



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 / Fax (775) 684-4455
dcfs.nv.gov

The Division of Child and Family Services is soliciting comments from interested persons on the amendments to *Nevada Administrative Code - Chapter 424-Foster Homes for Children* to maintain compliance with the *2018 Family First Prevention Services Act (FFPSA)* federal requirements as identified within the *National Model Family Foster Home Licensing Standards*.

Notice of Public Workshop: Thursday, September 5, 2019, 11:00am until adjourned

Locations:

In person at:

Nevada State Legislature
401 South Carson Street, Rm. 2135
Carson City, NV 89701

Video Conferencing at:

Grant Sawyer Building
555 E. Washington Avenue, Rm. 4412
Las Vegas, NV 89101

Agenda

1. Introduction of The Workshop Process
2. Call Public Workshop to Order
3. Public Comment
4. Overview of Purpose of Workshop
5. Public Comment
6. Adjourn

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Division of Child and Family Services, 4126 Technology Way, 3rd Floor, Carson City, NV 89706, (775) 684-7294. A reasonable fee for copying may be charged. The agency's Small Business Impact Statement is attached.

The Notice of Workshop to Solicit Comments on Proposed Regulation has been to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

1. State of Nevada, DCFS Website
2. State of Nevada, Nevada Public Notices Website
3. State of Nevada, Department of Health and Human Services, Director's Office, 4126 Technology Way, Carson City
4. Carson City Library, 900 North Roop Street, Carson City
5. Clark County District Library, 1401 East Flamingo Road, Las Vegas
6. Elko County Library, 720 Court Street, Elko
7. Eureka Branch Library, 80 S. Monroe Street, Eureka
8. Humboldt County Library, 85 East 5th Street, Winnemucca
9. Lincoln County Library, 63 Main Street, Pioche
10. Mineral County Library, 110 W. 1st Street, Hawthorne
11. Pershing County Library, 1125 Central Avenue, Lovelock
12. Tonopah Public Library, 167 S. Central Street, Tonopah
13. White Pine County Library, 950 Campton Street, Ely
14. Churchill County Library, 553 South Main Street, Fallon
15. Douglas County Library, 1625 Library Lane, Minden
16. Esmeralda County Library, 233 Crook Street, Goldfield
17. Henderson District Public Library, 280 South Water Street, Henderson
18. Lander County Library, 625 S. Broad Street, Battle Mountain
19. Storey County Library, 95 South R Street, Virginia City
20. Lyon County Library, 20 Nevin Way, Yerington
21. Downtown Reno Library, 301 South Center Street, Reno
22. Pahrump Library District, 701 East Street, Pahrump
23. DCFS Field Office, 1010 Ruby Vista Drive, Suite 101, Elko
24. DCFS District Office, 2533 N. Carson Street, Carson City
25. Nevada State Library & Archives, 100 N. Stewart Street, Carson City
26. Washoe County Human Services Agency, 350 S. Center Street, Reno
27. DCFS Las Vegas Office, 6171 W. Charleston Blvd., Bldg. #8, Las Vegas
28. Clark County Dept of Family Services, 121 So. Martin Luther King Blvd., Las Vegas
29. Legislative Counsel Bureau, 401 S. Carson Street, Carson City
30. DCFS Ely Field Office, 740 Park Avenue, Ely
31. DCFS Fernley Field Office, 55 North Center Street, #3, Fernley
32. DCFS Yerington District Office, 205 West Goldfield Avenue, Yerington
33. District Court County Clerk, 26 "B" Street, Virginia City
34. DCFS Fallon District Office, 1735 Kaiser Street, Fallon
35. DCFS Pahrump Field Office, 1780 E. Basin Ave., #2, Pahrump
36. DCFS Field Office, 2655 Enterprise Road, Reno
37. DCFS Winnemucca Field Office, 475 W. Haskell Street, Winnemucca



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August 14, 2019

Small Business Impact Statement

Proposed Regulations

NAC 424-FOSTER HOMES FOR CHILDREN

(Prepared Pursuant to Nevada Revised Statutes 233B.0608)

