

Joe Lombardo  
Governor



Richard Whitley, MS  
Director

# DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES  
*Helping people. It's who we are and what we do.*



Cindy Pitlock, DNP  
Administrator

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## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Division of Child and Family Services will hold a public hearing, in accordance with [Governor's Executive Order #2023-003](#) (entered January 12, 2023), to undertake a comprehensive review of Nevada Administrative Code (NAC) Chapters 424, 432, and 432B, to consider streamlining, clarifying, reducing, or otherwise improving such regulations.

During this public hearing, the Division of Child and Family Services will (i) vet its recommended changes; (ii) solicit input from the public and stakeholders as to the merits of those changes and (iii) identify other regulatory changes the public and stakeholders feel are worthy of consideration. Public and stakeholder input will be reflected in the summary of findings and recommendations for changes included in the subsequent report submitted to the Governor. Changes to the NAC will not automatically occur as a result of this public hearing, but the Division of Child and Family Services will be providing a report to the Governor with the proposed changes and input submitted at the public meeting in accordance with the Governor's Executive Order.

The public hearing will be conducted via videoconference **beginning at 9:00 a.m. on Thursday, April 27, 2023.**

This will be a **virtual only** hearing as authorized pursuant to AB253 (2021) and NRS 241.023. Members of the public may hear and observe the hearing and participate by video or phone. Members of the public may also provide live public comment during the public comments sections of the agenda. This public hearing will be conducted in accordance with NRS 241.020, Nevada's Open Meeting Law. This hearing material contains the agenda and supporting documents. The hearing will be recorded, and minutes will be completed following the hearing.

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### **Meeting Link:**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NDIjNzA5MmEtNTJkOC00ZmIzLTk1NTQtZmFkMzY4N2IxZWly%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22be58909a-421c-4f56-857e-c5f7d4ef6f7f%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDIjNzA5MmEtNTJkOC00ZmIzLTk1NTQtZmFkMzY4N2IxZWly%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22be58909a-421c-4f56-857e-c5f7d4ef6f7f%22%7d)

### **Join by Phone:**

775-321-6111; Conference ID: 734 261 565#

### **AGENDA**

1. Introduction of workshop process
2. General Public Comment
3. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 424.
4. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 432.
5. Public comment on recommended amendments to Nevada Administrative Code (NAC) Chapter 432B.
6. General Public Comment

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The proposed changes would be to streamline, clarify, reduce, or otherwise improve such regulations, and would be recommended in accordance with [Governor's Executive Order #2023-003](#).

The proposed amendments provide provisions for the following:

**Nevada Administrative Code (NAC) Chapter 424**

1. NAC 424.130(5) indicates “If a foster home is not located on a city water system, the licensing authority may require the analysis of a water sample and the issuance of a report of approval by the appropriate governmental authority. The licensing authority may require foster homes that obtain their water from an individual well to have an annual water inspection to ensure that the water is safe for drinking.”
  - Comments on requirement of annual inspection.
2. NAC 424.135 discusses fire inspections of homes where foster children are placed.
  - NAC 424.135(2)(a) indicates in homes where the total occupancy is less than 10, “the licensing authority representative shall... inspect the home.... The licensing authority representative is not required to inspect a home pursuant to this paragraph if the state or local fire inspector has inspected the home in conjunction with a current application.”
  - NAC 424(2)(b) indicates that in homes where there is a total occupancy of “ten or more, the State Fire Marshal or his or her designee shall inspect the home. The State Fire Marshal may, based upon information he or she receives regarding the home, designate the licensing authority representative to conduct the inspection.”
  - Edits to this section could grant flexibility for those who complete an inspection and could remove barriers for placement.
3. NAC 424.165 discusses minimal requirements for initial licensing.
  - NAC 424.165(1) indicates “A satisfactory report about the applicant from a local law enforcement agency and submittal of fingerprints pursuant to [NRS 424.033](#),”
  - NAC 424.165(2) indicates “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](#),”
  - Edits to this section could remove barriers for placement.
4. NAC 424.167 discusses the requirement of a tuberculosis test for initial licensing.
  - NAC 424.167(1) indicates “A person who applies for an initial license to operate a foster home must provide to the licensing authority written evidence... that the person and each member of his or her household who is 18 years of age or more... is free from active tuberculosis.”
  - NAC 424.167(3)(b) indicates “An examination by a provider of health care who is authorized to diagnose active tuberculosis, at least once every 24 months after the date the skin test... was conducted pursuant to subsection 1 or 2.”
  - Edits to this section could align with other states’ practice.
5. NAC 424.168(1) indicates “The licensing authority shall ensure that a foster home is financially solvent.”
  - Edits to this section could address situations that arise after initial licensure, where the family is no longer financially solvent on a case-by-case basis.
6. NAC 424.250(1) indicates “A sufficient number of members of the direct care staff must be on duty and available at all times to ensure proper care for foster children. Except as otherwise provided in this section, the minimum number of members of the direct care staff in a foster home per foster child is:

Type	Age Range	Staff/Foster Child Ratio
Specialized Foster Homes	0-5 years	1:4
	6-18 years	1:6
Family Foster Homes	0-18 years	1:6
Group Foster Homes	0-18 years	1:8

- Edits have been suggested to reduce ratio for specialized foster homes from 1:4 to 1:6.
- Comments on not counting foster parent’s biological children with this requirement as they are excluded according to NAC 424.160.

