

SENATE BILL NO. 49—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF CLARK COUNTY)

PREFILED DECEMBER 20, 2014

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to emergency shelters for
children. (BDR 38-498)

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 the protection of children; revising provisions
relating to the licensure of emergency shelters for children
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:

Under existing law, certain facilities, including institutions which provide
emergency shelter to children who have been placed in protective custody, are
required to be licensed by the Division of Public and Behavioral Health of the
Department of Health and Human Services. (NRS 432A.0245, 432A.131) **Section**
2 of this bill defines the term “emergency shelter,” and **sections 5 and 6** of this bill
exclude emergency shelters from the definitions of a “child care facility” and a
“child care institution.” **Section 9** of this bill requires emergency shelters to be
licensed by the Division, and **section 8** of this bill requires the State Board of
Health to adopt licensing standards for emergency shelters that account for the
differences between emergency shelters and child care facilities. **Sections 1, 3, 4, 7**
and 10-36 of this bill revise various provisions relating to the oversight of child
care facilities to also apply to emergency shelters.



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

Section 1. NRS 422A.355 is hereby amended to read as follows:

422A.355 1. Except as otherwise provided in subsection 3, as a condition to the receipt of public assistance, a recipient must:

(a) Ensure that each dependent child for whom the recipient is receiving assistance has received the standard immunizations established for children by the regulations adopted pursuant to NRS 439.550.

(b) Within 6 months after the determination of the eligibility of the recipient for public assistance, submit to the Division, in the manner specified in NRS 432A.230 and 432A.260 for admission to a child care facility ~~H~~ *or emergency shelter*, proof that each dependent child for whom the recipient is receiving assistance has received those standard immunizations.

2. The Division shall advise each recipient of the availability of those standard immunizations through clinics for the immunization of children held pursuant to NRS 439.535.

3. The Division shall waive the requirements of subsection 1 if the failure to immunize a dependent child is because of a religious belief or medical condition and the recipient submits to the Division a written statement of that fact in the manner specified in NRS 432A.240 or 432A.250 for admission to a child care facility ~~H~~ *or emergency shelter*.

4. A head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families who does not comply with the requirements of this section:

(a) Shall be deemed to have failed to comply with the terms of the plan for personal responsibility signed by the head of the household pursuant to NRS 422A.535; and

(b) Is subject to the penalties prescribed by the Division pursuant to NRS 422A.560 for failing to comply with the terms of that plan.

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

“Emergency shelter” means an establishment that provides emergency shelter to children placed in protective custody pursuant to chapter 432B of NRS. The term includes, without limitation, an establishment that serves as a temporary transitional shelter for children placed into protective custody and provides medical, mental health or educational evaluations and support to the children in the establishment.



Sec. 3. NRS 432A.010 is hereby amended to read as follows:

432A.010 The Legislature finds and declares that it is desirable that children of our state in need of day care services receive adequate and safe care outside their own homes, and it is the intent of state and local governments to assist in meeting such needs through an administrative procedure which will further the following objectives:

1. Safe and responsive child care facilities , *emergency shelters* and services.

2. Adequate methods to pay the costs of child care on an individual basis in already existing child care programs.

3. Proper operation of child care programs.

4. Provision of services by other public agencies on a subcontracted or purchased basis.

5. Full cooperation with the Federal Government in adopting a State Plan for Child Care that is in accordance with the guidelines of the Federal Panel on Early Childhood.

Sec. 4. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.029, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

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

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility;

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

(d) A location at which an out-of-school-time program is operated;

(e) A seasonal or temporary recreation program; ~~for~~



- (f) An out-of-school recreation program ~~H~~ ; *or*
(g) *An emergency shelter.*

Sec. 6. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

(a) Education to the children according to a curriculum approved by the Department of Education; *or*

(b) Services to children who have been diagnosed as ~~severely emotionally disturbed~~ *having an emotional disturbance* as defined in NRS 433B.045, including, without limitation, services relating to mental health and education . ~~for~~

~~—(c) Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.]~~

2. *The term does not include an emergency shelter.*

3. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to NRS 432B.594.

Sec. 7. NRS 432A.028 is hereby amended to read as follows:

432A.028 "Outdoor youth program" means a program for the provision of services, while living outdoors, to persons under 18 years of age who have behavioral problems, problems with mental health or problems with the abuse of alcohol or drugs. The term does not include any facility, *emergency shelter*, activity or program:

1. Operated by or on behalf of a governmental entity; or

2. Licensed by the Division of the Department.

Sec. 8. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities ~~H~~ *and emergency shelters.*

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility *and emergency shelter* and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities *and emergency shelters* in an emergency.

