

SENATE BILL NO. 189—SENATOR WOODHOUSE

PREFILED FEBRUARY 13, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to child care facilities.
(BDR 38-61)

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

~

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

AN ACT relating to public welfare; revising the amount and type of training that an employee of a child care facility is required to complete; setting forth certain requirements relating to services performed by an independent contractor at a child care facility; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to establish a system of rating child care facilities; revising provisions concerning certain background investigations required to be conducted by the Division; authorizing the imposition of administrative sanctions against a child care facility for certain violations; requiring the Legislative Auditor to report certain findings of an audit of a public or private facility for children to a licensing entity or the Division of Child and Family Services of the Department; requiring a licensing entity to conduct reviews of a child care facility after a legislative audit in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires each person who is employed in a child care facility,
2 other than a facility that provides care for ill children, to: (1) complete 15 hours of
3 training annually if the facility provides care for 5 or more children but less than 12
4 children; and (2) complete at least 24 hours of training annually if the facility
5 provides care for more than 12 children. Existing law provides that at least 2 hours
6 of the required training must be devoted to lifelong wellness, health and safety of
7 children. (NRS 432A.024, 432A.1775) **Section 7** of this bill requires each person
8 who is employed in a child care facility, other than a facility that provides care for



9 ill children, to complete 24 hours of training annually. **Section 7** also requires at
10 least 12 hours of that training to be devoted to the care, education and safety of
11 children that is: (1) specific to the age group served by the child care facility in
12 which the person is employed; and (2) approved by the State Board of Health by
13 regulation. **Section 3** of this bill requires each person who is employed in a child
14 care facility to complete an additional 2 hours of training in the recognition and
15 reporting of the abuse or neglect of a child.

16 Existing law, with certain exceptions, defines a "child care facility" to include
17 an on-site child care facility, a child care institution, an outdoor youth program, and
18 an establishment that is operated and maintained for the purpose of furnishing care
19 to five or more children under 18 years of age, if compensation is received for the
20 care of any of those children. (NRS 432A.024) **Section 2** of this bill defines "child
21 care facility" for the purposes of the training requirements set forth in **sections 3**
22 **and 7** to also include an establishment that is operated and maintained for the
23 purpose of furnishing care to fewer than five children under 18 years of age, if
24 compensation is received for the care of any of those children.

25 **Section 4** of this bill requires a licensee of a child care facility to ensure that an
26 employee of the child care facility is in the presence of an independent contractor
27 retained by the child care facility during any period in which the independent
28 contractor is performing any services at the child care facility when a child is
29 present.

30 Existing law provides for the licensure of certain child care facilities. (NRS
31 432A.131-432A.220) As part of the process of obtaining a license to operate a child
32 care facility, the Division of Public and Behavioral Health of the Department of
33 Health and Human Services is required to request a background check of certain
34 employees, residents and participants of facilities and prohibit unsupervised contact
35 with a child pending the results of a background investigation. The Division is also
36 required to request a background check 5 years after the initial background check
37 and every 5 years thereafter. Both the initial background check and the subsequent
38 background check consist of information secured from the Federal Bureau of
39 Investigation and the Statewide Central Registry for the Collection of Information
40 Concerning the Abuse or Neglect of a Child. (NRS 432A.170, 432A.175) **Section 5**
41 of this bill: (1) requires background checks of those employees, residents and
42 participants of facilities to also include information secured from the Central
43 Repository for Nevada Records of Criminal History and the Statewide Central
44 Registry; (2) expands the list of crimes that are included in the background checks
45 of those employees, residents and participants of facilities; and (3) requires the
46 Division to request the information for an initial background check of an employee
47 before the employee has any direct contact with any child at the child care facility.
48 **Section 6** of this bill requires an employee of an applicant for a license to operate a
49 child care facility or licensee, resident or participant to notify the applicant or
50 licensee not later than 24 hours after: (1) being charged with or convicted of certain
51 crimes; (2) being investigated for child abuse or neglect; or (3) a report of abuse or
52 neglect against him or her is substantiated. **Section 6** also requires an applicant or
53 licensee who receives such notice to notify the Division within 24 hours. Finally,
54 **section 6** requires the Division to establish civil penalties for violations of these
55 requirements.

