

Nevada Division of Public & Behavioral Health (DPBH)
Child Care Licensing Advisory Council
Meeting Minutes
Date: October 10, 2017
Time: 1:30 PM

Division of Public and Behavioral Health
727 Fairview Drive, Suite E
Carson City, Nevada 89701

Division of Public & Behavioral Health
4220 S. Maryland Pkwy Bldg. D Suite 810
Las Vegas, NV 89119

Also available via teleconference*****

Call in Number: (775) 887-5619

Conference Number: 2012

PIN Number: 0711

Committee Members Present

Diane Nicolet, Chair, E L Cord (Carson City)
Carrie Paldi, Co-Chair, Creative Kids Learning Center (via phone)
Laurie Ciardullo, Roots and Wings (Las Vegas)
Shelly Martinez, Roots & Wings (Carson City)
Sue Joyner, Dayton Valley Learning Center (via phone)
David Walton, Challenger School (via phone)

Committee Members Not Present

Andrea Doran, WNC
Tiffany Alston, Sunrise Children's Foundation (via phone)
Rachel Perez, Kids Quest (via phone)
Andrea Davis, Kids Kottage (via phone)

Child Care Licensing Staff Present

Alicia Mazy, Administrative Assistant (Carson City)
Lisa Roberts, Surveyor (Carson City)
Tiffany Kaplan, Surveyor (Carson City)
Nathan Orme, Public Information Officer (Carson City)
Edith Farmer, Supervisor (Las Vegas)
Jennie Ballou, Surveyor (via phone)
Lisa Torgerson, Surveyor (Las Vegas)

Public Attendees

Dana Pfannkuchen, Tante Dana's Daycare (Las Vegas)
David Singer, Little Discoveries (Carson City)
Tracie Lansford, Home Child Care (Carson City)
Leslie Estrada (City of Las Vegas)
Michael Maxwell (City of Las Vegas)

Teleconference Attendees

Jamie Taylor, Washoe County Social Services
Erik Clue, Carson City Parks & Rec
Jacob Sehill, KinderCare Learning Center
Amanda Flutter, Child Haven
Michelle McGory, ABC Etc
Donna Miller ABC Etc
Caroline Dunn, Carson City Parks & Rec

1. Opening remarks, Introductions Roll Call-*Diane Nicolet, Co-Chair*

Diane Nicolet: Take a moment to send positive thoughts to those currently affected by horrific events in Las Vegas and those being affected by weather such as California wildfires.

2. Approval of meeting minutes from July 11, 2017 meeting-*Diane Nicolet, Co-Chair*

Motion: Diane Nicolet asks for a motion to approve the July 11, 2017 minutes as written. Shelly Martinez puts forth a motion to approve the July 11, 2017 CCAC minutes as written. Carrie Paldi seconds the motion. All in favor no opposed.

3. Update from Child Care Licensing-*Child Care Licensing Representative*

Edith Farmer: Seminars for new laws affecting Child Care have been completed and PowerPoint used for them will be posted to our website which is dphh.nv.gov and then you would follow the link on the right hand side that says “Child Care Licensing”. I believe that is all of the updates that I have.

Diane Nicolet: You can tell that the Child Care Licensing website is constantly being tweaked which is making it a lot easier to navigate. So thank you.

4. Appointment of any open Committee positions and term limits-*Diane Nicolet, Co-Chair*

Diane Nicolet: Where are we with the open positions, Lisa?

Lisa Roberts: I do not believe they are coming to me anymore, I believe they are going to Vegas.

Edith Farmer: I have them and sent them to Diane and Carrie.

Carrie Paldi: We received 3 applications, but Tiffany Alston is not able to continue on the committee so she appointed someone to take her spot at Sunrise Children’s Foundation but we need that person to fill out an application.

Cindy Gonzalez: I did turn that application, did you not receive it?

Carrie Paldi: I did not, Edith do you have it?

Edith Farmer: I did not receive it, where did you send it Cindy?

Cindy Gonzalez: I do not remember, but I will resend it to Edith Farmer.

Tracie Lansford: Edith, did you receive my application?

Edith Farmer: Yes.