Pertaining to

Proposed Amendments per the federal Family First Prevention Services Act of 2018 (FFPSA); *National Model Foster Family Homes Licensing Standards* to the Nevada Administrative Code (NAC) Chapter 424 – *Foster Homes for Children*; Nevada's Licensing Regulations and Standards for Foster Homes

The new standards in the proposed revisions to NAC 424 – *Foster Homes for Children* is a result of the requirement for states to comply with the recently established requirements within the FFPSA *National Model Family Foster Home Licensing Standards*. In order to maintain Nevada's ability to bill for the maintenance costs of caring for children in foster care, through the Federal Social Security Act Title IV-E, must be in compliance with the new FFPSA requirements.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

On July 23, 2019, the 22 foster care agency owners, who may be impacted by changes to NAC 424, were emailed the proposed changes to NAC 424 and asked to complete a Small Business Impact Survey no later than August 2, 2019 regarding the effect that these proposed changes may have on their small business. A reminder was also sent out to the small business owners on July 30, 2019 to complete the questionnaire.

1. A total of five (5) questionnaires were completed by the small business owners.
2. Three of the small business owners did not believe there would be any impact to their small business.

3. One small business owner mentioned that they will have to purchase carbon monoxide detectors, but that it was not a significant issue.
4. One small business owner expressed concern with the term 'excessive' as used in the proposed language, where it states, "*No use of illegal substances, abuse of alcohol by consuming it in excess, or abuse of prescription or non-prescription medications.*" The owner's concern was that the term could be open to interpretation differently by different individuals. The owner's hope would be that the language changes to "DUI" or something tangible, enforceable, and that holds everyone accountable; suggesting we are writing regulations that will be disruptive or hold no meaning.

This Small Business Impact Statement summary is the analysis in its entirety.

2. The manner in which the analysis was conducted.

The Division of Child and Family Services Foster Care Program Specialist determined that NAC 424 currently meets the majority of the requirements identified in the *National Model Family Foster Home Licensing Standards*. However, a few minor language additions were necessary to be in full compliance. All revisions made to NAC 424 will better ensure the safety of Nevada's children and the occupants of the foster home. Only two (2) revisions may have a minimal fiscal impact to a small business; to include, 1) the cost to purchase carbon monoxide detectors, and 2) cost of certain caregiver immunizations. The Specialist also analyzed and tallied the results of the completed Small Business Impact Questionnaires.

3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

- *When asked in the Small Business Impact Survey if there will be specific areas of the proposed regulation that will have an adverse economic effect upon your business, all responded "No."*
- *When asked will specific areas of the proposed regulation have any beneficial economic effect upon your business, all responded "No."*
- *When asked, do you anticipate any direct effects upon your business, all responded "No."*
- *When asked, do you anticipate any indirect effects upon your business, four (4) responded "No"; however, one responded "YES" based upon the response given in #1(d) above regarding "abuse of alcohol by consuming it in excess"*

Adverse Direct and Indirect Effects on Business

After researching the potential costs of carbon monoxide detectors, they can be purchased off the internet for \$10 for a basic model to over \$100 for a high-end model. However, a suitable detector averages around \$20 to \$25.

Cost of Immunizations:

The costs of vaccines may be covered through health insurance or can be obtained for free or low cost through the local public health department. Here are potential costs otherwise:

Pertussis (Whooping Cough)
\$48.50 - \$54. (With *GoodRx* coupon)

Flu Vaccine
\$29 - \$55 (various pharmacies)

Beneficial Direct and Indirect Effects on Business

Also, of note, is that a child welfare agency's payment received by small businesses flows from the Title IV-E federal funding stream to Nevada and is a direct economic benefit of compliance with federal child welfare standards. If NAC 424 does not meet the required federal standards, Nevada child welfare agencies would no longer be eligible to receive Title IV-E maintenance costs for payment of Nevada children placed in the small businesses' foster homes. Nevada receives nearly \$900,000 annually, which are specific to supporting the costs of care for Nevada's children in foster care. This revenue is passed on to foster homes including the small businesses affected by this regulation.

4. A description of the methods that the DCFS considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used those methods.

Currently, there is not an immediate way to reduce the cost of carbon monoxide detectors or immunizations due to it being a federal mandate. However, the child welfare agency may be able to assist a foster care provider if there is a financial hardship in their covering the costs.