7. NAC 424.255(4) indicates that foster parents and staff must “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.”
  - Comments around normalcy for foster youth.
8. NAC 424.270 discusses training requirements for applicants of foster homes.
  - NAC 424.270(1) indicates “If the home has a pool, hot tub or other freestanding body of water, the applicants must obtain information on water safety and the risk of drowning and must also complete training in pool safety and receive certification in cardiopulmonary resuscitation.”
  - Comments around recertification.
  - NAC 424.270(6) indicates “In addition to the training required by subsections 1, 2 and 5, a licensee that operates a foster home must receive, not later than 90 days after initial licensure and annually thereafter, training concerning working with lesbian, gay, bisexual, transgender and questioning children.”
  - Comments on expanding training requirements to other potentially vulnerable populations.
9. NAC 424.275(1) indicates “Adults who provide foster care for children must provide evidence of their character and ability to care for children. The licensing authority must have received at least five satisfactory references for such a person.”
  - Comments around clarification of “adults who provide foster care for children”.
10. NAC 424.370(2) indicates “Each child’s room must have at least one window that is accessible for exit in case of fire or other emergency.”
  - Comments around clarification of accessibility.
11. NAC 424.375 discusses sleeping accommodations for foster children.
  - NAC 424.375(1) indicates “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.”
  - NAC 424.375(7) indicates “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.”
  - Comments on evaluating on a case-by-case basis or clarification of these sections.
12. NAC 424.400 discusses fire safety.
  - NAC 424.400(3) indicates “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.”
  - Comments on what current national standards are.
13. NAC 424.420(2) discusses safety around empty water features or standing bodies of water and indicates “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.”
  - Comments on whether this creates a barrier for foster parents.
14. NAC 424.455(2)(b) discusses housing and boarders and indicates “The roomer or boarder, regardless of age, must be willing to submit to the same licensing requirements as the staff, unless the roomer or boarder is a person who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#).”
  - Comments on how this requirement impacts biological children of a foster parent who reaches the age of majority.
15. NAC 424.478(2) indicates “A provider of foster care shall provide the agency responsible for a foster child with at least 10 working days’ notice of any request for the removal of the child from the foster home”.
  - Comments on restrictiveness of 10 working days.
16. NAC 424.500 discusses the general requirements for the care and treatment of children.
  - Comments on additions, modifications, or deletions needed.
17. NAC 424.525 discusses the discipline of children and recommended behavior management techniques.

- Comments on this being incorporated into training rather than in Code.
  - NAC 424.530 outlines examples of unacceptable disciplinary techniques.
18. NAC 424.555 discusses provisions of health care for children.
- NAC 424.555(3) indicates “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>.”
  - Comments on national model standards.
  - NAC has been updated; however, to date has not been codified. It will read “Each child 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, unless a licensed physician, physician assistant or advanced practice registered nurse determines that such immunizations are not recommended for the child because of a medical condition. The recommendations are available at no cost on the Internet at <http://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>.”
19. NAC 424.560(5) indicates “Except as otherwise provided in this subsection, all medication must be kept in a locked place, including, without limitation, any medication that requires refrigeration. Medication that must be kept with a child pursuant to the instructions of a physician is not required to be kept in a locked place.”
- Comments on normalcy and safety.
20. NAC 424.595 indicates “All hazardous chemicals, tools and other equipment, including, without limitation, matches, plastic bags, paints, gasoline, insecticides, and cleaning and laundry products, must be secured and stored in a manner that makes them inaccessible to children, if making such items inaccessible is appropriate based on the age and stage of development of the children. Products which could cause poisoning or contamination must not be stored with food products.”
- Comments on national model standards.
21. NAC 424.600(1) indicates “Except as otherwise provided in [NRS 424.044](#) and subsection 2, any weapons, such as firearms, air rifles, bows, hunting knives or hunting sling shots, must be unloaded at all times when children are in the foster home. They must be stored in locked containers or made inoperable. Ammunition and arrows must be stored in separate locked containers.”
- Comments on safety and unintended barriers to foster parents.
22. NAC 424.605 indicates “A fire drill must be held at least once a month in each foster home and recorded documentation of the activity must be posted in the foster home and must be made available for inspection by the licensing authority.”
- Comments on safety and normalcy.
23. NAC 424.615(1) indicates “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”.
- Comments on safety and normalcy.
24. NAC 424.642/460/490/820 are related to insurance for foster homes.
- Comments on applicability.
25. In general, normalcy for foster youth to be added to the Code.
- NAC 424.270(5) indicates “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.”
26. NAC 424.716 indicates “In addition to any training provided pursuant to [NAC 424.712](#) and [424.714](#) or [NRS 424.0365](#), within 60 days after beginning employment, each member of the direct care staff of a specialized foster home or a foster home with which a foster care agency has entered into a contract must obtain certification on the use of physical restraint from a nationally recognized program or a program approved by the licensing authority before providing care to a child in the foster home. Each member of the direct care staff must receive such additional training as required annually to maintain the certification.”