Carrie Paldi: We were looking for a Northern family care home provider, and we received 1 application for it. At our last meeting, Sue Joyner agreed to be our rural provider instead of our for-profit provider because we were having difficulty fulfilling the rural spot. So now we are looking for a for-profit representative. So I have received an application from Laura Sutco from St. Theresa of Avila Child Care, but what is not clear is if it's for-profit. Is that known?

Diane Nicolet: That is a nonprofit.

Carrie Paldi: Okay, and that is not a position we are looking for so I will set that aside.

Diane Nicolet: Can you send me her contact information and I will verify that.

Carrie Paldi: Yes. Then I received an application from David Singer from Little Discoveries in Minden and he works for a for-profit facility so he is looking to fill that position. As for the family care representative, we have received an application from Tracie Lansford who has a family child care home. So at this point I think we have it all covered, we just need to finalize if Laura's center is a nonprofit, which I believe it to be. So in my opinion we would have David as a candidate for the Northern For-profit Position, and Tracy for the Northern Family Care Home Position, would you agree Diane?

Diane Nicolet: I am a little confused with all of the recent changes, we have Andrea Doran who just left so who took her spot?

Lauri Ciardullo: Sue Joyner took her spot.

Diane Nicolet: Okay so Carrie can you please repeat what you said?

Carrie Paldi: Tiffany's position is vacant and we have not received Cindy's application for Sunrise Children's Foundation but she is going to resend so we will have to address that at the next meeting. The current positions we have open are: Northern For-profit Representative and Northern Family care Representative. We have 3 applications, Laura Sutco from St Theresa of Avila Child Development Center but there was a question on if that was a for-profit or a nonprofit facility so we will set that aside for right now. We have an application from David Singer for the for-profit position and we have Tracy Lansford as an applicant for our family care home representative.

Diane Nicolet: So you have a family care home licensed by Washoe County?

Tracie Lansford: Yes I do.

Diane Nicolet: Per our bylaws, people that sit on this council must be licensed by the State of Nevada. Washoe County is a different licensing entity.

Carrie Paldi: Do you have someone in your network Tracy that you can recommend?

Tracie Lansford: Mary is the only one that is licensed by the State that I could recommend.

Carrie Paldi: Okay, we will ask that Licensing reach out to their providers in the North and see if we can find someone for that position. We will not be able to vote on your application today Tracy but we hope that you will continue to be a part of our meetings.

Diane Nicolet: There is a lack of licensed care in Northern Nevada that is really quite frightening. So I'm wondering if we can find a way to focus on bringing more licensed care to the area.

Carrie Paldi: I think you bring up a good point, so we might want to look at making sure we have equal representation because if we have trouble locating a family care provider then we might want to look at a bylaws change to possibly have a northern at large provider to help open things up. We could also discuss State Licensing because Washoe County still has to follow the State rules but they can go above them.

Diane Nicolet: I think it is a very good idea, and it may be time to revisit the State Licensing requirements.

Tracie Lansford: Being a home provider, State requirements affect me too whether I'm in Washoe County are not. So just because Washoe goes above the State requirements doesn't mean I'm left out of being graded so I would like to participate if that does change.

Diane Nicolet: Do we think we can vote on these applications now or should we put it on the next agenda?

Carrie Paldi: The only question we have is if Laura is from a nonprofit or for-profit facility. Because if it is a nonprofit then David's application is the only viable one we have for a current open position. Or do you want to wait until the next meeting? My only concern is if we keep tabling application, we might lose interest. David, I would like to hear from you on why you are interested in joining us and what you think you could bring to the council.

David Singer: I appreciate the opportunity to submit the application and apply. I have held 3 different licenses in child care, I started at an in family home and then went to a large family group home, and then was able to work with county and state regulations and open the only or one of the few licensed child care center that was also a primary residence. I have a pretty good understanding of the codes and obtained a good overview of the Senate Bills yesterday so I think I would be a good voice for the family homes, family group homes, and group homes in Northern Nevada. Thank you.

Carrie Paldi: For David to say that, added to what he already has on his resume, I think he would be a benefit to the Council.

Diane Nicolet: I agree. Given are numbers here today we are 5 present and we are 9 positions so we are in corm.

Motion: Diane Nicolet asks for a motion to approve David Singer to the position of For-profit Representative for Northern Nevada in the Child Care Advisory Council. Shelly Martinez puts forth a motion to approve David Singer to the position of For-profit Representative for Northern Nevada in the Child Care Advisory Council. Carrie Paldi seconds the motion. All in favor no opposed.

