

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 67. Foster Home Licensing Standards.



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paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.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.

7 AAC is amended by adding a new chapter:

Chapter 67. Foster Home Licensing Standards.**Article 1. Licensing Process.****Section**

- 005. Purpose and applicability
- 010. Powers and duties of the department
- 020. Exemptions from licensure requirements
- 030. Implementation
- 035. Foster care by relative caregivers
- 040. Application for an initial or renewal of a foster care license
- 045. Assessment of a foster home upon initial application
- 047. Formal inspection of an entity
- 050. Issuance of a foster care license

051. Relocation of a foster home

052. Provisional license

055. Provisional foster home license issued under emergency conditions

060. Annual review

063. Biennial license and renewal

065. Investigation of a foster home

070. Enforcement actions

075. Request for variance

080. Disclosure of department licensing records and confidentiality

7 AAC 67.005. Purpose and applicability. (a) The purpose of this chapter is to establish standards for an individual or entity seeking licensure as a foster home in order to confirm safe and appropriate living environments and minimize predictable risk for children residing in foster care.

(b) The provisions of this chapter apply to foster homes licensed or required to be licensed under AS 47.32.010 and this chapter.

(c) The provisions of this chapter do not apply to placement decisions made by the department under AS 47.10.088 or AS 47.14.100.

(d) A foster home may not operate unless:

(1) it has a current foster care license issued by the department under AS 47.32.010 and this chapter, regardless of the oversight agency; or

(2) is exempt under 7 AAC 67.020;

(e) Foster home has the meaning given in AS 47.32.900.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.101
AS 47.10.310 AS 47.32.030

7 AAC 67.010. Powers and duties of the department. The department

- (1) will license foster homes in accordance with AS 47.32 and this chapter;
- (2) will investigate applicants for foster care licensure and licensees for compliance with AS 47.32 and this chapter;
- (3) may inspect and investigate complaints of licensing violations of foster homes and issue enforcement action under AS 47.32;
- (4) may pursue ongoing recruitment and retention of foster homes;
- (5) will enforce the standards established by AS 47.32 and this chapter.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.101
AS 47.10.310 AS 47.32.030

7 AAC 67.020. Exemptions from licensure requirements. The following individuals are exempt from the licensure requirements of AS 47.32.010 - 47.32.900 and this chapter:

- (1) an individual caring for a child, not in the custody of the department, in the child's own home, whether related to the child or not;
- (2) an individual designated by a foster parent for the supervision of a child in a foster home during an emergency absence of a foster parent for a period of no more than 14 days;

(3) an individual who provides care for one or more relative children, unless the department has custodial authority of the child and the individual seeks payment as a licensed provider;

(4) an individual who is licensed to operate a foster home by a Tribe or Tribal entity, if the Tribe or Tribal entity has licensing standards in accordance with federal licensing requirements under sections 471(a)(20)(A)(i) and (ii), 472(b)(1), and 45 CFR 1355.20; and

(A) has a current Tribal Title IV-E Pass Through Maintenance Agreement, adopted by reference and approved by the department; or

(B) has a memorandum of agreement for state placement in Tribal licensed foster homes, adopted by reference and approved by the department;

(5) a person licensed as an assisted living home under AS 47.33 who admits a child for care depending on an assessment of the youth's individual needs and services;

(6) a person providing boarding care exclusively for children 16 years of age and older if

(A) each parent of a child has agreed to the placement of the child in a home selected by the school in which the child is enrolled; and

(B) the person providing the boarding care has, for each child in care, an authorization for emergency medical care;

(7) a person who provides care without a license issued under this chapter unless the home provides care only for one or more children of any age placed by a parent with either:

(A) authorization for emergency medical care; or

(B) a consent to temporary care by the parents under AS 13.26.020 - 023.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

7 AAC 67.030. Implementation. (a) All foster home licenses issued on or after (*adoption date of new regs*) must meet the requirements of licensure established under this chapter.

(b) A license issued prior to (*adoption date of new regs*) must meet the licensing standards in place at the time the license was issued. An entity will not be assessed for compliance with the requirements of this chapter unless or until:

- (1) the license is converted from provisional to biennial status; or
- (2) at biennial renewal or extension.

(c) The department may extend a license issued prior to (*adoption date of new regs*) for up to six months if the license was due for conversion from a provisional to a biennial license or a license renewal within six months following (*adoption of new reg date*) to allow time for the licensee to make any changes to the physical environment of the home or obtain new documentation required under this chapter.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 67.035. Foster care by relative caregivers. (a) The department has the authority under AS 47.14.100(e)(3)(A) to place a child in custody with an unlicensed relative caregiver, or in a licensed relative foster home. Placement with an unlicensed relative does not require or guarantee licensure for foster care, nor does it mean that a foster care payment by the department

occurs. Foster care payments will only be issued once the foster care license is issued by the department.

(b) An individual who is related to a child placed in foster care by the department may be exempt from licensure under 7 AAC 67.020(a)(3).

(c) Unlicensed relatives may receive financial support by applying for support programs through the department's public assistance programs and services under AS 47.27. Unlicensed relatives cannot receive public assistance benefits under AS 47.27 and a foster care payment for the same child, at the same time.

(d) An unlicensed relative is subject to background checks, pursuant to AS 47.32 and 7 AAC 10.900 - 990.

(e) The department may issue a license to a relative who applies for licensure and meets all of the standards under this chapter.

(f) For purposes of this section, relative has the meaning given in 7 AAC 67.900.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.10.310

7 AAC 67.040. Application for an initial or renewal of a foster care license. (a) An applicant for a license to operate as an entity under AS 47.32 and this chapter shall submit an application in the name of the individuals responsible for the operation of the foster home, on a form provided by the department. The following information is required for the application to be complete:

(1) the name, date of birth, and relationship to the applicant, of each member of

the applicant's household;

(2) if a two-parent household, signature of both parents on the foster care application;

(3) the number of children and age range which the applicant will accept for placement;

(4) a statement as to whether the applicants have ever operated, or currently is operating, a licensed facility, in state or out of state, to include child care, residential care, or other licensed facility, and any reasons for any termination of such license;

(5) information concerning any denial of a prior application for a license under AS 47.32, voluntary termination or enforcement action of a license issued under AS 47.32, or termination as an employee in a facility licensed under AS 47.32 for cause;

(6) a statement demonstrating that the applicant has resources sufficient to meet the financial needs of their family, independent of any foster care maintenance payment as outlined in 7 AAC 53;

(7) verification that the applicants are at least 21 years of age or older, through a government issued identification such as a driver's license or a passport;

(8) information regarding any licensing specialization requested under 7 AAC 67.400 - 7 AAC 67.420.

(b) Once the application is received by the department, the department will have 10 working days to notify the applicant, in writing, of the receipt of the application, and the status of completion.

(c) An applicant has 60 days from the date the department receives the application to complete all actions required for licensure or the application will be considered incomplete and closed. The department will notify the applicant in writing, if the application is closed.

