ASSEMBLY BILL NO. 463–COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE IN THE OFFICE OF THE GOVERNOR)

APRIL 13, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing child care facilities and certain child care programs. (BDR 38-1083)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Executive Budget.

EXPLANATION - Matter in bolded italics is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to children; transferring certain duties and authority related to the licensing and regulation of certain child care facilities from the Division of Public and Behavioral Health of the Department of Health and Services to the Division of Human and Supportive Services of the Department; revising the membership of the Nevada Early Childhood Advisory Council; revising provisions governing the inspection and review of child care facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services if: (1) the city or county in which the child care facility is located has not provided for the licensure of child care facilities by an agency of the city or county, as applicable; or (2) the child care facility is a child care institution. (NRS 432A.131) Existing law defines "child care institution" for that purpose to mean a facility that provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. (NRS 432A.0245) **Section 4** of this bill transfers the authority to license and regulate such child care facilities from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services of the Department. Section 1 of this bill authorizes an employee of the Division of Welfare and Supportive Services to access the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child when





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investigating the background of certain persons associated with a child care facility, small child care establishment or outdoor youth program. Section 2 of this bill defines "Administrator" to refer to the Administrator of the Division of Welfare and Supportive Services, and section 3 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes. Sections 6-8 of this bill transfer to the Administrator: (1) the duties to establish a policy for the coordination of entities with an interest in child care and to inspect child care facilities; and (2) the authority to waive certain education requirements for a person who is responsible for the operation of a child care facility. Sections 9 and 10 of this bill make revisions so that certain reports relating to the immunization of children who have been admitted to child care facilities continue to be submitted to the Division of Public and Behavioral Health. Section 11 of this bill transfers to the Division of Welfare and Supportive Services the duty to conduct a review of a child care facility that has been found by a legislative audit to have certain deficiencies.

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to include certain members appointed by the Governor. (NRS 432A.076) **Section 5** of this bill eliminates the requirement that the Council include one member who is a representative of the Division of Public and Behavioral Health. **Section 5** adds to the membership of the Council: (1) one member who is a representative of the Division of Welfare and Supportive Services whose duties include responsibility for child care; (2) one member who is a representative of that Division whose duties include implementing regulations governing the licensure of child care facilities; and (3) one member who is nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State.

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

Section 1. NRS 432.100 is hereby amended to read as follows: 432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

- 2. The Central Registry must contain:
- (a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;
- (b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to NRS 392.303;
- (c) Statistical information on the protective services provided in this State; and
- (d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.
- 3. The Division may release information contained in the Central Registry to an employer if:
- (a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and



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(b) Either:

- (1) The employer is required by law to conduct the background investigation of the person for employment purposes; or
- (2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,
- but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.
- 4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:
 - (a) An employee of the Division;
 - (b) An agency which provides child welfare services;
- (c) An employee of the Division of [Public and Behavioral Health] Welfare and Supportive Services of the Department who is obtaining information in accordance with NRS 432A.170; and
- (d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.
- **Sec. 2.** Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

"Administrator" means the Administrator of the Division.

- **Sec. 3.** NRS 432A.020 is hereby amended to read as follows: 432A.020 As used in this chapter, unless the context otherwise
- requires, the words and terms defined in NRS 432A.0205 to 432A.0295, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.
- **Sec. 4.** NRS 432A.0273 is hereby amended to read as follows: 432A.0273 "Division" means the Division of [Public and Behavioral Health] Welfare and Supportive Services of the Department.
 - **Sec. 5.** NRS 432A.076 is hereby amended to read as follows:
- 432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:





- (a) One member who is a representative of the Division [of Public and Behavioral Health of the Department] whose duties include responsibility for child care;
- (b) One member who is a representative of the Division whose duties include implementing regulations governing the licensure of child care facilities;
- (c) One member who is a representative of the Department of Education;
- [(e)] (d) One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;
- [(d)] (e) One member who is a representative of the boards of trustees of the school districts in this State:
- [(e)] (f) One member who is a representative of the Nevada System of Higher Education;
- [(f)] (g) One member who is a representative of local providers of early childhood education and developmental services;
- **[(g)]** (h) One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;
- [(h)] (i) One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);
- [(i)] (j) One member who is a representative of the Aging and Disability Services Division of the Department;
- [(j)] (k) One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;
- [(k)] (1) One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs;
- [(1)] (m) One member who is a representative of the pediatric mental, physical or behavioral health care industry; fand
- (m)] (n) One member who is nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State; and
- (o) Such other members as the Governor determines are appropriate.
 - 2. The Council shall:
- (a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.
- (b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.