Carrie Paldi: You have the choice of either a 2 year term or a 3 year term for your first term.

David Singer: 3 year please.

Carrie Paldi: Alicia, could you please send us an updated list with the term dates?

Alicia Mazy: Yes I will.

Diane Nicolet: Laura from St. Theresa of Avila is nonprofit. So unfortunately we will continue to look. We know that bylaws can be changed, so I am going to add that to the discussion for the next agenda.

Carrie Paldi: Edith, is it possible for someone at Licensing to keep applications for potential future open positions so that they can be readily reviewed?

Edith Farmer: I have the applications and then I send them to you guys so you have them also so you would just have to review them and contact them to see if they are still interested.

Carrie Paldi: I just wanted to be sure that someone had them as when I changed ownership I lost all of my emails so I want to make sure I am not the only keeper of information.

Diane Nicolet: I keep them too. So we know where we are at with the appointment of new Council members and we will add that to our next agenda. Any Council members have anything to add?

Carrie Paldi: We are seeking Cindy's application for the Southern Non Profit position, and we are still seeking the Group/Family Care for Northern Nevada position.

5. Update and discussion of Regulation Review focus areas and recommendations-*Carrie Paldi, Co-Chair*

Edith Farmer: The new regulations were passed by the legislative commission and we have not started enforcing them but we will send it out through the Listserv as to when they will be implemented. At the moment we are just letting the facilities know what to expect so that they

can be aware of what we will be looking for in the future. I know the next Board of Health meeting is in December and that some people have expressed a desire to file for a variances for the new ratios and group sizes and my understanding is that those must be turned in to the Board of Health no later than 40 days prior to the meeting which would be an October 26th deadline.

Diane Nicolet: And how do people know about that?

Edith Farmer: It is up to them to inquire but it is on the Board of Health's website as to how to go about the application.

Diane Nicolet: But I don't think they know about it. I'm going to be very candid about this, but I do not think we are being transparent about this with everyone and what the mechanisms are. I wasn't aware until yesterday that this was an option. So to hear that there is an October 26th deadline makes me want to call foul.

Edith Farmer: It is in the Regulations that facilities can apply for a variance and it was discussed at the legislative commission as well about the variance process.

Diane Nicolet: I am sure that there were few people that were there to hear about the variance process and even fewer people that understood it. I am being a very strong voice for my colleagues and saying that this is not okay. I believe we have infringed on the rights of doing good business and telling people how to do business. When we say we will help people no one knows what that means. I do not believe we are being transparent and we need to fix it. I don't think it should be put in place for a least another year because we have a lot of onboarding to do and explaining and educating people on how this is going to affect them. The Health Department gives waivers and not a single person at the health department knows about our business.

Edith Farmer: Child Care Licensing has no say in who sits on the Board of Health and like I said, our regulations explain how to go about the variance process and I know we have had several calls about the variance process and we explain it to them. So people are aware.

Carrie Paldi: Perhaps when the information goes out about the regulations and when they go into effect, maybe we could put something in there about the variance process and where it is in the regulations. That way every center is provided that information.

Edith Farmer: I can bring that back to Latisha Brown as she is the one that determines what information goes out on the Listserv.

Diane Nicolet: What are the criteria on which the Board of Health will make their decision on variances?

Edith Farmer: I believe there is, I am not as versed in that. But I believe they look at the safety and well-being of the children and how that would be affected by the variance.

Carrie Paldi: Do we have an idea of a timeline as to when these will go into effect? Rather than it coming out on the Listserv and being like you have to start following these tomorrow.

Edith Farmer: We would never give you a tomorrow deadline, but I believe we are looking at the first of the year.

Carrie Paldi: This would be all of the regulations that we worked on, which were passed by the Board of Health and the legislative commission, and included the ratio/group size, the initial training requirements correct?

Edith Farmer: Correct

Carrie Paldi: And we are looking at an effective date of January 2018, correct?

Edith Farmer: I'm not going to say January for sure I just know towards the beginning of 2018.