(d) Within 60 days from the date that the licensing application is received by the department, the applicant shall provide the following information to the department:

(1) the signed release of information authorization and other items required under 7 AAC 10.910(b) to request a criminal background check for each household member and individual associated with the entity, unless an exception exists under 7 AAC 10.900;

(2) an emergency response plan, on a form provided by the department, that identifies where the licensee would relocate to in the event of a disaster;

(3) if applicable, copies of the following may be required:

(A) fire safety, solid waste, waste water, or drinking water inspection reports conducted by a state or municipal authority responsible for those inspections as required under 18 AAC 60, 18 AAC 72, or 18 AAC 80, and any variances, waivers, or exemptions granted under those chapters;

(B) a request for a general variance from a requirement of AS 47.32 or this chapter; a request submitted under this paragraph must comply with 7 AAC 10.9500 – 7 AAC 10.9535;

(C) additional documents, such as training records or references requested at the discretion of the department, to determine if the applicant meets the applicable requirements of AS 47.05.300 - 390, AS 47.32, 7 AAC 10 and this chapter.

(e) The department may extend the application timeframes for an additional 90 days, should circumstances exist that require additional information to complete the licensing process.

(f) A two-parent household is defined as two individuals who are married, have a domestic partnership, or cohabitate. In two-parent households both parents must initiate the application process, unless the licensing manager approves one of the following exceptions:

(1) one of the individuals is on active duty with the military and is stationed out of the state for the duration of the foster care license;

(2) documentation of a legal separation if the two parents are not residing together in the foster home;

(3) documentation that one of the parents is incapacitated and unable to provide care to the foster child during the duration of the foster care license; or

(4) other unique circumstances in which one individual will not be responsible for any household management or the care of a child placed in the home.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

AS 47.10.310

7 AAC 67.045. Assessment of foster home upon initial application. (a) An assessment of a foster home application is required and includes a review and discussion with the applicant of a submitted application and accompanying documentation to include:

(1) criminal background check information;

(2) past child protection information;

(3) release of information authorizations, if necessary;

(4) previous licensing history such as licensing enforcement actions, or relinquishment of licenses, approval or past licenses;

(5) past approval of licenses to care for children or adults in this state or another state;

(6) assessing the skills and abilities of the applicants;

(7) discussion of child rearing practices and parenting techniques of applicants;

(8) any history of physical, mental health, behavioral health, or substance abuse, that might pose a threat to the safety or well-being of a foster child placed in the home;

(9) any history of domestic violence with the applicant, or household members;

(10) documentation of interviews of all household members, as it relates to their ability and willingness to provide foster care or reside in a foster home;

(11) social and family history as documented on the background information form;

(12) assessment of training needs of the applicants in order to meet the specific needs of the foster child placed in the foster home;

(13) a comprehensive inquiry into the applicant's personal and family history and family dynamics.

(b) Following the assessment, the department may request from the applicant, the names, addresses, and telephone numbers of three individuals, at least one of whom is unrelated by blood or marriage to the applicant or licensee, who can provide references attesting to the licensee's good character, reputation, interpersonal, and professional skills.

(c) Misrepresentation or false information provided by an applicant or licensee may be grounds for denial of an application or revocation of the license.

(d) As a part of the assessment, the department may require that an applicant and

individual having regular contact with children in a foster home provide requested documentation or evaluations from a probation officer, health professional, or mental health professional affirming that the individual is not a risk to the health, safety, or well-being of children in the foster home. Examples of this documentation may include psychiatric or psychological evaluations, medical records or evaluations, probation records, substance abuse assessments and treatment recommendations, and documentation of treatment services and completion. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.10.310

7 AAC 67.047. Formal inspection of an entity. (a) Before deciding whether to issue an initial or biennial license to an entity, the department will conduct a physical inspection of the home and premises to determine whether the foster home is maintained in a manner protective of life, health, safety, and welfare.

(b) The applicant or entity will allow access to each room in the primary residence and each building on the premises unless the building or residence is a self-contained, separate entry residence rented to or owned by another individual.

(c) During a physical inspection of the home, the licensing specialist may take photographs of the home and premises to document the non-compliance of the foster home.

(Eff. ____/____/____, Register _____)

Authority: AS 18.05.010 AS 47.32.010 AS 47.32.060
AS 18.05.040 AS 47.32.020 AS 47.33.005
AS 44.29.020 AS 47.32.030 AS 47.33.010

7 AAC 67.050. Issuance of a foster care license. (a) A foster care license is issued for the physical address where the applicant resides and is not transferrable to another individual, owner, operator, or another physical address, except as authorized by these regulations.

(b) Issuance of the foster home license occurs after the application, assessment and inspection are completed and approved by the department.

(c) The department will include the following on a license issued under this chapter:

- (1) the period of time during which the license is in effect;
- (2) the name of the licensees;
- (3) the provider number of the licensees;
- (4) the license type;
- (5) the physical location of the foster home;
- (6) the number and age range of children the licensee may have in care at any time;
- (7) any conditions imposed by the department or requested by the licensee;
- (8) any variance granted by the department;
- (9) any specializations; and
- (10) the address and telephone number of the department office responsible for administering this chapter.

(d) Any condition imposed on a license is at the discretion of the department taking into consideration the preference of the applicant and the assessment.

(e) The non-issuance of a license is subject to notice to the applicant. The notice shall

outline the reasons for non-issuance or denial of the foster care license and the process for appeal of this determination under AS 47.32.070.

(Eff. ____/____/____, 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 67.051. Relocation of a foster home. A licensee must provide advance notice to the department of their intent to re-locate and schedule an inspection within 30 days of the relocation. Following the inspection, assessment, and evaluation, the department may issue a license for the new location. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.10.310

7 AAC 67.052. Provisional license. (a) Once an entity has completed the foster care licensing process and the department's assessment and inspection finds the applicant, household members, and premises are in compliance with licensing standards to provide safe care to children that is free from abuse, neglect and exploitation, a provisional license will be issued that is valid for the first year of licensure.

(b) The issuance of the provisional license is determined at the discretion of the department based on the inspection findings, assessment and evaluation of the applicant or entity.

(c) The department may extend a provisional license for one additional period not to exceed one year per AS 47.32.050 for further evaluation prior to converting to a two year biennial license.

(d) Subject to AS 47.32.050, the department may place one or more conditions on a provisional foster care license based on the safety and well-being needs for children placed in the foster home. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.10.310

7 AAC 67.055. Provisional foster home license issued under emergency conditions.

(a) The department may issue a provisional 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 47.14.100(e)(3).

(b) The department may issue a provisional license under emergency conditions with an incomplete application, if the department has determined from initial background checks, information provided, and any further investigation, that the applicant meets minimum 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.

