provides child welfare services shall complete the corrective action within 6 months after completion of the audit.

5. The division may direct the licensing authority to revoke or suspend a license to operate a foster home 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 as determined by the division as a result of an audit performed pursuant to subsection 1.

Sec. 8. 1. The licensing authority shall submit a quarterly report to the division on a form prescribed by the division. 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 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 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. 9. 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 he and each member of his household who is 18 years of age or older, is free

from active tuberculosis, any other communicable disease in a contagious stage and any other medical condition which may affect the ability of the household to provide foster care. The evidence relating to tuberculosis 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,

FLUSH *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 shall ensure that each volunteer or employee of the foster home provides the written evidence set forth in subsection 1 to the licensing authority, except that such a volunteer or employee 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 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,

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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. 10. *The agency which provides child welfare services may require the foster parents to establish a safety plan jointly with the agency that sets forth the methods to be used to protect a child in foster care from abuse and neglect.*

Sec. 11. 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 6, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 12. NAC 424.025 is hereby amended to read as follows:

424.025 “Director” means the person responsible for the on-site administration of ~~the facility.]~~ *a foster home.*

Sec. 13. NAC 424.075 is hereby amended to read as follows:

424.075 “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.

Sec. 14. NAC 424.105 is hereby amended to read as follows:

424.105 The licensing of a foster home by the ~~division]~~ *licensing authority* does not obligate the ~~division]~~ *agency which provides child welfare services* to support the foster home financially nor obligate the ~~division]~~ *agency which provides child welfare services* to place any certain number of children in the *foster* home. The licensing of a foster home means only that the ~~division]~~ *licensing authority* has evaluated the family, physical plant and services, and has determined that the foster home is in compliance with licensing requirements.

Sec. 15. NAC 424.110 is hereby amended to read as follows:

424.110 1. Any person or ~~[operator, including corporations, desiring]~~ *agency who wishes* to operate a foster home ~~[shall]~~ *must* contact the appropriate ~~[regional representative of the division or local district office of the division]~~ *licensing authority representative* for an application and return the completed application to the ~~[regional representative or district office.]~~ *licensing authority.*

2. When a ~~[corporation]~~ *person or agency* applies for a license, the application must include information on the director *or operator* and staff ~~[]~~, *as applicable.* The director *or operator of the foster home* is responsible for interviewing each prospective employee and submitting a copy of each employment application and résumé to the ~~[division]~~ *licensing authority* upon request.

3. 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. 16. NAC 424.120 is hereby amended to read as follows:

424.120 1. A ~~[division]~~ *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 ~~[division]~~ *licensing authority* representative may visit the *foster* home at any time, *announced or unannounced*, to determine compliance with licensing requirements and ~~[shall]~~ *must* be available for consultation as appropriate. *The licensing authority representative*

shall visit each foster home at least once during the annual licensing period. That visit may be conducted as part of the initial issuance of a license or the renewal of a license.

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

Sec. 17. NAC 424.125 is hereby amended to read as follows:

424.125 Applicants ~~licensees~~ *and licensees* are required to provide releases of information as requested by the ~~division~~ *licensing authority* representative authorizing contact with any individual deemed necessary to evaluate the *foster* home. This may include , *without limitation*, doctors, employers, school staff ~~[, etc., as well as]~~ *and* personal references.

Sec. 18. NAC 424.130 is hereby amended to read as follows:

424.130 1. A ~~division~~ *licensing authority* representative shall conduct a fair and impartial inspection of each foster home at initial licensing and *at least one visit* annually thereafter. The ~~division~~ *licensing authority* representative may request any health, fire, building or other inspection if he has any reason for concern regarding the health or safety of the *foster* home.

2. All foster homes must receive fire safety inspections upon their initial application for a license and annually thereafter pursuant to NAC 424.135.

3. The ~~division~~ *licensing authority* may require each group foster home to be inspected upon its application for a license by the local building inspector and any local or state health inspector. A subsequent building inspection may be required if any structural remodeling is done. *Any such remodeling must adhere to any applicable requirements relating to building set forth in an ordinance of the local government having jurisdiction.*

4. The ~~[division]~~ *licensing authority* may require all foster homes to be inspected annually by a health authority if individual well water or a septic tank is used.

5. If a foster home is not located on a city water system, the ~~[division]~~ *licensing authority* may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The ~~[division]~~ *licensing authority* may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking. Bottled water may be required if the water from the individual well is unsafe.

6. All group foster homes must be inspected as single-family dwellings, as defined in the current codes for ~~[such]~~ *those* dwellings adopted by the state fire marshal.