David Singer: I'm not sure there was a follow up as to what came from the meeting in the spring where the providers expressed concern. I really think a January start on this new bills is aggressive and that several centers that an October 26th deadline to request a variance on the ratio/group size is just too fast and will adversely affect many providers across the state.

Diane Nicolet: I agree.

Tracie Lansford: I am familiar with many of the new regulations but I am not familiar with what we are discussing. I am familiar with the new requirements for education, the 24 hours and the abuse and neglect. But what is it we are speaking about?

David Singer: It's in the regulations that just came out, not the bills.

Tracie Lansford: Okay.

Jacob Sehill: I think we are talking about 2 different things. We are discussing the new changes regarding ratio and group size that was publicly discussed over the last year and approved over the summer, which is what the variance can be applied for. But the bills that were passed by the legislative commission are different and the timeline for those is different.

Diane Nicolet: Yes, you are correct. The licensing regulations, NACs, were not finished to go through this last legislative Session, the 77th, so through the errata process they were able to go through the legislative commission without going through the legislative process. Those were kind of approved under the radar as they did not go through the regular process so I do believe that a lot of people, unless they go to these meetings, don't know that these ratios and group sizes were updated in 432A and is now law. I think that with the new NAC 432A and the bills, the bills are still being discussed as to how to implement them. But with NAC 432A, that already exists so the timeline is a lot faster. We are putting our centers in a huge dilemma because there are layers of new requirements with group size, ratio, and all of the new trainings.

Carrie Paldi: I think that Diane makes a good point because we were involved with the process but those who were not may have no idea what to expect. I think licensing staff did a great job

with the training seminars with the new bills that were open to the public. People got a good understanding of what to expect. Is it possible to do this with the new regulations?

Edith Farmer: My understanding is no, we are not planning to do this with the new regulations and to be honest we really didn't have a great turnout for those seminars. We are planning on breaking it down with the new regulations in a memo sent out to all providers describing what the new changes are. But I can certainly bring it back to Latisha that that was asked by the council.

Carrie Paldi: I think it would be very beneficial to have an informative session, one in the north and one in the south.

Edith Farmer: Okay, I will bring that back to her.

Jacob Sehill: That conflicts with what I have been told by Latisha. My understanding was that there were going to be workshops and areas for feedback very similar to the last revision for the NAC regulations in the summer. I thought the process would be the same.

Edith Farmer: That is correct it will be the same but I thought Carrie was asking about the seminars for the regulations that just passed.

Carrie Paldi: That is correct and I think the idea of a memo is good and I hope it is as detailed as possible to help people understand. I think that a seminar where people can learn firsthand would be very beneficial.

Edith Farmer: I will certainly bring that back to her and just to clarify, with the new regulations for those new bills that were passed we will be doing a similar process with the public workshops. And also, we will not go out and start marking deficiencies with these new regulations, we will give out reminders so that people become aware of the new regulations.

Diane Nicolet: I look forward to that technical bulletin as there were many people that could not be on the conference call yesterday that would benefit from it.

Edith Farmer: Absolutely that is already being put together.

Lisa Torgerson: I let the facilities know that these changes are coming even if there is not a specific start date and I let the facilities know when things I think they will struggle with the most.

Carrie Paldi: Thank you for that, I think you and the surveyors do a great job at letting the facilities know that changes are coming.

Jamie Taylor: Were letting our providers know as well that these changes are coming.

Diane Nicolet: I'm glad to hear that. Sorry for missing the last meeting, how did it go?

Jamie Taylor: We didn't have a good turn out so we are letting people know that these changes are coming out and that we may have a later start date.

Diane Nicolet: What are you finding? What questions are being asked?

Jamie Taylor: One of the questions we are trying to figure out is the group sizes. We do not know if this is based on the current capacity or if we are going to be re-measuring rooms. Also, we are letting them know that the 24 training hours will be coming out at the 1st of the year.

Diane Nicolet: In addressing the medication administration, the shaken baby, and all of the other training regulation changes, how is the Registry going to moderate all of these changes and implement more classes based on age groups?

Jamie Taylor: I am not sure if that has been discussed.

Edith Farmer: It has been discussed, Shelley is aware of the changes and has been working hard this past year to get the new training up and ready. There are going to be more online trainings also.