(c) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.



2. *The licensing standards adopted by the Board for emergency shelters must:*

(a) *Specifically address the role of an emergency shelter in the care and shelter of children placed in protective custody pursuant to chapter 432B of NRS;*

(b) *Recognize the different services provided by an emergency shelter from those provided by a child care facility; and*

(c) *Not limit the number of children who may be placed in an emergency shelter but may provide for a ratio establishing the minimum number of staff to children that is based on the age and any special needs of the children.*

3. The Board shall require that the practices and policies of each child care facility *and emergency shelter* provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility ~~H~~ *or shelter, as applicable.*

~~§~~ 4. If the Board finds that the practices and policies of a child care facility *or emergency shelter* are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility ~~H~~ *or shelter, as applicable.*

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

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

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

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

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

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

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

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care



1 facilities which have been adopted by the Board, the governing body
2 shall not issue a license to the smaller facilities, but may register
3 them in accordance with the standards which are less restrictive.

4 4. If a governing body intends to amend or repeal an ordinance
5 providing for the licensing of child care facilities and the effect of
6 that action will be the discontinuance of the governing body's
7 licensure of child care facilities, the governing body shall notify the
8 Division of its intention to do so at least 12 months before the
9 amendment or repeal becomes effective.

10 5. A child care institution must be licensed by the Division.

11 **6. *An emergency shelter must be licensed by the Division.***

12 **Sec. 10.** NRS 432A.141 is hereby amended to read as follows:

13 432A.141 1. If, after investigation, the Division finds that an
14 applicant is in full compliance with the provisions of this chapter
15 and the standards and regulations adopted pursuant to this chapter,
16 the Division shall issue to the applicant the license applied for.

17 2. The Division shall charge and collect a fee for each license
18 issued for a child care facility ***or emergency shelter*** in an amount
19 prescribed by regulation of the Board.

20 3. The initial license issued by the Division may be effective
21 for a period not exceeding 1 year from the date of issuance.

22 4. A license that is renewed by the Division is effective for 1
23 year from the date of renewal.

24 5. A license applies only to the person named therein and is not
25 transferable.

26 6. A license issued for:

27 (a) An outdoor youth program is valid only for the area of
28 operation described in the license.

29 (b) Any other child care facility ***or emergency shelter*** is valid
30 only for the premises described in the license.

31 **Sec. 11.** NRS 432A.150 is hereby amended to read as follows:

32 432A.150 Each license issued by the Division must contain:

33 1. The name of the person or persons authorized to operate the
34 licensed facility ***H or emergency shelter;***

35 2. The location of the licensed facility ***or emergency shelter*** or,
36 if the license is for an outdoor youth program, the area of operation
37 of the program; and

38 3. The number of beds authorized in the licensed facility ***H or***
39 ***emergency shelter***, the nature of services offered and the service
40 delivery capacity.

41 **Sec. 12.** NRS 432A.160 is hereby amended to read as follows:

42 432A.160 1. Except as otherwise provided in this section, the
43 Division may issue a provisional license, effective for a period not
44 exceeding 1 year, to a child care facility ***or emergency shelter***
45 which:



(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Division determines that the facility **or shelter** requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Division determines that the facility **or shelter** is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Division determines that the facility **or shelter** requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Division from refusing to renew or from revoking or suspending any license in any instance where the Division considers that action necessary for the health and safety of the occupants of any facility **or emergency shelter** or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Division has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility **or emergency shelter** 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 any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 13. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Division may, upon receipt of an application for a license to operate a child care facility **or emergency shelter**, conduct an investigation into the:

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

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

(c) Method of operation for the facility **or shelter**; and

(d) Policies and purposes of the applicant.

2. The Division shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or



every resident of a child care facility **or emergency shelter** 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, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

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

(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 **or emergency shelter** 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 of an applicant or licensee, resident of a child care facility **or emergency shelter** 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 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 *or emergency shelter, as applicable*, without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 14. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility *or emergency shelter*, licensee and employee of such an applicant or licensee, and every resident of a child care facility *or emergency shelter* 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, shall submit to the Division, or to the person or agency designated by the Division, to enable the Division to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Division to obtain any information that may be available from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or *emergency shelter*, a licensee, or a resident of a child care facility *or emergency shelter* 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, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Division shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility *or emergency shelter* or licensee shall notify the Division as soon as practicable but not later than 24 hours after hiring an employee,



beginning the residency of a resident 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 beginning the participation of a participant in an outdoor youth program who is 18 years of age or older.