5. The estimated cost to the agency for enforcement of proposed regulations.

There is no known increase in costs incurred by the child welfare agency for enforcement of the proposed regulations. These revisions do not add additional workload to the foster home licensing process.

6. Total amount the agency which provides child welfare services expects to collect from any fees and the manner in which the money will be used.

The proposed regulations do not implement any additional or increase in fees.

7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or stringent provisions were created within the proposed regulations.

8. The reasons for the conclusions of the agency regarding the impact of the proposed regulation on small business.

It is the conclusion of DCFS that there is no significant impact from the proposed regulation on small business.

By my signature below, I certify that, to the best of my knowledge, the information contained in this statement was prepared properly and is accurate.


Ross E. Armstrong, DCFS Administrator

8/14/19
Date

NAC 424 – FOSTER HOMES FOR CHILDREN

Addition of Federal FFPSA Requirements

NAC 424.120 is hereby amended to read as follows:

NAC 424.120 Investigation of applicant; visits by licensing authority representative; reports. ([NRS 424.020](#), [424.040](#))

1. A 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.]~~

2. *Applicant(s) must have completed an agency home study, which is a written comprehensive family assessment in collaboration with the applicants to include the following elements:*

(a) An in-home interview and assessment of each individual applicant and, if more than one applicant, an additional interview and assessment of both applicants together.

(b) An assessment must include, without limitation, an inquiry into any factors that the licensing authority representative determines is necessary to assess the ability of the applicant(s) to meet the needs of the child or children to be fostered.

(c) An in-home assessment to observe family functioning and assess the family's capacity to meet the needs of children.

(d) The discretion to interview or observe other household members based upon age and development.

(e) A medical examination of the applicant(s) within the past 12 months by a licensed health care provider that indicates that the applicant(s) is physically, mentally and emotionally capable of caring for children in foster care.

(f) Verification of the marital status of the applicant, including the review of any applicable records regarding marriage, divorce and the death of a spouse.

(g) All adult household members must provide a health history, including mental health and any history of drug and/or alcohol abuse or treatment. This includes disclosure of any current mental health and/or substance abuse issues.

(h) All household members who will be caregivers of infants must have an up-to-date pertussis (whooping cough) vaccine consistent with the recommendations of the Center for Disease Control, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.

(i) All household members who will be caregivers of infants and children with special medical needs must have an up-to-date annual influenza vaccine consistent with the recommendations of the Center for Disease Control, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.

3. A licensing authority representative may visit the foster home at any time, announced or unannounced, to determine compliance with licensing requirements and must be available for consultation as appropriate. The licensing authority representative shall visit each foster home at least once annually. That visit may be conducted as part of the initial issuance of a license and annually thereafter.

4. The director or licensee of each foster home shall submit such reports as the agency which provides child welfare services requires.

[Welfare Div., Req. for Foster Care part § 103.2, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014)

NAC 424.165 is hereby amended to read as follows:

NAC 424.165 Initial licensing: Minimum requirements. ([NRS 424.020](#)) Before the licensing authority grants an initial license to operate a foster home, the following minimum requirements must be met:

1. A satisfactory report about the applicant from a local law enforcement agency and submittal of fingerprints pursuant to [NRS 424.033](#);

2. A satisfactory report from 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, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#);

3. At least one visit by a licensing authority representative to the foster home to determine that the home is safe;

4. Receipt of a signed foster home application form;

5. *A completed home study per NAC 424.120;*

~~5-6.~~ Documentation of contact, either verbal or written, with five satisfactory references;

~~6-7.~~ Satisfactory completion of the training specified in [NAC 424.270](#); and

~~7-8.~~ Records concerning employees and residents must be maintained pursuant to [NRS 424.034](#).

[Welfare Div., Req. for Foster Care part § 103.3, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 8-27-92; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014)

NAC 424.255 is hereby amended to read as follows:

NAC 424.255 General qualifications of and requirements for foster parents and staff. ([NRS 424.020](#)) Foster parents and staff must:

1. Be competent adults with a demonstrated ability to exercise sound judgment and decision making. Their character, integrity and conduct must be above reproach, especially with regard to their role as foster caregivers.

