

**MINUTES OF THE  
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**Seventy-Eighth Session  
February 9, 2015**

The Senate Committee on Health and Human Services was called to order by Chair Joe Hardy at 3:30 p.m. on Monday, February 9, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Joe Hardy, Chair  
Senator Ben Kieckhefer, Vice Chair  
Senator Mark Lipparelli  
Senator Joyce Woodhouse  
Senator Pat Spearman

**STAFF MEMBERS PRESENT:**

Marsheilah Lyons, Policy Analyst  
Eric Robbins, Counsel  
Debra Burns, Committee Secretary

**OTHERS PRESENT:**

Lisa Ruiz-Lee, Director, Department of Family Services, Clark County  
Jill Marano, Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services  
Kevin Schiller, Director, Social Services, Washoe County  
Denise Tanata Ashby, Executive Director, Children's Advocacy Alliance  
Jolie Courtney, Director, Child Haven Manager, Department of Family Services, Clark County  
Julie Butler, Division Administrator, General Services Division, Department of Public Safety  
Amber Howell, Administrator, Division of Child and Family Services, Department of Health and Human Services

**Chair Hardy:**

On February 5, 2015, in accordance with Senate Standing Rule No. 41, Senate Majority Leader Mike Roberson appointed Senator Pat Spearman to serve as an alternate for Senator Debbie Smith on the Senate Committee on Health and Human Services. It will afford her all the rights and privileges of a committee member where she can vote, help and discuss.

We will open the hearing on Senate Bill (S.B.) 49.

**SENATE BILL 49**: Revises provisions relating to emergency shelters for children.  
(BDR 38-498)

**Lisa Ruiz-Lee (Director, Department of Family Services, Clark County):**

I will discuss Senate Bill 49 on behalf of Clark County.

The history of licensing of emergency shelters began in 2006, when the Department of Health and Human Services and 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 (A.B. 580, 2005) proposed for the first time, that emergency shelters, such as Child Haven, operating in Clark County, be licensed. In 2007, legislation was enacted to require such licensure. With that legislation the term "child care institution" was added to *Nevada Revised Statutes* (NRS) 432A.024 and 432A.0245. The intent was to cover both Child Haven in Clark County and Kids Kottage in Washoe County. Prior to 2007, Child Haven was the only emergency shelter operating in the State which was not licensed by anyone. Kids Kottage has been licensed longer by the State.

Child Haven was licensed on January 1, 2008. The interim subcommittee had looked at the existing statute in conjunction with the *Nevada Administrative Code* associated with NRS 432A. Though they modified some of the regulations and statutes, there was no code or statute created specifically for emergency shelters.

In the life of a child welfare case, an emergency shelter is a placement location used as a temporary shelter when a traditional community-based setting cannot be found. We are proposing, in this bill, to define an emergency shelter as a shelter specifically used for children in child welfare circumstances defined under NRS 432B.

I will highlight the two major changes in the bill. Section 2, lines 35-41, defines an emergency shelter as an establishment which provides medical, mental health or educational evaluations for children placed into protective custody by child welfare agencies.

Section 8, subsection 2, delineates that standards or regulations are adopted specifically by emergency shelters. It identifies licensing limits or capitations not be stipulated. Instead, we set and define appropriate staffing ratios. The limitation on the license is the number of children that can be housed. This is one of the biggest challenges in the operation of an emergency shelter. Unlike traditional child care facilities, emergency shelters are unable to turn children away. We often receive negative attention because we get an influx of population, making it appear that we are overcrowded. We are not overcrowded at all; the facility can handle a large volume of children. Though you see a licensed number of 40 children, with this bill, we can modify the number of children we care for by accommodating appropriate staffing ratios. We would like that to be the focus of this emergency shelter statute and regulation.

The proposed amendment from Clark County, "Clark County, 2015 Legislative Session, Proposed Amendment, February 05, 2015, Senate Bill 49" ([Exhibit C](#)) defines emergency shelters as those facilities licensed for 16 or more beds. That proposed amendment is acceptable to us.

**Senator Lipparelli:**

In the bill, emergency shelter and shelter are used interchangeably. Are those two different things?

**Ms. Ruiz-Lee:**

I asked that same question. They are the exact same thing. In some parts of the bill, you will see the term, "emergency shelter," and halfway through, the language changes to "shelter." I was informed that this is a drafting form style, but I can check with our legal teams if you would like. They are defined the same.

**Senator Liparelli:**

We would want clarity on that. What is the reason for excepting the location that has 16 or fewer beds?

**Ms. Ruiz-Lee:**

The State identifies a home having 16 or fewer beds as a foster care group home. Therefore, when we are talking about institutional licensing, they are referring to the 16 or more beds location as an emergency shelter. Those facilities would operate in accordance with NRS 424.

**Senator Liparelli:**

If I understand the language, would someone be allowed to open a facility with 16 or fewer beds without being approved?

**Ms. Ruiz-Lee:**

It would require them to go through the NRS 424 licensing processes rather than the institutional licensing processes. Any facility that cares for children must be licensed. Either way, they must go through some type of licensing, so it does not absolve them of obtaining a license.

**Chair Hardy:**

As I read the amendment, it says 16 or more. Would the other be under 16 beds?

**Ms. Ruiz-Lee:**

It is 16 or fewer.

**Chair Hardy:**

It is 16 or more or 16 or fewer; it must be one or the other.