Sec. 19. NAC 424.135 is hereby amended to read as follows:

424.135 1. Fire safety inspections must be conducted by a ~~[regional representative of the division or the state]~~ *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 nonambulatory or severely handicapped, disabled or mentally retarded person, each such person must be counted twice when determining total occupancy.

2. If the total occupancy is:

(a) Less than 10, the ~~[regional]~~ *licensing authority* representative shall, except as otherwise provided in this paragraph, inspect the home to ensure the requirements of subsection 3 are met. The ~~[regional]~~ *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 designee shall inspect the home. The state fire marshal may, based upon information he receives regarding the home, designate the ~~[regional representative of the division]~~ *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. 20. NAC 424.150 is hereby amended to read as follows:

424.150 ~~[1.—The provisions of this section and NAC 424.155 are applicable only to nonprofit foster homes.~~

~~—2.]~~ A nonprofit foster home, or its parent body, ~~[shall]~~ *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. ~~[A]~~ *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, ~~[shall be furnished]~~ to the ~~[division.~~

~~—3.—There shall be no intent of money gain to any individual in the group operating the foster home. The group home and all money donations received shall be used only for the defined purpose of the organization.~~

~~—4.—A nonprofit foster home shall have a governing and/or advisory board whose primary or exclusive concern shall be the operation of the foster home.~~

~~—5.—The foster home's governing or advisory board shall be composed of not less than seven members representative of the community which it serves, and shall not include employees of the agency nor the spouses of employees.~~

~~—6.—The selection and tenure of board members and officers shall be in accordance with the articles of incorporation, bylaws or other written]~~ *licensing* authority.

Sec. 21. NAC 424.160 is hereby amended to read as follows:

- 424.160 1. No family 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 ~~[facility]~~ *foster home* may be licensed must be determined by a ~~[division]~~ *licensing authority* representative based upon the following factors:
- (a) The staff's own children under the age of 16 who live in the ~~[facility]~~ *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 ~~[division]~~ *licensing authority* determines to be relevant.
4. ~~[Care]~~ *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 ~~[chief of the bureau]~~ *administrator* or the designee of the administrator.

Sec. 22. NAC 424.165 is hereby amended to read as follows:

- 424.165 Before ~~[granting]~~ *the licensing authority grants* an initial license ~~[]~~ *to operate a foster home*, the following minimum requirements must be met:
- 1. A *satisfactory* clearance through local law enforcement and submittal of fingerprints pursuant to NRS 424.033 and NAC 424.195 and 424.280;

2. A satisfactory clearance through 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;*

3. At least one visit by a ~~[division]~~ *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, either oral or written, with five satisfactory references; and

6. Satisfactory completion of the training specified in NAC 424.270.

Sec. 23. 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 nonambulatory or severely handicapped, disabled or mentally retarded persons the *foster* home is approved to accept, if applicable.

(b) The type of license.

(c) The signature of the ~~[administrator or his designated representative.]~~ *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 stated on the license.

4. The license becomes invalid when it is voluntarily returned, the foster family moves to another location or it is revoked.

5. In the case of 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 and

specify the address and name of the operator of the specific foster home. If the specific operator of the *foster* home changes, the license becomes invalid.

Sec. 24. NAC 424.175 is hereby amended to read as follows:

424.175 1. ~~[A]~~ *The director or operator of a* foster home shall notify a ~~[division]~~ *licensing authority* representative and apply *to the licensing authority* for a change in its license 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 ~~[division]~~ *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 *foster* home may *submit a* request *for* a review of the denial ~~[by the chief of the bureau]~~ *to the administrator. The administrator* or the designee of the administrator ~~[,]~~ *shall review the denial* but the denial is not subject to appeal.

2. A ~~[division]~~ *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 ~~[the chief of the bureau or the designee of]~~ *to* the administrator ~~[to]~~ *for a* review *of* the proposed changes. ~~[,]~~ *The administrator or the designee of the administrator shall review the proposed changes* but the changes are not subject to appeal.

3. The ~~[chief of the bureau]~~ *administrator* or the designee of the administrator shall conduct any review requested pursuant to this section within 30 days after ~~[he]~~ *the administrator* receives the request and shall inform the licensee in writing of his decision regarding the review.

Sec. 25. NAC 424.180 is hereby amended to read as follows:

424.180 A licensee wishing to renew its license *to operate a foster home* shall apply *to the licensing authority* for renewal at least 60 days before the license expires. ~~[The division]~~ A *licensing authority* representative shall study the *foster* home and the license must be renewed if all licensing requirements are met. If the codes for fire and life safety as adopted by the state fire marshal *or local fire authority* change, the foster home will be allowed 90 days to comply with the new requirement.