- (c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.
 - (d) Develop recommendations for:

- (1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;
- (2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;
- (3) A statewide professional development system for teachers engaged in early childhood education; and
- (4) The establishment of statewide standards for early childhood education programs in this State.
- (e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.
- (f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:
 - (1) Be based on national school readiness indicators;
 - (2) Address the following components of school readiness:
 - (I) Physical and developmental health;
 - (II) Social and emotional development;
 - (III) Approaches to learning;
 - (IV) Language and early literacy development; and
 - (V) Cognition and general knowledge.
- (g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.
- (h) Perform such other duties relating to early childhood education programs as designated by the Governor.
- 3. On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the





activities of the Council and any recommendations for improvements to the early childhood system in this State.

- 4. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.
 - **Sec. 6.** NRS 432A.079 is hereby amended to read as follows:
- 432A.079 1. The **Board** Administrator shall establish a policy providing for coordination among all interested public, private and commercial agencies or entities to foster their cooperation in the interests of:
- (a) Improving the quality of child care services offered by each participating agency and entity.
- (b) Ensuring continuity in the program of community child care for each family.
- (c) Reaching the maximum number of families possible within available resources, with top priority given to low-income families.
- (d) Increasing opportunities for developing staff competence and career development within and between cooperating agencies and entities.
- (e) Developing the most efficient, effective and economical methods for providing services to children and families.
- (f) Ensuring an effective voice by parents of children receiving child care in the policy for and direction of programs.
- (g) Mobilizing the resources of the community in such a manner as to ensure maximum public, private and individual commitment to provide expanded child care.
- 2. Such a policy must be primarily concerned with the coordination of day care and preschool programs, and also be concerned with:
- (a) Availability of other needed services for children in preschool or day care programs;
- (b) Availability of needed services for children of school age; and
- (c) Coordination of community services with preschool or day care programs.
 - **Sec. 7.** NRS 432A.1773 is hereby amended to read as follows:
- 432A.1773 1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:
 - (a) Be at least 21 years of age and:
- (1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;
- (2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15





semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;

- (3) Hold a high school diploma or, if approved by the Administrator, [of the Division of Public and Behavioral Health,] a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;
- (4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility; or
- (5) Have a combination of education and experience which, in the judgment of the Administrator, [of the Division of Public and Behavioral Health,] is equivalent to that required by subparagraph (1), (2), (3) or (4);
- (b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and
- (c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.
- 2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:
- (a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;
- (b) Establish a professional development system in this State for the field of early childhood care and education;
- (c) Approve and track all informal training in the field of early childhood care and education in this State; and
- (d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.
 - **Sec. 8.** NRS 432A.180 is hereby amended to read as follows:
- 432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility or small child care establishment, whether registered or not, or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.





- The State Fire Marshal or a designee of the State Fire Marshal [shall, at least annually:], which may include a local fire agency that is accredited by a national organization that accredits fire agencies, may, in accordance with regulations adopted by the **Board:**
- (a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and
- (b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,
- to secure compliance with standards for safety from fire and other emergencies.
- The [Chief Medical Officer] Administrator or a designee of the [Chief Medical Officer] Administrator shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program , on behalf of the Division, to secure compliance with laws and regulations concerning the health, safety and welfare of children in the care of the facility or program.
- The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The [Chief Medical Officer] Administrator shall publish reports of the inspections and make them available for public inspection upon request.
- Sec. 9. NRS 432A.230 is hereby amended to read as follows: 432A.230 Except as otherwise provided in NRS 432A.235 for accommodation facilities:
- 1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:
 - (a) Diphtheria;
 - (b) Tetanus;
 - (c) Pertussis if the child is under 6 years of age;
- 43 (d) Poliomyelitis; 44
 - (e) Rubella;
 - (f) Rubeola; and