56 Existing law requires an applicant for or the holder of a license to operate a
57 child care facility to terminate the employment of certain employees, residents and
58 participants upon receiving information that the employee, resident or participant
59 has been convicted of certain crimes or had a substantiated report of child abuse or
60 neglect made against him or her. (NRS 432A.1755) **Section 6.5** of this bill requires
61 the Division to establish civil penalties to be imposed against an applicant or
62 licensee who violates this requirement.



Existing law requires the Chief Medical Officer or his or her designee to conduct an annual inspection of a child care facility to ensure compliance with standards for health and sanitation. (NRS 432A.180) **Section 7.2** of this bill expands the scope of this inspection to include the enforcement of laws and regulations concerning the health, safety and welfare of children in the care of the facility. **Section 4.2** of this bill requires the Division to establish by regulation a rating system which assigns a letter grade to a facility based on such an inspection. **Section 4.2** also requires the grade to be posted on an Internet website maintained by the Division and in a conspicuous place near each entrance to the facility that is regularly used by the public.

Existing law authorizes the Division to deny, suspend or revoke a license to operate a child care facility upon a violation by an applicant or licensee or an employee of the applicant or licensee of any applicable law or regulation. (NRS 432A.190) **Sections 4.5 and 4.7** of this bill authorize the Division to impose certain other administrative sanctions against a licensee who violates any law or regulation related to the licensure of a child care facility.

Existing law authorizes the Division to bring an action to enjoin a person or governmental entity from operating a child care facility without a valid license. (NRS 432A.210) **Section 7.8** of this bill requires the Division to issue an order to cease and desist operating the facility without a license before bringing such an action. If a court finds that a person or governmental entity is operating a child care facility without a valid license, **section 7.8** authorizes the court to impose a civil penalty in addition to issuing an injunction.

Existing law requires the Legislative Auditor to inspect, review and survey facilities for children which have physical custody of children pursuant to the order of a court. (NRS 218G.570-218G.585) If the Legislative Auditor concludes that such a facility has deficiencies in policies and procedures that could be detrimental to the health, safety or welfare of children in the care of the facility or violate the rights of such children, **section 8.5** of this bill requires the Legislative Auditor to provide a copy of that report to the entity responsible for licensing the facility or, if the facility is not required to obtain a license, to the Division of Child and Family Services of the Department. If the facility is a child care facility governed by chapter 432A of NRS, **section 8.7** of this bill requires the licensing entity to conduct follow-up reviews and provide notice of its findings to the Legislative Auditor and, in certain circumstances, to governmental agencies that place children in the facility and the public.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.7, inclusive, of this act.

Sec. 2. *As used in this section, NRS 432A.1775 and section 3 of this act, unless the context otherwise requires, "child care facility":*

- 1. Has the meaning ascribed to it in NRS 432A.024; and*
- 2. Includes an establishment described in paragraph (a) of subsection 1 of NRS 432A.024 that is operated and maintained for the purpose of furnishing care to fewer than five children under*



1 *18 years of age, if compensation is received for the care of any of*
2 *those children.*

3 **Sec. 3.** *Each person who is employed in a child care facility*
4 *shall complete at least 2 hours of training in the recognition and*
5 *reporting of the abuse or neglect of a child, as defined in NRS*
6 *432B.020:*

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

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

10 **Sec. 4.** *1. A licensee of a child care facility shall ensure*
11 *that an employee of the child care facility is in the presence of an*
12 *independent contractor retained by the child care facility during*
13 *any period in which the independent contractor is performing any*
14 *services at the child care facility when a child is present.*

15 *2. The employee of the child care facility who is required to*
16 *be in the presence of the independent contractor pursuant to*
17 *subsection 1:*

18 *(a) Must be qualified to supervise the children at the child care*
19 *facility; and*

20 *(b) Shall, during the period for which the independent*
21 *contractor is performing the services at the child care facility,*
22 *supervise and ensure the safety of each child at the child care*
23 *facility.*

24 **Sec. 4.2.** *1. The Division shall adopt regulations*
25 *establishing:*

26 *(a) A system for rating child care facilities based on*
27 *inspections conducted pursuant to subsection 3 of NRS 432A.180.*
28 *The rating system must provide for the assignment of a letter*
29 *grade of A, B, C, D or F to each child care facility based on the*
30 *facility's compliance with applicable laws and regulations and the*
31 *severity of any violations.*

32 *(b) Procedures by which a child care facility that is assigned a*
33 *grade of C, D or F may request a follow-up inspection.*

