

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 50. COMMUNITY CARE LICENSING.



PUBLIC REVIEW DRAFT
January 30, 2018

COMMENT PERIOD ENDS: April 6, 2018

Please see the public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined.*
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

Article 1. Licensing Process.

(Note to Reader: Some sections in this document have been repealed and readopted. The current text has been provided following the new proposed text for the reader’s convenience in comparing the proposed changes.)

The section list for Article 1 is changed to read:

Section

5. Applicability
10. Exemptions from licensure requirements
15. Voluntary licensure; no license issued for certain exempt facilities
20. Implementation
25. Timeframes
30. Application for license

35. Repealed[APPLICATION FOR FOSTER HOME LICENSE]

40. Inspections and evaluations by organizations or individuals

45. (Deleted)

50. Repealed[PROVISIONAL FOSTER HOME LICENSE ISSUED UNDER EMERGENCY CONDITIONS]

55. Repealed[VARIANCES FOR FOSTER CARE BY RELATIVES]

60. Self-monitoring reports

7 AAC 50.005(a) is amended to read:

(a) The provisions of this chapter apply to [FOSTER HOMES, AND]residential child care facilities licensed or required to be licensed under AS 47.10.310 and 47.10.392; AS 47.35.015; or AS 47.80.140. To the extent practicable, the requirements set out in this chapter apply generally to both facility types. However, where necessary or appropriate, various specific requirements set out in this chapter apply to less than both types of facilities and, in some cases, to less than both kinds of facilities of a particular type, depending on certain factors, such as the type or size of facility and whether the facility has any employees.

(Eff. 1/1/96, Register 136; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.010(a)(2) is repealed:

(2) repealed___/___/____[A PERSON DESIGNATED BY A FOSTER PARENT FOR THE SUPERVISION OF A CHILD DURING THE PLANNED OR EMERGENCY ABSENCE OF THE FOSTER PARENT FOR A PERIOD OF NO MORE THAN 21 DAYS];

7 AAC 50.010(a)(6) is repealed:

(6) repealed ___/___/___ [AN INDIVIDUAL SEEKING TO OPERATE A FOSTER HOME IF THAT INDIVIDUAL PROVIDES CARE ONLY FOR ONE OR MORE RELATIVES, UNLESS THE DEPARTMENT REQUIRES LICENSURE UNDER AN AGREEMENT FOR SERVICES];

7 AAC 50.010(a)(7) is repealed:

(7) repealed ___/___/___ [A PERSON WHO IS APPROVED AND LICENSED TO OPERATE A FOSTER HOME THROUGH A TRIBE OR TRIBAL ENTITY, IF

(A) THE TRIBE OR THE TRIBAL ENTITY HAS LICENSING STANDARDS THAT ARE IN ACCORDANCE WITH FEDERAL LICENSING REQUIREMENTS; AND

(B) THE TRIBE OR THE TRIBAL ENTITY HAS A CURRENT TRIBAL TITLE IV-E PASS THROUGH MAINTENANCE AGREEMENT APPROVED BY THE DIRECTOR OR THE DIRECTOR'S DESIGNEE OF THE OFFICE OF CHILDREN'S SERVICES IN THE DEPARTMENT].

(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 ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.030

AS 47.32.010

7 AAC 50.020 is repealed:

7 AAC 50.020. Implementation. Repealed[(a) UNLESS EXTENDED BY THE DIVISION IN ITS DISCRETION, A FACILITY LICENSED BEFORE MARCH 1, 1998 HAS UNTIL SEPTEMBER 1, 1998 OR THE DATE BY WHICH ITS LICENSE MUST BE RENEWED OR CONVERTED FROM PROVISIONAL TO BIENNIAL STATUS, WHICHEVER IS SOONER, IN WHICH TO MAKE ANY CHANGES TO THE PHYSICAL ENVIRONMENT OF THE FACILITY OR OBTAIN ANY NEW DOCUMENTATION REQUIRED UNDER THIS CHAPTER.

(b) THE LICENSING REPRESENTATIVE WILL NOT ASSESS COMPLIANCE WITH THE REQUIREMENTS OF THIS CHAPTER BY A FACILITY LICENSED BEFORE MARCH 1, 1998 UNTIL THE FACILITY'S LICENSE IS RENEWED OR CONVERTED FROM PROVISIONAL TO BIENNIAL STATUS, OR UNTIL AN INVESTIGATION OF AN ALLEGATION OF NONCOMPLIANCE WITH A REQUIREMENT OF AS 47.35 OR THIS CHAPTER, WHICHEVER OCCURS FIRST].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/____, Register ___)

7 AAC 50.025(a) is amended to read:

(a) A self-monitoring report by a facility under AS 47.32.060[AS 47.35.043] must be submitted by the first anniversary date of the agency's biennial license.

The introductory language of 7 AAC 50.025(b) is amended to read:

(b) The following timeframes apply to review for compliance with AS 47.32 [AS 47.35] or this chapter or other action by the licensing representative under AS 47.32 [AS 47.35] or this chapter:

7 AAC 50.025(b)(5) is repealed:

(5) repealed ___/___/___ [EXCEPT AS PROVIDED IN (c) OF THIS SECTION, A NOTIFICATION OF CHANGE NEEDING AN AMENDED LICENSE - WITHIN 20 DAYS AFTER RECEIPT OF A NOTICE UNDER AS 47.35.047 OR 7 AAC 50.140(a) OR (b), IF THE DIVISION DETERMINES THAT A NOTICE WOULD NECESSITATE AN AMENDED LICENSE].

7 AAC 50.025(c) is amended to read:

(c) The licensing representative may extend the **timeframe**[TIMEFRAMES] specified in (b)(4)[AND (5)] of this section, if the licensing representative determines that a longer period is required to obtain additional information and evaluate the effect of the request or notification.

Eff. 1/1/96, Register 136; am 1/1/2001, Register 156; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.030(b)(1) is amended to read:

(1) submit the application on forms provided by the **department**[DIVISION], including the release forms specified in (4) of this subsection;

7 AAC 50.030(b)(2) is amended to read:

(2) comply with statutes and regulations setting out **department**[DIVISION] procedures;

7 AAC 50.030(c)(1) is amended to read:

(c) An application for a license to operate a facility must contain the following items, as applicable to each type of facility:

(1) information required by AS 47.32.040[AS 47.35.017(b);

7 AAC 50.030(c)(12) is amended to read:

(12) the plan of operation for the facility, including an organization chart, staffing and other plans, policies, rules, program descriptions, schedules, forms, evaluation criteria, and similar material required by AS 47.32[AS 47.35] and this chapter; **and**

7 AAC 50.030(c)(13) is repealed:

(13) repealed ___/___/___ [INFORMATION REQUESTED BY THE CHILD PLACEMENT AGENCY FUNDING THE FACILITY, SUCH AS RACE OF A FOSTER PARENT]; [AND]

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 2/9/2007, Register 181; am ___/___/___, Register ___)

Authority:	AS 44.29.020	AS 47.05.340	AS 47.32.030
	AS 47.05.300	AS 47.32.010	AS 47.32.040
	AS 47.05.310	AS 47.32.020	AS 47.32.060
	AS 47.05.320		

7 AAC 50.035 is repealed

7 AAC 50.035. APPLICATION FOR FOSTER HOME LICENSE. Repealed[IN APPLYING FOR A FOSTER HOME LICENSE, IF THE HOUSEHOLD IS HEADED BY

TWO ADULTS WHO ACT AS HEAD OF THE HOUSEHOLD, BOTH ADULTS MUST APPLY FOR THE LICENSE].