Sec. 26. NAC 424.185 is hereby amended to read as follows:

424.185 1. ~~[A license will be denied, suspended or revoked]~~ *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 ~~[division will]~~ *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 ~~[division's]~~ first responsibility *of the licensing authority* is to ensure licensed *foster* homes can provide for foster children. The ~~[division is, therefore,]~~ *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 ~~[division]~~ *licensing authority* to deny an initial application ~~[is]~~ *may be* subject to review by the ~~[chief of the bureau,]~~ *administrator or* the designee of the administrator . ~~[, or the director or the designee of the director of the child-placing agency to which the application was made.]~~ However, such denials are not subject to the appeal process. Foster home licensure ~~[is a privilege]~~ *occurs at the discretion of the licensing authority* and *is* not a right.

3. In the case of 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 to meet group *foster* home standards.

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

Sec. 27. NAC 424.190 is hereby amended to read as follows:

424.190 Any applicant for a license to operate a foster home or a licensed provider of foster care, who has been investigated by ~~[a child protective service]~~ *an agency which provides child welfare services* and regarding whom a finding of substantiated abuse or neglect of a child has been made by that agency, or whose own children have been in foster care or otherwise placed outside of his home for the purpose of adoption or foster care, must be denied a *license to operate a foster* ~~[care license]~~ *home* or have his existing license revoked, as applicable.

~~[Exceptions may be granted by the administrator or his designee.]~~

Sec. 28. NAC 424.195 is hereby amended to read as follows:

424.195 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 ~~[any of the following persons has]~~ *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 ~~[-~~
- ~~—(a) A foster home applicant or licensee;~~
- ~~—(b) An employee of the foster home; or~~

~~—(c) A resident of the foster home who is 18 years of age or older.];~~

(b) Has charges pending against him for a crime involving harm to a child; or

(c) Has been arrested and is awaiting final disposition of the charges pending against him 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 the ~~[applicant or licensee]~~ *any person listed in subsection 1* has a felony conviction *for, has charges pending against him for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him 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 ~~[specified]~~ *listed* in subsection 1 has been convicted of ~~[]~~, *has charges pending against him for, or has been arrested and is awaiting final disposition of the charges pending against him 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 for a felony described in subsection 2 or has been arrested and is awaiting final disposition of the charges pending against him 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 ~~[chief of the bureau]~~ *administrator* or the designee of the administrator.

Sec. 29. NAC 424.200 is hereby amended to read as follows:

424.200 1. Whenever the ~~[division]~~ *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 ~~[division will]~~ *licensing authority shall* make an investigation to determine the facts. The ~~[division will]~~ *licensing authority shall* have the authority to inspect the premises where the violation is alleged to occur and to conduct such other investigations as may be indicated.

2. If it is found that a person is operating *a foster home* without a license, the ~~[division]~~ *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 ~~[attorney general]~~ *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 ~~[division]~~ *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 ~~[attorney general]~~ *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. 30. NAC 424.205 is hereby amended to read as follows:

424.205 1. The right to operate a foster home is dependent upon continued compliance with the licensing requirements of the ~~[division.~~
~~—2.—The]~~ *licensing authority.*

2. A license *to operate a foster home* may be revoked by the ~~[division]~~ *licensing authority* whenever a *foster* home fails to meet the requirements for a license. ~~[The division representative will]~~ *A licensing authority representative shall* send a written statement to the foster family giving the reasons for revocation of the license ~~[Revocation]~~ *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 ~~[, the division]~~ *or which involve a health or safety issue, the licensing authority* may suspend a license and require the *foster* home to cease operation immediately . ~~;~~ ~~before notification of fair hearing procedures.]~~ The suspension of a license pursuant to this

subsection is not subject to the ~~[fair hearing process provided]~~ *procedures set forth* in NAC 424.210, but a licensee may *submit a request for* a review of the suspension by the administrator ~~. [for the designee of]~~ *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 placed the child in the foster home within the period determined by the licensing authority.

Sec. 31. NAC 424.210 is hereby amended to read as follows:

424.210 Except as otherwise provided in NAC 424.205, a licensee may, by written request, obtain a hearing regarding a proposal by the ~~[division]~~ *licensing authority* to revoke or deny the renewal of his license. The request must be received by the ~~[division]~~ *licensing authority* before the effective date of the proposed action or within 13 days after the notice of action was mailed, including the date of mailing. The hearing must be held before a hearing officer of the division or the designee of the administrator. The hearing officer or designee, as appropriate, shall render a written decision on the matter within 90 calendar days after the request for a hearing was filed.