34 *2. Not later than 60 days after an inspection of a child care*
35 *facility pursuant to subsection 3 of 432A.180, the Division shall*
36 *post on an Internet website maintained by the Division a report*
37 *which must include:*

38 *(a) The letter grade assigned to the child care facility based on*
39 *the inspection; and*

40 *(b) A report of each unresolved violation of an applicable law*
41 *or regulation, proposed actions to correct the violation and the*
42 *date by which the child care facility is expected to correct the*
43 *violation.*

44 *3. After each inspection described in subsection 1, a child*
45 *care facility shall post the letter grade assigned to the facility in a*



1 *conspicuous place near each entrance to the facility that is*
2 *regularly used by the public and inform any person of that letter*
3 *grade upon request.*

4 **Sec. 4.5. 1.** *If a child care facility violates any law or*
5 *regulation related to its licensure, including any provision of this*
6 *chapter or any condition, standard or regulation adopted by the*
7 *Board, the Division, in accordance with the regulations adopted*
8 *pursuant to section 4.7 of this act, may:*

9 *(a) Prohibit the facility from accepting additional children*
10 *until it determines that the facility has corrected the violation;*

11 *(b) Limit the number of children to which the facility may*
12 *provide care until it determines that the facility has corrected the*
13 *violation;*

14 *(c) Impose an administrative penalty of not more than \$1,000*
15 *per day for each violation, together with interest thereon at a rate*
16 *not to exceed 10 percent per annum;*

17 *(d) Appoint temporary management to oversee the operation of*
18 *the facility and to ensure the health and safety of the children to*
19 *whom the facility provides care until:*

20 *(1) It determines that the facility has corrected the violation*
21 *and has management which is capable of ensuring continued*
22 *compliance with the applicable statute, condition, standard or*
23 *regulation; or*

24 *(2) Improvements are made to correct the violation; or*
25 *(e) Impose any combination of the sanctions prescribed in*
26 *paragraphs (a) to (d), inclusive.*

27 **2.** *If the child care facility fails to pay any penalty imposed*
28 *pursuant to paragraph (c) of subsection 1, the Division may:*

29 *(a) Suspend the license of the facility until the penalty is paid;*
30 *and*

31 *(b) Collect court costs, reasonable attorney's fees and other*
32 *costs incurred to collect the penalty.*

33 **3.** *The Division may require any child care facility that*
34 *violates any provision of this chapter, or any condition, standard*
35 *or regulation adopted by the Board to make any improvements*
36 *necessary to correct the violation.*

37 **4.** *Any money collected as an administrative penalty pursuant*
38 *to paragraph (c) of subsection 1 must be accounted for separately*
39 *and used to administer and carry out the provisions of this*
40 *chapter, to protect the health, safety, well-being and property of*
41 *the children to which child care facilities provide care in*
42 *accordance with applicable standards or for any other purpose*
43 *authorized by the Legislature.*



1 **Sec. 4.7. *The Board shall adopt regulations establishing the***
2 ***criteria for the imposition of each sanction prescribed by section***
3 ***4.5 of this act. These regulations must:***

4 ***1. Prescribe the circumstances and manner in which each***
5 ***sanction applies;***

6 ***2. Minimize the time between identification of a violation and***
7 ***the imposition of a sanction;***

8 ***3. Provide for the imposition of incrementally more severe***
9 ***sanctions for repeated or uncorrected violations; and***

10 ***4. Provide for less severe sanctions for lesser violations of***
11 ***applicable statutes, conditions, standards or regulations.***

12 **Sec. 5.** NRS 432A.170 is hereby amended to read as follows:

13 432A.170 1. The Division may, upon receipt of an
14 application for a license to operate a child care facility, conduct an
15 investigation into the:

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

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

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

21 (d) Policies and purposes of the applicant.