- Comments on the use of physical restraints.
27. NAC 424.724 discusses the reporting of a physical restraint.
- NAC 424.724(3)(a) indicates “Verbally notify the caseworker of the child not later than 24 hours after receiving the report”.
  - NAC 424.724(3)(b) indicates “Provide a copy of the report to the caseworker and the licensing authority not later than 7 calendar days after the date of the incident.”
  - Comments if these are duplicative.

### **Nevada Administrative Code (NAC) Chapter 432**

1. NAC 432.140 describes a quarterly report from the child welfare agencies to the Division.
  - Comments about the contents and frequency of this report.
2. NAC 432.320 describes a quarterly report from the child welfare agencies to the Division.
  - Comments about the contents and frequency of this report.

### **Nevada Administrative Code (NAC) Chapter 432B**

1. NAC 432B.040 describes “Plans submitted pursuant to NRS 432B.395: Evaluation by division; action by agency upon disapproval.”
  - NRS 432B.395 was repealed in 2007 and this regulation may be deleted.
2. NAC 432B.050 describes “Plans submitted pursuant to NRS 432B.395: Time for submission; contents.”
  - NRS 432B.395 was repealed in 2007 and this regulation may be deleted.

### **Business Impact**

1. At this time, the estimated economic effect of the regulation are as follows:
  - a. On business:
    - i. Anticipated adverse effects: None.
    - ii. Anticipated beneficial effects: Removal of barriers to Nevada businesses.
    - iii. Anticipated immediate effects; Removal of barriers to Nevada businesses.
    - iv. Anticipated long-term effects: Removal of barriers to Nevada businesses.
  - b. On the public:
    - i. Anticipated adverse effects: None.
    - ii. Anticipated beneficial effects: None.
    - iii. Anticipated immediate effects; None.
    - iv. Anticipated long-term effects: None.

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence may submit the material to the Executive Assistant of the Division of Child and Family Services, Elvira Saldana at the following address:

Division of Child and Family Services  
 ATTN: Elvira Saldana  
 4126 Technology Way, 3<sup>rd</sup> Floor  
 Carson City, Nevada 89706  
[Elvira.Saldana@dcfs.nv.gov](mailto:Elvira.Saldana@dcfs.nv.gov)  
 775-684-4440

Members of the public who require special accommodations or assistance at the workshop are required to notify Elvira Saldana by emailing [Elvira.Saldana@dcfs.nv.gov](mailto:Elvira.Saldana@dcfs.nv.gov) at the Division of Child and Family Services, or by calling 775-684-4440 prior to the public workshop.

A copy of the notice and the proposed regulations are on file for inspection and/or may be copied at the following location during normal business hours:

Division of Child and Family Services, 4126 Technology Way, 3<sup>rd</sup> Floor, Carson City, Nevada 89706

A copy of the public workshop notice can also be found at the Nevada Legislature's web page:  
<https://www.leg.state.nv.us/App/Notice/A/>

**This notice and Agenda has been sent to be posted at the following locations, in accordance with NRS Chapter 241:**

**State of Nevada- Division of Child and Family Services**

Website- [https://dcfs.nv.gov/Meetings/2023/Meetings\\_2023/](https://dcfs.nv.gov/Meetings/2023/Meetings_2023/)

**State of Nevada- Nevada Public Notices**

Website- <https://notice.nv.gov/>

1. Division of Child and Family Services, 4126 Technology Way, 3<sup>rd</sup> Floor, Carson City, Nevada 89706
2. Division of Child and Family Services, Southern Nevada Child and Adolescent Services, 6171 W. Charleston Blvd. Building 8, Las Vegas, Nevada 89146
3. Nevada State Library and Archives, 100 Stewart St., Carson City, Nevada 89701

Copies may be obtained in person, by mail, or by calling the Division of Child and Family Services at 775-684-4400.