Sec. 32. NAC 424.250 is hereby amended to read as follows:

424.250 1. A sufficient number of staff must be on duty and available at all times ~~[in order]~~ to assure proper care for children. The minimum *number* of staff employed in a group foster home, excluding staff whose sole functioning is clerical, housekeeping, maintenance and other ancillary services, ~~[shall be:]~~ *is:*

Type	Age Range	Staff/Child Ratio
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Group Foster Homes	0-18 years	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

FLUSH 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 ~~[also]~~ *those children are* living in the *foster* home.

2. Treatment homes may be required to provide a minimum of one responsible adult, who ~~[shall]~~ *must* be awake and on duty in the home during the children's normal sleeping hours. Additional staff may be required at the discretion of the ~~[division if it is determined necessary, e.g.,]~~ *licensing authority if the licensing authority determines it is necessary because of, among other factors, the* behavior and treatment needs of *the* children. The ~~[division may also]~~ *agency which provides child welfare services 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. 33. NAC 424.270 is hereby amended to read as follows:

424.270 1. 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 ~~[division.]~~ *agency which provides child welfare services.* If the home has a pool, hot tub or jacuzzi, another free-standing body of water

or a sauna, the applicants must also complete training in cardiopulmonary resuscitation and pool safety before licensure.

2. Foster parents must attend 4 hours annually of training in foster parenting which is provided or approved by the ~~[division,]~~ *agency which provides child welfare services*.

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

4. A 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.

Sec. 34. NAC 424.275 is hereby amended to read as follows:

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

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

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

Sec. 35. NAC 424.280 is hereby amended to read as follows:

424.280 1. The director of a group *foster* home is responsible for submitting to the ~~[division]~~ *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. ~~[Employees]~~ *Each employee* hired by a foster ~~[care-facility]~~ *home* after the initial licensure of the ~~[facility]~~ *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) ~~[Five]~~ *The licensing authority has received at least five* satisfactory references ~~[have been-received]~~ regarding the person.

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

FLUSH A conditional employee is subject to dismissal by the foster ~~[care-facility]~~ *home* if the Federal Bureau of Investigation indicates the employee has a criminal history. Such history must be discussed with the ~~[division]~~ *licensing authority* to determine the acceptability of the employee. Failure to dismiss an unacceptable employee is grounds for revocation of the ~~[facility's license.]~~ *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. ~~[Residents who are]~~ *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 ~~[. The]~~,
before moving into the foster home.

FLUSH

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) ~~[Five]~~ *The licensing authority has received at least five* satisfactory references ~~[have been received]~~ regarding the person.

(c) The ~~[person's fingerprints have been taken.]~~ *person has submitted his fingerprint cards to the licensing authority or its approved designee as required by subsection 4.*

FLUSH

Except as otherwise required in NAC 424.195, if an unsatisfactory report is received from the Federal Bureau of Investigation, the ~~[division will]~~ *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 license or have the resident move out of the foster home.

Sec. 36. NAC 424.285 is hereby amended to read as follows:

424.285 The ~~[division will]~~ *licensing authority shall* consider the composition and marital status of a foster family and staff 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. 37. NAC 424.300 is hereby amended to read as follows:

424.300 If an applicant or a foster parent is providing professional care directly to a child in the ~~[division's custody,]~~ *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 providing professional care include, but are not limited to:

1. A minister who is counseling the child.
2. A psychiatrist or psychologist who is treating the child.
3. A social worker or mental health counselor who is counseling the child.
4. The child's probation officer.
5. The child's teacher.
6. A physician who is treating the child.
7. The guardian ad litem for the child.
8. The child's attorney.
9. *A person who is responsible for the child in his capacity as an employee providing child welfare services as defined in NRS 432B.044.*

Sec. 38. NAC 424.355 is hereby amended to read as follows:

424.355 ~~[The]~~ *A foster* home should be reasonably accessible to educational and religious facilities, medical care, recreational facilities, special facilities for training and guidance of children to be served, fire services and visits from parents and agency staff. ~~[The level of compliance]~~ *A licensing authority representative shall determine the extent to which a foster home must comply* with this requirement ~~[shall be decided by the division representative, with~~

~~consideration given to~~ *after taking into consideration* the number, ages and needs of the foster children to be cared for, and accepted local practices.

Sec. 39. NAC 424.360 is hereby amended to read as follows:

424.360 1. The grounds of a foster home ~~[shall provide]~~ *must include* outdoor space as a recreational area suitable for the size, number and age of the children accepted for *foster* care.

2. Outdoor play space ~~[shall]~~ *must* be fenced when, in the judgment of ~~[the division]~~ *a licensing authority* representative, surrounding hazards ~~[such as irrigation ditches,]~~, *including, without limitation,* freeways, railroads, livestock, machinery ~~[, etc.,]~~ *and irrigation ditches or other bodies of water,* suggest the necessity for such protection.

