

NOTICE OF PUBLIC HEARING

THE LEARNING HOUSE, LAS VEGAS, NEVADA IS REQUESTING A VARIANCE, #689, FROM THE NEVADA STATE BOARD OF HEALTH REGULATIONS

NOTICE IS HEREBY GIVEN that The Learning Center, has requested a variance from Nevada Administrative Code (NAC) 432A.250 (Building and grounds). A public hearing will be conducted on December 8, 2017 at 9:00 am, by the Nevada State Board of Health to consider this request as follows:

Division of Public and Behavioral Health
4150 Technology Way, Suite 303
Carson City, Nevada
Southern Nevada Health District
280 S. Decatur Blvd
Red Rock Conference Room
Las Vegas, NV 89107
Washoe County
Division of Aging and Disability Services
Early Intervention Services
1020 Ruby Vista Drive, Suite 102
Elko, Nevada

NAC 432A.250 states: *1) Except as otherwise provided in this subsection, subsection 3 and [NRS 432A.078](#), in each facility there must be: (a) At least 35 square feet of indoor space for each child, exclusive of bathrooms, halls, kitchen, stairs, storage spaces, multipurpose rooms and gymnasiums that are not regularly used. (b) At least 37 1/2 square feet of outdoor play space for each child, as determined by the maximum number of children stated on the license for the facility. An accommodation facility need not provide outdoor play space. 2) Each facility shall: (a) Ensure that each room of the facility which is used by children is: (1) Maintained free of drafts and at a temperature that is not less than 65 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of October through March and at a temperature that is not less than 68 degrees Fahrenheit and not more than 82 degrees Fahrenheit during the months of April through September; and (2) Heated, cooled and ventilated to maintain the temperatures required in this paragraph and to avoid the accumulation of odors and fumes; (b) Ensure that electrical devices or electrical apparatuses which are accessible to children are not located near any type of water source, including, without limitation, any sink, tub, shower area or wading pool; and (c) Install nonflammable barriers, including, without limitation, permanent guards or shields to cover heating units, including, without limitation, hot water heating pipes and baseboard heaters with a surface temperature that is hotter than 100 degrees Fahrenheit, to ensure that those heating units are inaccessible to children. 3) A facility that provides care for ill children must have: (a) At least 50 square feet of indoor space for each child, as determined by the maximum number of children stated on the license for the facility, exclusive of bathrooms, halls, kitchen, stairs and storage spaces. (b) A separate ventilation system if the facility is attached to another building. 4) The play area of each facility must: (a) Be fenced or enclosed in a manner that prevents the unsupervised departure of children from the area; (b) Have an adequate drainage system; (c) Be free of hazards, debris and trash; (d) If it is an outdoor play area, provide, during the months of April through September, a shade area or shade areas that are at least equal in size to the product of 5 square feet multiplied by the total number of children in the outdoor play area; (e) Have appropriate, as determined by the Division, depths and perimeters of resilient surfacing underneath and surrounding any elevated play equipment; (f) Have adequate safety barriers around any elevated platforms; (g) Not have any dangerous or poisonous plants or other vegetative matter located within the boundaries of the play area or in an area that is accessible to children from the play area; (h) Not be in a location where any bodies of water are accessible to children; and*

(i) If it has playground equipment, have only equipment that is: (1) In good repair; (2) Designed and constructed to minimize injury; (3) Compatible with the age of the children in the care of the facility; (4) Spaced to reduce accidents; and (5) Securely anchored. 5) If a facility that provides care for ill children is a component of a child care center and provides outdoor play space, the play space must: (a) Be separate from the play space for well children; (b) Meet the requirements of paragraph (b) of subsection 1; and (c) Meet the requirements of subsection 4.

Persons wishing to comment upon the proposed variance may appear at the scheduled public hearing or may submit written testimony at least five days before the scheduled hearing to:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706

Anyone wishing to testify for more than five minutes on the proposed variance must petition the Board of Health at the above address. Petitions shall contain the following: 1) a concise statement of the subject(s) on which the petitioner will present testimony; 2) the estimated time for the petitioner's presentation.

This notice has also been posted at the following locations:
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH, 4150 TECHNOLOGY WAY LOBBY, CARSON CITY
DIVISION OF PUBLIC AND BEHAVIORAL HEALTH WEBSITE: dphh.nv.gov