

Joe Lombardo
Governor

Richard Whitley,
MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES



NEVADA DIVISION of PUBLIC
and BEHAVIORAL HEALTH



Cody L. Phinney,
MPH
Administrator

Ihsan Azzam,
Ph.D., M.D.
Chief Medical
Officer

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Board of Health
LCB File No. R103-24P relating to licensing Qualified Residential Treatment Programs
(QRTP) in the state of Nevada

NOTICE IS HEREBY GIVEN that the State Board of Health will hold a public hearing to consider amendments to Chapter 432B of Nevada Administrative Code (NAC). This public hearing is to be held at the State Board of Health meeting on January 17, 2025, at 9:00 AM. The State Board of Health will be conducted via videoconference beginning at 9:00 AM on January 17th, 2025, at the following locations:

- Join via Teams: https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2U5Mml0ZTctNDEwNS00NjhiLWFkNGltYWEzZjExYjU5ZjBh%40thread.v2/0?context=%7b%22Tid%22%3a%22e4a340e6-b89e-4e68-8eaa-1544d2703980%22%2c%22Oid%22%3a%22768e443d-3be6-48f0-9bb0-7e72f1276b8d%22%7d
- Join By Phone: (775) 321-6111
Phone Conference ID: 564 670 894#
- Physical Locations:
Division of Public and Behavioral Health
Hearing Room 303
4150 Technology Way
Carson City, NV 89706
Southern Nevada Health District
Red Rock Trail Rooms A & B
208 S. Decatur Blvd.
Las Vegas, NV 89107

R103-24P seeks to amend NAC Chapter 432B to establish licensing regulations for Qualified Residential Treatment Facilities (QRTP).

1. Anticipated effects on the businesses which NAC 432B regulates:

- A. Adverse effects: None anticipated
- B. Beneficial: No beneficial financial impacts are anticipated on small businesses.
- C. Immediate: None anticipated by the passage of these proposed regulations
- D. Long-term: None anticipated.

2. Anticipated effects on the public:

- A. Adverse effects: None anticipated
- B. Beneficial: No beneficial financial impacts are anticipated on small businesses.
- C. Immediate: None anticipated by the passage of these proposed regulations
- D. Long-term: None anticipated.

3. The Division of Child and Family Services determined the impact on small businesses by conducting a public workshop on September 30, 2024. The Division sent an email containing a link to the Small Business Impact Questionnaire to the public and specific behavioral healthcare programs for the treatment of youth who need residential care and treatment.

4. There should be no additional costs to the agency to enforce the proposed regulations.

5. The proposed regulations do not overlap or duplicate any other Nevada State or federal regulations.

6. The proposed regulations do not impose any fees for licensure in the proposed regulations to operate a QRTP as outlined in LCB File No. R103-24P

Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in excess of two typed, 8-1/2" x 11" pages must submit the material to the Board's Secretary, Cody Phinney, to be received no later than November 29, 2024, at the following address:

Secretary, State Board of Health
Division of Public and Behavioral Health
4150 Technology Way, Suite 300
Carson City, NV 89706
stateBOH@health.nv.gov

Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow Board members adequate time to review the documents. A copy of the notice and proposed regulations are on file for inspection and/or may be copied at the following locations during normal business hours:

- Nevada Division of Public and Behavioral Health - 4150 Technology Way, Suite #300, Carson City, NV 89706
- Nevada Division of Public and Behavioral Health - 4220 S. Maryland Parkway, Bldg. A, Ste. 100, Las Vegas, NV 89119
- Nevada State Library and Archives - 100 Stewart Street Carson City, NV, 89701

A copy of the regulations and small business impact statement can be found on-line by going to: <https://dpbh.nv.gov/Boards/BOH/Regulations/Regulations/>

A copy of the public hearing notice can also be found at Nevada Legislature's web page:
<https://www.leg.state.nv.us/App/Notice/A/>

Copies may be obtained in person, by mail, or by calling the Division of Public and Behavioral Health at (775) 684-2201

Copies may also be obtained from the Nevada State Library at the address listed below:

Nevada State Library & Archives
100 N. Stewart Street
Carson City, NV 89701

Per NRS 233B.064(2), upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Joe Lombardo
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Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Marla McDade
Williams
Administrator

DATE: October 25, 2024

TO: Cody Phinney, Administrator, Division of Public and Behavioral Health (DPBH)

FROM: Marla McDade Williams, Administrator of the Division of Child and Family Services (DCFS)

RE: Consideration and adoption of the proposed regulation amendment to Nevada Administrative Code (NAC) 432B, R103-24P to the Legislative Council Bureau.

PURPOSE: The purpose of these regulations is to provide a legal mechanism to license Qualified Residential Treatment Programs (QRTP) to include definitions, trauma informed decisions, application processes, requirements to operate QRTP, staff qualifications and requirements needed to receive approval from the Commission on Accreditation and Joint Commission.

SUMMARY OF CHANGES TO THE NEVADA ADMINISTRATIVE CODE (NAC) 432B R103-24P: Seeks to establish licensing standards and requirements to operate a QRTP facility.