3. The home and outdoor play area ~~[shall]~~ *must* be well-maintained in a clean and safe condition and free from hazards, ~~[e.g.,]~~ *including, without limitation,* trash and debris.

4. The premises of a ~~[facility]~~ *foster home* must be free of accumulated refuse, dilapidated structures, vermin, dangerous conditions capable of harming children and any other health or safety hazard.

5. All land areas must be well-drained, imperviously surfaced if necessary and free of depressions in which water may stand.

Sec. 40. NAC 424.365 is hereby amended to read as follows:

424.365 1. ~~[It is recommended that the]~~ *The foster* home *must* have at least 200 square feet of living space per occupant, including foster children. 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 ~~of~~ 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. 41. NAC 424.375 is hereby amended to read as follows:

424.375 1. Unless an exception is approved by ~~[a licensing supervisor:]~~

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.

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

2. Unless an exception is approved by ~~[a licensing worker,]~~ *the licensing authority*, 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 ~~[a licensing supervisor,]~~ *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 ~~[a licensing supervisor,]~~ *the licensing authority*, children of the opposite sex ~~[over]~~ *who are* 5 years of age *or older* must not share a bedroom, and children over ~~[1-year]~~ *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 *foster* child's social worker.

5. Unless an exception is approved by ~~[a licensing supervisor,]~~ *the licensing authority*, 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 or as approved by ~~[a licensing worker,]~~ *the licensing authority*, each child must be provided with his 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 ~~[a licensing supervisor,]~~ *the licensing authority*, 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 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.

Sec. 42. NAC 424.400 is hereby amended to read as follows:

424.400 1. All *foster* homes must have operating, 5-pound portable fire extinguishers on each story of the structure. Each fire extinguisher must:

(a) Have a minimum rating of 2-A 10BC.

(b) Be mounted *or readily available* as designated by the licensing ~~[worker]~~ *authority representative* pursuant to the state fire marshal's instructions.

(c) Be located within 75 feet of traveling distance from any point within the ~~[facility-~~
~~—2.—The division]~~ *foster home.*

(d) *Be in working order.*

2. *The licensing authority* may require at least a type 13-D sprinkler system in any foster home which has three or more nonambulatory persons, or which provides care to three or more children *who are* under 18 months of age or to five or more children *who are* under ~~[5]~~ 6 years of age.

3. Any portable fire extinguishers, alarm systems and sprinkler systems must be serviced and tagged annually by a company which is appropriately licensed by the state fire marshal.

4. Every *foster* home must have smoke detectors which conform to Standard No. 43-6 of the *Uniform Building Code*. The smoke detectors must be located in every room where foster children sleep and mounted on a ceiling or wall at a point centrally located in a corridor or area

giving access to rooms used for sleeping. Where sleeping rooms are located on an upper level of a building, a smoke detector must be placed at the center of the ceiling directly above the stairway. The smoke detectors may be battery operated or may receive their primary power from the building wiring.

5. ~~[Homes]~~ *Foster homes* with 10 or more occupants must meet all requirements for fire extinguishers and alarms as are determined by the state fire marshal following an inspection of the *foster* home.

6. Interior wall and ceiling finishes which are more than 1/28-inch thick must have a flame spread rating of Class III.

Sec. 43. 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. ~~[Homes]~~ *Foster homes* which have pools or ponds 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, and which separates the pool or pond 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 from the house.

FLUSH 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.

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.

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, 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. 44. NAC 424.455 is hereby amended to read as follows:

424.455 1. A foster home ~~[shall]~~ **must** not combine foster care with regular paid care for others, including day care, without the approval of the ~~[chief of the bureau]~~ **administrator** or the designee of the administrator.

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

Sec. 45. 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 *social* worker and the foster parents.

2. The preparation of a child for placement in a foster home is primarily the responsibility of the child's *social* worker. ~~[However, the foster parent(s) needs to]~~ *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.

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

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

Sec. 46. NAC 424.475 is hereby amended to read as follows:

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

1. ~~{The division}~~ *A licensing authority* representative if it intends to accept placements from more than one agency.

2. ~~{The division}~~ *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 ~~{division}~~ *agency which provides child welfare services* unless an agency, other than the ~~{division,}~~ *agency which provides child welfare services*, has an exclusive contract with the foster home to provide the ~~{division}~~ *agency which provides child welfare services* with a monthly report of placements.

3. ~~{The division}~~ *A licensing authority* representative within ~~{5 working days}~~ *72 hours* after the occurrence of any changes in the *foster* home which affect its continuing conformance with the requirements for foster home care ~~{. Changes which must be reported include:}~~, *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 ~~{proposed}~~ move from one home to another.