2. Be willing to cooperate with the agency in establishing and carrying out agency goals for the child by:

(a) Providing pertinent information about the child and the needs of the child that the foster parents and staff have gained by caring for the child on a daily basis; and

(b) Assisting in meeting any identified needs of the child.

3. Possess skills necessary to provide a nurturing and caring home and family environment.

4. Welcome each foster child into the foster home as a full member of the family and treat each foster child equally to any children of the foster parent who reside in the foster home, including, without limitation, when according benefits and privileges.

5. Be kind and respectful when communicating and interacting with the child and the family of the child and discussing the family of the child.

6. Have knowledge and understanding of the needs of the child for well-being, safety and permanency.

7. Be flexible to best meet the needs of the child.

8. Present a positive image of fostering to the community.

9. Maintain good relationships with each member of the community who is involved with the child and the family.

10. Be professional in each action taken as a foster parent and caregiver and be a positive role model for each foster child when engaging in daily activities, making decisions, setting boundaries and modeling behaviors.

11. Communicate effectively and respectfully with each person involved in the care of a foster child and respect differences and opinions of others.

12. Accept additional feedback and participate in additional training to increase the foster parent's or staff member's knowledge and ability to care for a child with unique needs.

13. When safe and appropriate, work directly with the parents or other family members of a child in support of the best interests of the child and the permanency goal of the child.

14. Possess realistic expectations regarding behaviors of children who have experienced past trauma and be able to remain calm during the emotional and behavioral outbursts of a child.

15. Set appropriate verbal and physical boundaries with foster children and their families.

16. Recognize and celebrate milestones in the life of a foster child, including, without limitation, birthdays, graduations and holidays.

17. Demonstrate sound judgment by making mindful and careful decisions.

18. Foster parent and/or direct care staff must have the capability to communicate with the agency that provides child welfare services, health providers, other service providers and the necessary language skills to understand and follow medication labels and other instructional documents.

[Welfare Div., Req. for Foster Care part § 104.1, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services by R129-16, 9-21-2017)

NAC 424.270 is hereby amended to read as follows:

NAC 424.270 Training. ([NRS 424.020](#))

1. Except as otherwise provided in this section, applicants for a license to operate a foster home must attend at least 8 hours of training in ~~{foster-parenting-provided-or}~~ *laws/regulations, child welfare agency structure, childhood trauma, managing behaviors, importance of family and meaningful relationships, managing medications; which are* approved by the agency which provides child welfare services; *in addition, complete training requirements in NRS 424.0365, basic first aid and cardiopulmonary resuscitation training.* If the home has a pool, hot tub or other freestanding body of water, the applicants must obtain information on water safety, *pool safety* and the risk of drowning. ~~{and must also complete training in pool safety and receive certification in cardiopulmonary resuscitation.}~~

2. Except as otherwise provided in this section, foster parents shall attend at least 4 hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.

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

4. A family foster home which is licensed to provide foster care for a specific, licensed child-placing agency may receive the training required by subsections 1 and 2 through that agency.

5. In addition to the training required by subsections 1 and 2, applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by [NAC 424.573](#). The training required by this subsection must be provided or approved by the agency which provides child welfare services.

6. The requirements of this section are not applicable to any person who is subject to the requirements of [NAC 424.712](#) and [424.714](#) and completes the training or continuing education required by those sections.

[Welfare Div., Req. for Foster Care § 105.2, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424.375 is hereby amended to read as follows:

NAC 424.375 Sleeping accommodations. ([NRS 424.020](#))

1. Foster children must sleep in a room, designated as a bedroom, which must ensure privacy. Closets, partitioned rooms and similar areas are unacceptable areas for children to sleep. No child may be allowed to sleep in a detached building, unfinished attic or basement, stair hall or room commonly used for other than bedroom purposes.

2. Rooms used by children for sleeping must have adequate floor space between beds to allow foster children and other persons to easily access beds and exits.

3. Dormitories housing more than six children are not allowed. Single rooms must be provided for those children whose behavior or development makes it desirable for them to have a single room.