(Eff. 1/1/96, Register 136; repealed ___/___/____, Register ___)

7 AAC 50.040(a) is amended to read:

(a) The **department may**[DIVISION WILL, IN ITS DISCRETION,] enter into an agreement authorizing an individual or a private or government organization to inspect and evaluate applicants for a license or renewal of a license under this chapter and to monitor facility operations if the **department**[DIVISION] determines that the individual or organization is qualified under **AS 47.32**[AS 47.35] and this chapter to do so. The agreement may authorize a local organization or individual to

- (1) obtain a completed licensing application or renewal application from the applicant;
- (2) inspect and evaluate the proposed facility;
- (3) request sanitation and environmental or fire safety inspections from authorities if inspections are required by applicable regulations or considered necessary by the individual or organization;
- (4) submit the application, licensing evaluation, and all related reports to the **department**[NEAREST DIVISION OFFICE]; and
- (5) provide ongoing monitoring.

7 AAC 50.040(b) is amended to read:

(b) An organization or individual authorized under (a) of this section may recommend that a license be issued, renewed, denied, or revoked. However, the final decision will be made by the **department**[DIVISION]. The **department**[DIVISION] will inform the organization or individual of its decision.

7 AAC 50.040(c) is amended to read:

(c) An organization or individual authorized to act under (a) of this section shall immediately report to the **department**[DIVISION] any noncompliance with a requirement of **AS 47.32**[AS 47.35] or this chapter that might cause risk to the life or safety of a child in care. The **department**[DIVISION] will evaluate the report and, if the **department**[DIVISION] determines that an investigation is warranted, will develop a coordinated plan for the investigation or delegate the investigation to the individual or organization.

7 AAC 50.040(d) is amended to read:

(d) The **department may**[DIVISION WILL, IN ITS DISCRETION,] withdraw the agreement entered under (a) of this section after 30 days notice to the individual or agency if the **department**[DIVISION] determines that the inspections and evaluations of the individual or agency do not adequately reduce risk of harm to the children in care.

7 AAC 50.040(e) is amended to read:

(e) The **department may**[DIVISION WILL, IN ITS DISCRETION,] enter into an agreement authorizing an individual or a private or government agency to evaluate whether

individuals meet the caregiver qualifications established under 7 AAC 50.210 and 7 AAC 50.220 in order to develop a list of qualified substitute caregivers available in a community.

(Eff. 1/1/96, Register 136; am ___/___/___, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.050 is repealed:

7 AAC 50.050. Provisional foster home license issued under emergency conditions.

Repealed[(a) THE DEPARTMENT MAY ISSUE A PROVISIONAL FOSTER HOME LICENSE TO AN APPLICANT IF A CHILD MUST BE PLACED IMMEDIATELY AND THE DEPARTMENT DETERMINES THAT IT IS IN THE CHILD'S BEST INTEREST TO PLACE THE CHILD IN THE APPLICANT'S HOME, INCLUDING PLACEMENT WITH AN ADULT FAMILY MEMBER OR AN ADULT FAMILY FRIEND UNDER AS 47.14. THE DEPARTMENT WILL ISSUE THE PROVISIONAL LICENSE REGARDLESS OF WHETHER THE APPLICATION IS COMPLETE, IF THE DEPARTMENT IS ABLE TO DETERMINE FROM THE INFORMATION PROVIDED, AND ANY FURTHER INVESTIGATION, THAT THE APPLICANT MEETS ADEQUATE STANDARDS OF CARE THAT PROTECT THE HEALTH, SAFETY, AND WELL-BEING OF THE CHILD. A PROVISIONAL LICENSE ISSUED UNDER THIS SUBSECTION IS VALID FOR 90 DAYS UNLESS THE DEPARTMENT SPECIFIES A SHORTER PERIOD.

(b) AS SOON AS POSSIBLE AFTER ISSUANCE OF A PROVISIONAL FOSTER HOME LICENSE UNDER (a), THE APPLICANT SHALL SUBMIT TO THE LICENSING REPRESENTATIVE A COMPLETED INITIAL APPLICATION AS REQUIRED BY 7 AAC 50.030. A PROVISIONAL LICENSE ISSUED AFTER REVIEW AND EVALUATION OF

THE COMPLETED APPLICATION IS VALID FOR THE REMAINDER OF A ONE YEAR PERIOD FROM THE DATE ON WHICH THE PROVISIONAL LICENSE UNDER (a) OF THIS SECTION WAS ISSUED].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; repealed ___/___/____, Register ___)

7 AAC 50.055 is repealed:

7 AAC 50.055. Variances for foster care by relatives. Repealed[(a) EXCEPT AS PROVIDED IN (c) OF THIS SECTION, THE LICENSING REPRESENTATIVE MAY APPLY THE ABBREVIATED PROCEDURE IN (b) OF THIS SECTION TO GRANT A VARIANCE FOR A REQUIREMENT CONTAINED IN THIS CHAPTER FOR A FOSTER HOME HEADED BY A RELATIVE OF A CHILD. THIS PROCEDURE APPLIES ONLY FOR THE SPECIFIC RELATIVE CHILD OR CHILDREN. IF A DIFFERENT RELATIVE OR A NON-RELATIVE CHILD IS TO BE RECEIVED IN THE HOME, ANY VARIANCE GRANTED UNDER THIS SECTION MUST BE REVIEWED AND APPROVED BY THE DIVISION UNDER AS 47.35.027.

(b) IN EVALUATING A RELATIVE APPLICANT FOR A LICENSE OR IN THE REEVALUATION OF A LICENSED FOSTER HOME FOR A RELATIVE CHILD, THE LICENSING REPRESENTATIVE WILL DISCUSS WITH THE APPLICANT AND DOCUMENT ANY RECOMMENDED VARIANCE FROM A REQUIREMENT. THE SUPERVISOR WILL REVIEW THE EVALUATION TO ENSURE THE HEALTH, SAFETY, AND WELL-BEING OF THE CHILD IS PROTECTED AND, IF APPROVED, WILL FORWARD THE LICENSE FOR ISSUANCE UNDER REGULAR PROCEDURES.

(c) A VARIANCE FROM A REQUIREMENT THAT MIGHT POSE A RISK TO THE CHILD'S SAFETY OR WELL-BEING WILL BE CONSIDERED BY THE DIVISION UNDER PROCEDURES IN AS 47.35.027]. (Eff. 1/1/96, Register 136; repealed ___/___/____, Register ___)

7 AAC 50.060 is amended to read:

7 AAC 50.060. Self-monitoring reports. The annual self-monitoring report [REQUIRED BY AS 47.35.043] provides the licensee's assessment of its compliance with the health, safety, staffing, and program requirements of **AS 47.32**[AS 47.35]and this chapter. The report must be submitted on a form provided by the **department**[DIVISION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.110** [AS 47.35.043]
 AS 47.32.030 [AS 47.35.010]

Article 2. Administration.

The section list for Article 2 is changed to read:

Section

- 100. Responsibilities of a governing body in residential child care facilities
- 110. Administrator[OR FOSTER PARENT]
- 120. Facility operation and management
- 130. Records
- 140. Reports

7 AAC 50.100(a)(1) is amended to read:

(1) determine policy for the operation and management of the facility that meets the requirements of AS 47.32[AS 47.35] and this chapter and provide for implementation of that policy by an administrator;

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

The section heading for 7 AAC 50.110 is changed to read:

7 AAC 50.110. Administrator[OR FOSTER PARENT].

7 AAC 50.110(d) is amended to read:

(d) A facility with one or more employees shall designate an adult caregiver or associate administrator to act on behalf of the administrator[OR FOSTER PARENT] in the absence of the administrator[OR THE FOSTER PARENT] from the facility. If the administrator is absent for a period exceeding three consecutive weeks, the facility shall designate an adult caregiver or associate administrator who meets the requirements of 7 AAC 50.200 to act on behalf of the administrator. In a residential child care facility, if the administrator cannot be reached by phone during any absences, the facility shall designate an adult caregiver or associate administrator who meets the requirements of 7 AAC 50.200 to act on behalf of the administrator.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156;

am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

The introductory language of 7 AAC 50.120(b) is amended to read:

(b) A facility with one or more employees, contractors, or regular volunteers shall either directly or by delegation to the administrator[OR FOSTER PARENT]