(c) The applicant and each household member age 16 years and older must complete and sign required clearance forms for criminal background checks provided by the department under 7 AAC 10.910(b)(1). The department must complete the following database searches and assess

each household member who is 16 years old or older prior to placement occurring under emergency conditions:

- (1) Alaska Public Safety Information Network (APSIN);
- (2) Child protection records (Prober and ORCA);
- (3) Alaska Sex Offender Registry.

(d) The department must complete a search of the Juvenile Offender Management Information System (JOMIS) and assess each household member who is 16 years old or older prior to placement of a child occurring under emergency conditions.

(e) Subject to AS 47.32.050, before deciding to issue a provisional license under emergency conditions to an entity, the department will conduct a pre-licensing inspection of the applicant's home and premises to determine if the health and safety conditions of the home and premises is maintained in a manner protective of life, health, safety and welfare with respect to:

- (1) bedrooms;
- (2) exits to outside of building;
- (3) smoke detectors, carbon monoxide detectors and fire extinguishers;
- (4) storage and disposition of combustible waste material;
- (5) portable heating devices, if any;
- (6) storage of firearms and ammunition, if any;
- (7) storage of medications and cleaners;
- (8) smoke-free home in which children are protected from second-hand smoke;

and

(9) other applicable requirements of this chapter or another applicable statute or regulation.

(f) The inspection in (e) of this section must be documented and completed by the department and reviewed with the applicants. The applicants and the department representative or community designee must sign the pre-licensing inspection form, attesting to the accuracy and truthfulness of the information.

(g) The department may designate another party, such as a tribal partner, to complete the inspection and complete, sign, and submit the pre-licensing inspection form to the department.

(h) The department representative or designee will obtain one reference for an applicant to attest to each applicant's good character, reputation, and skills in caring for children.

(i) All documentation collected during the pre-licensing inspection must be provided to the licensing supervisor no later than the next business day. A licensing supervisor will review the information provided to determine if a license will be issued under emergency conditions or if further assessment for licensure is warranted.

(j) If a provisional foster home license under emergency condition is issued, as soon as possible, but within 30 days, the applicant shall submit a completed application as required by 7 AAC 67.040. 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.

(k) Issuance of a provisional license under emergency conditions is at the discretion of the department. If a provisional license under emergency conditions is not issued, the applicant may continue with the provisional licensing process, for a provisional foster care license as referenced in 7 AAC 67.040 – 7 AAC 67.047.

(l) The department may place one or more conditions on a provisional license issued under emergency conditions per AS 47.32.050 for purposes of safety and well-being for children in out of home care. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.020
AS 47.14.100 AS 47.32.010

7 AAC 67.060. Annual review. (a) The department may complete an annual review, inspection, and evaluation of the licensee, household members, residence, and premises.

(b) The department may conduct intermittent reviews and inspections to the foster home during each 12 month period of licensure to insure safety of the child in the home, as needed.

(c) The annual review shall include a review of the following:

- (1) changes in the household composition;
- (2) changes to the physical residence and premises;
- (3) the provider emergency response form;
- (4) support needs identified by the licensee;
- (5) any licensing violations or concerns during the previous licensing period.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.030
AS 47.10.310 AS 47.32.010 AS 47.32.060

7 AAC 67.063. Biennial license and renewal. (a) Subject to AS 47.32.050 a biennial license may be issued prior to the end of an initial provisional license and assessed for renewal every two years thereafter, as long as the entity requests renewal.

(b) On a form provided by the department, an application for a biennial license must be completed and submitted to the department at least ninety days prior to the expiration of the current license.

(c) All applicants must comply with the requirements of 7 AAC 10.900 – 7 AAC 10.990 at biennial renewal of a foster care license.

(d) Prior to conversion to, or renewal of a biennial license, the department will assess for compliance with AS 47.32, 7 AAC 67.005 – 7 AAC 67.990, 7 AAC 10.1000 – 7 AAC 10.1095, 7 AAC 10.900 – 7 AAC 10.990, and any other applicable statutes or regulations.

(e) A biennial license will be issued when the assessment and inspection finds the applicant and household members are in compliance with licensing requirements.

(f) Any condition imposed on a license is at the discretion of the department taking into consideration the preference of the applicant and the assessment.

(g) The non-issuance of a license is subject to notice to the applicant. The notice shall outline the reasons for non-issuance or denial of the foster care license and the process for appeal of this determination under AS 47.32.070. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.020
AS 47.14.100 AS 47.32.010

7 AAC.67.065. Investigation of a foster home. (a) Investigation of a foster home license will occur when the department has received a report of an alleged violation of the applicable licensing statutes or regulations has occurred in the foster home.

(b) An allegation may be jointly investigated by a licensing specialist and the protective services specialist, as determined by the department.

(c) The licensing specialist may

- (1) interview all members of the foster home;
- (2) conduct a formal inspection of the home and premises;
- (3) gather collateral information from other pertinent sources.

(d) The licensing specialist will document the investigation findings in a report of investigation that includes the findings of the investigation and any recommended enforcement actions.

(e) Once the investigation is complete, the department will determine if an enforcement action under 7 AAC 67.070 is needed. The department may conduct inspections, including photographic documentation, of the home and premises as part of the investigation process to determine if the allegation is substantiated. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.060
	AS 18.05.040	AS 47.32.020	AS 47.33.005
	AS 44.29.020	AS 47.32.030	AS 47.33.010
	AS 47.14.120	AS 47.32.050	

7 AAC 67.070. Enforcement actions. (a) In accordance with AS 47.32.120, AS 32.130 or AS 47.32.140, the department may issue a report of inspection or investigation that concludes that the department has reasonable cause to believe that a violation of an applicable statute or regulation has occurred. The department will comply with AS 47.32.120, AS 32.130 or AS 47.32.140 in issuing an enforcement action for immediate revocation or suspension or enforcement actions.

(b) If the report of inspection or investigation results in a plan of correction, the department will comply with 7 AAC 10.9610 in the development and follow-up to determine compliance and completion with the plan of correction.

(c) If the department takes action to revoke a license under this section, the department will waive any requirement for the licensee to submit a plan of correction, allegation of compliance, or any other written response to the department's notice of enforcement action.

(d) An applicant or licensee may voluntarily relinquish their license or withdraw a provisional license application or their application for renewal.

(Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.080
	AS 47.05.010	AS 47.32.030	AS 47.32.120
	AS 47.05.310	AS 47.32.040	AS 47.32.130
	AS 47.05.330	AS 47.32.050	AS 47.32.140
	AS 47.05.340	AS 47.32.060	

7 AAC 67.075. Request for variance. (a) A licensee may request a general variance from a requirement of AS 47.32, 7 AAC 67.300 – 7 AAC 67.320, or this chapter. The department will follow the general process pursuant to 7 AAC 10.9500 - 7 AAC 10.9535.

(b) A licensee may request a variance for a barrier crime or condition from a requirement of AS 47.05, 7 AAC 10.900 – 7 AAC 10.990, or this chapter in accordance with 7 AAC 10.930.

(Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.05.320	AS 47.32.010
	AS 47.05.310	AS 47.05.340	AS 47.32.030

7 AAC 67.080. Disclosure of department licensing records and confidentiality. (a)

The department shall create and retain a file for each applicant, which shall consist of the following six sections:

- (1) activity notes;
- (2) correspondence and emergency response information;
- (3) current license;
- (4) licensing forms and checklists, completed investigations or inspections, notices and reports, training reports;
- (5) application for background check; and
- (6) investigations.

(b) Requests for records via third party discovery or public records requests shall only be disclosed as set forth in this section. Upon receipt of any requestor disclosure, a licensing file shall be evaluated as follows:

(1) licensing file information contained under (a)(1) – (4) of this section may be disclosed after the material is reviewed and confidential information is redacted as outlined in (d) of this section;

(2) licensing file information contained under (a)(5) of this section shall not be disclosed without a release of information or court order as required under AS 12.62.160;

(3) licensing file information contained under (a)(6) of this section shall not be disclosed without a court order as required under AS 47.32.180.

(c) Any record released under (b), by a release of information or a court order must be reviewed so that personal private information related to the foster parents or other third parties is redacted. Information that is confidential may not be released and includes:

- (1) the identify of third parties, references, others;
- (2) addresses, and phone numbers, including cell phone numbers;
- (3) protected health information under HIPAA or 42 CFR part 2;
- (4) social security numbers;
- (5) banking or credit information;
- (6) recipients of foster care services and child protection records protected under AS 47.10;
- (7) identity of complainants.

(d) Additionally, any other information that is protected by a recognized privilege shall be redacted and withheld from disclosure. If information is withheld or redacted, that fact must be noted upon production along with a privilege log outlining what was withheld and the legal authority for the redaction or non-disclosure.

(e) Notwithstanding the provision of this section, the file must be produced when an enforcement action is taken by the department. If such an action is taken and an appeal is filed, the file shall be produced to the Office of Administrative Hearings (OAH) or the superior court on appeal from an administrative hearing through a protective order, which will outline the provisions of this section, including the ability of the department to redact personal and private information of the third parties referenced in the file. If there are disputes over redactions, the material shall be submitted *in camera* to the OAH or judicial office to determine whether the need for disclosures outweighs the individual's right to privacy.

(f) Unless provided otherwise by state or federal law, the licensing file must be produced to:

(1) any government agency that provides financing to a foster home licensed under this chapter which may have access to foster home records in order to conduct an audit; or

(2) any government licensing agency, including tribal organizations, that have licensing programs to ensure the health, safety and welfare of individuals in care are adequately protected.

(g) For purposes of this section:

(1) "activity notes" means ORCA activity notes, contact notes with foster parents, applicants, contract workers, social workers, and emails;

(2) "correspondence" means any written communication between the licensing worker, the applicant, licensee, and others involved in the regulatory process, including Provider Emergency Response Information Forms, enclosure letters, emails, or letters related to the provider, and requests for sanitation and fire inspections, when applicable. This section does not include supervision emails, supervisory licensing investigation worksheets, emails regarding a licensing investigation, correspondence to or from the attorney general's office, or correspondence that includes names of children in care;

(3) "current license" means foster home chronological sheet, a copy of the signed foster home or child placement agency license, approved barrier crime variance notices, approved and denied general variances, and change summaries;

(4) "licensing forms and checklists" means evacuation plan, plan for care, and family characteristics checklist, notices of denial, for provisional, or biennial renewal, notice of violation, notice of immediate revocation or suspension, reports of inspection, reports of investigation, provider written responses to investigation and plan of correction, plan of correction, warning notice and allegation of compliance;

(5) "background information" means all clearance forms, state and federal fingerprint results, background information, barrier crime variance application packet, background check program, on-line application confirmation page, certification of medical condition regarding fingerprints, if applicable, copy of driver's license, or government-issued photo identification, barrier crime variance notices, financial summary, health history, medical health information, if applicable, mental health information, if applicable, and medical information release, if applicable;

(6) "investigations" include all investigation contact notes and documents reviewed, pending Reports of Inspection, pending Reports of Investigation, Request for Hearing, Warning Notice, and Allegation of compliance (06-9359); after the investigation is complete and the appeal time has lapsed or once final, the Report of Investigation and Inspection and related documents shall be moved to 7 AAC 67.080(a)(4).

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030 AS 47.32.180
AS 47.32.010

Article 2. Foster home administration operation and management.

Section

100. Qualifications and responsibilities of a foster parent

105. Qualifications and responsibilities of individuals having regular contact with children in a foster home

110. Criminal background and child protection records check requirements

120. Alternative caregivers

- 130. Orientation and training.
- 140. Placement of a child in foster home
- 150. Placement change of a child
- 160. Records, child
- 170. Records and reports, general
- 180. Records, critical incidents

7 AAC 67.100. Qualifications and responsibilities of a foster parent. In addition to an approved background check as described in 7 AAC 67.110 a licensee must:

- (1) be at least 21 years of age;
- (2) demonstrate an understanding, ability, physical health, and emotional stability suited to meet the physical, behavioral, emotional, and social needs of children in care;
- (3) ensure that a foster child is protected from child abuse and neglect or risk of maltreatment;
- (4) demonstrate respect for the foster child's own family and work with the child's family members as indicated in the case plan and family contact plan;
- (5) have adequate family supports or financial, subsistence or community resources to support the household independent of the monthly foster care reimbursements;
- (6) meet the qualifications for regular contact with a child in a foster home set out in 7 AAC 67.105;
- (7) be willing to work cooperatively with children in care, the child's parents and other family members, the department, child's school, the child's Tribe if applicable, and other community agencies, and service providers that provide services to the child in the foster home;

(8) be responsible for expenses incurred if the department requests any evaluations of the foster parents under this section;

(9) ensure that all household members cooperate with the department's assessment of the foster parents, premises, and all household members;

(10) adhere to 7 AAC 67.105 when identifying safe and responsible alternate caregivers as outlined in 7 AAC 67.105 and 7 AAC 67.120, and must take into consideration the age, special needs, and behaviors of each child when selecting an alternate caregiver;

(11) ensure that all individuals that have regular contact with children within the foster home meet and adhere to the qualifications and regulations of this section;

(12) designate an adult caregiver to act on behalf of the licensee in the absence of the licensee, from the home. (Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190
	AS 47.32.010	AS 47.32.110	

7 AAC 67.105. Qualifications and responsibilities of individuals having regular contact with children in a foster home. (a) For the purpose of this chapter, individuals with regular contact includes, foster parents, alternate care givers, babysitters, and household members.

