

SENATE BILL NO. 257—SENATORS WOODHOUSE, DENIS, ATKINSON,
SPEARMAN, PARKS; FORD, KIHUEN AND MANENDO

MARCH 12, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child care facilities.
(BDR 38-97)

FISCAL NOTE: Effect on Local Government: No.
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 public welfare; revising the amount and type of training that an employee of a child care facility is required to complete; revising provisions concerning the frequency of certain background investigations required to be conducted by the Division of Public and Behavioral Health of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each person who is employed in a child care facility, other than a facility that provides care for ill children, to: (1) complete 15 hours of training annually if the facility provides care for more than 5 children but less than 12 children; and (2) on or after January 1, 2016, complete at least 24 hours training annually if the facility provides care for more than 12 children. Existing law provides that at least 2 hours of the required training must be devoted to lifelong wellness, health and safety of children. (NRS 432A.1775) **Section 3** of this bill requires at least 12 hours of that training to be devoted to the care, education and safety of children that is: (1) specific to the age group served by the child care facility for which the person is employed; and (2) approved by the State Board of Health by regulation. **Section 1** of this bill requires each person who is employed in a child care facility to complete an additional 3 hours of training in the recognition and reporting of child abuse and neglect.

Existing law provides for the licensure of certain child care facilities. (NRS 432A.131-432A.220) As part of the process of obtaining a license to operate a child care facility, the Division of Public and Behavioral Health of the Department of Health and Human Services is required to conduct a background check of certain employees, residents and participants of facilities and prohibit unsupervised contact with a child pending the results of a background investigation. The Division is also required to conduct a background investigation every 5 years after the initial



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21 investigation. (NRS 432A.170, 432A.175) **Section 2** of this bill requires the
22 Division to conduct a background investigation of those employees every 2 rather
23 than 5 years after the initial investigation.

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

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

3 *Each person who is employed in a child care facility shall*
4 *complete at least 3 hours of training in the recognition and*
5 *reporting of child abuse and neglect:*

6 *1. Within 90 days after commencing his or her employment*
7 *in a child care facility; and*

8 *2. At least once every 5 years thereafter.*

9 **Sec. 2.** NRS 432A.170 is hereby amended to read as follows:
10 432A.170 1. The Division may, upon receipt of an
11 application for a license to operate a child care facility, conduct an
12 investigation into the:

13 (a) Buildings or premises of the facility and, if the application is
14 for an outdoor youth program, the area of operation of the program;

15 (b) Qualifications and background of the applicant or the
16 employees of the applicant;

17 (c) Method of operation for the facility; and

18 (d) Policies and purposes of the applicant.

19 2. The Division shall secure from appropriate law enforcement
20 agencies information on the background and personal history of
21 every applicant, licensee or employee of an applicant or licensee, or
22 every resident of a child care facility who is 18 years of age or older,
23 other than a resident who remains under the jurisdiction of a court
24 pursuant to NRS 432B.594, or participant in an outdoor youth
25 program who is 18 years of age or older, to determine whether the
26 person has been convicted of:

27 (a) Murder, voluntary manslaughter or mayhem;

28 (b) Any other felony involving the use of a firearm or other
29 deadly weapon;

30 (c) Assault with intent to kill or to commit sexual assault or
31 mayhem;

32 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
33 indecent exposure or any other sexually related crime;

34 (e) Abuse or neglect of a child or contributory delinquency;

35 (f) A violation of any federal or state law regulating the
36 possession, distribution or use of any controlled substance or any
37 dangerous drug as defined in chapter 454 of NRS;



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(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Division shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older, from:

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report pursuant to NRS 432A.175; and

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Division may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning ~~an~~:

(a) ~~Employee~~ *An employee* of an applicant or licensee ~~resident~~ *not later than 3 days after the employee is hired, and then at least once every 2 years after the employee is hired.*

(b) *A resident* of a child care facility who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after ~~the employee is hired,~~ the residency begins or the participant begins participating in the program, and then at least once every 5 years thereafter.

~~(b) Applicant~~

(c) *An applicant* at the time that an application is submitted for licensure, and then at least once every 5 years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.



Sec. 3. NRS 432A.1775 is hereby amended to read as follows:

432A.1775 1. Each person who is employed in a child care facility that provides care for more than 12 children, other than in a facility that provides care for ill children, shall , *in addition to completing the training required by section 1 of this act*, complete

~~1:~~

~~—(a) Before January 1, 2014, at least 15 hours of training;~~

~~—(b) On or after January 1, 2014, and before January 1, 2015, at least 18 hours of training;~~

~~—(c) On or after January 1, 2015, and before January 1, 2016, at least 21 hours of training; and~~

~~—(d) On or after January 1, 2016, 24 hours of training each year.~~

2. Except as otherwise provided in subsection 1, each person who is employed in any child care facility, other than in a facility that provides care for ill children, shall , *in addition to completing the training required by section 1 of this act*, complete at least 15 hours of training each year.

3. At least ~~12~~ :

(a) Twelve hours of the training required by subsections 1 and 2 each year must be devoted to the care, education and safety of children specific to the age group served by the child care facility in which the person is employed and must be approved in accordance with regulations adopted by the Board; and

(b) Two hours of the training required by subsections 1 and 2 each year must be devoted to the lifelong wellness, health and safety of children and must include training relating to childhood obesity, nutrition and physical activity.

Sec. 4. 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 1 of this act* is guilty of a misdemeanor.

Sec. 5. 1. Each person who, on January 1, 2016, is employed in a child care facility shall complete the training requirements set forth in section 1 of this act before January 1, 2017.

2. As used in this section, “child care facility” has the meaning ascribed to it in NRS 432A.024.

Sec. 6. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.