4. An applicant for a license to operate a child care facility **or emergency shelter** or licensee shall notify the Division within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility **or emergency shelter** 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, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 15. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility **or emergency shelter** or a licensee, or a resident of a child care facility **or emergency shelter** 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 has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility **or shelter** or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.



3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility **or emergency shelter** or participate in the outdoor youth program, as applicable, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.

Sec. 16. NRS 432A.1757 is hereby amended to read as follows:

432A.1757 1. A licensee that operates a child care facility **or emergency shelter** which occasionally or regularly has physical custody of children pursuant to the order of a court ~~including, without limitation, an emergency shelter,~~ shall adopt a policy concerning the manner in which to:

- (a) Document the orders of the treating physician of a child;
- (b) Administer medication to a child;
- (c) Store, handle and dispose of medication;
- (d) Document the administration of medication and any errors in the administration of medication;

- (e) Minimize errors in the administration of medication; and

- (f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the child care facility **or emergency shelter** who will administer medication to a child at the child care facility **or emergency shelter** receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 17. NRS 432A.177 is hereby amended to read as follows:

432A.177 1. A licensee that operates a child care facility **or emergency shelter** which occasionally or regularly has physical custody of children pursuant to the order of a court ~~including, without limitation, an emergency shelter,~~ shall ensure that each employee who comes into direct contact with children in the facility **or shelter** 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 facility ~~or~~ **or shelter;**

- (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 facility ~~or~~ **or shelter;**



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

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

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

Sec. 18. NRS 432A.1773 is hereby amended to read as follows:

432A.1773 1. A licensee of a child care facility ~~H~~ *or emergency shelter*, or a person appointed by ~~the~~ *such a* licensee, who is responsible for the daily operation, administration or management of a child care facility *or emergency shelter* must:

(a) Be at least 21 years of age and:

(1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility ~~H~~ *or emergency shelter, as applicable*;

(2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility ~~H~~ *or emergency shelter, as applicable*;

(3) Hold a high school diploma or, if approved by the Administrator of the Division of Public and Behavioral Health, a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility ~~H~~ *or emergency shelter, as applicable*;

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility ~~H~~ *or emergency shelter, as applicable*; or

(5) Have a combination of education and experience which, in the judgment of the Administrator of the Division of Public and Behavioral Health, is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility ~~H~~ *or emergency shelter, as applicable*, apply to the Nevada Registry



1 or its successor organization, and annually renew his or her
2 registration before the date on which it expires.

3 2. As used in this section, "Nevada Registry" means the
4 organization that operates the statewide system of career
5 development and recognition created to:

6 (a) Acknowledge and encourage professional achievement in the
7 early childhood care and education workforce in this State;

8 (b) Establish a professional development system in this State for
9 the field of early childhood care and education;

10 (c) Approve and track all informal training in the field of early
11 childhood care and education in this State; and

12 (d) Act as a statewide clearinghouse of information concerning
13 the field of early childhood care and education.

14 **Sec. 19.** NRS 432A.1775 is hereby amended to read as
15 follows:

16 432A.1775 1. Each person who is employed in a child care
17 facility **or emergency shelter** that provides care for more than 12
18 children, other than in a facility that provides care for ill children,
19 shall complete:

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

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

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

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

26 2. Except as otherwise provided in subsection 1, each person
27 who is employed in any child care facility **or emergency shelter**,
28 other than in a facility that provides care for ill children, shall
29 complete at least 15 hours of training each year.

30 3. At least 2 hours of the training required by subsections 1 and
31 2 each year must be devoted to the lifelong wellness, health and
32 safety of children and must include training relating to childhood
33 obesity, nutrition and physical activity.