(b) In addition to an approved background check described in 7 AAC 67.200, individuals having regular contact with children in a foster home must:

(1) be of reputable character, exercise sound judgment and demonstrate responsible, stable, and emotionally mature behavior;

(2) have the capacity to deal with frustration and conflict and the ability to work with children who, because of the children's background and experience, might express themselves negatively toward the caregiver;

(3) treat all children in the home fairly;

(4) not pose a risk to the safety, health, and well-being needs of a child;

(5) obey all laws;

(6) not abuse a child or engage in any sexually suggestive, sexually exploitive behaviors with a child;

(7) not have a romantic relationship with a child;

(8) be willing to work cooperatively with the child in care, the child's parents and family members, the department, and if applicable, service providers within the foster home.

(Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190
	AS 47.32.010	AS 47.32.110	

7 AAC 67.110. Criminal background and child protection records check

requirements. (a) Any individual associated with a foster home in a manner described in 7 AAC 10.900(b) is subject to the applicable requirements of AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 (Barrier Crimes, Criminal History Checks, and Centralized Registry). In addition, an individual may not work, volunteer or reside in any other part of the foster home with direct access to the part of the premises where foster care is provided if

(1) the individual's name appears on the centralized registry established under

7 AAC 10.955;

(2) the individual has a physical health, behavioral health, or substance use problem that may pose a significant risk to the health, safety, or well-being of children in care; or

(3) the individual was the subject of a prior adverse licensing action of the kind described in AS 47.32.140(d)(5), (6), (7) or (9).

(b) In addition to the criminal history check required under 7 AAC 10.900 - 7 AAC 10.990, the department will review its child protection records and previous licensing records with respect to the licensees and any individual 16 years or older, including members of the licensee's household, residing in or on the premises, if that individual has direct access to the part of the premises where foster care is provided. The provisions of this subsection do not apply to an individual who is a recipient of foster care services.

(c) An individual seeking to be licensed or to remain licensed as a foster home shall submit to the department the signed release of information authorizations and other items required to request a criminal history check under 7 AAC 10.910 for each person for whom a criminal history check is required under AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030

7 AAC 67.120. Alternate caregivers. (a) Foster parents must use reasonable prudent parenting standards as defined in 7 AAC 67.900 when selecting alternate caregivers and babysitters.

(b) Foster parents must comply with any requests made by the department to remove an alternate caregiver or babysitter from contact with children.

(c) The department will not provide additional financial support or assistance to locate and pay alternate caregivers and babysitters. The monthly foster care reimbursement may be used for this purpose.

(d) In an emergency, the department may conduct a criminal records check and child abuse background check on the alternate caregivers and relevant household members.

(e) Foster parents must provide alternate caregivers and babysitters with:

- (1) responsibilities of the caregiver or babysitter;
- (2) emergency procedures and health and safety measures;
- (3) information about the child's emotional, behavioral, medical or physical conditions, if any;
- (4) expectations regarding supervision and behavioral management of a foster child, including the requirement that no physical discipline is to be used on a foster child;
- (5) contact information for the foster parent, case worker and other emergency numbers.

(f) For alternate caregivers, foster parents must:

- (1) arrange for alternate caregivers for periods longer than 24 hours, but not to exceed 14 days, or for routine on-going child care;
- (2) ensure that alternative caregivers are at least 18 years of age to care for children in care under the age of 15; when children in care are 15 years of age or older the alternate caregiver must be 21 years of age or older;
- (3) ensure that alternate caregivers meet the requirements and comply with background check requirements outlined in 7 AAC 67.200, if the intent is for planned, regular, unsupervised contact with a child in care;

(4) provide notice and contact information to the licensing worker and foster child's caseworker when utilizing an alternate caregiver outside of the foster home.

(g) For babysitters, foster parents must:

(1) arrange for short term occasional care up to 24 hours in a calendar week; and

(2) ensure the babysitter is at least 16 years of age.

(h) A foster child placed in a home may not provide babysitting for or on behalf of the foster parent.

(i) Babysitters are exempt from background check requirements.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.180

AS 47.14.120 AS 47.32.030 AS 47.32.190

AS 47.32.010 AS 47.32.110

7 AAC 67.130. Orientation and training. (a) Foster parents are encouraged to complete foster care orientation before applying for licensure.

(b) Foster parents are encouraged to complete Core foster care training within the first year of licensure.

(c) Ongoing formal and informal assessment of the foster parent's individual training needs will be made by the department based on the foster home evaluation.

(d) Within 90 days of issuance of a provisional license, a written individualized training plan will be developed with the foster parent and the child's caseworker, if applicable, and approved by the licensing supervisor. The training plan must be individually designed to strengthen the foster parent's ability to meet the needs of each child placed in the foster home.

(e) Following the first year of licensure, the foster parents will be required to complete training as identified in the individual training plan developed and updated annually by the foster parent and the department's licensing representative. The training plan will be based on the needs of the children in care and the foster parent's training and experience.

(f) Training must be documented, with a copy provided to the department and must include the date, subject, method of training, duration, and the name of the individual who conducted the training. (Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190
	AS 47.32.010	AS 47.32.110	

Editor's note: For information on Core training and other training for foster parents, contact the Alaska Center for Resource Families, 815 2nd Avenue, #202, Fairbanks, Alaska 99701; telephone: (907) 479-7307; or at the following website: acrf@nwresource.org

7 AAC 67.140. Placement of a child in foster home. (a) A licensee shall request and review information about a child under this section and 7 AAC 67.220(c), in order to determine whether the foster home can meet the child's needs. If, after reviewing the information, the licensee determines it can meet the child's needs, the foster home may admit the child. If a licensee has reason to believe that, even with reasonable accommodation, the foster home cannot meet the needs of a child, a licensee may deny admission to the child.

(b) A licensee may only admit a child within the age range, capacity, or conditions of the foster home license. Any changes to the age range, capacity, or conditions of the foster home license, require approval by the licensing representative.

(c) When a licensee agrees to accept a placement, at the time of placement, or on the next business day, the department will provide a:

(1) completed authorization form allowing the licensee to consent for emergency and routine medical care; and

(2) placement packet for the child.

(d) For each child placed, a licensee is responsible for reviewing the following information, if known, from the department before or when a child is placed in the foster home:

(1) placement information containing the conditions related to the care of the child that are specified by the department or by the child placement agency and the rate paid for care;

(2) the reason and expected duration of placement;

(3) information about a child's medical history including the medications and known allergies; if known, the names and phone numbers of the child's primary health providers, including medical, dental and vision care providers; and information about any physical, behavioral or medical needs that will necessitate special attention and effort from the licensee, special equipment, behavioral health needs or services the child is receiving, medical appointments, treatments, medications and information about what emergency measures to use;

(4) the child's educational needs, strengths and weaknesses, including special education services and supports, where the child attends school, and what the plan is for getting school records and providing transportation to the child's school;

(5) delinquent activity including activity which was alleged although not fully adjudicated, including the name and phone number of a juvenile probation officer, if one is assigned to the child;

(6) any known safety concerns with, and for, the child;

(7) known visitation schedules between the child's parents and siblings, if the siblings are placed apart;

(8) other information as necessary to enable the licensee to provide appropriate care for the child, to protect the safety of the child, and to protect the safety and property of the licensee's household members, visitors, or relatives.

