

NAC 432A.180

NAC 432A.180 Regulation of local licensing agencies by Division. (NRS 432A.077)

1. Any county or city which desires to establish or has established a child care licensing agency must file a copy of any proposed ordinance or regulation for licensing facilities with the Division for review not later than 30 days before a public hearing is held on the proposed ordinance or regulation. The ordinance or regulation adopted by the county or city must be filed with the Division for its approval within 30 days after adoption.

2. Every local licensing agency shall submit on a quarterly basis to the Division a roster of all facilities in its jurisdiction which are currently licensed.

NAC 432A.190

NAC 432A.190 Inspections; investigations. (NRS 432A.077, 432A.180)

1. Inspections of any building or premises of a facility pursuant to NRS 432A.180 may be unannounced and must be made at least two times during the 12-month licensing period or once every 6 months. Any authorized member or employee of the Division may enter and inspect any building or premises of a facility at any time pursuant to NRS 432A.180 to secure compliance with or prevent a violation of any provision of this chapter or chapter 432A of NRS.

2. In conducting inspections and investigations, the Division may call upon political subdivisions and governmental agencies for assistance. The licensee or applicant shall cooperate with the person conducting the investigation by providing access to the buildings, records and staff of the facility. Failure to provide such access is a ground for revocation of a license or denial of an application for a license.

3. On confirmation of the operation of an unlicensed operator of a facility, the Division or the local licensing agency shall investigate and attempt to license the operator of the facility, force discontinuance of the operation of the facility or prosecute the violation.

NAC 432A.200

NAC 432A.200 License to operate facility: Application; investigation; issuance; return. (NRS 432A.077, 432A.141, 432A.170, 432A.175)

1. An application for an initial license to operate a facility must be:

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(a) Submitted to the Division on a form supplied by the Division; and

(b) Accompanied by the following appropriate fee:

(1) If the facility is to provide care for 5 or 6 children.....	\$20
(2) If the facility is to provide care for 7 or more but not more than 12 children	60
(3) If the facility is to provide care for 13 or more but not more than 50 children.....	100
(4) If the facility is to provide care for 51 or more but not more than 100 children	150
(5) If the facility is to provide care for 101 or more but not more than 150 children.....	200
(6) If the facility is to provide care for 151 or more but not more than 200 children.....	250
(7) If the facility is to provide care for more than 200 children	300

2. After receiving a completed application and payment of the appropriate fee, the Division shall:

(a) Conduct an investigation into the qualifications and background of:

(1) Every applicant and his or her employees, other than an educational intern who provides direct care to children for a period of less than 6 months; and

(2) Every resident of the facility who is 18 years of age or older;

(b) Conduct a partial investigation into the qualifications and background of every resident of the facility who is at least 16 years of age but less than 18 years of age;

(c) Conduct a partial investigation into the background of every volunteer of the facility who is at least 16 years of age and who regularly works for 15 hours or more per week in the facility;

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(d) Inspect the buildings of the facility; and

(e) Examine the plans for care of the children and management of the facility.

3. Documentation of completed and current investigations must be kept on file at the facility for all persons required to be investigated, for the period of their presence at the facility.

4. Fingerprints must be taken and applications for investigations must be made by:

(a) Every employee or a resident of the facility who is at least 18 years of age and every volunteer who is at least 18 years of age and who regularly works for 15 hours or more per week in the facility within 3 working days after the date of hiring or his or her presence in the facility, and every 6 years thereafter.

(b) An applicant at the time of an application for initial license.

(c) A licensee every 6 years after the date his or her license is originally issued.

5. Every 2 years after the investigation conducted pursuant to subsection 2 is completed, the Division shall conduct a partial investigation into the background of each volunteer who is at least 16 years of age and who regularly works for 15 hours or more in a facility and into the background of each licensee and employee of a facility.

6. The Division shall immediately notify the applicant or licensee if the investigation conducted pursuant to subsection 2 or 5 indicates that he or she or an employee or resident of the facility or a volunteer who regularly works for 15 hours or more per week in the facility has been convicted of any offense listed in subsection 2 of NRS 432A.170.

7. The license must not be issued until the Administrator of the Division is satisfied that the proposed facility will be in compliance with the applicable codes concerning safety of human life, environmental health, and building and zoning, as established respectively by the State Fire Marshal, the State Board of Health and the appropriate local government. A report of inspection by the State Fire Marshal or the Bureau of Health Protection Services of the Division, finding satisfactory conditions, may be accepted by the Administrator as proof of compliance with the applicable regulations.

8. With the exception of a facility that is licensed by a branch of the military or naval service of the United States, a

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licensee who has a license to operate a family home or a group home may not obtain a license to operate any other family home, group home or other child care facility.