7 AAC 50.120(c) is amended to read:

(c) If the **department**[DIVISION] requests a facility to remove an employee, contractor, or volunteer from contact with children on the grounds set out in (b)(2) and (b)(3) of this section, the **department**[DIVISION] will inform the employee, contractor, or volunteer of the grounds for removal and provide the employee, contractor, or volunteer with an opportunity to bring to the **department's**[DIVISION'S] attention any facts that the employee, contractor, or volunteer believes pertinent to the matter. The **department may**[DIVISION WILL, IN ITS DISCRETION,] excuse or delay notification to the employee, contractor, or volunteer if the **department**[DIVISION] determines[, IN ITS DISCRETION,] that notification may put children at risk of harm or compromise a police investigation. The **department**[DIVISION] will not provide the employee, contractor, or volunteer with any information that is confidential under law or that may put children at risk of harm or compromise a police investigation.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156;

am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.130(a)(1) is amended to read:

(1) establish written records necessary to demonstrate compliance with the applicable requirements of **AS 47.32**[AS 47.35] and this chapter;

7 AAC 50.130(a)(3) is amended to read:

(3) permit a licensing representative to review records, including personnel and evaluation records and applicable portions of board or other governing body minutes, to determine compliance with AS 47.32[AS 47.35] and this chapter.

7 AAC 50.130(b) is amended to read:

(b) A facility shall maintain records on forms prescribed by the department[DIVISION] unless the facility uses alternate forms that contain the essential elements of the prescribed forms.

7 AAC 50.130(c)(2) is amended to read:

(2) the records are retained [AS FOLLOWS:

(A) IN A FOSTER HOME - RETURNED TO THE AGENCY UPON DISCHARGE FROM THE FACILITY; AND

(B) IN A RESIDENTIAL CHILD CARE FACILITY -]for at least seven years after the child reaches the age of 18[MAJORITY].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156;

am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] [AS 47.35.110]

AS 47.32.030 [AS 47.35.039]

AS 47.32.110

The introductory language of 7 AAC 50.140(a) is amended to read:

(a) In addition to the notice of changes required by AS 47.32.200[AS 47.35.047], a facility shall report the following planned changes to the licensing representative as soon as possible, but not later than 30 days before they are expected to occur:

7 AAC 50.140(a)(1) is amended to read:

(1) change in the individual operating the facility[, INCLUDING MARRIAGE OR DIVORCE OF A FOSTER PARENT];

7 AAC 50.140(b)(2) is amended to read:

(2) except for situations described in (c) of this section, serious injury or illness of a child while in care, that may or may not require[REQUIRING] attention by medical personnel outside of the facility;

7 AAC 50.140(b)(5) is repealed:

(5) repealed___/___/___[A PLANNED OR EMERGENCY ABSENCE OF A FOSTER PARENT EXCEEDING 72 HOURS AND CONFIRMATION OR REVISION OF THE PLAN FOR SUPERVISION OF CHILDREN BY A RESPONSIBLE ADULT DURING THE ABSENCE OF THE FOSTER PARENT].

7 AAC 50.140(c) is amended to read:

(c) [WITH PRIOR APPROVAL OF THE DIVISION, A]A facility regularly serving medically-fragile children does[NEED] not need to make the report required by (b)(2) of this section with prior approval of the department.

7 AAC 50.140(e)(2) is amended to read:

(2) severe distress, [OR]depression, suicidal threats, homicidal threats, or ideation of a child in care;

7 AAC 50.140(e)(3) is amended to read:

(3) non-emergency medical care in which there is time to receive parental permission of the needed procedure, treatment, or prescription and parental rights have not been terminated[REQUIRING CONSENT FROM THE CHILD'S PARENT]; in this paragraph "non-emergency medical care" includes surgery, anesthesia, and the administration of psychotropic medication, or another drug prescribed for mental illness or behavioral problems;

7 AAC 50.140(f) is amended to read:

(f) If a child in a full time care facility has no placing worker, the facility shall give the reports required in (d) and (e) of this section to the department[DIVISION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156;

am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.10.142 AS 47.32.030
[AS 47.35.010]

7 AAC 50.200(a) is amended to read:

(a) The administrator of a residential child care facility[OR A FOSTER PARENT] must be an individual who is at least 21 years of age.

7 AAC 50.200(b) is amended to read:

(b) An administrator[OR FOSTER PARENT] must be of good character and reputation, have an understanding of the development of children, the ability to care for children, positive experience with working with persons of different cultures, and the skills to work with children, family members, **department**[DIVISION] staff, community agencies, and, if applicable, staff of the facility.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.210(e) is amended to read:

(e) A person having regular contact with children in a facility **shall**[MAY] not abuse a child or engage in any exploitive or sexual act with a child. An adult having regular contact with children in a facility **shall**[MAY] not have a romantic relationship with a child.

The introductory language of 7 AAC 50.210(f) is amended to read:

(f) In addition to its review under 7 AAC 10.915, the department will review its child protection records and previous licensing records with respect to the designated administrator[OR FOSTER PARENT] and any individual 16 years of age or older, including members of the licensee's household, residing in any part of the facility, if that individual has direct access from the adult's residence to the part of the facility where child care is provided. The provisions of this subsection do not apply to an individual who is

The introductory language of 7 AAC 50.210(k) is amended to read:

(k) A facility with one or more employees, contractors, or regular volunteers shall obtain a completed application for employment from each person hired as an employee or contractor, or accepted as a regular volunteer. The completed application for employment or work must provide the information necessary to determine whether the applicant has the qualifications required under this section. In addition, the facility shall obtain at least three positive [WRITTEN] references on a prospective employee or contractor, at least two of which are from persons unrelated to the applicant, and at least one positive reference on a prospective regular volunteer before the employee, contractor, or regular volunteer is allowed to have contact with children. An occasional volunteer and a member of the licensee's household are exempt from the application and reference requirements. A reference must

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 2/9/2007, Register 181; am ___/___/___, Register ___)

Authority:	AS 44.29.020	AS 47.05.330	AS 47.32.030
	AS 47.05.300	AS 47.05.340	AS 47.32.040
	AS 47.05.310	AS 47.32.010	AS 47.32.060
	AS 47.05.320	AS 47.32.020	

7 AAC 50.220(c) is repealed:

(c) Repealed___/___/___[A BABY-SITTER PROVIDING CARE IN A FOSTER HOME DURING THE SHORT ABSENCE OF A FOSTER PARENT MUST BE AT LEAST 14 YEARS OLD AND MATURE ENOUGH TO HANDLE COMMON EMERGENCIES. A

BABY SITTER IS EXEMPT FROM 7 AAC 50.210, EXCEPT (a), (d), AND (e). IN THIS SUBSECTION “SHORT ABSENCE” MEANS NO MORE THAN SIX HOURS].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.250(g) is repealed:

(g) Repealed ___/___/____ [A FOSTER PARENT IN A ONE-PARENT FOSTER HOME SHALL COMPLETE A MINIMUM OF 10 HOURS OF TRAINING ANNUALLY. FOSTER PARENTS IN A TWO-PARENT FOSTER HOME SHALL COMPLETE A MINIMUM OF 15 HOURS OF TRAINING ANNUALLY THAT MAY BE SHARED BETWEEN THE TWO FOSTER PARENTS. HOWEVER, EACH FOSTER PARENT IN A TWO-PARENT FOSTER HOME AND EACH OTHER CAREGIVER IN A FOSTER HOME SHALL COMPLETE A MINIMUM OF FIVE HOURS OF TRAINING ANNUALLY. TRAINING HOURS MUST BE IN ADDITION TO ORIENTATION REQUIRED BY (a) OF THIS SECTION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156;

am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] [AS 47.35.037]

AS 47.32.030

7 AAC 50.300(a)(2) is amended to read:

(2) maintain the information on a form provided by the **department**[DIVISION].