(e) A licensee may accept placement of a child from one child placement or Tribal agency. If the licensee wishes to accept a child for placement from another child placement or Tribal agency, prior approval for the placement of a child from the licensing oversight agency is required.

(f) A licensee shall cooperate with case plan development and implementation for a child in care at the time of placement and as long as the child in care is placed with the licensee. A copy of the case plan for the child may be provided by the child's placement worker.

(g) A licensee shall initiate an Early and Periodic Screening, Diagnosis and Treatment (EPSDT) screening for each child placed in care within 30 days of placement, except if the department already has on file a current EPSDT screening for the child. The licensee shall make every effort to use the child's existing primary care provider for the EPSDT screening.

(h) A licensee shall work collaboratively with the department in managing the health care needs of a child, which may include involving a parent of the child in medical, dental, and mental health appointments and require regular exchange of health information of the child with the department. (Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190

AS 47.32.010

AS 47.32.110

7 AAC 67.150. Placement change of a child. (a) A licensee shall provide notice to the child's caseworker at least two weeks in advance when requesting placement change of a child. In circumstances where the health or safety of a household member would be endangered by the child's continued residence at the foster home, or an emergency affecting the foster home, an exception to the two-week notice may be considered by the department.

(b) If a child must be relocated to another placement setting by the department, the licensee shall cooperate with the department through the relocation process.

(c) When a child leaves the foster home, the licensee shall send all of the child's records to the child's caseworker. If the child is a private placement through a child placement agency, the child's records are returned to the child placement agency.

(d) A licensee shall provide all of the child's personal possessions to the protective services specialist upon change of placement. Personal possessions include but are not limited to the following:

- (1) the child's money and bank account information;
- (2) clothing as identified in clothing inventory and purchased for the child while placed in the foster home;
- (3) photos, drawings, and school documentation;
- (4) other personal items such as furniture purchased for the child, items bought for the child, and anything the child has acquired, such as mementos, sports equipment, bicycles, gifts, and electronic devices. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020

AS 47.32.020

AS 47.32.180

AS 47.14.120

AS 47.32.030

AS 47.32.190

AS 47.32.010

AS 47.32.110

7 AAC 67.160. Records, child. (a) A licensee shall maintain medical, dental, immunization, and treatment records documenting services and treatment provided by the medical, dental, or behavioral health provider of services.

(b) A licensee shall maintain educational records such as report cards, teacher conference information, or the child's school work.

(c) A license shall allow the department access to the child's records.

(d) A licensee shall maintain a record for each foster child and securely store the child's record within the foster home.

(e) A foster home caring for a child who is in state custody shall comply with the requirements of 7 AAC 54.020 - 7 AAC 54.150, 7 AAC 54.300 - 7 AAC 54.390, and for confidentiality of records.

(f) An entity may not disclose information, including photographs, or videos concerning a child in state custody if disclosure identifies the child. This includes the use of internet and social networking sites. The foster parent must comply with the department when disclosure is not in the best interest of the child. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020

AS 47.32.020

AS 47.32.180

AS 47.14.120

AS 47.32.030

AS 47.32.190

AS 47.32.010

AS 47.32.110

7 AAC 67.170. Records and reports, general. (a) In addition to the notice requirements of AS 47.32.200 and 7 AAC 10.925, a licensee shall report to the licensing specialist immediately any changes in the original license application. Changes include the following:

(1) addition of a new household member, employee, contractor, volunteer provider, or volunteer, who might have unsupervised contact with the children in care;

(2) if a member of the household applies to become an in-home child care provider, an adult assisted living home, or in-home adult day care provider;

(3) change in the household composition, such as:

(A) birth, adoption, marriage, or divorce;

(B) incapacity or serious physical or mental illness of a licensee or member of the household;

(C) the death of anyone in the household; or

(D) a change in who resides elsewhere on the premises;

(4) change in the name of the individual operating the foster home;

(5) change in the location or premises, including address;

(6) change in the phone number;

(7) a change in the specialization under 7 AAC 67.400 – 7 AAC 67.420.

(b) A licensee shall report to the department's licensing representative the following changes within 24 hours or on the first working day, if they occur outside of normal business hours:

(1) when another agency or Tribe requests to place a child in the licensee's home;

(2) when the licensee agrees to provide respite care for another licensee;

(3) an unplanned change in an item listed in (a) of this section.

(c) A licensee shall report the following to the child's caseworker no later than the first working day that it is known:

(1) pregnancy of a child in care;

(2) severe distress, depression, or significant changes in the behavior of a child in care;

(3) non-emergency medical care 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;

(4) violation of a condition of probation by a child in care, if applicable;

(5) allegations of criminal conduct by a child in care;

(6) property damage caused by a child in care must be reported within 72 hours.

(d) If a child's caseworker is not available, the licensee shall give the reports required in (b) or (c) of this section to the department by contacting the caseworker's supervisor.

(Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190
	AS 47.32.010	AS 47.32.110	

7 AAC 67.180. Record, critical incidents. (a) A licensee shall report critical incidents immediately or as soon as reasonably possible to:

(1) the child's caseworker, during normal work hours; or

(2) to the department staff who are responsible for after office hours intake and

on-call services; and

(3) the licensing representative.

(b) The incidents to be reported include:

(1) any reasonable cause to believe that a child has suffered child abuse or neglect;

(2) serious injury or illness of a child in care requiring attention by medical personnel outside of the foster home;

(3) death of a child, licensee, or household member;

(4) suicidal or homicidal ideations, gestures or attempts by a child in foster care or any other household member;

(5) any use of physical restraint of a foster child;

(6) any disclosures of sexual or physical abuse of a child reported to the licensee;

(7) sexual contact between two or more children associated with the foster home;

(8) physical assaults between two or more children associated with the foster home;

(9) physical or sexual assaults of a foster parent or household members by children or youth;

(10) any incidents of medication, prescription or non-prescription, incorrectly administered or not taken as prescribed;

(11) hospitalization or in-patient services or treatment of a licensee;

(12) change in the physical health, mental health, or medications of a household member that could affect the ability of the member or the family to meet the needs of a child for safety, health, and well-being;

(13) a licensee or household member is arrested, charged with, convicted of, found not guilty by reason of insanity for, or adjudicated as a delinquent for any criminal activity by any law enforcement agency such as state, local, tribal or military.

(c) A licensee shall report and cooperate with law enforcement when a child in care is missing or has run away from the foster home. (Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.020	AS 47.32.180
	AS 47.14.120	AS 47.32.030	AS 47.32.190
	AS 47.32.010	AS 47.32.110	

Article 3. Care and services for children in foster care home.

