

Amendment No. 645

Assembly Amendment to Assembly Bill No. 463

(BDR 38-1083)

Proposed by: Assembly Committee on Health and Human Services

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

DP/EWR



Date: 5/23/2023

A.B. No. 463—Revises provisions governing child care facilities and certain child care programs. (BDR 38-1083)



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.

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

AN ACT relating to children; transferring 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 Human Services to the Division of Welfare 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; revising provisions governing the inspection and approval of certain facilities by certain fire protection officials and agencies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a child care facility to obtain a license from the Division of Public
2 and Behavioral Health of the Department of Health and Human Services if: (1) the city or
3 county in which the child care facility is located has not provided for the licensure of child
4 care facilities by an agency of the city or county, as applicable; or (2) the child care facility is
5 a child care institution. (NRS 432A.131) Existing law defines “child care institution” for that
6 purpose to mean a facility that provides care and shelter during the day and night and provides
7 developmental guidance to 16 or more children who do not routinely return to the homes of
8 their parents or guardians. (NRS 432A.0245) **Section 4** of this bill transfers the authority to
9 license and regulate such child care facilities from the Division of Public and Behavioral
10 Health to the Division of Welfare and Supportive Services of the Department. **Section 1** of
11 this bill authorizes an employee of the Division of Welfare and Supportive Services to access
12 the Statewide Central Registry for the Collection of Information Concerning the Abuse or
13 Neglect of a Child when investigating the background of certain persons associated with a
14 child care facility, small child care establishment or outdoor youth program. **Section 2** of this
15 bill defines “Administrator” to refer to the Administrator of the Division of Welfare and
16 Supportive Services, and **section 3** of this bill makes a conforming change to indicate the
17 proper placement of **section 2** in the Nevada Revised Statutes. **Sections 6-8** of this bill
18 transfer to the Administrator: (1) the duties to establish a policy for the coordination of entities
19 with an interest in child care and to inspect child care facilities; and (2) the authority to waive

20 certain education requirements for a person who is responsible for the operation of a child
 21 care facility. **Sections 9 and 10** of this bill make revisions so that certain reports relating to
 22 the immunization of children who have been admitted to child care facilities continue to be
 23 submitted to the Division of Public and Behavioral Health. **Section 11** of this bill transfers to
 24 the Division of Welfare and Supportive Services the duty to conduct a review of a child care
 25 facility that has been found by a legislative audit to have certain deficiencies.

26 Existing law establishes the Nevada Early Childhood Advisory Council and requires the
 27 Council to include certain members appointed by the Governor. (NRS 432A.076) **Section 5** of
 28 this bill eliminates the requirement that the Council include one member who is a
 29 representative of the Division of Public and Behavioral Health. **Section 5** adds to the
 30 membership of the Council: (1) one member who is a representative of the Division of
 31 Welfare and Supportive Services whose duties include responsibility for child care; (2) one
 32 member who is a representative of that Division whose duties include implementing
 33 regulations governing the licensure of child care facilities; and (3) one member who is
 34 ~~nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this~~
 35 ~~State.] a representative of a tribal organization, with consideration given to an enrolled~~
 36 ~~member of a Nevada Indian tribe.~~

37 Existing law: (1) requires the State Fire Marshal or a designee thereof to enter and
 38 inspect every building or premises of a child care facility and supervise fire drills at such
 39 a facility; and (2) provides that certain health care facilities are subject to inspection and
 40 approval by the State Fire Marshal. (NRS 432A.180, 449.0307) Section 8 provides that
 41 the State Fire Marshal or a designee is authorized, rather than required, to inspect child
 42 care facilities and supervise fire drills at such facilities. Section 8 also authorizes the
 43 State Fire Marshal to designate a local fire agency that meets an industry standard
 44 accepted by the State Fire Marshal to perform those duties. Finally, section 8 requires
 45 the State Board of Health to adopt regulations governing such inspections. Section 11.5
 46 of this bill authorizes a designee of the State Fire Marshal, which may include a local fire
 47 agency that meets an industry standard accepted by the State Fire Marshal, to inspect
 48 and approve certain health care facilities. Section 11.8 of this bill makes a conforming
 49 change to clarify that the State Fire Marshal is authorized to designate such a local fire
 50 agency to conduct certain inspections of a residential facility for groups or a building
 51 operated by a provider of community-based living arrangement services.