4. Except as otherwise provided in this subsection, children of the opposite sex who are 5 years of age or more must not share a bedroom, and children who are more than 12 months of age must not sleep in the same room with an adult. If a written recommendation by a provider of health care, psychologist, clinical social worker, clinical professional counselor or a child and family team is provided to the licensing authority, the licensing authority may authorize children who are 5 years of age or more to share a room or a child who is more than 12 months of age to 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 appropriate based upon the circumstances and needs of each child. A child in foster care who is the parent of a child in the same placement may share a room with that child.

5. The foster parents' bedroom must be located on the same floor as the bedroom of any child who is less than 5 years of age.

6. Except as otherwise provided in this subsection, each child must be provided with his or her own bed, which must be at least 27 inches wide and of a length which is adequate for the child's height, and the bottom of which is elevated off the floor. Siblings of the same sex may share a double bed.

7. Each bed 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. 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 who are less than 6 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 or her sleeping area.

11. Bedroom furnishings must not be set up in such a manner as to obstruct a clear exit from a door or window.

12. Each crib must meet the standards prescribed in 16 C.F.R. Part 1219 or 1220, as applicable, and be equipped with a firm crib mattress that properly fits the crib. An infant must always be placed on his or her back to sleep and **must not be:**

(a) Allowed to sleep on a soft or semisoft surface, including, without limitation, a sofa, waterbed, large pillow or bean bag.

(b) Placed in a crib containing any loose item, including, without limitation, a comforter, quilt, blanket, stuffed animal, crib bumper, wedge, pillow or other loose bedding.

(c) *Allowed to co-sleep or share a sleeping surface (such as a bed, sofa, chair, etc.) with another person.*

13. As used in this section, "provider of health care" means a physician, advanced practice registered nurse, physician assistant or homeopathic physician.

[Welfare Div., Req. for Foster Care part § 107.2, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R066-99, 11-8-99; R044-02, 7-23-2002; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424.400 is hereby amended to read as follows:

NAC 424.400 Safety from fire: Equipment; walls and ceilings; accommodations for certain children with disabilities.
(NRS 424.020)

1. All foster homes must have operating, portable fire extinguishers *and carbon monoxide detectors* 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 authority representative pursuant to the State Fire Marshal's instructions.

(c) Be located within 75 feet of traveling distance from any point within the 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 less than 18 months of age or to five or more children who are less than 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 at least one carbon monoxide detector mounted near sleeping areas.* All foster home must have smoke detectors which conform to the *International Building Code*, in the form most recently published by the International Code Council, which is hereby adopted by reference and is available free of charge at the Internet address <http://codes.iccsafe.org>. 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. 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. A foster home that provides care to a child who requires a wheelchair, stretcher or other special accommodations for exiting must have two exit doors and an accessible ramp which meets the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

7. The Division will review each revision of the publication adopted by reference in subsection 4 to ensure its suitability for this State. If the Division determines that a revision is not suitable for this State, the Division will hold a public hearing to review its determination within 6 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Division does not revise its determination, the Division will give notice within 30

days after the hearing that the revision is not suitable for this State. If the Division does not give such notice, the revision becomes part of the publication adopted by reference in subsection 4.

[Welfare Div., Req. for Foster Care part § 108.1, eff. 10-19-90; + part § 108.6, 10-7-88, eff. 1-1-89; A 5-19-89; 10-19-90] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R129-16, 9-21-2017)

NAC 424.420 is hereby amended to read as follows:

NAC 424.420 Empty water features, standing bodies of water, saunas and tanning booths. ([NRS 424.020](#))

1. Any standing body of water on the premises of a foster home must be maintained in a condition that is healthy and safe for children. The water in any pond used for swimming must be maintained in a healthy and sanitary condition.

2. Except as otherwise provided in this subsection, a foster home that has an empty water feature or standing body of water on the premises and is licensed to care for any child who is less than 5 years of age must provide a fence on all sides of the empty water feature or standing body of water, separating it from the general yard area. If the empty water feature or standing body of water is adjacent to an area of an outside wall of the foster home that has no windows or doors, the wall may function as part of the fence. A fence is not required for a hot tub on the premises of a foster home described in this subsection if the hot tub has a protective cover that is kept in place and locked when the hot tub is not in use.