34 **Sec. 20.** NRS 432A.178 is hereby amended to read as follows:

35 432A.178 1. A child care facility **or emergency shelter** shall
36 maintain a copy of:

37 (a) The license issued to the facility **or shelter, as applicable**, by
38 the Division or an agency for the licensing of child care facilities
39 established by a county or incorporated city;

40 (b) Any summaries of complaints provided to the facility **or**
41 **shelter** pursuant to subsection 3 of NRS 432A.190;

42 (c) The report of any investigation conducted with respect to the
43 complaints; and

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



2. The information maintained pursuant to subsection 1 must be provided in the form prescribed pursuant to subsection 3:

(a) To the parent or guardian of a child who enrolls the child in the facility ~~H~~ *or shelter*, 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 ~~H~~ *or shelter*.

(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 ~~H~~ *or shelter*. Notice of disciplinary action must be provided to the parents or guardians of the children admitted to the facility *or shelter* within 3 working days after receipt by the licensed child care facility ~~H~~ *or emergency shelter*.

3. The Division shall develop a standard form for reporting the information required to be provided pursuant to subsection 2. The information reported on the form must include all required information for the 12-month period ending on the last day of the month immediately preceding the month in which the information is provided.

4. The Division 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 *or emergency shelters* of their right to information pursuant to this section.

Sec. 21. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility *or emergency shelter* and licensee shall maintain records of the information concerning its employees and any residents of the child care facility *or emergency shelter* who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to NRS 432B.594, or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;

(b) Proof that the applicant or licensee submitted fingerprints to the Central Repository for Nevada Records of Criminal History; and

(c) The written authorization to obtain information from the Central Repository and the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be:



(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility **or emergency shelter** or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Division at any reasonable time and copies thereof must be furnished to the Division upon request.

Sec. 22. NRS 432A.180 is hereby amended to read as follows:

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

2. The State Fire Marshal or a designee of the State Fire Marshal shall, at least annually:

(a) Enter and inspect every building or premises of a child care facility **or emergency shelter** on behalf of the Division; 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 Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually, every building or premises of a child care facility **or emergency shelter** and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with standards for health and sanitation.

4. The annual inspection of any child care facility **or emergency shelter** 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 **or emergency shelter**. The Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 23. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Division may deny an application for a license to operate a child care facility **or emergency shelter** or may suspend or revoke such a license 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.

(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 **or emergency shelter** 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 **H or emergency shelter**, 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 emergency shelter** or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident 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, to continue to reside in the child care facility **or emergency shelter** or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a child care facility **or emergency shelter** if, with respect to that facility **H or shelter**, the licensee that operates the facility **H or shelter**, 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 Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a child care facility **or emergency shelter** pursuant to subsection 2. The Division shall provide to a child care facility **or emergency shelter**:

(a) A summary of a complaint against the facility **or shelter** if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility **or shelter**.

↪ The facility **or shelter** shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Division may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Division shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

5. On or before February 1 of each odd-numbered year, the Division 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 Division pursuant to subsection 3; and

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

Sec. 24. NRS 432A.200 is hereby amended to read as follows:

432A.200 1. When the Division denies, suspends or revokes a license for a child care facility **or emergency shelter**, the Division shall afford reasonable notice to all parties by certified mail, which notice must contain the legal authority, jurisdiction and reasons for the action taken.

2. The aggrieved person may file notice of appeal with the Administrator of the Division or a designee of the Administrator within 10 calendar days after receipt of notice of action of the Division.

3. Within 20 calendar days after the receipt of the notice of appeal, the Administrator of the Division or a designee of the Administrator shall hold a hearing.

4. Notice of the hearing must be given no less than 5 days before the date set for the hearing.

Sec. 25. NRS 432A.210 is hereby amended to read as follows:

432A.210 1. Except as **otherwise** provided in subsection 1 of NRS 432A.131, the Division may bring an action in the name of the



1 State to enjoin any person, state or local government unit or agency
2 thereof from operating or maintaining any child care facility ~~H~~ **or**
3 **emergency shelter**:

4 (a) Without first obtaining a license therefor; or

5 (b) After his or her license has been revoked or suspended by
6 the Division.

7 2. It is sufficient in such an action to allege that the defendant
8 did, on a certain date and in a certain place, operate and maintain the
9 facility without a license.

10 **Sec. 26.** NRS 432A.220 is hereby amended to read as follows:

11 432A.220 Any person who operates a child care facility **or**
12 **emergency shelter** without a license issued pursuant to NRS
13 432A.131 to 432A.220, inclusive, is guilty of a misdemeanor.

