

ASSEMBLY BILL NO. 283—ASSEMBLYMEN SETTELMAYER, BEERS,
CHRISTENSEN, COBB, HARDY, KIRKPATRICK, KOIVISTO
AND STEWART

MARCH 12, 2007

Referred to Committee on Health and Human Services

SUMMARY—Requires certain care facilities to maintain and provide certain information to parents, guardians or legal representatives of persons cared for in the facilities. (BDR 38-1124)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

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

AN ACT relating to care facilities; requiring child care facilities and facilities for the care of adults during the day to maintain and provide certain information to the parents, guardians or legal representatives of persons cared for in those facilities; requiring licensing authorities to provide summaries to the facilities of certain complaints against the facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the licensing of child care facilities (chapter 432A of
2 NRS) and facilities for the care of adults during the day (chapter 449 of NRS).
3 **Section 1** of this bill requires child care facilities to maintain records of licensure,
4 inspections and disciplinary action, and to make that information available to the
5 public and the parents or guardians of children cared for in the facility. **Section 2** of
6 this bill makes failure to comply with this requirement a ground for revocation of
7 the facility's license. **Sections 3 and 4** of this bill impose similar requirements with
8 respect to facilities for the care of adults during the day. **Sections 2 and 4** also
9 require that summaries of complaints against the facilities be provided to the
10 facilities under certain circumstances and made available to the public.



* A B 2 8 3 *

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A child care facility shall maintain a copy of:

(a) The license issued to the facility by the Bureau or an agency for the licensing of child care facilities established by a county or incorporated city;

(b) The report of any investigation or inspection of the facility conducted by the Bureau, the State Fire Marshal, the State Health Officer or their designees;

(c) Any summaries of complaints provided to the facility pursuant to subsection 3 of NRS 432A.190; and

(d) The report of any disciplinary action taken against the facility pursuant to NRS 432A.190.

↪ Copies of the information maintained pursuant to this subsection must be retained by the child care facility for at least 12 months after receipt.

2. The information maintained pursuant to subsection 1 must be provided:

(a) To the parent or guardian of a child who enrolls the child in the facility, at or before the time of enrollment.

(b) To the parent or guardian of a child, upon request, who is considering enrolling the child in the facility.

(c) In the case of disciplinary action taken pursuant to NRS 432A.190, to the parents or guardians of all children admitted to the facility. Notice of disciplinary action must be provided to the parents or guardians of the children admitted to the facility within 3 working days after receipt by the licensed child care facility.

3. The Bureau and every agency for the licensing of child care facilities established by a county or incorporated city shall inform persons seeking information concerning child care facilities of their right to information pursuant to this section.

Sec. 2. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Bureau may deny an application for a license or may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.



* A B 2 8 3 *

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of section 1 of this act.

2. In addition to the provisions of subsection 1, the Bureau may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Bureau shall maintain a log of any complaints that it receives relating to activities for which the Bureau may revoke the license to operate a child care facility pursuant to subsection 2. ***The Bureau shall provide to a child care facility a summary of a complaint against the facility if the investigation of the complaint by the Bureau either substantiates the complaint or is inconclusive. The facility shall make the summary accessible to the public pursuant to section 1 of this act.***

4. On or before February 1 of each odd-numbered year, the Bureau shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A facility for the care of adults during the day shall maintain a copy of:

(a) The license issued to the facility pursuant to NRS 449.001 to 449.240, inclusive;



(b) The report of any investigation or inspection of the facility conducted by the Health Division, the State Fire Marshal, the Aging Services Division of the Department of Health and Human Services or their designees;

(c) Any summaries of complaints provided to the facility pursuant to subsection 3 of NRS 449.160; and

(d) The report of any disciplinary action taken against the facility pursuant to NRS 449.160 or 449.163.

↪ Copies of the information maintained pursuant to this subsection must be retained by the facility for the care of adults during the day for at least 12 months after receipt.

2. The information maintained pursuant to subsection 1 must be provided:

(a) To each patient or his legal representative, at or before the time of admission.

(b) To a prospective patient or his legal representative, upon request, who is considering admission of the patient to the facility.

(c) In the case of disciplinary action taken pursuant to NRS 449.160 or 449.163, to all patients admitted to the facility and their legal representatives. Notice of disciplinary action must be provided to the legal representatives of all patients admitted to the facility within 3 working days after receipt by the facility.

3. The Health Division shall inform persons seeking information concerning facilities for the care of adults during the day of their right to information pursuant to this section.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.



1 ***(f) Failure to comply with the provisions of section 3 of this***
2 ***act.***

3 2. In addition to the provisions of subsection 1, the Health
4 Division may revoke a license to operate a facility for the dependent
5 if, with respect to that facility, the licensee that operates the facility,
6 or an agent or employee of the licensee:

7 (a) Is convicted of violating any of the provisions of
8 NRS 202.470;

9 (b) Is ordered to but fails to abate a nuisance pursuant to NRS
10 244.360, 244.3603 or 268.4124; or

11 (c) Is ordered by the appropriate governmental agency to correct
12 a violation of a building, safety or health code or regulation but fails
13 to correct the violation.

14 3. The Health Division shall maintain a log of any complaints
15 that it receives relating to activities for which the Health Division
16 may revoke the license to operate a facility for the dependent
17 pursuant to subsection 2. ***The Health Division shall provide to a***
18 ***facility for the care of adults during the day a summary of a***
19 ***complaint against the facility if the investigation of the complaint***
20 ***by the Health Division either substantiates the complaint or is***
21 ***inconclusive. The facility shall make the summary accessible to***
22 ***the public pursuant to section 3 of this act.***

23 4. On or before February 1 of each odd-numbered year, the
24 Health Division shall submit to the Director of the Legislative
25 Counsel Bureau a written report setting forth, for the previous
26 biennium:

27 (a) Any complaints included in the log maintained by the Health
28 Division pursuant to subsection 3; and

29 (b) Any disciplinary actions taken by the Health Division
30 pursuant to subsection 2.