3. The fence required by subsection 2 must:

(a) Be at least 4 feet high on all sides.

(b) Have no vertical opening more than 4 inches wide.

(c) Be of such a design that young children cannot climb it or squeeze under it. The use of a chain link fence is prohibited.

(d) Not obstruct the view of the empty water feature, standing body of water or surrounding area from the house.

(e) Have a gate that is self-closing, with a self-latching mechanism which is in proper working order and out of the reach of young children.

4. If a foster home is licensed to care only for children who are 5 years of age or more:

(a) Except as otherwise provided in paragraph (b), the area surrounding an empty water feature or standing body of water must be fenced and locked in a manner which prevents access by children or others who are not entitled to be on the premises; or

(b) If the area surrounding the empty water feature or standing body of water is not fenced, there must be a locked, protective cover which will not allow access by a child. Any pool cover must be free from standing water.

5. A reaching pole with a life hook, and a ring buoy, must be present and accessible at all times as minimum safety devices unless the standing body of water is such that a person supervising a child is able, without entering the water, to reach the child in the water and remove the child by hand.

6. Steps leading to an above-ground pool must be removed when the pool is not in use.

7. Any sauna or tanning booth on the premises of a foster home must be locked in a manner which prevents access by children.

8. If a swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

~~8~~ 9. If a wading or inflatable pool is used, it must be constructed, maintained and used in a manner which safeguards the lives and health of the children. A wading or inflatable pool must be emptied when not in use or comply with all regulations applicable to *a pool and* a standing body of water.

~~9~~ 10. If a foster home has access to a community pool, the foster parents and staff shall ensure that a child does not enter the pool area unless:

(a) The child is under the direct supervision of a foster parent or staff member; and

(b) The pool is equipped with a reaching pole with a life hook and a ring buoy.

~~10~~ 11. As used in this section:

(a) "Empty water feature" includes, without limitation, an empty pool.

(b) "Standing body of water" includes, without limitation, any lake, pond or in-ground or above-ground pool, hot tub or large stationary bird bath.

[Welfare Div., Req. for Foster Care part § 107.1, 10-7-88, eff. 1-1-89; A 5-19-89] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R044-02, 7-23-2002; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424.450 is hereby amended to read as follows:

NAC 424.450 Duties of foster home, foster parent and direct care staff: General requirements. ([NRS 424.020](#))

1. The foster home shall comply with the licensing requirements and with applicable state laws and regulations. The licensee is responsible for ensuring that all members of the foster home household and staff know and comply with licensing requirements.

2. The foster home shall provide foster care only for the number, age and sex of children specified on the license.

3. The foster home shall not discriminate on the basis of race, color, national origin, disability, religion, gender, age, marital status, political affiliation, sexual orientation or any other reason in accordance with the United States Constitution, the Civil Rights Act of 1964 and section 504 of the Rehabilitation Act of 1973.

4. The foster parent and direct care staff shall cooperate as team members with the agency having responsibility for the child in order to establish and carry out the child's treatment plan, the case plan and, if applicable, the plan for transition of the child to independent living, including, without limitation, the goals for the child prescribed in such a plan, e.g., returning the child to the birth parents, placing the child for adoption, providing training and experiences for developing independent living skills, etc.

5. *Licensees and direct care staff must agree to comply with the following assurances:*

(a) No use of corporal or degrading punishment;

(b) No use of illegal substances, abuse of alcohol by consuming it in excess, or abuse of prescriptions or non-prescription medications;

(c) No smoking in the foster home, in vehicles used to transport foster children or in the presence of a foster child.

(c) Adherence to the Reasonable and Prudent Parent Standard.

[Welfare Div., Req. for Foster Care part § 105.1, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services by R129-16, 9-21-2017)

NAC 424.470 is hereby amended to read as follows:

NAC 424.470 Acceptance of children born to children in foster care. ([NRS 424.020](#)) Infants born to children in foster care may be accepted to reside at the foster home if:

1. The mother is also in foster care.

2. Such action is consistent with the case plan.

3. The infant presents no medical or other problems which would place the infant at risk in such a setting.

4. Sufficient equipment for caring for infants is available on-site.

5. The infant is considered as one of the total number of children for which the facility is licensed. The license issued must encompass the age of the infant.