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

1 **Section 1.** NRS 432.100 is hereby amended to read as follows:

2 432.100 1. There is hereby established a Statewide Central Registry for the
 3 Collection of Information Concerning the Abuse or Neglect of a Child. This Central
 4 Registry must be maintained by the Division.

5 2. The Central Registry must contain:

6 (a) The information in any substantiated report of child abuse or neglect made
 7 pursuant to NRS 392.303 or 432B.220;

8 (b) The information in any substantiated report of a violation of NRS 201.540,
 9 201.560, 392.4633 or 394.366 made pursuant to NRS 392.303;

10 (c) Statistical information on the protective services provided in this State; and

11 (d) Any other information which the Division determines to be in furtherance
 12 of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010
 13 to 432B.400, inclusive.

14 3. The Division may release information contained in the Central Registry to
 15 an employer if:

16 (a) The person who is the subject of a background investigation by the
 17 employer provides written authorization for the release of the information; and

18 (b) Either:

1 (1) The employer is required by law to conduct the background
2 investigation of the person for employment purposes; or

3 (2) The person who is the subject of the background investigation could, in
4 the course of his or her employment, have regular and substantial contact with
5 children or regular and substantial contact with elderly persons who require
6 assistance or care from other persons,
7 but only to the extent necessary to inform the employer whether the person who
8 is the subject of the background investigation has been found to have abused or
9 neglected a child.

10 4. Except as otherwise provided in this section or by specific statute,
11 information in the Central Registry may be accessed only by:

12 (a) An employee of the Division;

13 (b) An agency which provides child welfare services;

14 (c) An employee of the Division of ~~[Public and Behavioral Health]~~ *Welfare*
15 *and Supportive Services* of the Department who is obtaining information in
16 accordance with NRS 432A.170; and

17 (d) With the approval of the Administrator, an employee or contractor of any
18 other state or local governmental agency responsible for the welfare of children
19 who requests access to the information and who demonstrates to the satisfaction of
20 the Administrator a bona fide need to access the information. Any approval or
21 denial of a request submitted in accordance with this paragraph is at the sole
22 discretion of the Administrator.

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

25 *“Administrator” means the Administrator of the Division.*

26 **Sec. 3.** NRS 432A.020 is hereby amended to read as follows:

27 432A.020 As used in this chapter, unless the context otherwise requires, the
28 words and terms defined in NRS 432A.0205 to 432A.0295, inclusive, *and section 2*
29 *of this act* have the meanings ascribed to them in those sections.

30 **Sec. 4.** NRS 432A.0273 is hereby amended to read as follows:

31 432A.0273 “Division” means the Division of ~~[Public and Behavioral Health]~~
32 *Welfare and Supportive Services* of the Department.

33 **Sec. 5.** NRS 432A.076 is hereby amended to read as follows:

34 432A.076 1. The Nevada Early Childhood Advisory Council is hereby
35 established as the state advisory council on early childhood education and care
36 required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The
37 membership of the Council must be appointed by the Governor and include,
38 without limitation:

39 (a) One member who is a representative of the Division ~~[of Public and~~
40 ~~Behavioral Health of the Department]~~ whose duties include responsibility for child
41 care;

42 (b) *One member who is a representative of the Division whose duties include*
43 *implementing regulations governing the licensure of child care facilities;*

44 (c) One member who is a representative of the Department of Education;

45 ~~[(e)]~~ (d) One member who is a representative of the Department of Education
46 whose duties include responsibilities for programs under section 619 or part C of
47 the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

48 ~~[(d)]~~ (e) One member who is a representative of the boards of trustees of the
49 school districts in this State;

50 ~~[(e)]~~ (f) One member who is a representative of the Nevada System of Higher
51 Education;

52 ~~[(f)]~~ (g) One member who is a representative of local providers of early
53 childhood education and developmental services;