POSSIBLE OUTCOME IF PROPOSED AMENDMENT IS NOT APPROVED: If LCB File No. R103-24P is not approved, the Division will not have the ability to license QRTP's in Nevada and will limit clinical treatment options for youth in need of a QRTP level placement.

PUBLIC COMMENT RECEIVED

The first public workshop was held on September 30, 2024

September 30, 2024 – Public Workshop: There were twenty-three (23) non-DCFS staff who attended the public workshop and seven (7) DCFS all attended virtually. One (1) participant asked a question during public comment seeking clarification on whether the state would or would not seek a waiver for a qualified individual when needed, or does the regulation as written, allow for that flexibility. There were no additional comments provided at the workshop. DCFS indicated we would have further discussion regarding the public commenter's suggestion and that did occur post workshop. DCFS asked for proposed language to be submitted, and that document or suggested language has not been received.

There were no responses received through the Small Business Impact Questionnaire.

Regulations to License Qualified Residential Treatment Programs

PROPOSED REGULATION OF THE DIVISION OF WELFARE AND SUPPORTIVE SERVICES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

NRS 432A.0245, 432A.131(5), 432A.190(2)

Section 1. Chapter 432A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Qualified residential treatment program” has the meaning ascribed to it in 42 U.S.C. § 672(k)(4).*

Sec. 3. *“Trauma-informed treatment model” means a comprehensive approach to treatment and care that:*

- 1. Recognizes the widespread impact of trauma and uses potential paths for recovery;*
- 2. Recognizes the signs and symptoms of trauma in children, families, staff and other persons involved in the child welfare system;*
- 3. Fully integrates knowledge about trauma into policies, procedures and practices; and*
- 4. Actively seeks to resist retraumatization.*

Sec. 4. *An applicant for a license to operate a qualified residential treatment program must, before a license is issued to him or her, submit to the Division evidence that the qualified residential treatment program:*

- 1. Provides services according to a trauma-informed treatment model that is designed to meet the needs, including, without limitation, clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances. This model must enable the qualified residential treatment program to provide the treatment identified for each child by the assessment of the child required pursuant to 42 U.S.C. § 675a(c).*
- 2. Has a registered nurse as defined in NRS 632.019, a licensed practical nurse as defined in NRS 632.016, or other clinical staff who:*
 - (a) Provide care within the scope of their practice in accordance with their authorized scope of practice set forth in state law;*
 - (b) Are on-site according to the treatment model set forth in subsection 1; and*
 - (c) Are available 24 hours a day, 7 days a week.*
- 3. To the extent appropriate, and in accordance with the best interests of each child, facilitates participation of family members in the treatment program of the child.*

4. *Facilitates outreach to the family members of each child, including, without limitation, siblings of the child and documents how that outreach is done.*
5. *Maintains contact information for each known biological family member and fictive kin of each child.*
6. *Documents the manner in which the qualified residential treatment facility integrates family members into the treatment program of each child, including, without limitation, after the child is discharged from the qualified residential treatment program.*
7. *Documents how the connection between each child and his or her siblings is maintained.*
8. *Provides discharge planning and family-based aftercare support for at least 6 months after each child is discharged from the qualified residential treatment program.*
9. *Is licensed in accordance with 42 U.S.C. § 671(a)(10).*
10. *Is accredited by:*
 - (a) The Commission on Accreditation of Rehabilitation Facilities;*
 - (b) The Joint Commission on Accreditation of Healthcare Organizations;*
 - (c) The Council on Accreditation; or*
 - (d) Any other independent, not-for-profit accrediting organization approved by the United States Department of Health and Human Services.*

Sec. 5. *The Division may contract with a person, governmental agency or political subdivision outside the Division to perform all or part of the administrative duties associated with the licensure, inspection and investigation of a qualified residential treatment program, subject to the direction and approval of the Division.*

Sec. 6. NAC 432A.010 is hereby amended to read as follows:

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 432A.012 to 432A.165, inclusive, *and sections 2 and 3 of this regulation*, have the meanings ascribed to them in those sections.

Sec. 7. NAC 432A.130 is hereby amended to read as follows:

“Institution” means a child care institution, *other than a qualified residential treatment program*. **MAKE SURE THAT THIS IS CORRECT. IF THE EXISTING PROVISIONS LISTED BELOW RELATED TO INSTITUTIONS MAKE SENSE FOR QRTPS, THEN THIS SHOULD PROBABLY BE REMOVED.**

Please consider whether the provisions of NAC 432A.440 to 432A.460, inclusive, which govern child care institutions (which will include QRTPs, unless we exclude them) work for QRTPs. These sections can be amended or we can draft the regulation so that they don't apply to QRTPs. The sections I noticed that might be problematic mention parents of the children. These are NAC 432A.440(5) and NAC 432A.450(1)(c) and (6). But there may be additional provisions you want to change to address QRTPS that I missed or you may want them to all apply to QRTPs. The other provisions of chapter 432A of NAC which

specifically address child care institutions are: NAC 432A.255(5), NAC 432A.306(2) and (5), NAC 432A.5205. Please consider whether these need to be changed or whether they can apply to QRTPs as they are currently written.