Section

200. Supervision of children

210. Maximum capacity of children in foster homes

220. Supervision of children who are eligible for home and community-based waiver services

230. Program and management in foster home

240. Behavior guidance

7 AAC 67.200. Supervision of children. (a) A licensee must provide children in their care with appropriate adult supervision, physical safety, emotional support and personal attention.

(b) The department may request a written supervision plan for conditions or individuals that are identified as a risk to children.

(c) Foster parents will utilize the prudent parent standard for child participation in

activities, but the following must have caseworker permission:

- (1) operation of a vehicle;
- (2) handing of a firearm under supervision;
- (3) contact sports;
- (4) playing with propelled objects without constant supervision, such as paint guns;
- (5) airborne activities other than approved transportation.

(d) Questions regarding appropriate supervision of children or any time a child may be left in the foster home unsupervised must be directed to the child's caseworker.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 67.210. Maximum capacity of children in foster homes. (a) The department may restrict the number, age range, or gender of children a foster home is licensed to serve up to the maximum listed below. Factors to be considered by the department include, the ages of the foster children, the applicant or licensee's children, space in the home, and the physical and emotional condition and the needs of the children. These requirements are for foster homes and foster group homes.

(b) During the first year of foster care experience, the number of children in care by the licensee is limited to no more than two children, unless children are related to the licensee.

(c) No more than six children, inclusive of the licensee's own children, may reside in a foster home. Of the six, no more than

- (1) two children under 30 months of age are permitted;

(2) two may be non-ambulatory; and

(3) except as provided in (a) of this section, up to three children who are unrelated to the licensee are permitted.

(d) No more than eight children, inclusive of the licensee's own children, may reside in a foster group home. Of the eight, no more than

(1) two children under 30 months of age are permitted;

(2) two children may be non-ambulatory.

(e) Foster group homes may not serve children covered through Medicaid waivers without prior approval from the department as outlined in 7 AAC 67.075.

(f) A foster group home may have up to eight children who are unrelated to the licensee.

(g) In a foster group home, if more than six children are in care, one licensee must be available to provide transportation, participate in treatment or case plan activities, attend meetings or court hearings, and be able to meet the needs of the children.

(h) The capacity restrictions in this section may be exceeded at the discretion of the department in extraordinary situations if it appears to be in the best interest of the child or sibling group, and would not jeopardize the health and safety of the other children in the home.

(i) Capacity restrictions for foster homes who are serving children eligible for home and community-based waivers are outlined in 7 AAC 67.220.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 67.220. Supervision of children who are eligible for home and community-based waiver services. (a) Children who are eligible for home and community-based waiver

services through the department have complex medical, cognitive, and developmental delays which require intensive levels of care by a foster parent. Notwithstanding the provisions of 7 AAC 67.210, if a foster home provides care to a child covered through the home and community-based waiver program, the capacity of the foster home must be limited to no more than three children who are eligible for a home and community-based waiver.

(b) When a foster home has three children in care who are eligible for home and community-based waiver services through the department, the licensee shall not accept additional children into the foster home for care, without a general variance as outlined in 7 AAC 67.075. Additionally, subject to the provisions of 7 AAC 130.265, approval of the general variance for the placement of more than 3 children who are eligible for a home and community-based waiver in a foster home must be approved by the division directors or their designees for home and community-based waiver services and children's services for the department.

(c) The department may license a foster home for up to three foster children who are receiving home and community based waiver services if:

(1) the licensee's training or experience qualifies them to provide proper care to meet the child's needs;

(2) the foster home capacity is limited to three children when providing care for one or more children eligible for home and community-based waivers, except in situations where siblings are placed together with the licensee; and

(3) the licensee has a written plan on how to evacuate the children in case of fire or other emergency, as outlined in 7 AAC 67.303(c)(3).

(d) At or before admission of a child with significant medical needs, the licensee shall obtain the child's home and community-based waiver plan of care and follow identified services, as outlined in the plan of care.

(e) For children who are also in the custody of the department, the licensee must also follow the child's case plan for children's services. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030

7 AAC 67.230. Program and management in foster home. (a) Children have the right to practice their own religion and have a right to not practice the licensee's religion without consequences. The licensee shall

(1) support the child's participation in religious or faith-based services if the child chooses to participate;

(2) within reason, provide or arrange transportation to religious or faith-based services.

(b) Children have the right to participate in their own ethnic or cultural events. The licensee shall

(1) support the child's participation in ethnic or cultural events if a child chooses to participate;

(2) provide or arrange transportation to ethnic or cultural events.

(c) A licensee shall help a child to develop age appropriate patterns of behavior that foster constructive relationships and increase their coping skills.

(d) A licensee shall provide children with safe and suitable toys and activities that

contribute to developing their physical, mental, social and emotional skills. Toys shall be accessible to children.

(e) A licensee shall provide structure and daily activities designed to promote healthy physical, social, intellectual, spiritual and emotional development appropriate to the development stages of children in care.

(f) Except for medical reasons, a licensee may not deny a food to a child, force-feed a child, or otherwise coerce a child to eat against the child's will for any reason. Encouragement to eat is not prohibited.

(g) Children in care shall be clean and groomed appropriately for the community standards. A licensee is responsible for providing children in care with items needed for grooming and personal hygiene.

(h) A licensee is responsible for providing each child with clean, well-fitting clothing appropriate to the age of the child and seasonal weather conditions. Clothing should be comparable to community standards.

(i) A licensee is responsible for ensuring that chores are shared equitably with other children in the foster home and do not interfere with school, health and necessary recreation. Children may be assigned chores appropriate to their age, health and ability. Children in care may

(1) do regular household tasks without payment;

(2) do work assignments other than household tasks that are appropriate to their age and physical conditions and receive monetary compensation for that chore; or

(3) receive an allowance, if allowance is given to other children in the foster home.

(j) A licensee shall consider money earned or received as a gift, allowance, or from another source as the foster child's personal property.

(k) The licensee is responsible for educating the child about money management and planning as age appropriate.

(l) No member of a foster home may borrow or spend money acquired by the foster child.

(m) A licensee may limit the amount of money a child may possess or have access to if the limitations are in the child's best interest. A licensee shall notify the child's caseworker if the child's funds or savings exceed \$200.00.

(n) A licensee must allow the child to have access to personal belongings they brought with them or acquire while in care. In the event that some of the child's possessions create health or safety concerns to the foster child or foster home, the foster parent should discuss the issue with the child's caseworker.

(o) A licensee shall support the child's education plan as indicated by the department and child's school, including providing a space for homework and materials needed. Foster children will attend a public school unless an alternate education is approved by the department.

(p) A licensee may not enroll a child from their home school to another school without permission from the child's caseworker.

(q) A licensee shall comply with the child's case plan and family contact plan.