14 **Sec. 27.** NRS 432A.230 is hereby amended to read as follows:

15 432A.230 Except as otherwise provided in NRS 432A.235 for
16 accommodation facilities:

17 1. Except as otherwise provided in subsection 3 and unless
18 excused because of religious belief or medical condition, a child
19 may not be admitted to any child care facility **or emergency shelter**
20 within this State, including a facility licensed by a county or city,
21 unless the parents or guardian of the child submit to the operator of
22 the facility **or shelter** a certificate stating that the child has been
23 immunized and has received proper boosters for that immunization
24 or is complying with the schedules established by regulation
25 pursuant to NRS 439.550 for the following diseases:

26 (a) Diphtheria;

27 (b) Tetanus;

28 (c) Pertussis if the child is under 6 years of age;

29 (d) Poliomyelitis;

30 (e) Rubella;

31 (f) Rubeola; and

32 (g) Such other diseases as the local board of health or the State
33 Board of Health may determine.

34 2. The certificate must show that the required vaccines and
35 boosters were given and must bear the signature of a licensed
36 physician or his or her designee or a registered nurse or his or her
37 designee, attesting that the certificate accurately reflects the child's
38 record of immunization.

39 3. A child whose parent or guardian has not established a
40 permanent residence in the county in which a child care facility **or**
41 **emergency shelter** is located and whose history of immunization
42 cannot be immediately confirmed by a physician in this State or a
43 local health officer, may enter the child care facility **or emergency**
44 **shelter** conditionally if the parent or guardian:



(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility **or shelter** is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not submitted to the operator of the child care facility **or emergency shelter** within 15 days after the child was conditionally admitted, the child must be excluded from the facility **or shelter**.

5. Before December 31 of each year, each child care facility **and emergency shelter** shall report to the Division, ~~to the Department,~~ on a form furnished by the Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility **or emergency shelter**; and

(b) Completed the immunizations required by this section.

Sec. 28. NRS 432A.240 is hereby amended to read as follows:

432A.240 If the religious belief of a child's parents or guardian prohibits the immunization of the child as required by NRS 432A.230 or 432A.235, a written statement of this fact signed by the parents or guardian and presented to the operator of the **child care facility or emergency shelter** exempts the child from the provisions of that section for purposes of admission.

Sec. 29. NRS 432A.250 is hereby amended to read as follows:

432A.250 If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 432A.230 or 432A.235, a written statement of this fact signed by a licensed physician and presented to the operator of the **child care facility or emergency shelter** by the parents or guardian of such child exempts such child from all or part of the provisions of NRS 432A.230 or 432A.235, as the case may be, for purposes of admission.

Sec. 30. NRS 432A.260 is hereby amended to read as follows:

432A.260 If, after a child has been admitted to a child care facility, including a facility licensed by a county or city **or an emergency shelter**, additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates or, if the facility is an accommodation facility, additional written documentation in a form authorized pursuant to NRS 432A.235 to the operator of the facility **or shelter** stating that such child has met the new immunization requirements.



1 **Sec. 31.** NRS 432A.270 is hereby amended to read as follows:
2 432A.270 Whenever the State Board of Health or a local board
3 of health determines that there is a dangerous contagious disease in
4 a child care facility **or emergency shelter** attended by a child for
5 whom exemption from immunization is claimed pursuant to the
6 provisions of NRS 432A.240 or 432A.250, the operator of the
7 facility **or shelter** shall require either:

- 8 1. That the child be immunized; or
9 2. That the child remain outside the school environment and
10 the local health officer be notified.

11 **Sec. 32.** NRS 432A.280 is hereby amended to read as follows:
12 432A.280 Any parent or guardian who refuses to remove his or
13 her child from the child care facility **or emergency shelter** to which
14 the child has been admitted when retention in the facility **or shelter**
15 is prohibited under the provisions of NRS 432A.230, 432A.235,
16 432A.260 or 432A.270 is guilty of a misdemeanor.

17 **Sec. 33.** NRS 202.265 is hereby amended to read as follows:
18 202.265 1. Except as otherwise provided in this section, a
19 person shall not carry or possess while on the property of the
20 Nevada System of Higher Education, a private or public school or
21 child care facility, or while in a vehicle of a private or public school
22 or child care facility:

- 23 (a) An explosive or incendiary device;
24 (b) A dirk, dagger or switchblade knife;
25 (c) A nunchaku or trefoil;
26 (d) A blackjack or billy club or metal knuckles;
27 (e) A pistol, revolver or other firearm; or
28 (f) Any device used to mark any part of a person with paint or
29 any other substance.