1 ~~(e)~~ (h) One member who is a representative of Head Start agencies in this
 2 State, including, without limitation, migrant and seasonal Head Start programs and
 3 Indian Head Start programs;

4 ~~(f)~~ (i) One member who is appointed or designated pursuant to 42 U.S.C. §
 5 9837b(a)(3)(A);

6 ~~(g)~~ (j) One member who is a representative of the Aging and Disability
 7 Services Division of the Department;

8 ~~(h)~~ (k) One member who is a representative of a nonprofit organization
 9 located in southern Nevada that provides early childhood education programs;

10 ~~(i)~~ (l) One member who is a representative of a nonprofit organization
 11 located in northern Nevada that provides early childhood education programs;

12 ~~(j)~~ (m) One member who is a representative of the pediatric mental, physical
 13 or behavioral health care industry; ~~and~~

14 ~~(m)~~ (n) *One member who is ~~nominated by the Nevada Indian Commission~~*
 15 *and acts as a liaison for Indian tribes in this State;* *a representative of a tribal*
 16 *organization, with consideration given to an enrolled member of a Nevada Indian*
 17 *tribe; and*

18 (o) Such other members as the Governor determines are appropriate.

19 2. The Council shall:

20 (a) Work to strengthen state-level coordination and collaboration among the
 21 various sectors and settings of early childhood education programs.

22 (b) Conduct periodic statewide assessments of needs relating to the quality and
 23 availability of programs and services for children who are in early childhood
 24 education programs.

25 (c) Identify opportunities for and barriers to coordination and collaboration
 26 among early childhood education programs funded in whole or in part by the
 27 Federal Government, the State or a local government.

28 (d) Develop recommendations for:

29 (1) Increasing the participation of children in early childhood education
 30 programs funded in whole or in part by the Federal Government, the State or a local
 31 government, including, without limitation, providing information on such programs
 32 to underrepresented and special populations;

33 (2) The establishment or improvement of core elements of the early
 34 childhood system in this State, including, without limitation, a statewide unified
 35 system for collecting data relating to early childhood education programs;

36 (3) A statewide professional development system for teachers engaged in
 37 early childhood education; and

38 (4) The establishment of statewide standards for early childhood education
 39 programs in this State.

40 (e) Assess the capacity and effectiveness of institutions of higher education in
 41 this State in developing teachers in the field of early childhood education.

42 (f) Establish, in cooperation with the State Board of Education, guidelines for
 43 evaluating the school readiness of children. The guidelines must:

44 (1) Be based on national school readiness indicators;

45 (2) Address the following components of school readiness:

46 (I) Physical and developmental health;

47 (II) Social and emotional development;

48 (III) Approaches to learning;

49 (IV) Language and early literacy development; and

50 (V) Cognition and general knowledge.

51 (g) Develop recommendations for increasing parental involvement and family
 52 engagement in early childhood education programs.

1 (h) Perform such other duties relating to early childhood education programs as
2 designated by the Governor.

3 3. On or before December 1 of each year, the Council shall submit a report to
4 the Governor and to the Director of the Legislative Counsel Bureau for transmittal
5 to the Joint Interim Standing Committee on Health and Human Services and the
6 Joint Interim Standing Committee on Education, if the report is received during an
7 odd-numbered year, or to the next session of the Legislature, if the report is
8 received during an even-numbered year. The report must include, without
9 limitation, a summary of the activities of the Council and any recommendations for
10 improvements to the early childhood system in this State.

11 4. The Council may accept gifts, grants and donations from any source for the
12 support of the Council in carrying out the provisions of this section.

13 **Sec. 6.** NRS 432A.079 is hereby amended to read as follows:

14 432A.079 1. The ~~Board~~ Administrator shall establish a policy providing
15 for coordination among all interested public, private and commercial agencies or
16 entities to foster their cooperation in the interests of:

17 (a) Improving the quality of child care services offered by each participating
18 agency and entity.

19 (b) Ensuring continuity in the program of community child care for each
20 family.

21 (c) Reaching the maximum number of families possible within available
22 resources, with top priority given to low-income families.

23 (d) Increasing opportunities for developing staff competence and career
24 development within and between cooperating agencies and entities.