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

30 (a) Murder, voluntary manslaughter or mayhem;

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

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

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

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

38 (f) A violation of any federal or state law regulating the
39 ~~possession,~~ distribution or ~~use~~ *manufacture* of any controlled
40 substance or any dangerous drug as defined in chapter 454 of NRS
41 ~~+~~, *including, without limitation, possession of a controlled*
42 *substance for the purpose of sale;*

43 (g) *A violation of any federal or state law regulating the*
44 *possession or use of any controlled substance or dangerous drug*



* S B 1 8 9 R 1 *

1 *as defined in chapter 454 of NRS within the immediately*
2 *preceding 5 years;*

3 (h) Abuse, neglect, exploitation, isolation or abandonment of
4 older persons or vulnerable persons, including, without limitation, a
5 violation of any provision of NRS 200.5091 to 200.50995,
6 inclusive, or a law of any other jurisdiction that prohibits the same
7 or similar conduct; ~~for~~

8 ~~—(h)†~~ (i) Any offense involving fraud, theft, embezzlement,
9 burglary, robbery, fraudulent conversion or misappropriation of
10 property within the immediately preceding 7 years ~~†~~;

11 (j) *A crime that constitutes domestic violence pursuant to*
12 *NRS 33.018;*

13 (k) *A violation of NRS 484C.430; or*

14 (l) *A violation of NRS 484C.110 or 484C.120 within the*
15 *immediately preceding 5 years.*

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

22 (a) The Central Repository for Nevada Records of Criminal
23 History *for its report concerning a conviction in this State of any*
24 *of the crimes set forth in subsection 2 and* for submission to the
25 Federal Bureau of Investigation for its report pursuant to NRS
26 432A.175; and

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

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

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

36 (a) Employee of an applicant or licensee, resident of a child care
37 facility who is 18 years of age or older, other than a resident who
38 remains under the jurisdiction of a court pursuant to NRS 432B.594,
39 or participant in an outdoor youth program who is 18 years of age or
40 older *for an initial background check* not later than 3 days after the
41 employee is hired, the residency begins or the participant begins
42 participating in the program ~~†~~ *and before the employee, resident*
43 *or participant has any direct contact with any child at the child*
44 *care facility*, and then at least once every 5 years thereafter.



* S B 1 8 9 R 1 *

(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 without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 6. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and 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, 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 its report and* 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 licensee, or 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, 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 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,



* S B 1 8 9 R 1 *

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

3 4. *An employee of an applicant for a license to operate a*
4 *child care facility or licensee shall notify the applicant or licensee*
5 *not later than 24 hours after:*

6 (a) *Being charged with or convicted of a crime listed in*
7 *subsection 2 of NRS 432A.170;*

8 (b) *Receiving notice that he or she is the subject of an*
9 *investigation for child abuse or neglect; or*

10 (c) *Receiving notice that a report of abuse or neglect has been*
11 *substantiated against him or her.*

12 5. *A resident of a child care facility who is 18 years of age or*
13 *older, other than a resident who remains under the jurisdiction of*
14 *a court pursuant to NRS 432B.594, or participant in an outdoor*
15 *youth program who is 18 years of age or older shall notify the*
16 *licensee of the child care facility or outdoor youth program, as*
17 *applicable, not later than 24 hours after:*

18 (a) *Being charged with or convicted of a crime listed in*
19 *subsection 2;*

20 (b) *Receiving notice that he or she is the subject of an*
21 *investigation for child abuse or neglect; or*

22 (c) *Receiving notice that a report of abuse or neglect has been*
23 *substantiated against him or her.*

24 6. An applicant for a license to operate a child care facility or
25 licensee shall notify the Division within ~~12 days~~ 24 hours after
26 receiving notice that:

27 (a) The applicant, licensee or an employee of the applicant or
28 licensee, or a resident of the child care facility who is 18 years of
29 age or older, other than a resident who remains under the
30 jurisdiction of a court pursuant to NRS 432B.594, or participant in
31 an outdoor youth program who is 18 years of age or older, or a
32 facility or program operated by the applicant or licensee, is the
33 subject of a lawsuit or any disciplinary proceeding; or

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

37 7. *The Division shall adopt regulations to establish civil*
38 *penalties to be imposed against any person, state or local*
39 *government unit or agency thereof that fails to comply with the*
40 *requirements of this section.*

41 **Sec. 6.5.** NRS 432A.1755 is hereby amended to read as
42 follows:

43 432A.1755 1. Upon receiving information pursuant to NRS
44 432A.175 from the Central Repository for Nevada Records of
45 Criminal History or the Statewide Central Registry for the