Lisa Torgerson: I know that Shelley is working hard to make sure that all of these trainings are ready soon and also at new online courses and companies so ensure that these are ready quickly. There are also more trainers for Child Abuse and Neglect and SIDS, I believe there were about 15 of us getting trained to become trainers for those two.

Diane Nicolet: That is great, what about Shaken baby?

Edith Farmer: I am not familiar with new trainers, I know that with all of the new trainings she is working with new trainers and training methods.

Diane Nicolet: So you can do shaken baby and SIDS, so long as it was a 3 hour training?

Edith Farmer: Yes, as long as it matches how long the trainings would be separated in the regulations. We have been talking about doing combined trainings also.

Diane Nicolet: What about medication administration, would that have to be given by a quality health care professional?

Edith Farmer: It does not specify but it does say a health care professional.

Diane Nicolet: Which is frightening.

Lisa Torgerson: I have noticed that I have seen an increase in that training.

Diane Nicolet: That worries me. Due to the large number of medication in a child care facility. I think we should have done more to narrow down what it takes to qualify to train someone of

medication administration. I think you should get together to figure out how to regulate that as medications vary widely.

Diane Nicolet: Any more discussion on our new regulations?

Jacob Sehill: I have a question for Edith, can you tell us really quickly how we can find the text of the language for the errata, the ratio and group sizes, and where we can find the application for a variance on the child care website?

Edith Farmer: As for the variance, you go to our website to the DPBH homepage, and one of the headers says “Board” and the different types will pull up. You will click on the “Board of Health” and the “forms” and you should see variance. As for the regulations LCB File #R092-16. I’m not sure where they are on the website but I believe you can just Google them. Once they are put into the Regulations you will see them under NAC 432A.

Jamie Taylor: Can you repeat that R #?

Edith Farmer: Yes it is, R092-16.

David Walton: I wonder if there would be any benefit, to the council for tracking legislative sessions. Is there a way to do this as a council? There are were many bills in this past session that we didn’t discuss at length.

Carrie Paldi: I sign up for the legislative tracking, you can do up to 10 for free. I know there re other ways to track them such as the Children’s Advocacy Alliance. I also know that we only have 1 meeting maybe 2 through the course of the legislative session, so I think it might be a good idea but I think that reaching out to Children’s Advocacy Alliance or another tracking system would be beneficial.

David Walton: I did not pay close enough attention this past year and I think we have a duty on this council to pay more attention in things affecting child care.

Diane Nicolet: I have this down for the next meeting agenda and we will see how we can work this in and make sure we are not lobbying. Any of our experts want to add any more information or anyone ask more questions? Hearing none we will move on to the next topic.

6. Legislative Action Updates-*Diane Nicolet, Co-Chair*

Diane Nicolet: We kind of bled into the next topic, are you okay with that Edith?

Edith Farmer: are you talking about the bills we went over in our seminars?

Diane Nicolet: Yes we have the Technical Bulletin that you were able to share with us.

Edith Farmer: We had 5 bills that passed that directly affect child care. AB 99, more for the Institutions and making sure that gender is being respected and that the children are being approached by the gender that they identify with and we were encouraging facilities to see how they could intact this also because it can come up one day but as of right now is just institutions. SB 46 added disqualifying crimes that is also on the technical bulletin.

Diane Nicolet: I will ready them, Domestic Violence, Battery, Assault, what is the difference between battery and assault?

Tracie Lansford: Assault is a threat and battery is contact.

Diane Nicolet: Kidnapping, any crime against a child, and these have to have gone through a court of law correct?

Edith Farmer: Yes they have to have a legal conviction.

Diane Nicolet: Any offense relating to the possession or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS within the immediately preceding 5 years; I have had 2 people ask me, does that include marijuana.

Edith Farmer: It does because even though it is legal in this State, it is federally illegal so if it pops up on their background check then we move forward with it as a controlled substance.

Diane Nicolet: But it is only in the immediately preceding 5 years.

Edith Farmer: Yes.

Diane Nicolet: Any offense relating to the [possession,] distribution or [use] manufacture of any controlled substance or any dangerous drug. And then also, DUI which doesn't have the preceding 5 year rule on it correct?

Edith Farmer: Yes that is correct but it would suggest calling our office because there were 3 types of DUI and some may have a time limit and some may not as they depend on the severity. So we are handling this on a case by case basis until we figure out ourselves. Also, arson is on that list.