25 (e) Developing the most efficient, effective and economical methods for
26 providing services to children and families.

27 (f) Ensuring an effective voice by parents of children receiving child care in
28 the policy for and direction of programs.

29 (g) Mobilizing the resources of the community in such a manner as to ensure
30 maximum public, private and individual commitment to provide expanded child
31 care.

32 2. Such a policy must be primarily concerned with the coordination of day
33 care and preschool programs, and also be concerned with:

34 (a) Availability of other needed services for children in preschool or day care
35 programs;

36 (b) Availability of needed services for children of school age; and

37 (c) Coordination of community services with preschool or day care programs.

38 **Sec. 7.** NRS 432A.1773 is hereby amended to read as follows:

39 432A.1773 1. A licensee of a child care facility, or a person appointed by
40 the licensee, who is responsible for the daily operation, administration or
41 management of a child care facility must:

42 (a) Be at least 21 years of age and:

43 (1) Hold an associate's degree or a higher degree in early childhood
44 education and have at least 1,000 hours of verifiable experience in a child care
45 facility;

46 (2) Hold an associate's degree or a higher degree in any field other than
47 early childhood education, have completed at least 15 semester hours in early
48 childhood education or related courses and have at least 2,000 hours of verifiable
49 experience in a child care facility;

50 (3) Hold a high school diploma or, if approved by the Administrator, ~~of~~
51 ~~the Division of Public and Behavioral Health,~~ a general educational development
52 certificate, have completed at least 15 semester hours in early childhood education

1 or related courses and have at least 3,000 hours of experience in a child care
2 facility;

3 (4) Hold a current credential as a “Child Development Associate” with an
4 endorsement for preschool age children or infants or toddlers, as appropriate, which
5 has been issued by the Council for Professional Recognition, or its successor
6 organization, and have at least 2,000 hours of verifiable experience in a child care
7 facility; or

8 (5) Have a combination of education and experience which, in the
9 judgment of the Administrator, ~~{of the Division of Public and Behavioral Health,}~~
10 is equivalent to that required by subparagraph (1), (2), (3) or (4);

11 (b) Have at least 1,000 verifiable hours in an administrative position or have
12 completed a course or other training in business administration; and

13 (c) Within 90 days after the licensee or person appointed by the licensee
14 commences service as the director of a child care facility, apply to the Nevada
15 Registry or its successor organization, and annually renew his or her registration
16 before the date on which it expires.

17 2. As used in this section, “Nevada Registry” means the organization that
18 operates the statewide system of career development and recognition created to:

19 (a) Acknowledge and encourage professional achievement in the early
20 childhood care and education workforce in this State;

21 (b) Establish a professional development system in this State for the field of
22 early childhood care and education;

23 (c) Approve and track all informal training in the field of early childhood care
24 and education in this State; and

25 (d) Act as a statewide clearinghouse of information concerning the field of
26 early childhood care and education.

27 **Sec. 8.** NRS 432A.180 is hereby amended to read as follows:

28 432A.180 1. Any authorized member or employee of the Division may
29 enter and inspect any building or premises of a child care facility or small child care
30 establishment, whether registered or not, or the area of operation of an outdoor
31 youth program at any time to secure compliance with or prevent a violation of any
32 provision of this chapter.

33 2. The State Fire Marshal or a designee of the State Fire Marshal ~~{shall, at~~
34 ~~least annually:}~~, *which may include a local fire agency that ~~is accredited by a~~*
35 *national organization that accredits fire agencies,} meets an industry standard*
36 *accepted by the State Fire Marshal, may, in accordance with regulations adopted*
37 *by the Board:*

38 (a) Enter and inspect every building or premises of a child care facility, on
39 behalf of the Division; and

40 (b) Observe and make recommendations regarding the drills conducted
41 pursuant to NRS 432A.077,

42 ~~to~~ to secure compliance with standards for safety from fire and other emergencies.