9. An applicant must, before a license is issued to him or her, submit to the Division a certificate stating that he or she holds a policy of insurance for protection against liability to third persons which will meet the requirement set forth in subsection 2 of NAC 432A.290. Any government, governmental agency or political subdivision of a government which operates a child care facility and is self-insured is not required to furnish a certificate of insurance to the Division.

10. If the applicant and the proposed facility are in compliance with the provisions of this chapter, as shown by his or her application and related material and the investigation, a license will be issued to the applicant within 30 days after completion of the investigation.

11. A licensee shall return to the Division his or her license if he or she ceases to operate a facility, if the license has been suspended or revoked or if the license is placed on a provisional basis.

12. As used in this section, "partial investigation" includes, at a minimum, checking the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 and performing a background check with local law enforcement.

NAC 432A.210

NAC 432A.210 License to operate facility: Contents; display; limitations. (NRS 432A.077, 432A.141, 432A.150)

1. Each license must contain the name of each person authorized to operate the facility, the location of the facility, the number of children for whom care may be provided pursuant to the license and the nature of child care services which may be provided.

2. The current license issued to an operator of a facility must be signed by the Administrator of the Division and conspicuously posted in a public place within the facility.

3. The license is not transferable from one licensee to another licensee or from a licensee to a person who is not a licensee. A license is valid only for the premises described in the license.

4. Except as otherwise provided in this chapter, a licensee may not care for a greater number of children than the number set forth on the license issued to the licensee.

NAC 432A.220

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NAC 432A.220 License to operate facility: Renewal; late fee. (NRS 432A.077, 432A.141)

1. Except as otherwise provided in NAC 432A.437, a licensee of a facility may apply for reissuance of a license by submitting an application for reissuance which must be received by the Division, or postmarked if mailed, not later than 45 days before the expiration of the license. The Division shall provide all forms and materials necessary for reissuance of a license. The Division shall charge a late fee of \$50 for an application for reissuance of a license that is received or postmarked later than 30 days before the expiration of the license.

2. After receipt of an application for reissuance of a license and the receipt of a fee for reissuance computed in the same manner described in subsection 1 of NAC 432A.200, the Division shall conduct a survey to determine whether the licensee of a facility meets all of the requirements for issuance of a license set forth in NAC 432A.200.

3. If, after investigation, the Division determines that the facility complies with the requirements of NAC 432A.200, a license must be reissued for 1 year. A reissued license may be revoked or suspended on the same grounds as an initial license.

NAC 432A.225

NAC 432A.225 License to operate facility: Transfer to inactive status. (NRS 432A.077)

1. A licensee may request that his or her license be transferred to inactive status by the Division. If the request is approved, the licensee shall, within 15 days after the approval, give written notification to the parents of any children in the facility that the license is inactive.

2. Inactive status does not continue beyond the expiration of the license.

NAC 432A.230

NAC 432A.230 License to operate facility: Disciplinary action. (NRS 432A.077, 432A.190, 432A.200)

1. In addition to the grounds set forth in NRS 432A.190, the Division may suspend or revoke the license of a licensee on the ground that:

- (a) The health or safety of a child in the facility is being endangered; or

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(b) The facility is not in compliance with standards for safety from fire and other emergencies or standards for health and sanitation as determined by the Division after an inspection of any building or premises of the facility conducted pursuant to NRS 432A.180.

2. The notice of denial, suspension or revocation required by NRS 432A.200 must be sent by the Division within 30 days after its determination to suspend or revoke a license or to deny an application for a license.

NAC 432A.233

NAC 432A.233 Group homes for which license as nursery for infants and toddlers not required. (NRS 432A.077)

A group home is not required to be licensed as a nursery for infants and toddlers if the licensee does not provide care for more than eight children who are under 3 years of age.

NAC 432A.235

NAC 432A.235 Waiver of Board's regulations. (NRS 432A.077)

1. A person who desires a waiver of all or any part of the Board's regulations concerning licensing must submit a completed application for the waiver to the Division or other appropriate agency for the licensing of facilities.

2. An application for a waiver filed with the Board must be submitted to the Board at its next regularly scheduled meeting if the waiver is filed 60 days before that meeting. The application must be accompanied by the recommendation of the Division and the appropriate agency for the licensing of facilities.

3. The Board will grant a waiver if it determines that good cause exists. The Board will not grant a waiver which will threaten public health or safety.

4. The Board will specify the length of time a waiver is in effect.

5. A waiver granted by the Board will be revoked before the expiration of the period of the waiver if, after a public hearing, the Board determines that the public health or safety is threatened or the basis upon which the waiver was granted no longer exists.

6. For the purposes of this section, "good cause" exists when an applicant is unduly burdened by a regulation of the Board and thereby suffers a severe hardship because of circumstances or conditions which are unique to the

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applicant.