

**PROPOSED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R086-20**

May 13, 2021

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

AUTHORITY: §§1-9, NRS 422A.675 and 439.200.

A REGULATION relating to child care; prescribing the procedure to apply for a grant of money from the Diapering Resources Account; requiring a grantee to enter into an operating agreement with the Division of Public and Behavioral Health of the Department of Health and Human Services and to submit certain reports; prescribing the procedure for a grantee to draw money from a grant; authorizing the Administrator of the Division to take certain actions upon a determination that a grantee no longer needs a grant or a portion thereof or is using grant money for an unauthorized purpose; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) establishes the Diapering Resources Account in the State General Fund; (2) requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to administer the Account; and (3) requires the money used in the Account to be expended to provide diapers and diapering supplies to recipients of public assistance and other low-income families in this State. Existing law requires the State Board of Health to adopt regulations prescribing the criteria for determining whether a person qualifies for assistance from the Account and the procedure for distributing money from the Account. (NRS 422A.675) **Section 5** of this regulation prescribes the manner in which to apply for a grant of money from the Account and the procedure for the Division to approve or deny such applications. **Section 5** also prohibits a grantee from using a grant for a purpose not authorized by law. If an application is approved, **section 6** of this regulation requires the grantee to enter into an operating agreement with the Division. **Section 7** of this regulation requires a grantee to submit a quarterly report to the Division concerning the success of the project funded by the grant and expected future expenditures of grant money. **Section 8** of this regulation prescribes the procedure for a grantee to draw money from a grant. **Section 9** of this regulation authorizes the Administrator to take certain action if the Division determines that a grantee: (1) no longer needs a grant or any portion thereof; or (2) is using a grant for an unauthorized purpose.

**Section 1.** Chapter 422A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Account” means the Diapering Resources Account created by NRS 422A.675.*

**Sec. 4.** *“Operating agreement” means an agreement entered into pursuant to section 6 of this regulation between the Division of Public and Behavioral Health and a person or entity approved by the Division of Public and Behavioral Health to receive a grant from the Account.*

**Sec. 5.** *1. To receive a grant of money from the Account, a person or entity must apply to the Division of Public and Behavioral Health in the form prescribed by the Division of Public and Behavioral Health. The application must include, without limitation:*

*(a) The manner in which the person or entity proposes to use the grant, including, without limitation, itemized estimates of the costs of the goods and services for which the person or entity proposes to use the grant;*

*(b) A commitment to enter into an operating agreement if the application is approved and proposed terms for the operating agreement; and*

*(c) The amount of the grant for which the applicant is applying.*

*2. The Division of Public and Behavioral Health shall determine in a public meeting whether to approve or deny an application based on the ability of the applicant to provide diapers and diapering resources to recipients of public assistance and other low-income families in this State.*

*3. A grant of money from the Account must be used for a purpose authorized by NRS 422A.675. A grantee shall not use the grant for any other purpose.*

*Sec. 6. 1. If the Division of Public and Behavioral Health approves an application for a grant of money from the Account pursuant to section 5 of this regulation, the grantee must enter into an operating agreement with the Division of Public and Behavioral Health that specifies:*

*(a) The amount of the grant;*

*(b) The manner in which the money must be used;*

*(c) The date on which the application was approved;*

*(d) The indicators of performance that the Division of Public and Behavioral Health and the grantee will use to measure the success of the program funded by the grant;*

*(e) That the grantee must submit the report described in section 7 of this regulation;*

*(f) That the Division of Public and Behavioral Health or a designee thereof may review any document under the control of the grantee if the Division of Public and Behavioral Health or the designee determines the review to be necessary to provide financial oversight of the project; and*

*(g) The date on which the grant expires.*

*2. The Administrator of the Division of Public and Behavioral Health must review and approve an operating agreement before the Division of Public and Behavioral Health may enter into the operating agreement.*

*Sec. 7. The recipient of a grant of money from the Account shall submit to the Division of Public and Behavioral Health a quarterly report which includes, without limitation:*

*1. An evaluation of the success of the project funded by the grant using each indicator of performance specified in the operating agreement;*

*2. Projected estimates of the costs involved in the project funded by the grant for the immediately following quarter and the duration of the grant; and*

*3. The dates on which the grantee expects to draw money from the grant for the duration of the grant and the amount of money that the grantee expects to draw on each date.*

**Sec. 8.** *1. To draw money from a grant from the Account, a grantee must submit a request to the Administrator of the Division of Public and Behavioral Health in the form prescribed by the Administrator of the Division of Public and Behavioral Health. The request must include, without limitation:*

*(a) The amount of money that the grantee is requesting to withdraw; and*

*(b) Evidence that the grantee is meeting the indicators of performance prescribed in the operating agreement.*

*2. After receiving a request pursuant to subsection 1, the Administrator of the Division of Public and Behavioral Health shall approve or deny the request. The Administrator of the Division of Public and Behavioral Health must approve a request if the Administrator of the Division of Public and Behavioral Health determines that the grantee is in compliance with the operating agreement.*

*3. If the Administrator of the Division of Public and Behavioral Health approves a request, the Administrator of the Division of Public and Behavioral Health must cause a check to be issued to the grantee in the amount requested by the grantee.*

*4. If the Administrator of the Division of Public and Behavioral Health denies a request, the Administrator of the Division of Public and Behavioral Health must provide to the grantee*

*a statement of the reasons for the denial and the actions that the grantee must take to receive approval.*

**Sec. 9. 1.** *If the Division of Public and Behavioral Health determines that a grantee no longer needs a grant of money from the Account or any portion thereof, the Administrator of the Division of Public and Behavioral Health may:*

- (a) Cease making further disbursements from the grant;*
- (b) Require the grantee to repay any unused portion of the grant; or*
- (c) Take both of the actions described in paragraphs (a) and (b).*

**2.** *If the Division of Public and Behavioral Health determines that a grantee is using the grant for purposes other than those specified in the operating agreement, the Administrator of the Division of Public and Behavioral Health:*

- (a) Must cease making further disbursements from the grant;*
- (b) May determine that the operating agreement is void; and*
- (c) May require the grantee to repay all or any portion of the grant.*