(b) A member of the household or staff ~~{is leaving}~~ *leaves* or a new member ~~{is joining}~~.

~~—(c) Any plans} joins the household or staff.~~

(c) *A decision* to remodel the home.

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

(e) Any ~~{major illness occurring to any member of the household}~~.

~~—(f) Any changes]~~ *significant change* in *the* routines used with the child, including, but not limited to, the imposition of a new program of house rules ~~]~~

~~—4.]~~ *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.

~~[5.]~~ 6. The social worker of the placing agency responsible for a child before any volunteer staff or other persons begin to have regular contact with the child.

Sec. 47. 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 ~~[5]~~ *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 ~~[division]~~ *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. 48. 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 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. ~~[Except as otherwise provided in this subsection,]~~ *The director or an operator of* a foster home shall *ensure that children in the care of that foster home are* not ~~[allow children to be]~~

identified by name or by clear description, or photographed for any publication or other printed or broadcast media. ~~[The division, upon approval of the appropriate authority, may approve exceptions to this prohibition.]~~

Sec. 49. 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 ~~[shall]~~ *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 own behavior.

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

4. Appropriate and timely remedial action ~~[shall]~~ *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 serious physical intervention is required by the caregiver ~~[in order]~~ to protect the child, ~~[others]~~ *other persons* or property, an incident report must be filed within 48 hours ~~[to the division]~~ *with a* licensing *authority* representative and the *social worker of the* agency responsible for the child.

Sec. 50. 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 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 family.

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

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

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

(e) ~~{Deny}~~ *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) ~~{Subject}~~ *Threaten to subject or subject* a child to any form of punishment by other children.

(g) ~~{Subject}~~ *Threaten to subject or subject* a child to excessive time out.

(h) ~~{Wash}~~ *Threaten to wash or wash* a child's mouth out with soap or detergent or *threaten to tape or* tape the mouth of a child.

(i) ~~{Deprive}~~ *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.

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

2. The *threat of or* use of spanking as a form of discipline is prohibited.

Sec. 51. NAC 424.535 is hereby amended to read as follows:

424.535 1. Children ~~[shall]~~ **must** be encouraged to participate in the daily chores or work activities.

2. Tasks and work assignments ~~[shall]~~ **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 shall ~~[not use]~~ **ensure that** children *in the care of that foster home are not used* for money-making endeavors or for soliciting on behalf of the ~~[facility]~~ **foster home** except as approved by the ~~[division.]~~ **agency which provides child welfare services.**

Sec. 52. NAC 424.550 is hereby amended to read as follows:

424.550 1. All members of the ~~[foster]~~ 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 ~~[and any diagnostic tests may be required for any member of the household]~~ **or a diagnostic test performed as required pursuant to section 9 of this regulation 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 ~~[worker]~~ *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 which is included in the ~~[health division's]~~ list of reportable communicable diseases *prepared by the health division of the department of human resources* is or might be present in the foster home, regardless of its source, he shall so notify the ~~[bureau]~~ *health authority and a licensing authority representative* as soon as possible, but ~~[no]~~ *not* later than 72 hours after the time of the initial suspicion.

3. *As used in this section, "health authority" has the meaning ascribed to it in NRS 441A.050.*

Sec. 53. NAC 424.555 is hereby amended to read as follows:

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

2. The foster home parents or 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, ~~[i.e.,]~~ *including, without limitation*, measles, mumps and rubella.

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 shall ~~[follow through on]~~ *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 ~~[shall]~~ **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 ~~[division]~~ **agency which provides child welfare services** or the agency placing the child.

Sec. 54. NAC 424.560 is hereby amended to read as follows:

424.560 1. The foster home parents or staff shall supervise ~~[and/or]~~ **or** administer all prescription **and nonprescription** medication.

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. Medication ~~[shall]~~ **must** be given only to the child for whom it has been prescribed and only in the prescribed dosage.

~~[3.]~~ 4. A record for each child ~~[shall]~~ **must** be maintained on all prescribed medications. The record ~~[shall]~~ **must** become part of the child's permanent file of prescriptions.

~~[4.]~~ 5. In a family foster home, medication ~~[shall]~~ **must** be kept in a place inaccessible to children. In a group foster home, medication ~~[shall]~~ **must** be kept in a locked place, with the exception of medication that requires refrigeration.

~~[5.—All]~~ 6. **Except as otherwise provided in this subsection,** medicines and stimulants ~~[shall]~~ **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 ~~[shall]~~ **must** be kept in a separate area, also inaccessible to children.

