

ASSEMBLY BILL NO. 507—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE SUBCOMMITTEE TO OVERSEE THE
CONSULTANT TO STUDY THE HEALTH, SAFETY, WELFARE
AND CIVIL AND OTHER RIGHTS OF CHILDREN IN THE CARE OF
CERTAIN GOVERNMENTAL ENTITIES OR PRIVATE FACILITIES)

MARCH 22, 2007

Referred to Committee on Health and Human Services

SUMMARY—Makes various changes to provisions concerning
facilities that have custody of children pursuant to
the order of a court. (BDR 38-1269)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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; requiring certain facilities which have physical custody of children pursuant to the order of a court to ensure that employees who come into direct contact with children in the facilities receive certain training; requiring an annual inspection of certain facilities located outside of this State which have physical custody of children from this State; requiring certain child care facilities to be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services rather than by a city or county licensing agency; making various changes concerning the annual inspections of certain facilities which have physical custody of children pursuant to the order of a court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 **Sections 1, 6, 12, 13 and 14** of this bill require certain facilities that have
- 2 custody of children pursuant to the order of a court to ensure that each employee of
- 3 the facility that comes into direct contact with children in the facility receives



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training within 30 days after employment and annually thereafter concerning various issues affecting the health, welfare, safety and civil and other rights of those children.

Section 2 of this bill requires the Administrator of the Division of Child and Family Services of the Department of Health and Human Services or his designee to inspect physically any out-of-state facility to which a child from this State who is in the custody of the Division may be transferred before or at the time of the transfer to ensure the appropriateness of the placement. **Section 2** further requires the Administrator or his designee to inspect physically the facility and interview the child placed in the out-of-state facility at least one time each year.

Existing law authorizes the licensing agency of a county or incorporated city, if established, to license child care facilities in the county or city. (NRS 432A.131) **Sections 5, 8 and 9** of this bill provide that certain types of child care facilities must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services regardless of whether there is a county or city licensing agency. (NRS 432A.024, 432A.131)

Sections 10, 15 and 16 of this bill require that annual inspections of facilities which have custody of children pursuant to the order of a court include the inspection of certain areas and require that the reports of such inspections be made public. (NRS 432A.180, 444.330, 444.335)

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

Section 1. Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A licensee that operates a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

- (a) Controlling the behavior of children;*
- (b) Policies and procedures concerning the use of force and restraint on children;*
- (c) The rights of children in the home;*
- (d) Suicide awareness and prevention;*
- (e) The administration of medication to children;*
- (f) Applicable state and federal constitutional and statutory rights of children in the home;*
- (g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and*
- (h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.*

2. The Division shall adopt regulations necessary to carry out the provisions of this section.



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

3 1. *Before or at the time the Division transfers a child who has*
4 *been committed to the custody of the Division to a facility located*
5 *outside this State, the Administrator or his designee shall*
6 *physically inspect the facility to determine whether the facility:*

7 (a) *Provides the services or treatment necessary for the child;*

8 (b) *Is either accredited or licensed and in good standing with*
9 *the entity which accredits or licenses the facility; and*

10 (c) *Is subject to health inspections and the results of any such*
11 *health inspections conducted within the immediately preceding 3*
12 *years.*

13 2. *If a child is placed in a facility that is located outside this*
14 *State, the Administrator of the Division or his designee shall, at*
15 *least one time each year, to ensure the continued appropriateness*
16 *of the placement:*

17 (a) *Physically inspect the facility;*

18 (b) *Review the services being provided to the child at the*
19 *facility and any treatment plan established for the child; and*

20 (c) *Interview the child.*

21 3. *The provisions of this section apply to any child committed*
22 *to the custody of the Division pursuant to title 5 of NRS, chapter*
23 *432B or 433B of NRS or pursuant to any other authority.*

24 **Sec. 3.** NRS 432.080 is hereby amended to read as follows:

25 432.080 All administrative expenses incurred by the Division
26 in carrying out the provisions of NRS 432.010 to 432.085, inclusive,
27 *and section 2 of this act* must be paid out of money which may be
28 appropriated by the Legislature from the State General Fund and out
29 of such other money as may be made available to the Division for
30 the payment of administrative expenses. Disbursements must be
31 made upon claims filed and allowed in the same manner as other
32 money in the State Treasury is disbursed. All claims must be
33 approved by the Administrator before they are paid.