43 3. The ~~{Chief Medical Officer} Administrator~~ or a designee of the ~~{Chief~~
44 ~~Medical Officer} Administrator~~ shall enter and inspect at least annually, every
45 building or premises of a child care facility and area of operation of an outdoor
46 youth program ~~{, on behalf of the Division,}~~ to secure compliance with laws and
47 regulations concerning the health, safety and welfare of children in the care of the
48 facility or program.

49 4. The annual inspection of any child care facility which occasionally or
50 regularly has physical custody of children pursuant to the order of a court must
51 include, without limitation, an inspection of all areas where food is prepared and
52 served, bathrooms, areas used for sleeping, common areas and areas located
53 outdoors that are used by children at the child care facility. The ~~{Chief Medical~~

1 ~~Office]~~ **Administrator** shall publish reports of the inspections and make them
2 available for public inspection upon request.

3 **Sec. 9.** NRS 432A.230 is hereby amended to read as follows:

4 432A.230 Except as otherwise provided in NRS 432A.235 for
5 accommodation facilities:

6 1. Except as otherwise provided in subsection 3 and unless excused because
7 of religious belief or medical condition, a child may not be admitted to any child
8 care facility within this State, including a facility licensed by a county or city,
9 unless the parents or guardian of the child submit to the operator of the facility a
10 certificate stating that the child has been immunized and has received proper
11 boosters for that immunization or is complying with the schedules established by
12 regulation pursuant to NRS 439.550 for the following diseases:

- 13 (a) Diphtheria;
- 14 (b) Tetanus;
- 15 (c) Pertussis if the child is under 6 years of age;
- 16 (d) Poliomyelitis;
- 17 (e) Rubella;
- 18 (f) Rubeola; and
- 19 (g) Such other diseases as the local board of health or the State Board of Health
20 may determine.

21 2. The certificate must show that the required vaccines and boosters were
22 given and must bear the signature of a licensed physician or his or her designee or a
23 registered nurse or his or her designee, attesting that the certificate accurately
24 reflects the child's record of immunization.

25 3. A child whose parent or guardian has not established a permanent
26 residence in the county in which a child care facility is located and whose history of
27 immunization cannot be immediately confirmed by a physician in this State or a
28 local health officer, may enter the child care facility conditionally if the parent or
29 guardian:

- 30 (a) Agrees to submit within 15 days a certificate from a physician or local
31 health officer that the child has received or is receiving the required immunizations;
32 and
- 33 (b) Submits proof that the parent or guardian has not established a permanent
34 residence in the county in which the facility is located.

35 4. If a certificate from the physician or local health officer showing that the
36 child has received or is receiving the required immunizations is not submitted to the
37 operator of the child care facility within 15 days after the child was conditionally
38 admitted, the child must be excluded from the facility.

39 5. Before December 31 of each year, each child care facility shall report to the
40 Division of **Public and Behavioral Health** of the Department, on a form furnished
41 by ~~the~~ **that** Division, the exact number of children who have:

- 42 (a) Been admitted conditionally to the child care facility; and
- 43 (b) Completed the immunizations required by this section.

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

45 432A.235 1. Except as otherwise provided in subsection 2 and unless
46 excused because of religious belief or medical condition, a child may not be
47 admitted to any accommodation facility within this State, including an
48 accommodation facility licensed by a county or city, unless the parents or guardian
49 of the child submit to the operator of the accommodation facility written
50 documentation stating that the child has been immunized and has received proper
51 boosters for that immunization or is complying with the schedules established by
52 regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of

1 NRS 432A.230. The written documentation required pursuant to this subsection
2 must be:

3 (a) A letter signed by a licensed physician stating that the child has been
4 immunized and received boosters or is complying with the schedules;

5 (b) A record from a public school or private school which establishes that a
6 child is enrolled in the school and has satisfied the requirements for immunization
7 for enrollment in the school pursuant to NRS 392.435 or 394.192; or

8 (c) Any other documentation from a local health officer which proves that the
9 child has been immunized and received boosters or is complying with the
10 schedules.

11 2. A child whose parent or guardian has not established a permanent
12 residence in the county in which an accommodation facility is located and whose
13 history of immunization cannot be immediately confirmed by the written
14 documentation required pursuant to subsection 1 may enter the accommodation
15 facility conditionally if the parent or guardian:

16 (a) Agrees to submit within 15 days the documentation required pursuant to
17 subsection 1; and

18 (b) Submits proof that the parent or guardian has not established a permanent
19 residence in the county in which the facility is located.

