


Byron Mallott
Lieutenant Governor
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Anchorage, Alaska 99501
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve, Department of Health and Social Services
FROM: Scott Meriwether, Office of the Lieutenant Governor 
DATE: December 6, 2016
RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: exemptions from foster care licensure requirements for community care licensing and child placement agencies in certain circumstances (7 AAC 50.010(a)(8); 7 AAC 56.020(a)(5))

Attorney General File:	JU2016200215
Regulation Filed:	December 6, 2016
Effective Date:	January 5, 2017
Print:	221, April 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached one page of regulations, dealing with exemptions from licensure requirements, community care licensing and child placement agencies, is adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 44.29.020, AS 47.32.010, AS 47.32.020, AS 47.32.030, AS 47.35.010, AS 47.35.015 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 12-2-16


Jon Sherwood, Deputy Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on December 6, 2016, at 9:05 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

Effective: January 5, 2017

Register: 221, April 2017



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

Anchorage
3601 C Street, Suite 902
Anchorage, Alaska 99503-5923
Main: 907.269.7800
Fax: 907.269.0060

Juneau
350 Main Street, Suite 404
Juneau, Alaska 99801-1149
Main: 907.465.3030
Fax: 907.465.3068

**DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING
REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES UNDER
THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE HEREBY DELEGATED
TO JON SHERWOOD, DEPUTY COMMISSIONER.

SIGNED:



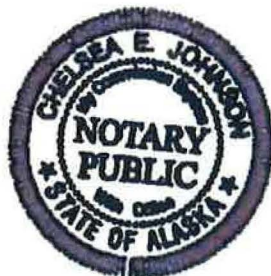
Commissioner

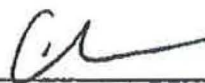
VALERIE DAVIDSON

(Printed name)

SIGNED AND SWORN TO before me this 31st day of August, 2015.

[NOTARY SEAL]





Notary Public in and for the
State of Alaska
My commission expires: w/office

Register 221, April 2017 HEALTH AND SOCIAL SERVICES

7 AAC 50.010(a) is amended by adding a new paragraph to read:

(8) a person operating a foster home without a license issued under this chapter, if that home provides care only for one or more minor children of any age placed by a parent or guardian who, through a power of attorney in accordance with AS 13.26.023, has delegated powers to that person regarding the care and custody of each minor child.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 10/17/2007, Register 184; am 12/15/2013, Register 208; am 1 / 5 / 2017, Register 221)

Authority: AS 13.26.023 AS 47.32.010 AS 47.32.030
 AS 44.29.020 AS 47.32.020

7 AAC 56.020(a) is amended by adding a new paragraph to read:

(5) a person or entity who does the arranging on an incidental basis without compensation.

(Eff. 1/1/2001, Register 156; am 1 / 5 / 2017, Register 221)

Authority: AS 44.29.020 AS 47.32.020 [AS 47.35.010]
 AS 47.32.010 AS 47.32.030 [AS 47.35.015]

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: December 5, 2016

File No.: JU2016200215

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Department of Health and Social
Services regulations re: exemptions
from foster care licensure
requirements for community care
licensing and child placement
agencies in certain circumstances
(7 AAC 50.010(a)(8); 7 AAC
56.020(a)(5))

We have reviewed the attached regulations from the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated December 5, 2016 from the Regulations Attorney. The regulations add two exemptions to requirements for foster care licensure under AS 47.32: an exemption if the parent or guardian has delegated powers to a person regarding the care and custody of a minor child in accordance with a power of attorney under AS 13.26.023, enacted under sec. 2, ch. 28, SLA 2016 (CSSB 180 (JUD)), and an exemption regarding child placement agencies if the person or entity arranges for child placement on an incidental basis without compensation.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200215

December 5, 2016
Page 2

The April 1, 2016 public notice and the December 2, 2016 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

SCW

cc w/enc: (via email)

Hon. Valerie "Nurr'araaluk" Davidson, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Jon Sherwood, Deputy Commissioner
Department of Health and Social Services

Christy Lawton, Director
Office of Children's Services
Department of Health and Social Services

Tracy Spartz Campbell, Deputy Director
Office of Children's Services
Department of Health and Social Services

Stacie L. Kraly, Chief Assistant Attorney General
Human Services Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: December 5, 2016

FILE NO.: JU2016200215

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard 
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority
regarding regulations review on
Department of Health and Social
Services regulations re:
exemptions from foster care
licensure requirements for
community care licensing and
child placement agencies in
certain circumstances (7 AAC
50.010(a)(8); 7 AAC
56.020(a)(5))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

NOTICE OF PROPOSED CHANGES ON EXEMPTIONS TO FOSTER CARE & CHILD PLACEMENT
AGENCY LICENSING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL
SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on exemptions for licensing for foster care and child care placement agency licensing.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with exemptions for foster care and child placement agency licensing, including the following:

- (1) 7 AAC 50.010 is proposed to be changed as follows: To exempt, from foster care licensing requirements, persons who provide temporary care to children on a voluntary basis without financial compensation.
- (2) 7 AAC 56.020 is proposed to be changed as follows: To exempt entities that arrange for the temporary care to children on a voluntary basis without financial compensation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Tracy Spartz Campbell at P.O. Box 110630; Juneau, AK 99811-0630. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3397 and by electronic mail at tracy.spartz-campbell@alaska.gov. The comments must be received not later than 5 p.m. on May 2, 2016.