34 **Sec. 4.** Chapter 432A of NRS is hereby amended by adding
35 thereto the provisions set forth as sections 5 and 6 of this act.

36 **Sec. 5.** *“Child care institution” means a facility which*
37 *provides care and shelter during the day and night and provides*
38 *developmental guidance to 16 or more children who do not*
39 *routinely return to the homes of their parents or guardians. Such*
40 *an institution may also provide, without limitation:*

41 1. *Education to the children according to a curriculum*
42 *approved by the Department of Education;*

43 2. *Services to children who have been diagnosed as severely*
44 *emotionally disturbed as defined in NRS 433B.080, including,*



1 *without limitation, services relating to mental health and*
2 *education; or*

3 *3. Emergency shelter to children who have been placed in*
4 *protective custody pursuant to chapter 432B of NRS.*

5 **Sec. 6. 1. A licensee that operates a child care facility**
6 ***which occasionally or regularly has physical custody of children***
7 ***pursuant to the order of a court, including, without limitation, an***
8 ***emergency shelter, shall ensure that each employee who comes***
9 ***into direct contact with children in the facility receives training***
10 ***within 30 days after employment and annually thereafter. Such***
11 ***training must include, without limitation, instruction concerning:***

12 *(a) Controlling the behavior of children;*

13 *(b) Policies and procedures concerning the use of force and*
14 *restraint on children;*

15 *(c) The rights of children in the emergency shelter;*

16 *(d) Suicide awareness and prevention;*

17 *(e) The administration of medication to children;*

18 *(f) Applicable state and federal constitutional and statutory*
19 *rights of children in the emergency shelter;*

20 *(g) Policies and procedures concerning other matters affecting*
21 *the health, welfare, safety and civil and other rights of children in*
22 *the emergency shelter; and*

23 *(h) Such other matters as required by the Board.*

24 *2. The Board shall adopt regulations necessary to carry out*
25 *the provisions of this section.*

26 **Sec. 7. NRS 432A.020 is hereby amended to read as follows:**

27 **432A.020** As used in this chapter, unless the context otherwise
28 requires, the words and terms defined in NRS 432A.0205 to
29 432A.028, inclusive, ***and section 5 of this act***, have the meanings
30 ascribed to them in those sections.

31 **Sec. 8. NRS 432A.024 is hereby amended to read as follows:**

32 **432A.024 1. “Child care facility” means:**

33 *(a) An establishment operated and maintained for the purpose of*
34 *furnishing care on a temporary or permanent basis, during the day or*
35 *overnight, to five or more children under 18 years of age, if*
36 *compensation is received for the care of any of those children;*

37 *(b) An on-site child care facility; ~~for~~*

38 *(c) **A child care institution; or***

39 ***(d) An outdoor youth program.***

40 **2. “Child care facility” does not include:**

41 *(a) The home of a natural parent or guardian, foster home as*
42 *defined in ~~chapter 424 of~~ NRS **424.014** or maternity home;*

43 *(b) A home in which the only children received, cared for and*
44 *maintained are related within the third degree of consanguinity or*



1 affinity by blood, adoption or marriage to the person operating the
2 facility; or

3 (c) A home in which a person provides care for the children of a
4 friend or neighbor for not more than 4 weeks if the person who
5 provides the care does not regularly engage in that activity.

6 **Sec. 9.** NRS 432A.131 is hereby amended to read as follows:

7 432A.131 1. Child care facilities , *other than child care*
8 *institutions*, in any county or incorporated city where the governing
9 body has established an agency for the licensing of child care
10 facilities and enacted an ordinance requiring that child care facilities
11 be licensed by the county or city need not be licensed by the Bureau.
12 The licensing agency shall adopt such standards and other
13 regulations as may be necessary for the licensing of child care
14 facilities, and the standards and regulations:

15 (a) Must be not less restrictive than those adopted by the Board;
16 and

17 (b) Take effect only upon their approval by the Bureau.