7 AAC 50.300(d) is repealed:

(d) Repealed ___/___/___ [A FOSTER HOME MAY NOT ADMIT A CHILD FOR DAY CARE, EXCEPT ON APPROVAL OF A VARIANCE UNDER AS 47.35.027 THAT ENSURES

(1) ANY APPLICABLE FIRE CODE IS MET; AND

(2) THE NEEDS OF FOSTER CHILDREN ARE PRIMARY].

7 AAC 50.300(e) is repealed:

(e) Repealed ___/___/___ [A FOSTER HOME MAY ADMIT A CHILD FROM ONLY ONE AGENCY UNLESS THE LICENSING REPRESENTATIVE FOR THAT AGENCY HAS GIVEN PRIOR APPROVAL FOR THE PLACEMENT OF A CHILD FROM ANOTHER AGENCY].

7 AAC 50.300(f) is repealed:

(f) Repealed ___/___/___ [AT OR BEFORE A CHILD'S ADMISSION TO A FOSTER HOME, A FOSTER PARENT SHALL SIGN A FOSTER CARE AGREEMENT CONTAINING THE CONDITIONS RELATING TO THE CARE OF THE CHILD THAT ARE SPECIFIED BY THE CHILD PLACEMENT AGENCY AND THE RATE TO BE PAID FOR CARE].

7 AAC 50.300(g) is repealed:

(g) Repealed ___/___/___ [AT OR BEFORE A CHILD'S ADMISSION TO A FOSTER HOME, A FOSTER PARENT SHALL COLLABORATE WITH THE CHILD'S PLACEMENT

WORKER AND PARENT, WHEN APPROPRIATE, IN DEVELOPING AND IMPLEMENTING A PLAN OF CARE FOR THE CHILD, INCLUDING ADDRESSING

(1) REASONABLE ACCOMMODATIONS FOR A CHILD WITH SPECIAL NEEDS; AND

(2) INDEPENDENT LIVING SKILLS FOR A CHILD AGE 16 OR OLDER].

7 AAC 50.300(j) is amended to read:

(j) A facility shall review information provided about a child under [(g) OR (h) AND](i) of this section and 7 AAC 50.320(c) in order to determine whether the facility can satisfy the child's needs. If, after reviewing that information and the application, the facility determines it can satisfy the child's needs, the facility may admit the child. If the facility has reason to believe that, even with reasonable accommodation, the facility cannot meet the needs of the child, the facility may deny admission to the child.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

Article 5. Care and Services.

The section list for Article 5 is changed to read:

Section

400. Supervision of children.

405. (Deleted).

410. Supervision of children; child-to-caregiver ratios in residential child care facilities.

415. Repealed[SUPERVISION OF CHILDREN IN FOSTER HOMES].

420. (Deleted).

425. Program in residential child care facilities.

430. Repealed[PROGRAM IN FOSTER HOMES].

435. Behavior guidance.

440. Medications.

445. Reducing the spread of disease.

450. (Deleted).

455. Health in full time care facilities.

460. Nutrition.

7 AAC 50.400(a) is amended to read:

(a) A facility shall ensure that the children in its care will receive responsible supervision appropriate to their age and developmental needs. A facility shall provide for creation of a staffing plan, where applicable, and a plan for supervision of children[. IN A FOSTER HOME THE PLAN OF SUPERVISION MUST INCLUDE SUPERVISION OF CHILDREN BY A RESPONSIBLE PERSON DURING AN ABSENCE OF THE FOSTER PARENT].

7 AAC 50.400(f) is repealed:

(f) Repealed___/___/____[A FOSTER HOME SHALL DESIGNATE AN ADULT WHO IS AVAILABLE TO ASSIST IN CASE OF SERIOUS ILLNESS, ACCIDENT, OR OTHER EMERGENCY. IF THIS ADULT ASSISTS ONLY IN EMERGENCY SITUATIONS, CAREGIVER QUALIFICATIONS SET OUT IN 7 AAC 50.210 ARE NOT REQUIRED].

7 AAC 50.400(i) is amended to read:

(i) A full time care facility shall request the child's placement worker to obtain advance permission from the child's parent, for a child to participate in risk activities that are not usual for the community and to participate in other activities of moderate risk, such as operation of a vehicle, participation in contact sports or adventure activities[OR IN A FOSTER HOME, HANDLING OF A FIREARM].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.415 is repealed:

7 AAC 50.415. Supervision of children in foster homes. Repealed[(a) DURING THE FIRST YEAR OF FOSTER CARE EXPERIENCE BY A FOSTER HOME, NO MORE THAN TWO CHILDREN OF ANY AGE WHO ARE UNRELATED TO THE FOSTER PARENT MAY BE CARED FOR. AFTER ONE YEAR OF FOSTER CARE EXPERIENCE BY A FOSTER HOME, THE NUMBER OF CHILDREN IN CARE MAY BE INCREASED.

(b) EXCEPT AS PROVIDED IN (c) AND (e) OF THIS SECTION, NO MORE THAN SIX CHILDREN MAY RESIDE IN A FOSTER HOME. OF THE SIX, NO MORE THAN

(1) TWO CHILDREN UNDER 30 MONTHS OF AGE ARE PERMITTED;

AND

(2) THREE CHILDREN OF ANY AGE WHO ARE UNRELATED TO THE FOSTER PARENT ARE PERMITTED AFTER THE FIRST YEAR OF FOSTER CARE EXPERIENCE BY THE FOSTER HOME.

(c) NO MORE THAN EIGHT CHILDREN MAY RESIDE IN A FOSTER GROUP HOME. OF THE EIGHT,

(1) NO MORE THAN TWO CHILDREN UNDER 30 MONTHS OF AGE ARE PERMITTED; AND

(2) EXCEPT AS PROVIDED IN (a) OF THIS SECTION, UP TO EIGHT CHILDREN WHO ARE UNRELATED TO THE FOSTER PARENT ARE PERMITTED.

(d) IN A FOSTER GROUP HOME, IF MORE THAN SIX CHILDREN ARE IN CARE, ONE FOSTER PARENT MUST GENERALLY BE AVAILABLE IN THE HOME.

(e) THE DIVISION WILL ESTABLISH THE NUMBER OF CHILDREN FOR WHOM A FOSTER HOME AND A FOSTER GROUP HOME IS LICENSED ON AN CASE BY CASE BASIS AND MAY LICENSE A HOME FOR FEWER THAN THE MAXIMUM NUMBER OF CHILDREN PERMITTED IN (b) OR (c) OF THIS SECTION. THE DIVISION MAY APPROVE A VARIANCE UNDER AS 47.35.027 TO INCREASE THE NUMBER OF CHILDREN IN CARE BEYOND THE NUMBER PERMITTED IN (b) OF THIS SECTION FOR A PERIOD OF UP TO 30 DAYS INSTEAD OF REQUIRING A FOSTER GROUP HOME LICENSE.

(f) A FOSTER PARENT MAY NOT ALLOW A CHILD IN CARE TO BE ABSENT FROM THE FOSTER HOME FOR PERIODS OF 72 HOURS OR LONGER UNLESS THE ABSENCE IS APPROVED BY THE CHILD'S PLACEMENT WORKER.

(g) A FOSTER PARENT SHALL REQUEST THE CHILD'S PLACEMENT WORKER TO OBTAIN ADVANCE PERMISSION FROM THE PERSON RESPONSIBLE FOR THE CHILD 14 DAYS IN ADVANCE OF ANY PLANNED TRIPS FOR A CHILD IN CARE OUTSIDE OF THE STATE.

(h) A FOSTER PARENT SHALL OBTAIN ADVANCE APPROVAL FROM THE CHILD'S PLACEMENT WORKER FOR PLANNED IN-STATE TRIPS FOR A CHILD IN CARE FOR MORE THAN 72 HOURS DURATION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/___, Register ___)

7 AAC 50.430 is repealed:

7 AAC 50.430. Program in foster homes. Repealed[(a) A FOSTER PARENT SHALL DEMONSTRATE RESPECT FOR THE FOSTER CHILD'S OWN FAMILY AND SHALL WORK WITH THE FOSTER CHILD'S FAMILY MEMBERS AS INDICATED IN THE CHILD'S PLAN OF CARE.