6. The presence of the infant has no detrimental effect on the program and other children in foster care.

7. The plan is approved by the mother and her caseworker prior to the placement.

8. The mother of the child is actively involved in the day-to-day care and supervision of her child.

9. The infant sleeps in a crib in a manner that complies with the requirements of [NAC 424.375](#). The infant must ~~not~~ *never* share a ~~bed~~ *sleeping surface or co-sleep with the mother*.

[Welfare Div., Req. for Foster Care part § 106.3, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services by R129-16, 9-21-2017)

NAC 424.490 is hereby amended to read as follows:

NAC 424.490 Maintenance of home and vehicles; transportation of foster children. ([NRS 424.020](#))

1. The foster home shall maintain the home and vehicles in safe operating condition.

2. The foster home shall provide transportation of a foster child to necessary appointments or arrange for such transportation unless an extreme emergency within the foster home prevents making such arrangements.

3. The foster home shall secure prior approval from the agency with responsibility for the foster child before taking the child out-of-state or on a trip or vacation which will require the child to be away from the family home for ~~overnight or~~ *longer than two nights*.

4. Any person who provides transportation to a foster child:
 - (a) Must possess at least the minimum liability insurance coverage required by state law;
 - (b) Shall observe state law regarding child restraint systems and seat belts at all times when transporting a foster child; and
 - (c) Shall observe all other laws of this State concerning the operation of a motor vehicle.

5. If the foster home is located in an area without access to public transportation, the foster home must have a working vehicle that can safely transport all of the children living in the home at one time in case of an emergency.

[Welfare Div., Req. for Foster Care part § 105.1 + part § 106.1, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 8-27-92; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424. 500 is hereby amended to read as follows:

NAC 424.500 Care and treatment of children: General requirements. ([NRS 424.020](#))

1. A foster home shall:
 - (a) Provide a safe, stable and nurturing environment.
 - (b) Encourage a child's autonomy, respect a child's privacy and consider a child's preferences or choices when providing care, supervision, guidance or instruction.
 - (c) Provide care that is respectful toward the beliefs, interpersonal styles, attitudes, behaviors and culture of a child and his or her family.
 - (d) Employ direct care staff who are knowledgeable about and understanding of children who have greater physical or emotional needs.
 - (e) Provide effective supervision and employ staff who possess the vitality, interest and understanding to meet the needs of a child in the care of the foster home. Prospective staff must be selected based upon their ability to care for a foster child with consideration of the ages and needs of any other children in the care of the foster home.
 - (f) Employ staff who have the ability to work with and guide a child within a group setting or individually. Staff must possess the physical and emotional health to carry out the responsibilities of caring for a child.
 - (g) Work cooperatively with the agency which provides child welfare services, teachers and other professionals to meet the needs of a child.
 - (h) Accurately observe and record each child's progress in the foster home.
 - (i) Provide care, training and guidance to the children in its care and assist those children in learning to control inappropriate patterns of behavior.
 - (j) Cooperate with the agency which provides child welfare services to ensure that children placed in the foster home receive quality, nurturing parenting and are able to experience normalcy in their daily lives.
 - (k) Ensure that all decisions concerning children are made using the reasonable and prudent parent standard in the manner prescribed in [NAC 424.573](#) and in accordance with the requirements of this chapter and [chapter 424](#) of NRS.
 - (l) Comply with all requirements of [NRS 432.500](#) to [432.550](#), inclusive.
2. The foster home shall plan activities that provide for and stimulate social relationships, creative activities and hobbies. Children must be afforded an opportunity to participate in neighborhood, school and other community groups appropriate to the age and needs of each child, which may include, without limitation:
 - (a) Activities that promote leisure or play;
 - (b) Activities that promote self-expression and communication;
 - (c) Appropriate physical exercise to encourage development of gross and fine motor skills;
 - (d) Activities to encourage mental or intellectual stimulation and development;
 - (e) Activities appropriate to the child's ethnicity or culture;
 - (f) Indoor and outdoor recreational activities;
 - (g) Activities that promote appropriate socialization and relationships with others; and
 - (h) Activities that promote normalcy for the child.
3. The foster parent must be nonjudgmental regarding the child's parents and the family of the child.
4. The foster parent shall:
 - (a) Assist the agency which provides child welfare services with transporting the child to necessary appointments, meetings or other required travel.

