

Staff Report
Board Meeting Date: April 25, 2024

DATE: April 18, 2024

TO: District Board of Health

FROM: Robert Fyda, PE, REHS, Division Director
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SUBJECT: Discussion and possible direction to staff regarding the existing NNPH Childcare Inspection program, proposed changes occurring in the childcare licensing in Washoe County, and recommendation to work with the State of Nevada Childcare Licensure Program for NNPH to conduct inspections of child care facilities to ensure a smooth transition for childcare providers and work internally to develop NNPH environmental regulations for all childcare facility types to be brought back before Board for approval.

SUMMARY

Staff are bringing forward this item in order to obtain direction from the board regarding the existing NNPH Childcare Inspection program with regards to proposed changes occurring in the childcare licensing in Washoe County and NNPH's role going forward.

District Health Strategic Priority supported by this item:

2. **Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

PREVIOUS ACTION

The District Board of Health has taken no previous action on this item.

BACKGROUND

Definition of Child Care Facilities

According to NRS 432A.024, "Child care facility" is defined as:

- (a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;
- (b) An on-site child care facility;
- (c) A child care institution; or
- (d) An outdoor youth program.

The NV Department of Health and Human Services – Division of Public and Behavioral Health (DPBH) has 6 types of childcare facilities listed on their website (NV DPBH Child Care Licensing):

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- FAMILY CARE - facilities within an individual's residential home. They are allowed to care for up to six children within their home with a license and a curriculum.
- GROUP CARE - facilities within an individual's residential home. They are allowed to care for up to 12 children within their home and require one additional caregiver and a curriculum.
- ACCOMMODATIONS - facilities that have a primary business open to public that provides childcare to customers, where customers are required to remain on the premises of said business, for up to three hours.
- CENTER - facilities that stand alone and provide all-day curriculum child care
- INSTITUTIONS - facilities that care and house at-risk youth. They provide education, daily sustenance, shelter, and medical/dental care to the children under their supervision.
- ON-SITE - facilities that provide care to children of employed individuals of the business only.

History of Childcare Licensure in Washoe County

Washoe County is currently the only county in Nevada with an established local agency for the licensing of childcare facilities. Washoe County's involvement in childcare facilities dates back to 1945 with the adoption of County Ordinance 2 where the Health Department was required to investigate childcare facilities to ensure "that such premises are provided with adequate and proper facilities to care for the number children specified in the application" (WC Ord 0002, 1945). The requirements for an environmental health inspection in childcare facilities were codified in Washoe County code in 1980 under Ordinance 0476. Pursuant to NRS 432A.131, WCC 45.095 designates the Washoe County Department of Social Services as the childcare licensing agency which is currently known as the Washoe County Human Services Agency (HSA). HSA adopted the necessary standards and regulations for the licensing of childcare facilities.

Role of NNPH

NNPH has been conducting childcare inspections in Washoe County for childcare licensing since the 1980s. Currently, NNPH staff inspect over 100 childcare CENTERS in Washoe County which is the only facility type inspected by NNPH. The current NNPH childcare inspection process uses the existing HSA Regulations as adopted in Washoe County Code for environmental standards.

Current Situation

Staff were recently notified by Washoe County HSA Childcare Licensing that the State of Nevada DPBH would be assuming regulatory oversight for all child care facilities licensed in Washoe County. The proposed change is designed to streamline Childcare Licensure by bringing licensure under one organization, NV DPBH, and allow for improved efficiencies in program development and administration. With the transfer of jurisdiction to the State of Nevada DPBH, the Washoe County Childcare Licensure program, regulations, and applicable codes will no longer be in effect as of July 1, 2024, including the portions of the HSA regulations utilized for environmental inspections which NNPH uses to inspect childcare CENTERS.

Current expectations from State of Nevada DPBH are that NNPH will conduct the environmental health inspection for all childcare facility types for DPBH Childcare Licensure program which primarily consists of CENTERS, FAMILY CARE, and one (1) GROUP CARE facility. The current approximate permit count held by HSA is: 110 CENTERS and 100 FAMILY CARE. The impact of the change will likely result in an increased workload since FAMILY CARE and GROUP CARE facilities will now need to be inspected by NNPH where it was previously done by HSA staff. Existing Nevada Administrative Codes (NACs) and Nevada Revised

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Statutes (NRSs) provide the State with the ability to “call upon political subdivisions and governmental agencies for assistance” (NAC 432A.180.2).

Regulatory Impact

NNPH staff would be responsible for conducting health and safety inspection of childcare facilities care using the NAC 432A since the HSA regulations will no longer be in effect. This change in regulations brings about uncertainty and different standards in childcare facilities as the NACs are less restrictive than current regulations. Once HSA regulations are no longer in effect, childcare licensees would be held to NACs. The NACs are not based on the most recent best practices, standards, or tailored to implementation in the local community. Additionally, NAC 432A provides standards for the operation of facilities only and does not provide guidance for design and building standards for childcare facilities which are currently in HSA regulations. The lack of design and building standards can potentially make it more difficult for facility operators to meet operational requirements due to poor design.

FISCAL IMPACT

There is a potential fiscal impact should the Board recommend pursuing continuing childcare inspections. The additional facilities to inspect and process will require additional staff time since NNPH has had no previous contacts with these existing businesses. There will also be additional staff time for the creation of regulations should the Board choose that path.

Additionally, there would be an expected maximum revenue of approximately \$33,000 from assessment of inspection fees for the additional facilities requiring NNPH inspection services should all existing HSA licensees require permitting through the State of Nevada Childcare Licensure Program.

Should the Board recommend not pursuing childcare inspections through NNPH, there may be additional fiscal implications from NV DPBH requiring inspections to be completed through NNPH, and potential additional assessment from the State.

RECOMMENDATION

1. The Board directs staff to work with the State of Nevada Childcare Licensure Program for NNPH to conduct inspections of child care facilities to ensure a smooth transition for childcare providers and work internally to develop NNPH environmental regulations for all childcare facility types to be brought back before Board for approval.

POSSIBLE MOTIONS

1. “Move to direct staff to work with the State of Nevada Childcare Licensure Program for NNPH to conduct inspections of childcare facilities to ensure a smooth transition for childcare providers and work internally to develop NNPH environmental regulations for all childcare facility types to be brought back before Board”
2. “Move to direct staff to work with childcare inspection services for the State of Nevada Childcare Licensure Program to no longer inspect any child care facilities in Washoe County.”

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3. “Move to direct staff to work with the State of Nevada Childcare Licensure Program to develop their own inspection process as required in NRS 432A and NAC 432A.”