

**PROPOSED REGULATION OF THE DIVISION OF PUBLIC AND
BEHAVIORAL HEALTH OF THE DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

LCB File No. R182-18

July 20, 2018

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

AUTHORITY: §§1-5, NRS 432A.184.

A REGULATION relating to child care facilities; prescribing a system for rating child care facilities; requiring a deficiency to be assigned to a child care facility that fails to comply with certain requirements; prescribing procedures for requesting a resurvey; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to adopt regulations establishing: (1) a system for rating child care facilities; and (2) procedures by which a child care facility may request a follow-up inspection. Existing law requires a child care facility to post the grade assigned to the facility in a conspicuous place near each entrance to the facility that is regularly used by the public. (NRS 432A.184) **Section 2** of this regulation prescribes a system for rating child care facilities based on the scope and severity of violations found through inspections. **Section 2** also requires the Division to issue to a facility a placard containing the grade assigned to the facility. **Section 2** additionally provides for the Division to assess an additional deficiency against a facility that fails to comply with statutory requirement to post the grade it received from the Division. **Section 3** of this regulation prescribes procedures by which a licensee of a facility that receives a grade of: (1) “B” may apply for a resurvey; and (2) less than “B” must apply for a resurvey. **Section 4** of this regulation makes a conforming change.

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *After the Division conducts a survey or investigates a complaint, the Division will add the severity and scope scores for all deficiencies of the facility indicated in the survey or investigation, as applicable, and assign a grade to the facility as follows:*

<i>Grade</i>	
<i>A</i>	<i>0 to 15 combined severity and scope scores for all deficiencies</i>
<i>B</i>	<i>16 to 24 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 3 and a scope level 3</i>
<i>C</i>	<i>25 to 34 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 4 and a scope level 1</i>
<i>D</i>	<i>35 to 44 combined severity and scope scores for all deficiencies, or any deficiency with a severity level 4 and a scope level 2</i>
<i>F</i>	<i>Any deficiency with a severity level 4 and scope level 3, or whenever the license is suspended or revoked pursuant to NRS 432A.190</i>

2. *Upon assigning a grade to a facility pursuant to subsection 1, the Division will issue to the facility a placard containing the grade. Not later than 24 hours after receiving a placard, the licensee of the facility shall ensure that the placard is posted in the facility in the manner required by NRS 432A.184.*

3. *If a facility fails to comply with the requirements of subsection 2 and NRS 432A.184, the Division will assess against the facility a deficiency with a severity and scope score equal to the highest severity and scope score indicated in the most recent survey or investigation of the facility conducted by the Division.*

Sec. 3. 1. *If the Division assigns to a facility a grade of “B,” the licensee of the facility may, not later than 30 days after receiving the placard containing the grade pursuant to section 2 of this regulation, apply to the Division for a resurvey.*

2. *If the Division assigns to a facility a grade of “C,” “D” or “F,” the licensee of the facility must, not later than 30 days after receiving the placard containing the grade pursuant to section 2 of this regulation, apply to the Division for a resurvey.*

3. *The Division may revoke the license of a facility that fails to comply with the requirements of subsection 2.*

Sec. 4. Section 2 of LCB File No. 135-18 is hereby amended to read as follows:

Sec. 2. As used in sections 3 to 41, inclusive, of ~~[this regulation,]~~ *LCB File No. 135-18 and sections 2 and 3 of this regulation*, the words and terms defined in sections 3 to 11, inclusive, of ~~[this regulation]~~ *LCB File No. 135-18* have the meanings ascribed to them in those sections.

Sec. 5. This regulation becomes effective only if sections 1 to 41, inclusive, of LCB File No. R135-18 are adopted by the State Board of Health and LCB File No. R135-18 is filed with the Secretary of State. This regulation becomes effective on:

1. The date on which this regulation is filed with the Secretary of State; or
2. The date on which LCB File No. R135-18 is filed with the Secretary of State,

↳ whichever occurs later.