I looked over all of the existing provisions of chapter 432A of NAC and did not see anything I thought needed to be changed, but you might find some provisions you think should be amended.

CONSIDERATION OF FEEDBACK RECEIVED FROM PUBLIC WORKSHOPS: Although further information on the specific language on the waiver for a qualified individual was not received, DCFS is not opposed to that change.

STAFF RECOMMENDATION: Staff recommends that the State Board of Health adopt the proposed regulation amendments to NAC 432B, LCB File No. R103-24P.

PRESENTERS: Maria Janos, Social Services Program Specialist III

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Marla McDade
Williams, MPA
Administrator

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DIVISION OF CHILD AND FAMILY SERVICES
4126 TECHNOLOGY WAY, SUITE 300
CARSON CITY, NV 89706
Telephone (775) 684-4400 / Fax (775) 684-4455
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March 4, 2024

Small Business Impact Statement

Proposed Regulations

Qualified Residential Treatment Program (QRTP)
NAC 432B, NRS 432A.0245, 432A.131(5), 432A.190(2)
(Prepared Pursuant to Nevada Revised Statutes 233B.0608)

Pertaining to

**Proposed Amendments per the federal Family First Prevention Services Act of 2018 (FFPSA);
Qualified Residential Treatment Program (QRTP) to the Nevada Administrative Code (NAC)
Chapter 432A – Services and Facilities for Care of Children, and,
Chapter 432B – Protection of Children from Abuse and Neglect**

The new programmatic and licensing regulations in the proposed revisions to NAC Chapter 432A – *Services and Facilities for Care of Children, and to NAC Chapter 432B – Protection of Children from Abuse and Neglect* are a result of the requirement for states to comply with the recently established requirements within the Family First Prevention Services Act of 2018 (FFPSA) specific to *Qualified Residential Treatment Programs*. In order to stand up this type of foster home and maintain Nevada's ability to bill for the maintenance costs of caring for children in foster care, through the Federal Social Security Act Title IV-E, Nevada must be in compliance with the new FFPSA requirements.

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

On December 21, 2023, the Division of Child and Family Services sent a small business impact questionnaire via electronic mail to ten (10) foster care agency owners, who may be impacted by changes to NAC Chapter 432A and NAC Chapter 432B. These small business owners were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than January 4, 2024, regarding the effect these proposed changes may have on their small business. A reminder was also sent out to the small business owners on January 2, 2024, to complete the questionnaire.

1. No questionnaires were completed or returned by the small business owners.

On February 7, 2024, the Division of Child and Family Services sent a second small business impact questionnaire via electronic mail to eleven (11) licensed facilities, who may be impacted by changes to NAC Chapter 432A and NAC Chapter

432B. These licensed facilities were emailed the proposed changes to NAC Chapter 432A and NAC Chapter 432B and asked to complete a Small Business Impact questionnaire no later than February 19, 2024, regarding the effect these proposed changes may have on their small business.

1. One response was received, and the facility that responded to the questionnaire indicated the proposed regulations would not have an adverse effect on their facility.

This Small Business Impact Statement summary is in its entirety.

2. The manner in which the analysis was conducted.

All revisions made to NAC Chapters 432B will allow for the establishment and operation of qualified residential treatment programs in Nevada. This will provide a trauma focused multidisciplinary placement option for youth in need of a higher level of care. The Family Programs Office analyzed the results of the completed Small Business Impact Questionnaires in the development of this statement.

3. The estimated economic effect of the proposed regulation on the small business which it is to regulate including without limitation both adverse and beneficial effects and both direct and indirect effects.

No questionnaires were completed or returned by the small business owners. One licensed facility responded to the questionnaire. The proposed regulations do not appear to have an economic effect on small businesses in the state.

4. A description of the methods that the DCFS considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used those methods.

Based on the responses, DCFS did not consider any other methods to reduce the impact because there was no assertion these regulations impacted small business.

5. The estimated cost to the agency for enforcement of proposed regulations.

DCFS considers there is a potential increase in costs to the agency for the following:

- The additional monthly foster care payments per this type of placement. With licensed placements, the agency will be able to claim reimbursable Title IV-E costs.
- Administrative costs to the agency to process, monitor, and renew licenses for QRTPs.

6. Total amount the agency which provides child welfare services expects to collect from any fees and the manner in which the money will be used.

The fees are established in NAC 432A.200. The number of facilities anticipated to be licensed is less than 10 with an anticipated average facility size of less than 10 residents. Using these figures, we can make a rough estimate of \$600.

7. An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.

No duplication or stringent provisions were created within the proposed regulations.

8. The reasons for the conclusions of the agency regarding the impact of the proposed regulation on small business.

It is the conclusion of DCFS that there is no significant impact from the proposed regulation on small business.

By my signature below, I certify that, to the best of my knowledge, the information contained in this statement was prepared properly and is accurate.



Marla McDade Williams, *DCFS Administrator*

3/6/2024

Date