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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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Ross Armstrong
Administrator

Public Hearing
March 16, 2022
9:00 am

Transcript

Leslie Bittleston: Good morning everybody. I still see people logging in, so I'm going to give it another minute or two.

(Audio Gap)

Leslie Bittleston: Good morning, everybody. I don't see anybody else logging in, so I'm going to officially call this meeting to order at 9:01 a.m. This is the public workshop from the Division of Child and Family Services, Juvenile Justice Programs Office public workshop proposing the adoption of regulations pertaining to Chapters 62B and 62H of the Nevada Administrative Code. Today is March 16th, 2022. Time is 9:02 a.m. So, we're going to move on to item number 2 which is public comment. There will be two public comments periods for this public workshop. If you are going to provide public comments, please clearly state your name and you have up to three minutes to provide any comments. Is there any public comments at this time?

Not hearing any public comment, we will move on to item number 3, introduction of presenter and division staff. I will be the presenter today I am Leslie Bittleston of the Division of Child and Family Services, Juvenile Justice Programs Office. And I do have some other staff online that I would like to point out. We also have Jennifer Simeo and Kayla Dunn from the Programs Office. We also have Jennifer Spencer who is the Deputy Attorney General for the division. So, those are all division staff. Moving on to agenda item number 4, presentation of the revised NACs based on the first public workshop held on January 26 of 2022. After that public workshop, I did receive several written comments and I would like to thank the members of the counties and organizations for their written public comments. I revised both NAC 62B and 62H using that, those public comments. So if you would like to pull up the first document, we will be going over the revised draft of NAC 62B. Kayla, can you let me know what attachment number that is?

Kayla Dunn: Sorry, Leslie, I'm not on there right now.

Leslie Bittleston: Okay. It is titled Training for Certain Employees revised draft SB 108 DCFS regulation for training. Looking at that draft, the blue color, hopefully you have it in color. The blue is what was presented at the previous public workshop. The red are the changes that had been made based on written public comment from various folks. So, I don't think I need to read everything, so we will just kind of go through and if you could look at what has been changed and read. I also do want to point out for the counties moving on to NAC 62B 100 which was current, which was, is currently in NAC. There is a highlighted area that says, an employee has supervisory duties over other employees. I had originally

proposed a change to all employees; however, based on public comment, the consensus was to keep it the way that it was, so I did move it back or change it back to what is currently in statute. Okay, that is NAC 62B revision. Moving on to NAC 62H revision based on SB 366. Again, I did receive public comments on this and as you can see the blue changes or the blue is the previous language that was presented on January 26th. The red are the new additions. There is a note at the bottom of this one that reads clinical evaluator to clearly identify reason for incompetent determination. (This is an LCB question). So, it is written down here for, for the LCB attorney that will be a drafting these regulations to provide a recommendation of adding a checkbox or something to the report or providing a way for the clinician or evaluator to clearly identify this. It was discussed in the last public workshop on January 26 that sometimes clinicians or evaluators write the report without clearly specifying what their, their finding was and it's not, and, and a probation, probation staff may not be able to delineate or discern what, what the determination is. So, we are asking LCB to determine a method for the clinician or evaluator to identify whatever the determination is. So, those are the changes that were made to NAC 62B and 62H based on the previous public workshop on January 26 of 2022. Moving on to public comment. We can take public comments at this time again. Again, public comment is limited to three minutes and please clearly state your name. Is there any public comments at this time?

Andre Wade: Hi, this is Andre Wade, data quality. Good morning. Sorry, I was having audio issues. Are we still on 62H?

Leslie Bittleston: You can do either one, Mr. Wade.

Andre Wade: Okay. I just wanted to flag again that SB 109 from the last session passed around data collection for sexual orientation, gender identity. So, for 62H, the inclusion of sexual orientation as far as capturing demographic information are recommend that be included as well.

Leslie Bittleston: Mr. Wade, this is Leslie Bittleston for the record. I would like to provide or to provide some additional information. I did include a spreadsheet for demographic information that in the materials that was provided today. Sorry, give me a second, I'm, did you find it?

Andre Wade: I'm looking now. So does that include on the spreadsheet then [inaudible]?

Leslie Bittleston: Yes, gender identity is included on the spreadsheet.

Andre Wade: Yes, but sexual orientation?

Leslie Bittleston: Oh sexual orientation, excuse me. I, sexual orientation. Okay, got it. Thank you, Mr. Wade.

Andre Wade: Thank you.

Leslie Bittleston: Is there any other public comments?