(b) A FOSTER PARENT SHALL RECOGNIZE, ENCOURAGE, AND SUPPORT THE RELIGIOUS BELIEFS, ETHNIC AND CULTURAL HERITAGE, AND LANGUAGE OF A CHILD'S BIRTH PARENTS AND SHALL RESPECT THE EXPRESSED RELIGIOUS PREFERENCE OF THE BIRTH PARENTS FOR THEIR CHILD. HOWEVER, A FOSTER PARENT SHALL RESPECT THE PREFERENCE OF A FOSTER CHILD NINE YEARS OF AGE OR OLDER. A FOSTER PARENT SHALL, WITHIN REASON, ARRANGE TRANSPORTATION TO RELIGIOUS SERVICES OR ETHNIC AND CULTURAL EVENTS THAT, BASED UPON THE CHILD'S BACKGROUND, ARE APPROPRIATE FOR THE CHILD.

(c) A FOSTER PARENT SHALL PROVIDE STRUCTURE AND DAILY ACTIVITIES DESIGNED TO PROMOTE THE INDIVIDUAL PHYSICAL, SOCIAL, INTELLECTUAL, SPIRITUAL, AND EMOTIONAL DEVELOPMENT AND GOOD HEALTH HABITS OF A CHILD IN CARE. SATISFACTORY COMPLIANCE WITH THIS SUBSECTION REQUIRES

THAT, FOR YOUNG CHILDREN, THE REQUIREMENTS OF FORMER 7 AAC 50.420(a)(1) - (a)(6) AND (b) IN EFFECT AS OF 6/30/2000, ARE MET, EXCEPT THAT THE SCHEDULE AND ACTIVITY PLAN NEED NOT BE WRITTEN.

(d) A FOSTER PARENT SHALL TREAT FOSTER CHILDREN EQUITABLY WITH THE FOSTER PARENT'S OWN CHILDREN.

(e) A FOSTER PARENT SHALL GIVE A CHILD IN FOSTER CARE THE OPPORTUNITY TO LEARN RESPONSIBILITY FOR CHORES APPROPRIATE TO THE CHILD'S AGE, HEALTH, AND ABILITY. A FOSTER PARENT SHALL ENSURE THAT THE CHORES ARE SHARED EQUITABLY WITH OTHER CHILDREN IN THE FOSTER HOME AND DO NOT INTERFERE WITH SCHOOL, HEALTH, AND NECESSARY RECREATION.

(f) A FOSTER PARENT SHALL CONSIDER MONEY EARNED OR MONEY RECEIVED AS A GIFT, ALLOWANCE, OR FROM SOME OTHER SOURCE AS THE FOSTER CHILD'S PERSONAL PROPERTY AND SHALL ASSIST A CHILD WHO MAINTAINS FUNDS IN EXCESS OF \$200 IN ESTABLISHING A PERSONAL BANK ACCOUNT. NO MEMBER OF A FOSTER HOME MAY BORROW OR SPEND MONEY ACQUIRED BY THE FOSTER CHILD.

(g) A FOSTER PARENT MAY PLACE LIMITATIONS ON THE AMOUNT OF MONEY A CHILD MAY POSSESS OR TO WHICH THE CHILD MAY HAVE UNENCUMBERED ACCESS IF THE LIMITATIONS ARE IN THE CHILD'S BEST INTEREST.

(h) A FOSTER PARENT SHALL ALLOW THE FOSTER CHILD TO BRING AND ACQUIRE PERSONAL BELONGINGS AND SHALL SEND ALL PERSONAL CLOTHING

AND BELONGINGS IN USE AT THE TIME AND ANY CLOTHING THAT THE FOSTER CHILD WILL GROW INTO WITH THE CHILD WHEN THE CHILD LEAVES THE FOSTER HOME.

(i) A FOSTER PARENT SHALL PROVIDE EACH FOSTER CHILD WITH THE CHILD'S OWN CLEAN, WELL FITTING, ATTRACTIVE, SEASONAL CLOTHING APPROPRIATE TO AGE, SEX, AND INDIVIDUAL NEEDS AND COMPARABLE IN QUALITY, QUANTITY, AND APPEARANCE TO THAT WORN BY OTHER CHILDREN IN THE COMMUNITY.

(j) A FOSTER PARENT, IN CONJUNCTION WITH THE FOSTER CHILD'S OWN PARENTS, WHEN APPROPRIATE, SHALL TAKE PART IN THE SELECTION AND ARRANGEMENTS FOR EDUCATION APPROPRIATE FOR THE CHILD'S AGE, ABILITIES, AND PLAN OF CARE.

(k) REPEALED 3/1/98].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/___, Register ___)

7 AAC 50.455(a)(3) is amended to read:

7 AAC 50.455. Health in full time care facilities. (a) A full time care facility shall either obtain evidence of immunization as specified in this section for each child in care or initiate immunizations as specified in this section no later than 30 days after the child is in care. A full time care facility shall ensure that each child in care has or is given, in a manner consistent with the timetable prescribed by the department's childhood immunization schedule, immunizations appropriate to the child's age against

(1) diphtheria, tetanus, polio, measles, and rubella;

(2) if the child is less than seven years of age, pertussis; and

(3) [BEGINNING JULY 1, 2001,] mumps, hepatitis A, hepatitis B, chicken pox, and *Haemophilus influenzae* type B. If a child has not received all immunizations as provided in the schedule, the facility shall initiate completion of immunizations as rapidly as is medically indicated.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 12/30/2000, Register 156; am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

Editor's note: Alaska's childhood immunization schedule prescribed by the department's Division of Public Health may be obtained from the Division of Public Health, P.O. Box 110610, 350 Main Street, Room 503, Juneau, Alaska 99811-0610 or any other office of the division in the state.

7 AAC 50.460(a) is amended to read:

(a) A facility shall ensure that all snacks and meals meet the child care food program requirements set out in 7 C.F.R. 226.20, revised as of June 24, 2016[JANUARY 1, 1995].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

7 AAC 50.500 is amended to read:

A license is issued or denied on the basis of the applicant's compliance with the requirements of AS 47.32[AS 47.35] and this chapter. The enforcement of local ordinances, such as zoning regulations and local building codes, is the responsibility of local officials.

(Eff. 1/1/96, Register 136; am ___/___/___, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

The introductory language of 7 AAC 50.530(b) is amended to read:

(b) A residential care facility[AND A FOSTER GROUP HOME] shall provide at least

7 AAC 50.530(c)(2) is amended to read:

(2) outdoor recreation space is not available at a residential child care facility[OR A FOSTER GROUP HOME], parks or other outdoor locations that are easily accessible may be used if a plan for transportation to and from and for use of this alternative outdoor location is approved by the licensing representative.

The introductory language of 7 AAC 50.530(d) is amended to read:

(d) A residential child care facility[AND A FOSTER GROUP HOME] shall provide at least

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.540(g) is repealed:

(g) Repealed___/___/___[A FOSTER PARENT SHALL PROVIDE BEDS, CRIBS, BEDDING, AND SLEEPING SPACE FOR THE FOSTER CHILDREN IN THE HOME. A FOSTER PARENT SHALL PROVIDE FOSTER CHILDREN WITH INDIVIDUAL BEDS

AND CRIBS, EXCEPT THAT YOUNG CHILDREN OF THE SAME SEX MAY SHARE A DOUBLE BED]. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.600 is amended to read:

7 AAC 50.600. Approval of specializations. To obtain approval by the **department**[DIVISION] of a specialization designation described in 7 AAC 50.605 - 7 AAC 50.650, a facility must demonstrate its ability to comply with the requirements set out in **AS 47.32**[AS 47.35] and this chapter applicable to that specialization. The **department**[DIVISION] will approve a requested specialization designation if the **department**[DIVISION] determines that the facility is able to satisfy those applicable requirements. (Eff. 1/1/96, Register 136; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

7 AAC 50.610(a) is amended to read:

(a) A full time care facility may not accept children for emergency shelter care, including respite care, without an emergency shelter care specialization approved by the **department**[DIVISION].