Diane Nicolet: Yes, I missed it.

Edith Farmer: That is the combination of SB 46 and 189 as they both had some disqualifying crimes. The distribution or manufacture of a controlled substance does not have a time limit on it. Also, we have SB 146 which defines the small child care establishment, so you can still legally watch up to 4 children without a license, but they will need to be on a registry with the Department of Welfare and Supportive Services and they will be required to obtain a background check. SB 189, has a rating system that will be dependent on the statement of deficiencies and a scope and severity will be placed on that. Independent contractors are going to need to be supervised by a qualified representative at the facility. All types of caregivers and facilities will

need 24 hours of training annually, and 12 of those hours will have to be aimed at the specific age groups at that facility. Unlicensed caregivers can be fined and progressive action be sought, if found to be operating without the proper license.

Dana Pfannkuchen: So Licensing would always tell the unlicensed providers not to do it but what is progressive action?

Edith Farmer: So before this there was not fines, civil penalties associated. It is a misdemeanor but you are right, law enforcement doesn't enforce it and we cannot make them. So now we can give them a civil penalty up to \$10K but it would have to go through our Deputy Attorney General, so I am not sure what that will look like.

Dana Pfannkuchen: So if someone is operating without a license with more than 4 kids we can turn them in and they could be fined up to \$10K?

Edith Farmer: Potentially.

Dana Pfannkuchen: Are you bringing in more staff so that you can enforce this?

Edith Farmer: We are trying to. Because we are now will go out if they say they are only watching 1 so that we can give them the registry information.

Dana Pfannkuchen: Do you know how long the process will be?

Edith Farmer: We do not.

Dana Pfannkuchen: So this could take a while before it will be fully enforced?

Edith Farmer: It could be. The final bill is AB 326 which requires priority enrollment to children of current active military members, have died or were killed in action, were a prisoner of war in action, or who went missing in action.

Diane Nicolet: I like this but I think it will open a can of worms for people with extenuating circumstances. It says a government document, so what will you or what will we need to verify in order to pump these people above 30 others?

Edith Farmer: That is something we are looking into, but the government loves forms so I imagine everyone who qualifies will have something.

Tracie Lansford: They should all have I.D. and the VA will also have an I.D. for them and if they are a survivor, the VA will have a letter for them that will state they receive survivor benefits.

Edith Farmer: They should also receive something that says they are currently on active duty.

Diane Nicolet: Back to AB 346, what exactly does monetary compensation mean?

Edith Farmer: We also said compensation could be anything monetary or bartering, but since this says monetary compensation I do not know for sure because in our NRS codes the definition for child care facility it just says compensation, it does not specify.

Diane Nicolet: Thank you, any other questions about Bill Status Updates? Okay, we're good.

7. Future Agenda Items-Diane Nicolet, Chair

- Opening Remarks, Introductions, and Roll Call
- Approval of meeting minutes for October 10, 2017 meeting
- Update from Child Care Licensing
- Discussion on Child Care By-laws
- Update on New Regulations
- Bill Implementation
- Future agenda items
- Update from council members
- Public comment
- Adjournment

Motion: Diane Nicolet asks for a motion to keep the dates for the Child Care Advisory Meetings for the second Tuesday of every Third month from 1:30pm-3:30pm for the year 2018. Shelly Martinez puts forth a motion to approve the dates for the 2018 Child Care Advisory meetings as the second Tuesday of every Third Month from 1:30pm – 3:30pm. Laurie Ciardullo seconds the motion. All in favor no opposed.

8. Update from Council Members

Diane Nicolet: There is a Nevada ECAC (Nevada Early Childhood Advisory Council) and they're having a retreat on Nov 2nd and the meeting is in Reno with a lot on their agenda. One of my updates is we are finally finished with our play yard renovation and the dedication is coming up soon.

Carrie Paldi: The Nevada Association for the Education of Young Children Conference will be April 12-14, 2018. The theme is Guardians of the future, powering up our profession and they're are current openings for presentations proposals and will be in the Reno area this year.

Davis Singer: Thank you for the appointment.

9. Public Comment

None

10. Adjournment-Carrie Paldi, Co-Chair

Meeting adjourned at 3:30 pm.