18 2. An agency for the licensing of child care facilities
19 established by a city or county may waive compliance with a
20 particular standard or other regulation by a child care facility if:

21 (a) The agency finds that the practices and policies of that
22 facility are substantially equivalent to those required by the agency
23 in its standards and other regulations; and

24 (b) The waiver does not allow a practice which violates a
25 regulation adopted by the Board.

26 3. A governing body may adopt such standards and other
27 regulations as may be necessary for the regulation of facilities which
28 provide care for fewer than five children. If the standards so adopted
29 are less restrictive than the standards for the licensure of child care
30 facilities which have been adopted by the Board, the governing body
31 shall not issue a license to the smaller facilities, but may register
32 them in accordance with the standards which are less restrictive.

33 4. If a governing body intends to amend or repeal an ordinance
34 providing for the licensing of child care facilities and the effect of
35 that action will be the discontinuance of the governing body's
36 licensure of child care facilities, the governing body shall notify the
37 Bureau of its intention to do so at least 12 months before the
38 amendment or repeal becomes effective.

39 **5. *A child care institution must be licensed by the Bureau.***

40 **Sec. 10.** NRS 432A.180 is hereby amended to read as follows:

41 432A.180 1. Any authorized member or employee of the
42 Bureau may enter and inspect any building or premises of a child
43 care facility or the area of operation of an outdoor youth program at
44 any time to secure compliance with or prevent a violation of any
45 provision of this chapter.



2. The State Fire Marshal or his designate shall, at least annually:

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

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

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

3. The State Health Officer or his designate shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program, on behalf of the Bureau, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The State Health Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 11. NRS 432A.220 is hereby amended to read as follows:

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and section 6 of this act* is guilty of a misdemeanor.

Sec. 12. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:

(a) Controlling the behavior of children;

(b) Policies and procedures concerning the use of force and restraint on children;

(c) The rights of children in the institution or agency;

(d) Suicide awareness and prevention;

(e) The administration of medication to children;

(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;

(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and



1 (h) *Such other matters as required by the Division of Child*
2 *and Family Services.*

3 2. *The Division of Child and Family Services shall adopt*
4 *regulations necessary to carry out the provisions of this section.*

5 **Sec. 13.** Chapter 63 of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 1. *The superintendent of a facility shall ensure that each*
8 *employee who comes into direct contact with children in the*
9 *facility receives training within 30 days after employment and*
10 *annually thereafter. Such training must include, without*
11 *limitation, instruction concerning:*

12 (a) *Controlling the behavior of children;*

13 (b) *Policies and procedures concerning the use of force and*
14 *restraint on children;*

15 (c) *The rights of children in the facility;*

16 (d) *Suicide awareness and prevention;*

17 (e) *The administration of medication to children;*

18 (f) *Applicable state and federal constitutional and statutory*
19 *rights of children in the home;*

20 (g) *Policies and procedures concerning other matters affecting*
21 *the health, welfare, safety and civil and other rights of children in*
22 *the facility; and*

23 (h) *Such other matters as required by the Administrator of the*
24 *Division of Child and Family Services.*

25 2. *The Administrator of the Division of Child and Family*
26 *Services shall provide direction to the superintendent of each*
27 *facility concerning the manner in which to carry out the*
28 *provisions of this section.*

29 **Sec. 14.** Chapter 433B of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 1. *The Administrator shall ensure that each employee who*
32 *comes into direct contact with children at any treatment facility*
33 *and any other division facility into which a child may be*
34 *committed by a court order receives training within 30 days after*
35 *employment and annually thereafter. Such training must include,*
36 *without limitation, instruction concerning:*

37 (a) *Controlling the behavior of children;*

38 (b) *Policies and procedures concerning the use of force and*
39 *restraint on children;*

40 (c) *The rights of children in the emergency shelter;*

41 (d) *Suicide awareness and prevention;*

42 (e) *The administration of medication to children;*

43 (f) *Applicable state and federal constitutional and statutory*
44 *rights of children in the emergency shelter;*



(g) *Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the emergency shelter; and*

(h) *Such other matters as required by the Board.*

2. *The Division shall adopt regulations necessary to carry out the provisions of this section.*

Sec. 15. NRS 444.330 is hereby amended to read as follows:

444.330 1. The Health Division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the Department of Corrections.