The introductory language of 7 AAC 50.610(b) is amended to read:

(b) A full time care facility may be approved to provide emergency shelter care in combination with[REGULAR FOSTER OR] residential care. A residential care facility shall

submit a plan for emergency shelter care to the **department**[DIVISION] for review and approval that

7 AAC 50.610(c) is amended to read:

(c) Upon admission, a full time care facility shall conduct a brief health review of the child[USING THE DIVISION’S FORM 06-9372 (REV. 10/95)] and shall secure any necessary medical or dental treatment needed by the child[. FORM 06-9372 [(REV. 10/95) IS ADOPTED BY REFERENCE AS A PART OF THIS SUBSECTION].

7 AAC 50.610(d) is repealed:

(d) Repealed ___/___/___[A FOSTER HOME THAT PROVIDES EMERGENCY SHELTER CARE MUST HAVE ONE FOSTER PARENT GENERALLY AVAILABLE IN THE HOME].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010]

The editor’s note following 7 AAC 50.610 is deleted:

[EDITOR’S NOTE: THE DIVISION’S FORM 06-9372 [(REV. 10/95)] ADOPTED BY REFERENCE IN 7 AAC 50.610(c) IS ON FILE IN THE OFFICE OF THE LIEUTENANT GOVERNOR AND MAY BE OBTAINED FROM THE DIVISION OF FAMILY AND YOUTH SERVICES, P.O. BOX 110630, 350 MAIN STREET, ROOM 404, JUNEAU, ALASKA 99811-0630, OR ANY OFFICE OF THE DIVISION.]

7 AAC 50.615(a) is amended to read:

(a) In order to be approved as specializing in emergency shelter care for runaway children, a residential child care facility must meet the requirements of 7 AAC 50.610(a) - (j) and this section. A facility may not advertise or represent that it specializes in serving runaway children without a specialization in emergency shelter care for runaway children approved by the **department**[DIVISION].

7 AAC 50.615(b)(3)(A) is amended to read:

(A) the facility is notified that the **department**[DIVISION] or the child's placement worker, if any, has already done so;

7 AAC 50.615(b)(3)(B) is amended to read:

(B) there is reason to believe that the child has been physically or sexually abused by the child's parent and the **department**[DIVISION] is notified immediately;

7 AAC 50.615(b)(3)(C) is amended to read:

(C) there is reason to believe that notifying the child's parent would endanger the life or safety of the child or another person in the facility and the **department**[DIVISION] is notified immediately; or

7 AAC 50.615(b)(3)(D) is amended to read:

(D) the child will not divulge the name of the child's parent or the parent cannot be reached after a good faith effort and the **department**[DIVISION] is notified

within 48 hours;

7 AAC 50.615(b)(4) is amended to read:

(4) notify the **department**[DIVISION], within 24 hours, of the whereabouts of a child who has been reported by the **department**[DIVISION] to be in state custody or for whom the facility knows there is a court order for the division or a law enforcement agency to take custody of the child; and

7 AAC 50.615(b)(5) is amended to read:

(5) obtain, within 48 hours, the consent of the **department**[DIVISION] for a child in state custody to remain in residence at the facility.

7 AAC 50.615(c)(5) is amended to read:

(5) identifying a child for whom reunification is not an appropriate goal, and working with the **department**[DIVISION] to develop plans to provide for the care and safety of the child;

7 AAC 50.615(c)(6) is amended to read:

(6) looking for symptoms of child abuse or neglect, and immediately reporting suspected cases of child abuse or neglect to the **department**[DIVISION];

7 AAC 50.615(e)(3) is repealed:

(3) repealed ___/___/___[INCLUDES A REVIEW OF ANY MATERIALS

ABOUT THE CHILD THAT THE FACILITY HAS RECEIVED AND THE CHILD'S HEALTH INFORMATION FROM THE FORM 06-9372 ADOPTED BY REFERENCE IN 7 AAC 50.610(c)]; and

7 AAC 50.615(h)(2) is amended to read:

(2) after 90 days if the facility has not obtained written consent from child's parent or the department[DIVISION] for the child's continued residence at the facility for a period exceeding 90 days.

7 AAC 50.615(i)(4) is amended to read:

(4) shall report a proposed discharge of a runaway child to the child's parent, to the child's placement worker, and to the department[DIVISION] at least 12 hours before the discharge if the discharge is to be made to the child's self or to the custody of a person other than the child's parent.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority:	AS 44.29.020	AS 47.10.310	<u>AS 47.32.030</u>
	AS 47.05.060	AS 47.10.320	[AS 47.35.010]
	AS 47.10.300	AS 47.10.392	

The editor's note following 7 AAC 50.615 is deleted:

[Editor's note: THE DIVISION'S FORM THAT IS REFERENCED IN 7 AAC 50.615(e) IS FORM 06-9372 (REV. 10/95) ON FILE IN THE OFFICE OF THE LIEUTENANT GOVERNOR. THE FORM MAY BE OBTAINED FROM THE DIVISION OF FAMILY AND

YOUTH SERVICES, P.O. BOX 110630, 350 MAIN STREET, ROOM 404, JUNEAU,
ALASKA 99811-0630, OR ANY OFFICE OF THE DIVISION.]

The introductory language of 7 AAC 50.620(g) is amended to read:

(g) Upon admission of a child, a shelter home shall, on forms provided by the
department[DIVISION],

7 AAC 50.620(h)(1) is amended to read:

(1) there is reason to believe that the child has been physically or sexually abused
by the child's parent and the **department**[DIVISION] is notified immediately;

7 AAC 50.620(h)(2) is amended to read:

(2) there is reason to believe that notifying the child's parent would endanger the
life or safety of the child or a member of the shelter home's household and the
department[DIVISION] is notified immediately;

7 AAC 50.620(h)(3) is amended to read:

(3) the child will not divulge the name of the child's parent or the parent cannot be
reached after a good faith effort and the **department**[DIVISION] is notified within 48 hours;

7 AAC 50.620(h)(5) is amended to read:

(5) a shelter home not associated with a private child placement agency has
requested the **department**[DIVISION] to notify the child's parent; or

7 AAC 50.625(e) is amended to read:

(e) A facility must obtain advance approval from the child's placement worker before a child may participate in an experience under this section. If high risk activities are anticipated, the **department may**[DIVISION WILL, IN ITS DISCRETION,] also require approval from the child's parent. No young child may participate in a wilderness or adventure experience.

The introductory language of 7 AAC 50.625(h) is amended to read:

(h) A facility shall submit a description to the **department**[DIVISION] and permit an on-site inspection before implementing any of the following high risk adventure activities:

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] **AS 47.32.030**

7 AAC 50.630 is repealed:

7 AAC 50.630. Boarding care in foster homes. Repealed[A FOSTER HOME MAY PROVIDE BOARDING CARE ONLY WITH A BOARDING CARE SPECIALIZATION APPROVED BY THE DIVISION. A FOSTER HOME THAT PROVIDES ONLY BOARDING CARE IS EXEMPT FROM THE FOLLOWING REQUIREMENTS:

- (1) 7 AAC 50.250;
- (2) 7 AAC 50.300(c), (d), AND (g);
- (3) 7 AAC 50.340(e);
- (4) 7 AAC 50.415(f) - (h);
- (5) 7 AAC 50.430(a) AND (i);
- (6) 7 AAC 50.455(c) AND (d); AND

(7) 7 AAC 50.540(a)].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/____, Register ___)

7 AAC 50.635(a) is amended to read:

(a) A residential child care facility may provide boarding care only with a boarding care specialization approved by the **department**[DIVISION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] **AS 47.32.030**

7 AAC 50.640(a) is amended to read:

(a) A full time care facility may not advertise or represent that it specializes in supervised transition living without a supervised transition living specialization approved by the **department**[DIVISION].