You may submit written questions relevant to the proposed action to Tracy Spartz Campbell by email at tracy.spartz-campbell@alaska.gov or at 130 Seward Street, Juneau, AK 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website at <http://dhss.alaska.gov/ocs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Tracy Spartz Campbell at tracy.spartz-campbell@alaska.gov or at (907) 465-4894 not later than April 20, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx> and by contacting at tracy.spartz-campbell@alaska.gov or at (907) 465-4894.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

NOTICE OF PROPOSED CHANGES ON EXEMPTIONS TO FOSTER CARE & CHILD PLACEMENT
AGENCY LICENSING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL
SERVICES

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Statutory authority: AS 44.29.020; AS 47.32.010; AS 47.32.020; AS 47.32.030.

Statutes being implemented, interpreted, or made specific: AS 44.29.020; AS 47.32.010; AS 47.32.020; AS 47.32.030.

Fiscal information: The proposed regulation changes are not expected to require an increased

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health and Social Services: Office of Children's Services
2. General subject of regulation: Exemptions to licensing regulations for foster care and child placement agencies
3. Citation of regulation (may be grouped): 7 AAC 50.011 and 7 AAC 56.020
4. Department of Law file number, if any: _____

5. Reason for the proposed action:

- () Compliance with federal law or action (identify): _____
- (X) Compliance with new or changed state statute
- () Compliance with federal or state court decision (identify): _____
- () Development of program standards
- () Other (identify): _____

6. Appropriation/Allocation: N/A

7. Estimated annual cost to comply with the proposed action to:

A private person: N/A

Another state agency: N/A

A municipality: N/A

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:

Name: Tracy Spartz Campbell
Title: OCS Deputy Director
Address: PO. Box 110630; Juneau, AK 99811-0630
Telephone: (907) 465-4894
E-mail address: tracy.spartz-campbell@Alaska.gov

10. The origin of the proposed action:

☒ X Staff of state agency
☐ Federal government
☐ General public
☐ Petition for regulation change
☐ Other (identify): _____

11. Date: 3/18/2016 Prepared by: Tracy Spartz Campbell

Name (printed): Tracy Spartz Campbell
Title (printed): OCS Deputy Director
Telephone: (907) 465-4894

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION


I, Triptaa Surve, Project Coordinator, of Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 50 & 56, exemptions from licensure requirements, community care licensing and child placement agencies, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Finance and Health and Social Services Committees of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

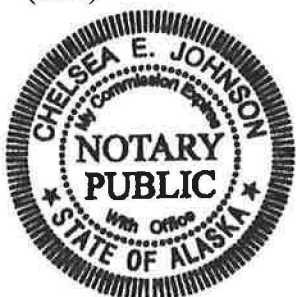
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

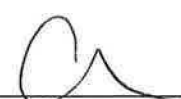
Date: May 20, 2016 ⁴



Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DHSS Commissioners office, Anchorage
on 5/20/16
(date)



 w/office

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Triptaa Surve, Project Coordinator for the Department of Health & Social Services, being duly sworn, state the following:


In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on exemptions from licensure requirements, community care licensing and child placement agencies.

Date: MAY 20, 2016.


Triptaa Surve, Project Coordinator

Subscribed and sworn to before me at DHSS Commissioners office, Anchorage
on 5/20/16
(date)



 w/office
Notary Public in and for the State of Alaska

270229
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AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and
says that he/she is a representative of the
Alaska Dispatch News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

April 01, 2016

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

Emma Dunlap

Subscribed and sworn to before me
this 1st day of April, 2016

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES ON EXEMPTIONS TO FOSTER CARE & CHILD PLACEMENT AGENCY LICENSING IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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You may submit written questions relevant to the proposed action to Tracy Spartz Campbell by email at tracy.spartz-campbell@alaska.gov or at 130 Seward Street, Juneau, AK 99801. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and agency website at <http://dhss.alaska.gov/ocs/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Tracy Spartz Campbell at tracy.spartz-campbell@alaska.gov or at (907) 465-4894 not later than April 27, 2016, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx> and by contacting at tracy.spartzcampbell@alaska.gov or at (907) 465-4894.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 44.29.020; AS 47.32.010; AS 47.32.020; AS 47.32.030.

Statutes being implemented, interpreted, or made specific: AS 44.29.020; AS 47.32.010; AS 47.32.020; AS 47.32.030.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: 03/24/2016

/s/Jon Sherwood, Deputy Commissioner
Department of Health & Social Services

AO-16-087
Published: April 1, 2016

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019