(b) Northern Nevada Adult Mental Health Services.

(c) Nevada Youth Training Center, Caliente Youth Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

(d) Nevada System of Higher Education.

2. The State Board of Health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of those institutions.

3. The State Health Officer or his authorized agent shall inspect those institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section. *The inspection of any state facility for the detention of children that is operated pursuant to title 5 of NRS must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the facility.*

4. The State Health Officer *shall publish reports of the inspections of any state facility for the detention of children that is operated pursuant to title 5 of NRS and* may publish reports of the inspections ~~of~~ *other state institutions.*

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate the institutions in conformity with the regulations adopted by the State Board of Health pursuant to subsection 2.

6. The State Health Officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of the institutions and to determine whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.



1 **Sec. 16.** NRS 444.335 is hereby amended to read as follows:

2 444.335 1. The health authority shall have supervision over
3 the sanitation, healthfulness, cleanliness and safety, as it pertains to
4 the foregoing matters, of the following city, county and private
5 institutions:

6 (a) Jails, correctional institutions and other institutions
7 performing similar functions ~~[]~~, *including, without limitation, any*
8 *facility for the detention of children;*

9 (b) Schools; and

10 (c) School gymnasiums.

11 2. The State Board of Health shall, with respect to jails,
12 correctional institutions and other institutions performing similar
13 functions, *including, without limitation, any facility for the*
14 *detention of children*, and may, with respect to the other institutions
15 named in subsection 1, adopt and enforce such regulations as are
16 necessary to promote properly the sanitation, healthfulness,
17 cleanliness and safety, as it pertains to the foregoing matters, of
18 those institutions.

19 3. The health authority shall inspect those institutions at least
20 once each calendar year and at such other times as, in its discretion,
21 it deems an inspection necessary to carry out the provisions of this
22 section, except that inspections of schools and gymnasiums shall be
23 made at least twice each year, once during each semester. *The*
24 *inspection of any institution which has physical custody of*
25 *children pursuant to the order of a court must include, without*
26 *limitation, an inspection of all areas where food is prepared and*
27 *served, bathrooms, areas used for sleeping, common areas and*
28 *areas located outdoors that are used by children at the facility.*

29 4. A report of the findings of an inspection must be made to the
30 State Health Officer within 20 days following the inspection. The
31 State Health Officer *shall publish the report of the inspection of*
32 *any facility which has physical custody of children pursuant to the*
33 *order of a court and* may from time to time, in his discretion,
34 publish the reports of ~~[those]~~ *the* inspections ~~[]~~ *of other*
35 *institutions.*

36 5. All persons charged with the duty of maintenance and
37 operation of the institutions named in this section shall operate those
38 institutions in conformity with regulations relating to sanitation,
39 healthfulness, cleanliness and safety, as it pertains to the foregoing
40 matters, adopted by the State Board of Health.

41 6. The health authority may, in carrying out the provisions of
42 this section, enter upon any part of the premises of any of the
43 institutions named in this section over which it has jurisdiction, to
44 determine the sanitary conditions of those places and to determine



whether the provisions of this section and the regulations of the State Board of Health pertaining thereto are being violated.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. The training required for employees pursuant to sections 1, 6, 12, 13 and 14 must be provided to all employees holding positions on October 1, 2007, by not later than November 1, 2007.

2. A child care institution which must be licensed by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services pursuant to section 9 of this act must obtain such a license by not later than January 1, 2008.

3. The amendatory provisions of sections 10, 15 and 16 of this act apply to the next inspection conducted pursuant to those sections.

Sec. 26. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2007, for all other purposes.