~~[6.—]~~ *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 ~~[shall]~~ *must* be destroyed ~~[.The recommended method of destruction is by flushing the contents down a toilet.]~~ *in a manner:*

(a) Recommended for such destruction on the label of the medication; or

(b) Determined by the local health authority.

Sec. 55. NAC 424.585 is hereby amended to read as follows:

424.585 1. Each child ~~[shall]~~ *must* have his or her own clothing and personal possessions as well as storage space for them. Children ~~[shall]~~ *must* not be required to share personal clothing items with other children.

2. Clothing must be of the correct size and type, and appropriate to climatic conditions, and ~~[shall]~~ *must* be kept clean and in good repair. Clothing allowances issued or authorizations to purchase clothing must be used for the child intended and only for clothing items. *The receipts for the purchase of such clothing items must be maintained by the foster home.*

3. Each child's clothes and personal possessions *are the property of the child and* must be inventoried, *on a form provided by the agency which provides child welfare services*, at the time of *placement and* discharge *from a foster home* and sent with the child when he or she leaves the placement. *As used in this subsection, "personal possessions" includes, without limitation, scrapbooks, photographs and gifts.*

Sec. 56. 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 ~~[the division]~~ *a licensing authority* representative.

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) ~~[Innoculated]~~ *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. 57. NAC 424.605 is hereby amended to read as follows:

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

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

Sec. 58. NAC 424.650 is hereby amended to read as follows:

424.650 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 ~~[division]~~ *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 ~~[director shall]~~ *must* be present ~~[on-site]~~ *on-site* an average of 20 hours per week. The director shall appoint someone to be in charge while he is away from the *group treatment* home. In the case of multiple *group treatment* homes, the director must be present ~~[on-site]~~ *on-site* monitoring the program for a total minimum of 20 hours per week . ~~[, and must visit each home on a weekly basis.]~~

Sec. 59. NAC 424.655 is hereby amended to read as follows:

424.655 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 ~~[division]~~ *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 ~~[division,]~~ *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 ~~[division,]~~ *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.

Sec. 60. NAC 424.675 is hereby amended to read as follows:

424.675 ~~[1.—A group treatment home director must have]~~ *The licensing authority must receive at least* five satisfactory references ~~[received by the division. —2.—Group home staff must have three satisfactory references.]~~ *for:*

1. A director of a group treatment home; and

2. Each member of the staff of a group treatment home.

Sec. 61. NAC 424.680 is hereby amended to read as follows:

424.680 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 ~~[his designee.]~~ *the designee of the administrator.*

(b) One or more misdemeanors must not be employed in that position without the approval of the ~~{chief of the bureau}~~ *administrator* or the designee of the administrator.

2. ~~{Any}~~ *Except as otherwise provided in NAC 424.195, any* other person employed or volunteering his 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 services* upon factual verification of rehabilitation. Each person's background must be evaluated for the position for which he will be employed *or will fill as a volunteer* and reviewed by the ~~{chief of the bureau or}~~ *administrator* or the designee of the administrator.

Sec. 62. NAC 424.685 is hereby amended to read as follows:

424.685 Each group ~~{treatment}~~ *foster* home shall carry liability insurance in the amounts appropriate for the protection of all concerned. No license ~~{shall}~~ *may* be issued until verification has been obtained that the policy is in force. If the liability policy is cancelled or not renewed, the ~~{division shall be notified by the group home}~~ director *shall notify the licensing authority* 20 days ~~{prior to}~~ *before* the effective date of cancellation or nonrenewal. Failure to maintain the insurance in force ~~{shall constitute}~~ *is* a basis for the revocation of a license.

Sec. 63. NAC 424.690 is hereby amended to read as follows:

424.690 1. Each treatment home ~~{shall}~~ *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 ~~{division}~~ *licensing authority* in writing at least 30 days before the change. The ~~{division}~~ *licensing authority* will assess the proposed changes.

2. The description required by subsection 1 must include:

- (a) A statement of purpose and the ~~[facility's]~~ 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 ~~[facility.]~~ *treatment home.*
- (d) A statement of services to be offered ~~[on-site.]~~ *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.

Sec. 64. NAC 424.700 is hereby amended to read as follows:

424.700 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 ~~[division]~~

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.

Sec. 65. NAC 424.800 is hereby amended to read as follows:

424.800 Except as otherwise provided in NAC 424.195, the administrator or ~~his~~, *if he 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~~ *or federal law*.

Sec. 66. NAC 424.805 is hereby amended to read as follows:

424.805 1. The ~~[division]~~ *agency which provides child welfare services* shall provide direct services to foster parents who are caring for children in the ~~[division's custody. Services may include:~~

~~—1.] custody of the agency which provides child welfare services. Those services include, without limitation:~~

(a) Thoroughly discussing the child's situation and needs, and assisting foster parents to develop their capability to meet those needs.

