

ASSEMBLY BILL NO. 136—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING COMMITTEE
ON HEALTH AND HUMAN SERVICES)

FEBRUARY 9, 2023

Referred to Committee on Health and Human Services

SUMMARY—Requires certain facilities to be licensed as child care institutions. (BDR 38-326)

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 child welfare; requiring all qualified residential treatment programs for children to be licensed and regulated as child care institutions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “child care institution” to mean 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. (NRS 432A.0245) Existing law requires: (1) a child care institution to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) other child care facilities to be licensed by the Division or a local licensing agency. (NRS 432A.131) Existing federal law defines “qualified residential treatment program” to mean a program that: (1) provides trauma-informed treatment of children with serious emotional or behavioral disorders or disturbances; (2) has clinical staff available 24 hours per day and 7 days per week; and (3) meets certain other requirements. (42 U.S.C. § 672(k)(4)) Existing federal law requires the Federal Government to pay to state and local governments a portion of the cost of placing a child in a qualified residential treatment program that is regulated under state law as a child care institution. (42 U.S.C. §§ 672, 674) **Section 1** of this bill includes any qualified residential treatment program, regardless of the size of the program, as a child care institution, thereby: (1) requiring the operator of a qualified residential treatment program that provides care and shelter for fewer than 16 children to obtain a license as a child care institution from the Division; and (2) allowing governmental entities within this State to receive federal financial contributions toward the cost of placing



children in such qualified residential treatment programs. **Section 2** of this bill allows a qualified residential treatment program operating on or before January 1, 2024, to continue operating without such a license until July 1, 2024, in certain circumstances.

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

Section 1. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 1. “Child care institution” means a ~~[facility]~~ :
(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]~~ ; or

(b) *“Qualified residential treatment program,” as defined in 42 U.S.C. § 672(k)(4), regardless of the number of children who receive care and shelter from the program.*

2. *In addition to the services described in subsection 1, a child care institution may also provide, without limitation:*

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

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

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

~~[2.]~~ 3. “Child care institution” does not include a receiving center, as defined in NRS 424.0175.

~~[3.]~~ 4. As used in this section, “child” includes a person who is less than 18 years of age or who participates in the Extended Young Adult Support Services Program established pursuant to NRS 432B.5919.

Sec. 2. 1. Notwithstanding the amendatory provisions of this act, a qualified residential treatment program may continue to operate without obtaining a license as a child care institution from the Division of Public and Behavioral Health of the Department of Health and Human Services until July 1, 2024, if the qualified residential treatment program is:

(a) Licensed on or before January 1, 2024, as a child care facility by the Division or a local licensing agency pursuant to NRS 432A.131; or

(b) Operating on or before January 1, 2024, and providing care for fewer than five children pursuant to NRS 432A.131.



1 2. As used in this section, “qualified residential treatment
2 program” has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).

3 **Sec. 3.** 1. This section becomes effective upon passage and
4 approval.

5 2. Sections 1 and 2 of this act become effective:

6 (a) Upon passage and approval for the purpose of adopting any
7 regulations and performing any other preliminary administrative
8 tasks that are necessary to carry out the provisions of this act; and

9 (b) On January 1, 2024, for all other purposes.