7 AAC 50.640(d) is amended to read:

(d) A facility shall assist a child in obtaining or compiling documents such as a birth certificate, social security card, driver's license, educational record, **Medicaid**[MEDICAID] or other health eligibility documentation, medical record, job resume, reference letters, list of known relatives, addresses, and phone numbers, emancipation papers, when appropriate, and other documents necessary to function as an independent adult.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] **AS 47.32.030**

7 AAC 50.645(a) is amended to read:

(a) A full time care facility may not advertise or represent that it specializes in care for pregnant and parenting adolescents without a specialization in care for pregnant and parenting adolescents approved by the **department**[DIVISION].

7 AAC 50.645(b) is repealed:

(b) Repealed___/___/___[IN A FOSTER HOME THAT SPECIALIZES IN CARE FOR PREGNANT AND PARENTING ADOLESCENTS

(1) THE HOME SHALL MEET THE REQUIREMENTS OF THIS SECTION AND THE REQUIREMENTS OF 7 AAC 50.720 - 7 AAC 50.790;

(2) THE HOME MAY UTILIZE AVAILABLE COMMUNITY SERVICES TO MEET A REQUIREMENT IN 7 AAC 50.720 - 7 AAC 50.790 RATHER THAN PROVIDING A SERVICE DIRECTLY; HOWEVER, A HOME SHALL DOCUMENT A SERVICE PROVIDED BY A COMMUNITY AGENCY; AND

(3) IN ADDITION TO MEETING THE TRAINING REQUIREMENTS OF 7 AAC 50.250(g), ONE FOSTER PARENT IN THE HOME SHALL RECEIVE AT LEAST ONE HOUR OF TRAINING IN EACH OF THE TOPICS SET OUT IN 7 AAC 50.720(a)(1) - (6).

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] **AS 47.32.030**

7 AAC 50.650(a) is amended to read:

(a) A residential child care facility may not advertise or represent that it specializes in substance use treatment without a specialization in treatment for substance use approved by the **department**[DIVISION].

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.37.140

The introductory language of 7 AAC 50.740(a) is amended to read:

(a) A facility must have a planned program to care for pregnant and parenting individuals. The program must be submitted to and approved by the **department**[DIVISION].

The plan must provide for

(Eff. 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010(a)(3)]

7 AAC 50.780(b) is amended to read:

(b) A facility must have a written policy that a pregnant individual seeking adoptive placement for her infant shall be referred to a child placement agency or to the **department**[DIVISION].

(Eff. 3/1/98, Register 145; am ___/___/____, Register ___)

Authority: AS 44.29.020 **AS 47.32.030** [AS 47.35.010(a)(3)]

The introductory language of 7 AAC 50.805(a) is amended to read:

(a) A facility that applies under this chapter for a license to operate as a residential psychiatric treatment center for children must demonstrate in its application to the **department**[DIVISION] that the facility is

7 AAC 50.805(c) is amended to read:

(c) Each facility must submit a written security plan to the **department**[DIVISION] as part of the facility's application for a license or a license renewal. Portions of a facility's security plan that are related to fire or emergency safety must meet the approval of the appropriate municipal or state fire safety authority, and the facility shall supply proof of the required approval to the **department**[DIVISION] at the time the application is submitted.

(Eff. 6/21/2001, Register 158; am ___/___/____, Register ___)

Authority: AS 44.29.020 [AS 47.35.010] **AS 47.32.030**

7 AAC 50.820(a) is amended to read:

(a) A residential psychiatric treatment center shall have a comprehensive written training plan, and shall submit it to the **department**[DIVISION], for the orientation, ongoing training, and development of staff members.

(Eff. 6/21/2001, Register 158; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.14.120 **AS 47.32.030**
AS 47.14.100 [AS 47.35.010]

7 AAC 50.825(d)(2)(A)(i) is amended to read:

(i) classified as a **DSM-5**[DSM-IV] Axis I diagnosis as set out in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, **adopted by reference in 7 AAC 160.900(a)(4)**[FOURTH EDITION, TEXT REVISION, 2000 (DSM-IV-TR), AS AMENDED FROM TIME TO TIME]; the provisions of that Axis are adopted by reference; or

7 AAC 50.825(d)(2)(A)(ii) is amended to read:

(ii) indicated by a rating on the **DSM-5**[DSM-IV] Axis V of GAF equal to 50 or less, or has an Axis V GAF rating of more than 50 but exhibits one or more specific mental, behavioral, or emotional disorders that place the child at imminent risk for out-of-home supervision or protective custody by state or local authorities; for purposes of this sub-subparagraph, “GAF” means the Global Assessment of Functioning assessment instrument published in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, **adopted by reference in 7 AAC 160.900(a)(4)**[FOURTH EDITION, TEXT REVISION, 2000 (DSM-IV-TR), AS AMENDED FROM TIME TO TIME]; that assessment instrument is adopted by reference;

Eff. 6/21/2001, Register 158; am 4/13/2011, Register 198; am ___/___/___, Register ___)

Authority:	AS 44.29.020	AS 47.12.120	AS 47.32.010
	AS 47.05.012	AS 47.14.100	AS 47.32.020
	AS 47.10.080	AS 47.14.120	AS 47.32.030
	AS 47.10.087		

The editor's note following 7 AAC 50.825 is changed to read:

Editor's note: The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, [FOURTH EDITION, TEXT REVISION, 2000 (DSM-IV-TR), AS AMENDED FROM TIME TO TIME, AND] adopted by reference in **7 AAC 160.900(a)(4)**[7 AAC 50.825], may be obtained from the American Medical Association at (800) 621-8335; from American Psychiatric Publishing, Inc., 1000 Wilson Boulevard, Suite 1825, Arlington, Virginia 22209-3901, telephone (703) 907-7322 or (800) 368-5777; or from the American Psychiatric Association, at the following electronic mail address: appi@psych.org. This manual is also available for viewing at the Department of Health and Social Services, Office of Children's Services, 130 Seward Street, Suite 406, Juneau, Alaska.

7 AAC 50.990 is amended to read:

7 AAC 50.990. Definitions. In **AS 47.32**[AS 47.35] and in this chapter, unless the context requires otherwise,

(1) "administrator" has the meaning given in **7 AAC 10.9990**[AS 47.35.900];

(2) "agency" and "child placement agency" have the meaning given in

AS 47.32.900[AS 47.35.900] and include the state with regard to the placement of children;

(3) "boarding care" means care provided in[A FOSTER HOME OR] a residential child care facility exclusively for children who are residing outside of their home community for the purpose of obtaining education;

(4) "caregiver" includes an administrator[, FOSTER PARENT], employee, contractor, substitute, volunteer, student intern, or other individual in a facility whose duties include care and supervision of children;

(5) "center" includes a residential center;

(6) "child" means an individual who is

(A) under 18 years of age; for purposes of this subparagraph, "child"

includes an individual who is a relative of a

(i) care provider;

(ii) administrator; or

(iii) repealed[FOSTER PARENT]; [OR]

(B) 18 through 20 years of age and is

(i) in the custody of the state; or

(ii) a runaway child served by an agency;

(7) "child care" or "care" has the meaning given "child care" in

AS 47.32[AS47.35.900] and includes services in or away from the facility;

(8) deleted 7/1/2000;

(9) deleted 7/1/2000;

(10) deleted 7/1/2000;

(11) deleted 7/1/2000;

(12) deleted 7/1/2000;

(13) "child in care" means a child who is not a relative of the caregiver, unless in a relative foster home;

(14) "child with special needs" means a child under the age of 18 who

(A) is a

(i) "hard to place child" under AS 25.23.240; or

(ii) "person with a disability" under AS 47.80.900; but

(B) is not a "gifted child" under AS 14.30.350;

(15) "corporal punishment" means the infliction of bodily pain as a penalty for a disapproved behavior; it includes shaking, spanking, delivering a blow with a part of the body or an object, slapping, punching, pulling, or any other action that seeks to induce pain;