Unidentified Female: This is Heather [ph] with [inaudible] County Juvenile Probation. I just would like to highlight that in there, it still said that we would be using a form that would be established by the state to provide this data. I think because we are all using title supervision, it would make the most sense if we can have that hold out of there. I know title supervision, at least based on what I'm seeing, can capture all the information that is being requested. So, I would hope that we wouldn't have to do it, in two separate ways, because we have to pull it out of title supervision then input it on the form that is developed by the states. So, maybe this state should work with title supervision to develop the form.

Leslie Bittleston: Thank you, Heather. Any other public comment?

Jay Cafferata: This is Jay Cafferata and I would like to make a public comment about 62B and I did send these comments to you, Leslie, unfortunately rather late yesterday. But, I did want to add that I think some of the revisions that we included from the last meeting after further looking at them, I think that we could change them just a little bit more because one of the things that has happened in a number of places is the use of the acronym SGM. And this is not a noun and it should be changed to children with parents, caregivers or guardians to identify as a sexual and/or gender minority as in 2AMA [ph] and then AB would be children who identify as a sexual and/or gender minority. And then for the rest of that whole list about 2A, again we want to make sure that we are focusing on the children and not just a general kind of knowledge about cultural competence. So, children with the mental, physical and, or developmental disability or limitation would be good to add, children with mental illness, children from diverse racial and ethnic minorities, children from diverse religious backgrounds and then adolescent girls or adolescents who identify as a fem or fem presenting. Again, to create enough room for all versions of girls that might be presenting at a facility. On the implicit bias, I was thinking that we should include an exercise to guide participants in examining their own implicit bias. It is not enough to just know about implicit bias but we need to really look at taking care of it yourself. And I'm sorry I don't have a time in front of me, so if you will just let me know when I should be quiet, that would be great. On paragraph 3 and 4, I think that getting rid of this whole acceptable process is a good idea and just have DCFS provide this training to, again, to make it more standardize kind of training that then everyone gets the same thing instead of having facilities develop their own. I know then when we were looking at under HCQC [ph], one of the hardest things about developing this cultural competency training is the approval process. It's very time consuming and it's just easier, again, if the, if DCFS provides that training. And again, same with the trainer, having that trainer be a state-approved trainer already really sort of eliminates the confusion about this. On number 5, it says a child will participate in the development of the training, I'm not quite sure why this is here or how you would actually coerce children to participate in this. Whoever is developing the training obviously would have some kind of knowledge about the Juvenile Justice System to meet the requirements. And then on number 6, the training systems being able to use this training. I think it's very difficult, again, to ensure compliance and this just creates more work for DCFS to follow and track down and make sure that people are complying. And then if DCFS does provide the training, then you eliminate the regulation 7 to 11 completely because they are no longer necessary. That's my comment and again my name is Jay Cafferata. It's spelled C, A, F as in Frank, F as in Frank, E, R, A, T, A. Thank you.

Leslie Bittleston: Thank you, Mr. Cafferata. Is there any other public comment?

Okay. Did I hear something? Okay.

Michael Whelihan: Michael Whelihan from Clark County.

Leslie Bittleston: Go ahead, Mr. Whelihan.

Michael Whelihan: I think in the standard issue [ph], discuss the federal standard for PRIA [ph]. So, I think we need to make sure that we are compliance with PRIA when we are developing these trainings. That's all.

Leslie Bittleston: Thank you, Mr. Whelihan. Any other public comment?

Okay, not hearing any other public comment. I want to thank all of the commenters for their -- for their comments. We are going to move on to agenda item number 6. We will provide a 30-day written comment period. So, written comments maybe provided to me via e-mail by the 18th of April, so that is the 30 days written comment period, if you do have additional written comments. So, the comment period will be

opened until the 18th of April. After the 18th of April, the final documents will be prepared based on the two public workshops and the two written, 30-day written comment period into a package to LCB. What LCB does is they, they are the ones that draft the final language so to speak. They assigned an attorney and work directly with DCFS staff to draft those final regulations. Once those regulations are drafted, they provide the draft regulations back to DCFS and then the next step would be to hold a public hearing on the formal drafted regulations. The process to draft the previous 62B and 62H NACs based on AB 472 took LCB almost 11 months. That was partially because we were on lockdown, so I do not have a timeframe of how long it will take LCB to complete their drafting process. I would anticipate a couple of months. Once they draft their, their final language, it does go through a rigorous review process over at LCB before it does come to DCFS. So, those are the next steps. Are there any last questions or comments?

Okay, not hearing anything. That concludes the public workshop or public workshop for today. I thank everybody for their attendance and their comments. And we will see you at the public hearing down the road. Have a good rest of your day.

Unidentified Female: Thanks Leslie.

Leslie Bittleston: Bye, bye.

Unidentified Male: Thank you.

[end of meeting]