**Ms. Ruiz-Lee:**

For the purposes of the proposed amendment, it states 16 or more; therefore, any less than 16 would be licensed under NRS 424.

**Jill Marano (Deputy Administrator, Family Programs, Division of Child and Family Services, Department of Health and Human Services):**

We are the agency requesting the amendment. To clarify, 15 beds or less is a foster home, 16 and up is an emergency shelter.

**Kevin Schiller (Director, Social Services, Washoe County):**

Washoe County supports S.B. 49. We have operated under licensure at the Kids Kottage realm for quite a while. Shelters do present some unique difficulties in terms of census and monitoring. This bill, through the regulation process, will

give us some flexibility and make sure the child welfare requirement is met and these kids are safe.

**Denise Tanata Ashby (Executive Director, Children's Advocacy Alliance):**

We are in support of this bill with the clarification that the total number of children within the facility would still be limited by health regulations and the number of beds.

**Jolie Courtney (Director, Child Haven Manager, Department of Family Services, Clark County):**

One of the challenges at the shelter is having 39 children today, and by tonight, we could have 59. If we have a capacity, we cannot say "no" at the door; we do not have the ability to tell them we will put them on a waiting list and to try back next week. We would like to clear that up with this bill and protect all of those children.

**Senator Spearman:**

As Ms. Ruiz-Lee stated, if at first you have 39 and then stretch it to 59, how do you accommodate?

**Ms. Courtney:**

As Ms. Ruiz-Lee stated, that is not stretching it because we have 7 acres with ten buildings on the campus. The issue has been that we have licensing for 30 beds in three buildings. When 50 kids show up at the door, I can open the buildings quickly and get beds ready, but the licensing has to change, so we, as an emergency shelter, can be prepared for any fluctuation in numbers.

**Julie Butler (Division Administrator, General Services Division, Department of Public Safety):**

Sections 13 and 14 of the bill require that a fingerprint-based background check be run through the Central Repository for Nevada Records of Criminal History on all licensees. Those requirements are placed by the FBI. My office takes no position on the bill. I am here to inform you that in order to comply with those requirements, the FBI will need to review S.B. 49 to make sure it meets requirements of federal Public Law 92-544. I do not anticipate any issues with the FBI review. Since NRS 432B is approved, this will add another category of applicants to be licensed. If there are any other issues with that review, I will keep the Committee informed.

**Chair Hardy:**

Would you point out for me where it states it is a new requirement?

**Ms. Butler:**

In section 13, subsections 2 and 3, where bold, blue text, "emergency shelter," is added, the Division of Child and Family Services is required to secure the background and personal history. You see that same language in section 14, amending NRS 432A.175 in subsection 1, paragraph (a): "Complete set of fingerprints and a written authorization for the Division or its designee to forward the fingerprints to the Central Repository ..." We are just expanding the scope of people who need to be licensed, and the FBI needs to review that as a condition to releasing its records for that purpose.

**Chair Hardy:**

Does that put a fiscal note on this?

**Ms. Butler:**

We did submit a fiscal note as undetermined because we have no idea how many additional licensees we are talking about. We have requested on all our fiscal notes for this Session to take a grand tally of those that might have an impact, and perhaps approach the money committees in 2016-2017, if we find the volume necessitates more staffing.

**Chair Hardy:**

Could we have clarification from our Counsel of what is a shelter and what is an emergency shelter?

**Eric Robbins (Counsel):**

I will look into that and get back to you.

**Chair Hardy:**

We will now close the hearing on S.B. 49 and open the hearing on S.B. 88.

**SENATE BILL 88:** Revises provisions governing the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. (BDR 38-337)

**Ms. Marano:**

I am representing the Division of Child and Family Services and present S.B. 88. It is a housekeeping bill that addresses who may access information contained in the statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. The Central Registry is the portion of Nevada's statewide child welfare database, which you will hear referred to as "Unity." The Abuse Central Registry is the portion that contains a statewide listing of people who have been found to have abused or neglected children. This information is used by employers who are required by law to conduct background checks or to hire people who have regular contact with children or substantial contact with the elderly. By law, the Central Registry can only be accessed by the Division of Child and Family Services (DCFS) and local child welfare agencies. This bill would allow employees of the Division of Public and Behavioral Health (DPBH) to access the Registry for the purpose of their statutorily required background checks. Checks are required to be completed on employees of child care facilities and after-school programs. This would be done to protect the safety of the children in the programs they license. This change is requested because child care licensing was from the DCFS; that responsibility transferred to the DPBH in 2011. When that transferred, the ability to access the Central Registry should have transferred also, but it did not. This bill will align those two programs.

This bill also allows the DCFS to grant Unity access to other contractors, if they demonstrate the bona fide need to access the information.

**Amber Howell (Administrator, Division of Child and Family Services, Department of Health and Human Services):**

I am here to answer any questions you may have as I was the deputy at the time of the transfer.

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**Chair Hardy:**

If there are no other questions on this bill, I will close the hearing on S.B. 88.  
The meeting is adjourned at 4:59 p.m.

RESPECTFULLY SUBMITTED:

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Debra Burns,  
Committee Secretary

APPROVED BY:

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Senator Joe Hardy, Chair

DATE: \_\_\_\_\_



EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 49	C	1	Lisa Ruiz-Lee	Proposed Amendment