(16) "department" means the Department of Health and Social Services;

(17) repealed ___/___/___ ["DIVISION" MEANS THE DIVISION OF FAMILY AND YOUTH SERVICES IN THE DEPARTMENT];

(18) "emergency shelter care" means care in a full time care facility that is short-term in nature, usually not exceeding 90 days; the term includes respite care;

(19) "facility" has the meaning given in AS 47.32[AS 47.35.900] and includes other parts of the building housing the facility and adjoining grounds over which the operator of the facility has direct control;

(20) repealed ___/___/___ ["FOSTER GROUP HOME" MEANS A FOSTER HOME IN WHICH ONE OR MORE FOSTER PARENTS OPERATE NOT MORE THAN ONE GROUP HOME FOR NO MORE THAN EIGHT CHILDREN];

(21) repealed ___/___/___ ["FOSTER HOME" HAS THE MEANING GIVEN IN AS 47.35.900, USUALLY FOR NO MORE THAN SIX CHILDREN, THAT IS THE HOME OF A FOSTER PARENT];

(22) repealed ___/___/___ ["FOSTER PARENT" MEANS THE PERSON OR PERSONS PROVIDING FOSTER CARE FOR CHILDREN AND INCLUDES A SHELTER HOME PARENT];

(23) "full time care facility" means[A FOSTER HOME OR] a residential child care facility;

(24) "group home" means[A FOSTER GROUP HOME AND] a residential group home;

(25) repealed ___/___/___["HOME" MEANS A FOSTER HOME];

(26) "human services field" means social services, juvenile corrections, education, mental health, developmental disabilities, health care, pastoral counseling and related subjects;

(27) "IEP" means an individualized education program for a child with special needs age three through 18 developed by a school district in accordance with 4 AAC 52.140 or by a department infant learning program grantee or the child's private physician under criteria contained in 7 AAC 23.090(d)(3), for a child age birth up to three years;

(28) "IHP" means an individualized habilitation plan for a child with special needs developed by a state agency, contractor, or grantee in accordance with AS 47.80.120;

(29) "infant" means a child age birth up to 12 months of age;

(30) "kindergarten aged child" means a child age five;

(31) "license" means a permit issued under AS 47.10.392 or a license issued under AS 47.32[AS 47.35];

(32) "licensee" has the meaning given in AS 47.32[AS 47.35.900] and includes a person to whom a permit has been issued under AS 47.10.392;

(33) "licensing representative" means an employee of the department[DIVISION] or an individual or organization responsible for evaluating a facility under[AS 47.35.010(a)(4) AND 7 AAC 50.040] and presumes review and approval of the representative's decisions by the department[DIVISION] or organization authorized under 7 AAC 50.040;

(34) "mental health professional" has the meaning given in AS 47.30.915;

(35) deleted 7/1/2000;

(36) "operator" means the person licensed to operate a facility;

(37) "parent" has the meaning given in AS 47.32[AS 47.35.900];

(38) "physician" has the meaning given in 12 AAC 40.990;

(39) "placement worker" means an employee or volunteer of a child placement agency who arranges for placement of a child in a residential child care facility or a child foster home; "placement worker" includes an employee of the department with regard to the placement of children;

(40) deleted 7/1/2000;

(41) "regular volunteer" means a person who volunteers for at least one day a week for at least five consecutive weeks;

(42) "relative" means an individual who is related to another by blood, adoption, marriage, or tribal custom;

(43) "residential center" means a residential child care facility for 13 or more children;

(44) "residential child care facility" has the meaning given in AS 47.32.900[AS 47.35.900];

(45) "residential group home" means a residential child care facility for no more than 12 children;

(46) "runaway child" has the meaning given in AS 47.10.390 for "runaway minor";

(47) "school aged child" means a child age six through age 18;

(48) "shelter home" means a foster home exclusively for runaway youth;

(49) "sleeping hours" means the hours from midnight to six a.m.;

(50) "supervised transition living" or "supervised apartment living" means a short term program for adolescents between the ages of 16 and 18 to enable those for whom independent living is the plan to prepare to lead self-sufficient adult lives;

(51) "supervision of children" means protective oversight of children including

(A) a prudent level of awareness of and responsibility for a child's ongoing activity;

(B) knowledge of program, the applicable requirements of this chapter, and children's needs; and

(C) the degree of supervision indicated by a child's age, developmental level, and physical, emotional, and social needs;

(52) "toddler" means a child age 12 months up to age 30 months;

(53) "treatment" means a series of planned interventions designed to address a child's physical, mental, emotional, behavioral, and developmental disorders and bring about positive measurable changes needed to facilitate the child's successful functioning and return to its family or community;

(54) "waking hours" means the hours from six a.m. to midnight;

(55) "young child" means a child age birth up to age nine;

(56) "adolescent" means a child in the period of life from puberty to maturity terminating legally at age 18;

(57) "maternity home" has the meaning given in AS 47.32.900[AS 47.35.900];

(58) "504 plan" means an individualized plan as set out in 34 C.F.R. § 104.33;

(59) "semi-secure residential child care facility" has the meaning given in

AS 47.32[AS 47.35.900]; "semi-secure residential child care facility" does not include a facility licensed under 7 AAC 50.805 as a semi-secure residential psychiatric treatment center;

(60) "contractor" means a contractor who performs services for a facility and has routine contact with children in the facility;

(61) "EPSDT" means the early periodic screening, diagnosis, and treatment provided under 7 AAC 43.452;

(62) "medically-fragile child" means a child who lacks physical or emotional strength and requires frequent medical attention from personnel outside of the facility;

(63) "chemical restraint" means a drug that is administered to manage a resident's behavior in a way that reduces the safety risk to the resident or others, that has the temporary effect of restricting the resident's freedom of movement, and that is not a standard treatment for the resident's medical or psychiatric condition;

(64) "freestanding" means individually licensed as a residential psychiatric treatment center under this chapter, and independent from administrative or financial control of another facility;

(65) "functional assessment" means a systematic evaluation of a potential resident to assess that individual's functioning level in the areas of living skills, learning, education, work, interpersonal skills, and other life skills necessary for independent living, in order to develop a treatment plan under 7 AAC 50.840;

(66) repealed 4/13/2011;

(67) "Indian custodian" has the meaning given in 25 U.S.C. 1903(6) (Indian Child Welfare Act);

(68) "isolation" means the involuntary confinement or seclusion of a resident

alone in a locked behavior-management room;

(69) "locked behavior-management room" means a room or area in which a child is isolated by locking the door to the room, or by stationing staff in or outside the room or area for the purpose of preventing the child from leaving the room;

(70) "mechanical restraint" means a device attached or adjacent to the resident's body that the resident cannot easily remove and that restricts freedom of movement or normal access by the resident to the resident's body;

(71) "personal restraint" means the application of physical force without the use of any device, for the purpose of restricting the free movement of a resident's body;

(72) "professional mental health clinician" has the meaning given in AS 47.30.980;

(73) "professional review organization" means an independent team of medical professionals, including at least one physician, who have competence in the treatment and diagnosis of mental illness, and who operate under an agreement with the state to provide independent reviews;

(74) "residential psychiatric treatment center" means a facility that

(A) provides residential child care and inpatient psychiatric services, in a semi-secure or secure setting of a residential nature, for the diagnosis and treatment of children six years of age or older for mental, emotional, or behavioral disorders; and

(B) is not a hospital, nursing facility, or facility for individuals with intellectual and developmental disabilities that is required to be licensed under AS 18.20; however, for purposes of this subparagraph, "residential psychiatric treatment center" includes a facility owned or operated by a hospital, nursing facility, or facility for

individuals with intellectual and developmental disabilities, if the owned or operated facility is freestanding;

(75) "restraint" means a personal restraint, mechanical restraint, or chemical restraint. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 6/21/2001, Register 158; am 6/23/2006, Register 178; am 4/13/2011, Register 198; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.10.300 AS 47.32.010
AS 47.05.012 AS 47.10.392 AS 47.32.030