20 3. If the documentation required pursuant to subsection 1 is not submitted to
21 the operator of the accommodation facility within 15 days after the child was
22 conditionally admitted, the child must be excluded from the facility.

23 4. Before December 31 of each year, each accommodation facility shall report to
24 the Division of *Public and Behavioral Health* of the Department, on a form
25 furnished by ~~the~~ that Division, the exact number of children who have:

26 (a) Been admitted conditionally to the accommodation facility; and

27 (b) Completed the immunizations required by this section.

28 5. To the extent that the Board or an agency for the licensing of child care
29 facilities established by a county or city requires a child care facility to maintain
30 proof of immunization of a child admitted to the facility, the Board or agency shall
31 authorize a business which operates more than one accommodation facility to
32 maintain proof of immunization of a child admitted to any accommodation facility
33 of the business at a single location of the business. The documentation must be
34 accessible by each accommodation facility of the business.

35 **Sec. 11.** NRS 218G.595 is hereby amended to read as follows:

36 218G.595 1. Not later than 45 days after receiving a report pursuant to NRS
37 218G.590 concerning a child care facility licensed pursuant to chapter 432A of
38 NRS, the Division of ~~Public and Behavioral Health~~ *Welfare and Supportive*
39 *Services* of the Department of Health and Human Services or the county or
40 incorporated city from which the facility has obtained a license pursuant to NRS
41 432A.131, as applicable, shall review the facility to which the report pertains to
42 determine whether the facility has corrected the deficiencies described in the report.
43 The review may include a physical inspection of the facility at the discretion of the
44 Division, county or city, as applicable.

45 2. After conducting a review pursuant to subsection 1, the Division, county or
46 city shall provide a report of its determinations to the Legislative Auditor. The
47 report must include:

48 (a) A determination of whether the deficiencies described in the report of the
49 Legislative Auditor or the Legislative Auditor's designee have been resolved;

50 (b) If the deficiencies described in the report of the Legislative Auditor or the
51 Legislative Auditor's designee have not been resolved, a description of the
52 measures being taken by the facility to resolve the deficiencies, a determination of

1 whether those measures are adequate and the expected date by which the
2 deficiencies will be resolved; and

3 (c) A statement of any issues of fact or law on which the Division, county or
4 city, as applicable, disagrees with the report of the Legislative Auditor or the
5 Legislative Auditor's designee.

6 3. If the Division, county or city concludes, after a review conducted pursuant
7 to subsection 1, that a child care facility has not resolved a deficiency described in
8 the report of the Legislative Auditor or the Legislative Auditor's designee, the
9 Division, county or city, as applicable, shall, not later than 30 days after completing
10 the review:

11 (a) Provide a copy of its report to each court or other governmental agency that
12 places children in the facility and post the report publicly on an Internet website
13 maintained by the Division, county or city, as applicable; and

14 (b) Schedule another review of the facility which must be conducted not later
15 than 30 days after the review conducted pursuant to subsection 1. After the review
16 conducted pursuant to this paragraph, the Division, county or city, as applicable,
17 shall take the actions described in subsection 2 and, if necessary, this subsection.

18 4. The Legislative Auditor or the Legislative Auditor's designee shall include
19 any information provided by the Division, a county or an incorporated city
20 concerning any deficiency identified at a child care facility in any report issued by
21 the Legislative Auditor or the Legislative Auditor's designee concerning the
22 inspections, reviews and surveys required by NRS 218G.575.

23 5. This section shall not be construed to prohibit or limit the ability of:

24 (a) A licensing entity to impose sanctions on a facility for children under its
25 jurisdiction; or

26 (b) A law enforcement agency to respond to criminal conduct at a facility for
27 children.

28 6. As used in this section, "child care facility" has the meaning ascribed to it
29 in NRS 432A.024.