(b) Attend any appointment related to the health of the child with the child unless other arrangements are approved by the caseworker of the child.

5. The foster parent shall assist the agency which provides child welfare services to ensure that the child is provided with ongoing visitation and contact with siblings or other family members, if requested by the caseworker of the child.

6. The foster home shall see that each child observes curfew and all other requirements specified by law.

7. Smoking is prohibited in a foster home, *in vehicles used to transport foster children* and in the direct presence of foster children.

[Welfare Div., Req. for Foster Care part § 106.1, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services, 11-14-97; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424.555 is hereby amended to read as follows:

NAC 424.555 Provision of health care to children. ([NRS 424.020](#))

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

2. The foster parents or direct care staff shall closely observe children for signs of illness.

3. All children residing in the foster home must be currently immunized against diseases according to the recommendations set forth by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. The recommendations are available at no cost on the Internet at <http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>.

(a) All immunization requirements apply unless an immunization is contrary to the health of the child as documented by a licensed health care professional.

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 licensee shall 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 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 agency which provides child welfare services or the agency placing the child.

[Welfare Div., Req. for Foster Care part § 104.7 + part § 106.8, 10-7-88, eff. 1-1-89] — (NAC A by Div. of Child & Fam. Services by R044-02, 7-23-2002; R110-13, 6-23-2014; R129-16, 9-21-2017)

NAC 424.615 is hereby amended to read as follows:

NAC 424.615 Plan for responding to disasters and other emergencies.

1. A licensee shall develop for the foster home a written plan for responding to a disaster or other emergency. The plan must be consistent with the plan developed pursuant to [NRS 432.410](#) by an agency which provides child welfare services that has placed a child in the foster home. A copy of the plan developed by the licensee must be submitted to the licensing authority. The plan must be kept in a central location inside the foster home, must be readily available for review and, to the extent it does not conflict with the plan developed pursuant to [NRS 432.410](#) by an agency which provides child welfare services, must include:

(a) The manner in which to evacuate the foster home and the designation of an alternate location where the members of the foster home, including, without limitation, any child with a disability or special medical needs, may reside during an evacuation;

(1) Have an emergency home evacuation plan to be reviewed with the child and posted in a prominent place in the home.

(b) The manner in which an evacuation will proceed if a child is at school or otherwise away from the foster home, and a description of the plan for any such child;

(c) A list of important telephone numbers, including, without limitation, alternate telephone numbers for the licensing authority, the staff of the foster home and an agency which provides child welfare services or other agency or person who has placed a child in the foster home;

(d) A plan for communicating before, during and after an evacuation, if possible, with any person or entity having physical custody of a child in the foster home;

(e) A description of the manner in which the licensee will receive information from emergency management personnel, and the manner in which the licensee or staff will coordinate with emergency personnel and juvenile courts, as required;

(f) A list of critical items to take, if possible, when evacuating the foster home, including, without limitation, medication, medical cards and medically necessary equipment for any child with a disability or special medical needs; and

(g) A description of the manner in which the licensee will make services available to children in the foster home to address the emotional impact of the emergency.

2. The licensee shall ensure that each child placed in the foster home, each family member residing in the foster home, if any, and the staff of the foster home are informed about where the plan is kept and receive training about the plan and the appropriate response in the event of a disaster or other emergency. The plan must be reviewed with a child within 7 days after the child is placed in the foster home.

3. The licensee shall update the plan at least annually and submit a copy of the updated plan to the licensing authority. At each annual visit by the licensing authority, the licensee shall make the current plan available for review by the licensing authority representative. The licensing authority shall review the plan and verify that it contains the information required by this section.

4. The licensing authority shall develop and provide to any applicant or licensee an example of a plan which meets the requirements of this section.

5. As used in this section, "disaster" has the meaning ascribed to it in [NRS 432.400](#).

(Added to NAC by Div. of Child & Fam. Services by R110-13, eff. 6-23-2014)