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- (g) Such other diseases as the local board of health or the State Board of Health may determine.
- 2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his or her designee or a registered nurse or his or her designee, attesting that the certificate accurately reflects the child's record of immunization.
- 3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:
- (a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and
- (b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.
- 4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.
- 5. Before December 31 of each year, each child care facility shall report to the Division *of Public and Behavioral Health* of the Department, on a form furnished by [the] that Division, the exact number of children who have:
 - (a) Been admitted conditionally to the child care facility; and
 - (b) Completed the immunizations required by this section.

Sec. 10. NRS 432A.235 is hereby amended to read as follows:

- 432A.235 1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:
- (a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;
- (b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the





requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

- (c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.
- 2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:
- (a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and
- (b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.
- 3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.
- 4. Before December 31 of each year, each accommodation facility shall report to the Division *of Public and Behavioral Health* of the Department, on a form furnished by [the] that Division, the exact number of children who have:
- (a) Been admitted conditionally to the accommodation facility; and
 - (b) Completed the immunizations required by this section.
- 5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.
 - **Sec. 11.** NRS 218G.595 is hereby amended to read as follows:
- 218G.595 1. Not later than 45 days after receiving a report pursuant to NRS 218G.590 concerning a child care facility licensed pursuant to chapter 432A of NRS, the Division of [Public and Behavioral Health] Welfare and Supportive Services of the Department of Health and Human Services or the county or incorporated city from which the facility has obtained a license pursuant to NRS 432A.131, as applicable, shall review the facility to which the report pertains to determine whether the facility has corrected the deficiencies described in the report. The review may



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include a physical inspection of the facility at the discretion of the Division, county or city, as applicable.

- 2. After conducting a review pursuant to subsection 1, the Division, county or city shall provide a report of its determinations to the Legislative Auditor. The report must include:
- (a) A determination of whether the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have been resolved;
- (b) If the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have not been resolved, a description of the measures being taken by the facility to resolve the deficiencies, a determination of whether those measures are adequate and the expected date by which the deficiencies will be resolved; and
- (c) A statement of any issues of fact or law on which the Division, county or city, as applicable, disagrees with the report of the Legislative Auditor or the Legislative Auditor's designee.
- 3. If the Division, county or city concludes, after a review conducted pursuant to subsection 1, that a child care facility has not resolved a deficiency described in the report of the Legislative Auditor or the Legislative Auditor's designee, the Division, county or city, as applicable, shall, not later than 30 days after completing the review:
- (a) Provide a copy of its report to each court or other governmental agency that places children in the facility and post the report publicly on an Internet website maintained by the Division, county or city, as applicable; and
- (b) Schedule another review of the facility which must be conducted not later than 30 days after the review conducted pursuant to subsection 1. After the review conducted pursuant to this paragraph, the Division, county or city, as applicable, shall take the actions described in subsection 2 and, if necessary, this subsection.
- 4. The Legislative Auditor or the Legislative Auditor's designee shall include any information provided by the Division, a county or an incorporated city concerning any deficiency identified at a child care facility in any report issued by the Legislative Auditor or the Legislative Auditor's designee concerning the inspections, reviews and surveys required by NRS 218G.575.
- 5. This section shall not be construed to prohibit or limit the ability of:
- (a) A licensing entity to impose sanctions on a facility for children under its jurisdiction; or
- (b) A law enforcement agency to respond to criminal conduct at a facility for children.





- 6. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024.
 - **Sec. 12.** 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.
 - 2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.
 - 3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 13. The Legislative Counsel shall:

- 1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.
- 2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.
 - **Sec. 14.** This act becomes effective on July 1, 2023.