30 **Sec. 11.5. NRS 449.0307 is hereby amended to read as follows:**

31 449.0307 The Division may:

32 1. Upon receipt of an application for a license, conduct an investigation into
33 the premises, facilities, qualifications of personnel, methods of operation, policies
34 and purposes of any person proposing to engage in the operation of a medical
35 facility, a facility for the dependent or facility which is required by the regulations
36 adopted by the Board pursuant to NRS 449.0303 to be licensed. The facility is
37 subject to inspection and approval as to standards for safety from fire, on behalf of
38 the Division, by the State Fire Marshal or a designee of the State Fire Marshal,
39 which may include a local fire agency that meets an industry standard accepted
40 by the State Fire Marshal.

41 2. Upon receipt of a complaint against a medical facility, facility for the
42 dependent or facility which is required by the regulations adopted by the Board
43 pursuant to NRS 449.0303 to be licensed, except for a complaint concerning the
44 cost of services, conduct an investigation into the premises, facilities, qualifications
45 of personnel, methods of operation, policies, procedures and records of that facility
46 or any other medical facility, facility for the dependent or facility which is required
47 by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed
48 which may have information pertinent to the complaint.

49 3. Employ such professional, technical and clerical assistance as it deems
50 necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive.

51 **Sec. 11.8. NRS 449.131 is hereby amended to read as follows:**

1 449.131 1. Any authorized member or employee of the Division may enter
2 and inspect any building or premises at any time to secure compliance with or
3 prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

4 2. The State Fire Marshal or a designee of the State Fire Marshal, which may
5 include a local fire agency that meets an industry standard accepted by the State
6 Fire Marshal, shall, upon receiving a request from the Division or a written
7 complaint concerning compliance with the plans and requirements to respond to an
8 emergency adopted pursuant to subsection 9 of NRS 449.0302:

9 (a) Enter and inspect a residential facility for groups or a building operated by
10 a provider of community-based living arrangement services in which such services
11 are provided; and

12 (b) Make recommendations regarding the adoption of plans and requirements
13 pursuant to subsection 9 of NRS 449.0302.

14 ➤ to ensure the safety of the residents of the facility or persons receiving care from
15 the provider, as applicable, in an emergency.

16 3. The Chief Medical Officer or a designee of the Chief Medical Officer shall
17 enter and inspect at least annually each building or the premises of a residential
18 facility for groups and each building operated by a provider of community-based
19 living arrangement services in which such services are provided to ensure
20 compliance with standards for health and sanitation.

21 4. An authorized member or employee of the Division shall enter and inspect
22 any building or premises operated by a residential facility for groups or provider of
23 community-based living arrangement services within 72 hours after the Division is
24 notified that a residential facility for groups or provider of community-based living
25 arrangement services is operating without a license.

26 **Sec. 12.** 1. Any administrative regulations adopted by an officer or an
27 agency whose name has been changed or whose responsibilities have been
28 transferred pursuant to the provisions of this act to another officer or agency remain
29 in force until amended by the officer or agency to which the responsibility for the
30 adoption of the regulations has been transferred.

31 2. Any contracts or other agreements entered into by an officer or agency
32 whose name has been changed or whose responsibilities have been transferred
33 pursuant to the provisions of this act to another officer or agency are binding upon
34 the officer or agency to which the responsibility for the administration of the
35 provisions of the contract or other agreement has been transferred. Such contracts
36 and other agreements may be enforced by the officer or agency to which the
37 responsibility for the enforcement of the provisions of the contract or other
38 agreement has been transferred.

39 3. Any action taken by an officer or agency whose name has been changed or
40 whose responsibilities have been transferred pursuant to the provisions of this act to
41 another officer or agency remains in effect as if taken by the officer or agency to
42 which the responsibility for the enforcement of such actions has been transferred.

43 **Sec. 13.** The Legislative Counsel shall:

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

48 2. In preparing supplements to the Nevada Administrative Code,
49 appropriately change any references to an officer, agency or other entity whose
50 name is changed or whose responsibilities are transferred pursuant to the provisions
51 of this act to refer to the appropriate officer, agency or other entity.

52 **Sec. 14.** This act becomes effective on July 1, 2023.