1 Collection of Information Concerning the Abuse or Neglect of a
2 Child established pursuant to NRS 432.100 or ~~evidence~~ from ~~any~~
3 ~~other source that~~ an employee of an applicant for a license to
4 operate a child care facility or a licensee, or a resident of a child care
5 facility who is 18 years of age or older, other than a resident who
6 remains under the jurisdiction of a court pursuant to NRS 432B.594,
7 or participant in an outdoor youth program who is 18 years of age or
8 older *or from any other source that such an employee, resident or*
9 *participant* has been convicted of a crime listed in subsection 2 of
10 NRS 432A.170 or has had a substantiated report of child abuse or
11 neglect made against him or her, the applicant or licensee shall
12 terminate the employment of the employee or remove the resident
13 from the facility or participant from the outdoor youth program after
14 allowing the employee, resident or participant time to correct the
15 information as required pursuant to subsection 2.

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

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

30 *4. The Division shall adopt regulations to establish civil*
31 *penalties to be imposed against any person, state or local*
32 *government unit or agency thereof that fails to comply with the*
33 *requirements of this section.*

34 **Sec. 7.** NRS 432A.1775 is hereby amended to read as follows:

35 432A.1775 1. Each person who is employed in a child care
36 facility, ~~[that provides care for more than 12 children,]~~ other than in
37 a facility that provides care for ill children, shall, *in addition to*
38 *completing the training required by section 3 of this act,* complete
39 ~~+~~

- 40 ~~—(a) Before January 1, 2014, at least 15 hours of training;~~
41 ~~—(b) On or after January 1, 2014, and before January 1, 2015, at~~
42 ~~least 18 hours of training;~~
43 ~~—(c) On or after January 1, 2015, and before January 1, 2016, at~~
44 ~~least 21 hours of training; and~~
45 ~~—(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 complete at least 15 hours of training each year.~~

~~3.]~~ At least ~~[2]~~ :

(a) *Twelve hours of the training required by subsection 1 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]~~ subsection 1 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. 7.2. 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 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, 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 and area of operation of an outdoor youth program, on behalf of the Division, to secure compliance with ~~standards for health and sanitation.]~~ *laws and regulations concerning the health, safety and welfare of children in the care of the facility or program.*

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 Chief Medical Officer shall publish reports of the inspections and make them available for public inspection upon request.



1 **Sec. 7.3.** NRS 432A.200 is hereby amended to read as
2 follows:

3 432A.200 1. When the Division denies, suspends or revokes
4 a license for a child care facility ~~it~~ *or imposes an administrative*
5 *sanction pursuant to section 4.5 of this act*, the Division shall
6 afford reasonable notice to all parties by certified mail, which notice
7 must contain the legal authority, jurisdiction and reasons for the
8 action taken.

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

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

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

18 **Sec. 7.8.** NRS 432A.210 is hereby amended to read as
19 follows:

20 432A.210 1. ~~Except as provided in subsection 1 of NRS~~
21 ~~432A.131, If~~ *the Division believes that a person, state or local*
22 *government unit or agency thereof is operating a child care*
23 *facility without a license or with a suspended license, the Division*
24 *may issue an order to cease and desist the operation of the facility.*
25 *The order must be served upon the person, state or local*
26 *government unit or agency thereof by personal delivery or by*
27 *certified or registered mail, return receipt requested. The order is*
28 *effective upon service.*

29 2. *If the person, state or local government unit or agency*
30 *thereof does not cease operating the child care facility without a*
31 *license or apply for licensure within 30 days after the date of*
32 *service of the order issued pursuant to subsection 1 or does not*
33 *cease operating the child care facility with a suspended license, as*
34 *applicable, the* Division may bring an action in the name of the
35 State to enjoin ~~any~~ *the* person, state or local government unit or
36 agency thereof from operating or maintaining ~~any~~ *the* child care
37 facility ~~;~~

38 ~~—(a) Without first obtaining~~ *without* a license ~~therefor;~~ or
39 ~~—(b) After his or her license has been revoked or~~ *with a*
40 suspended ~~by the Division.~~

41 ~~—2.~~ *license.*

42 3. It is sufficient in such an action to allege that the defendant
43 did, on a certain date and in a certain place, operate and maintain the
44 facility without a license.



1 4. Upon a showing by the Division that a person, state or
2 local government unit or agency thereof is operating a child care
3 facility without a license or with a suspended license, a court may:

4 (a) Enjoin the person, state or local government unit or agency
5 thereof from operating the facility.