30 2. Any person who violates subsection 1 is guilty of a gross
31 misdemeanor.

32 3. This section does not prohibit the possession of a weapon
33 listed in subsection 1 on the property of:

- 34 (a) A private or public school or child care facility by a:
35 (1) Peace officer;
36 (2) School security guard; or
37 (3) Person having written permission from the president of a
38 branch or facility of the Nevada System of Higher Education or the
39 principal of the school or the person designated by a child care
40 facility to give permission to carry or possess the weapon.

41 (b) A child care facility which is located at or in the home of a
42 natural person by the person who owns or operates the facility so
43 long as the person resides in the home and the person complies with
44 any laws governing the possession of such a weapon.



4. The provisions of this section apply to a child care facility located at or in the home of a natural person only during the normal hours of business of the facility.

5. For the purposes of this section:

(a) “Child care facility” means any child care facility *or emergency shelter* that is licensed pursuant to chapter 432A of NRS or licensed by a city or county.

(b) “Firearm” includes any device from which a metallic projectile, including any ball bearing or pellet, may be expelled by means of spring, gas, air or other force.

(c) “Nunchaku” has the meaning ascribed to it in NRS 202.350.

(d) “Switchblade knife” has the meaning ascribed to it in NRS 202.350.

(e) “Trefoil” has the meaning ascribed to it in NRS 202.350.

(f) “Vehicle” has the meaning ascribed to “school bus” in NRS 484A.230.

Sec. 34. NRS 441A.030 is hereby amended to read as follows:
441A.030 1. “Child care facility” means:

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

(b) An on-site child care facility as defined in NRS 432A.0275;

(c) A child care institution as defined in NRS 432A.0245; ~~for~~

(d) *An emergency shelter as defined in section 2 of this act; or*

(e) An outdoor youth program as defined in NRS 432A.028.

2. “Child care facility” does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

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

Sec. 35. NRS 446.941 is hereby amended to read as follows:

446.941 1. Any regulation adopted by the State Board of Health or a local board of health pursuant to NRS 446.940 that establishes a standard for the construction of a food establishment or the equipment required to be present in a food establishment does not apply to any child care facility that limits its menu to:

(a) Food that does not constitute a potential or actual hazard to the public health; and

(b) Potentially hazardous food that has been:



1 (1) Commercially prepared and precooked; or
2 (2) Pasteurized,
3 ➔ regardless of whether the child care facility includes a
4 kindergarten.

5 2. As used in this section:

6 (a) "Child care facility" includes:

7 (1) A child care facility **or emergency shelter** licensed
8 pursuant to chapter 432A of NRS; or

9 (2) A child care facility licensed by a city or county.

10 (b) "Kindergarten" means a program of education for children
11 who are 5 and 6 years of age which is:

12 (1) Licensed to operate as such pursuant to chapter 394 of
13 NRS or which is exempt from licensure pursuant to NRS 394.211;
14 and

15 (2) Located on the premises of a child care facility.

16 **Sec. 36.** NRS 597.7122 is hereby amended to read as follows:

17 597.7122 "Commercial user" means any person, firm,
18 corporation, association or nonprofit corporation, or any agent or
19 employee thereof, including, without limitation, a child care facility
20 **or emergency shelter** licensed and in good standing pursuant to
21 chapter 432A of NRS, who:

22 1. Deals in cribs of the kind governed by NRS 597.712 to
23 597.7128, inclusive;

24 2. By virtue of the person's occupation, purports to have
25 knowledge or skill peculiar to cribs of the kind governed by NRS
26 597.712 to 597.7128, inclusive; or

27 3. Is in the business of remanufacturing, retrofitting, selling,
28 leasing, subletting or otherwise placing cribs in the stream of
29 commerce.

30 **Sec. 37.** 1. The State Board of Health shall adopt any
31 regulations necessary to carry out the provisions of this bill by not
32 later than January 1, 2016.

33 2. Any regulations adopted by the State Board of Health
34 relating to child care facilities and child care institutions before
35 July 1, 2015, continue to apply to emergency shelters, as defined in
36 section 2 of this act, and may be enforced until the State Board of
37 Health adopts regulations to repeal, revise or replace those
38 regulations as applied to emergency shelters or until January 1,
39 2016, whichever is sooner.

40 **Sec. 38.** This act becomes effective on July 1, 2015.