~~[2.]~~ (b) Responding in a timely manner to foster parents' requests for assistance in meeting the child's needs.

~~[3.]~~ (c) Sharing the ~~[division's]~~ plan *of the agency which provides child welfare services* for the child with the foster parents and considering their suggestions, even though the ~~[division]~~ *agency which provides child welfare services* must make the planning decision.

2. *In addition to the services provided to foster parents pursuant to subsection 1, the licensing authority shall, using funding available to providers of family foster care, provide a program of respite care, develop guidelines for access to any other program of respite care and ensure that those guidelines are provided to providers of family foster care.*

3. *As used in this section, "respite care" means temporary care that:*

(a) *Is provided to a child who is placed in a family foster home;*

(b) *Is provided by a person other than the current foster parent of the child; and*

(c) *Provides a respite for the foster parent of the child from the stresses and responsibilities that result from the daily care of the child.*

Sec. 67. NAC 424.810 is hereby amended to read as follows:

424.810 The ~~[division will,]~~ *licensing authority shall*, within 10 working days after it obtains any information regarding a child which it is required to provide to a provider of family foster care pursuant to NRS 424.037 or 424.038, provide that information to the provider of family foster care ~~[.]~~ *on a form prescribed by the agency which provides child welfare services.*

Sec. 68. NAC 424.815 is hereby amended to read as follows:

424.815 1. For the purposes of NRS 424.047:

(a) A provider of family foster care must submit his request for information to the ~~[division]~~ *licensing authority* in writing on a form provided by the ~~[division. The division will]~~ *licensing authority. The licensing authority shall* set a date and time, which must be not more than 30 days after the request is received by the ~~[division,]~~ *licensing authority*, for the provider to inspect the requested information. The provider must provide the ~~[division]~~ *licensing authority* with a form of identification that contains his photograph before the ~~[division will]~~ *licensing authority shall* allow the provider to conduct the inspection.

(b) “Information” does not include any matter which is made confidential by state or federal statute or regulation, except that the ~~[division will]~~ *licensing authority shall* identify confidential records concerning a provider by designating the category or source of the record or, when practicable, provide summaries of confidential records concerning a provider which omit the confidential portion of those records.

(c) “References” includes any personal opinions concerning a provider which are communicated to the ~~[division,]~~ *licensing authority.*

2. A provider of family foster care shall not remove from the records maintained by the ~~[division]~~ *licensing authority* any information to which he is provided access pursuant to NRS 424.047.

Sec. 69. NAC 424.013, 424.035, 424.060 and 424.155 are hereby repealed.

TEXT OF REPEALED SECTIONS

424.013 “Chief of the bureau” defined. “Chief of the bureau” means the chief of the bureau of services for child care.

424.035 “Division representative” defined. (NRS 424.020) “Division representative” includes a regional representative of the division, a professional worker of the division or a designee of the division, or a professional worker or a designee of a licensed child-placing agency.

424.060 “Operator/applicant” defined. “Operator/applicant” means the person to whom the license is issued and under whose auspices the home operates. This may be the same person as the director.

424.155 Nonprofit foster homes: Duties of governing or advisory board.

1. The board shall meet at regular stated times with such additional meetings as may be necessary. As a minimum, the governing or advisory board shall meet every 3 months.
2. The board shall keep written minutes of its proceedings. The minutes shall be available for review to the division representative.
3. Appropriate standing and special committees shall be appointed.
4. The duties and responsibilities of the board shall include:

(a) Clearly define the functions of the foster home, and establish policies and controls necessary for the effective achievement of the program.

(b) Define the responsibilities of the director, establish conditions of employment, and employ or appoint a director in whom the direct management of the home shall be vested. The director shall meet regularly with the board and appropriate committees.

(c) Periodically evaluate the home to ascertain that the purpose of its constitution and bylaws, established policies, and applicable state and local requirements are being followed, and effect such change in policy and practice as their evaluation indicates appropriate.

(d) Provide a sound financial program for the foster home, including the preparation or approval of the budget, the development of fund-raising activities, the control of expenditures and the establishment of appropriate accounting methods. The financial records of the home shall be available at any time for the inspection of the division representative.

(e) Maintain adequate community relations with other social agencies, as well as the general public, interpret the program to the community and relate their program to community needs.

5. The use of advisory boards or advisory committees in lieu of a board of directors is acceptable for foster homes operated by religious groups with demonstrated professional competence and responsibility. The areas of concern for advisory boards are the same as set forth in this section as duties and responsibilities of the board, except their function is to consider and advise and not to establish policy.