6 (b) Impose a civil penalty on the person, state or local
7 government unit or agency thereof, to be recovered by the
8 Division, of not more than \$10,000 for the first offense or not less
9 than \$10,000 or more than \$25,000 for a second or subsequent
10 offense.

11 5. Any money collected as an administrative penalty pursuant
12 to subsection 4 must be accounted for separately and used to
13 administer and carry out the provisions of this chapter, to protect
14 the health, safety, well-being and property of the children to which
15 child care facilities provide care in accordance with applicable
16 standards or for any other purpose authorized by the Legislature.

17 Sec. 8. NRS 432A.220 is hereby amended to read as follows:

18 432A.220 Any person who operates a child care facility
19 without a license issued pursuant to NRS 432A.131 to 432A.220,
20 inclusive, and sections 2 to 4.7, inclusive, of this act is guilty of a
21 misdemeanor.

22 Sec. 8.3. Chapter 218G of NRS is hereby amended by adding
23 thereto the provisions set forth as sections 8.5 and 8.7 of this act.

24 Sec. 8.5. After concluding, as the result of an inspection,
25 review and survey of a governmental facility for children or a
26 private facility for children pursuant to NRS 218G.575, that the
27 facility has deficiencies in policies or procedures that could be
28 detrimental to the health, safety or welfare of children in the care
29 of the facility or violate the civil or other rights of such children,
30 the Legislative Auditor or the Legislative Auditor's designee shall
31 provide a report of those deficiencies to any licensing entity from
32 which the facility is required to obtain a license or, if the facility is
33 not required to obtain a license, to the Division of Child and
34 Family Services of the Department of Health and Human
35 Services.

36 Sec. 8.7. 1. Not later than 45 days after receiving a report
37 pursuant to section 8.5 of this act concerning a child care facility
38 licensed pursuant to chapter 432A of NRS, the Division of Public
39 and Behavioral Health of the Department of Health and Human
40 Services or the county or incorporated city from which the facility
41 has obtained a license pursuant to NRS 432A.131, as applicable,
42 shall review the facility to which the report pertains to determine
43 whether the facility has corrected the deficiencies described in the
44 report. The review may include a physical inspection of the facility
45 at the discretion of the Division, county or city, as applicable.



* S B 1 8 9 R 1 *

2. After conducting a review pursuant to subsection 1, the Division, county or city shall provide a report of its determinations to the Legislative Auditor. The report must include:

(a) A determination of whether the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have been resolved;

(b) If the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have not been resolved, a description of the measures being taken by the facility to resolve the deficiencies, a determination of whether those measures are adequate and the expected date by which the deficiencies will be resolved; and

(c) A statement of any issues of fact or law on which the Division, county or city, as applicable, disagrees with the report of the Legislative Auditor or the Legislative Auditor's designee.

3. If the Division, county or city concludes, after a review conducted pursuant to subsection 1, that a child care facility has not resolved a deficiency described in the report of the Legislative Auditor or the Legislative Auditor's designee, the Division, county or city, as applicable, shall, not later than 30 days after completing the review:

(a) Provide a copy of its report to each court or other governmental agency that places children in the facility and post the report publicly on an Internet website maintained by the Division, county or city, as applicable; and

(b) Schedule another review of the facility which must be conducted not later than 30 days after the review conducted pursuant to subsection 1. After the review conducted pursuant to this paragraph, the Division, county or city, as applicable, shall take the actions described in subsection 2 and, if necessary, this subsection.

4. The Legislative Auditor or the Legislative Auditor's designee shall include any information provided by the Division, a county or an incorporated city concerning any deficiency identified at a child care facility in any report issued by the Legislative Auditor or the Legislative Auditor's designee concerning the inspections, reviews and surveys required by NRS 218G.575.

5. This section shall not be construed to prohibit or limit the ability of:

(a) A licensing entity to impose sanctions on a facility for children under its jurisdiction; or

(b) A law enforcement agency to respond to criminal conduct at a facility for children.



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

3 **Sec. 9.** 1. Each person who, on January 1, 2018, is employed
4 in a child care facility shall complete the training requirements set
5 forth in section 3 of this act and NRS 432A.1775, as amended by
6 section 7 of this act, before January 1, 2019.

7 2. As used in this section, “child care facility” has the meaning
8 ascribed to it in section 2 of this act.

9 **Sec. 10.** This act becomes effective:

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

13 2. On January 1, 2018, for all other purposes.