(r) The licensee is responsible of ensuring the child's privacy within the foster home by:

(1) having household members make themselves known before entering the child's room or bathroom when the child is using it;

(2) not performing pat, body or strip search of the foster child;

(3) not performing invasive searches of a child's room, except when there is cause to believe there is a health or safety concern;

(4) not using surveillance cameras in areas of the home where the child should expect privacy such as bedrooms and bathrooms; the appropriate use of a video baby monitor system for infants and toddlers, and bed alarms to meet the medical needs of a child are allowed;

(5) not opening a child's mail or packages, including electronically-transmitted communications, unless specified in the child's case or treatment plan; if otherwise not noted in a plan, the licensee will seek consent from the child's caseworker if there is concern for the health and safety of the child. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030

7 AAC 67.240. Behavior guidance. (a) A licensee must demonstrate the ability to develop and use appropriate discipline strategies to address the child's challenging behaviors that may be the result of the child's trauma, grief or past experiences.

(b) A licensee shall provide for positive reinforcement, redirection, the setting of realistic expectations, and clear and consistent limits.

(c) Licensees are responsible for behavior modification practices for children in their care. This responsibility shall not be delegated to a child.

(d) Behavior modification must be based on an understanding of the child's needs and stage of development.

(e) Behavior modification must be fair, reasonable, consistent, and related to the child's behavior.

(f) The following forms of discipline are prohibited in a foster home. A child may not be

(1) spanked with a hand or object, or be subjected to any form of corporal or physical punishment including, biting, jerking, kicking, hitting, pulling the child's hair or shaking or throwing the child;

(2) threatened with physical harm;

(3) threatened to be expelled from the foster home or intimidated;

(4) subjected to verbal abuse and derogatory remarks about the child or the child's family characteristics, physical traits, culture, ethnicity, language, sexual orientation, or traditions of the child;

(5) placed in a locked room;

(6) placed under a cold water shower;

(7) forced to eat or have hot sauce, soap, or other ill-tasting substances placed in a child's mouth;

(8) physically restrained, except when necessary to protect a young child or person from injury, or to protect property from serious damage; and then only passive physical restraint may be used; all physical restraints need to be reported to the department;

(9) mechanically restrained, except for a protective device such as a seatbelt;

(10) chemically restrained; or

(11) disciplined in a manner that is cruel, humiliating, or otherwise damaging to the child.

(g) A licensee must not use methods of behavior modification that interferes with a child's basic needs, including:

(1) depriving the child of sleep;

(2) providing inadequate food, clothing, living space, or shelter;

(3) withholding food or other items essential to the protection, safety, or well-being of a child or young adult;

(4) restricting a child's breathing;

(5) forcing a child to shower or bathe as a form of punishment;

(6) assigning strenuous exercise or work as a form of punishment;

(7) interfering with the child's ability to take care of their own hygiene and toilet needs; or

(8) providing inadequate medical or dental care.

(h) A licensee shall not deprive or deny a child of necessary services or contacts, including:

(1) the child's caseworker or assigned legal representative;

(2) the child's parents or other family members who are identified in the family contact plan; or

(3) individuals providing the child with therapeutic activities as part of the child's case plan.

(i) A licensee must notify the department when a child has ongoing challenging behaviors. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030

Article 4. Health and safety in the foster home.

Section

300. Purpose and applicability

303. Life and safety

- 305. Heating and heating devices
- 310. Water supply
- 315. Wastewater disposal
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- 343. Medications and supplements
- 345. Animals
- 350. Effect of local ordinances
- 355. Space
- 360. Safe sleep
- 370. Nutrition

7 AAC 67.300. Purpose and applicability. If an entity is licensed for more than one category of care licensed by the department, the entity is subject to the most stringent

requirements applicable to those categories of care, even if an exemption might apply if licensed separately. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.14.120	AS 47.32.030
	AS 18.05.040	AS 47.32.010	AS 47.33.005
	AS 44.29.020	AS 47.32.020	AS 47.33.010

7 AAC 67.303. Life and safety. (a) A foster home must comply with the applicable life and fire safety requirements of this section and any additional or more stringent applicable standards established by a municipality to which the state fire marshal has deferred building fire safety inspection and enforcement activities under 13 AAC 50.075(c).

(b) The department or designee will inspect an entity licensed to provide care to determine if the entity meets the applicable requirements of this section. Based on the inspection, or if the department determines that it is necessary for purposes of public health, safety, or welfare, the department may request an advisory inspection report from local or state authorities. The foster home is responsible for any fee charged by the authority for each inspection.

(c) An entity must have a disaster preparedness and emergency evacuation plan that

- (1) includes evacuation procedures that will ensure the complete evacuation of children in care, including children with limited mobility, within 3 minutes; and
- (2) provides a plan that will be followed for the complete evacuation of the entity; the department may require a detailed plan including specific procedures, as applicable, for

(A) children under 30 months of age;

(B) adults or children with limited mobility; and

(C) adults or children who otherwise may need assistance in an emergency, including an adult or child who is mentally, visually, or hearing impaired;

(3) includes procedures for other emergency situations or natural disasters that may affect the foster home, on a form required by the department;

(4) requires

(A) the licensed foster parent to provide training of all caregivers in implementing the plan; and

(B) participation of all caregivers who are present during the scheduled drill.

(d) A foster home shall conduct emergency evacuation drills as required in this subsection. The foster home shall conduct a drill at least once each month if there are children in care placed in the home. Children whose medical or physical condition may be compromised by an emergency evacuation drill, do not need to participate; however, caregivers must review the specialized plan procedures for these children before or after the drill.

(e) A foster home shall document and retain a record of each required evacuation drill and make the record available to the department upon request. The record shall include the

(1) date and time of the drill;

(2) name of each adult or child in care who was present at the time of the drill;

(3) amount of time required to complete the drill.

(f) If an emergency affects a foster home, the foster home shall notify the department by telephone, facsimile, or electronic mail no later than the following working day and the department may request a detailed written report.

(g) In addition to the first aid kit required under 7 AAC 67.335, a foster home shall maintain one disaster kit that includes all items together in an accessible location, including

- (1) at least one working flashlight and extra batteries if applicable;
- (2) at least one battery-operated or hand crank radio and extra batteries;
- (3) potable water;
- (4) nonperishable food; and
- (5) blankets.

(h) A foster home that uses oil, wood, natural gas, or propane as a heating or cooking fuel shall ensure that an operating carbon monoxide detector is installed within the immediate vicinity of each sleeping area, and is regularly inspected, tested, and serviced. In addition, if the foster home is a multi-level facility, at least one operating carbon monoxide detector must be installed on each level.

(i) A foster home shall ensure that

(1) the licensed home has at least two means of emergency escape that are remote from each other and that provide unobstructed access to the outside of the building; at least one means of emergency escape must be an exterior door; if one of the means of emergency escape is a window, the window must comply with the requirements of (2) of this subsection; the foster home shall have at least one means of escape from the basement directly to the outside at or near ground level, if occupied for any part of the day;

(2) each bedroom has at least one fully-opening window that provides escape directly to the outside and that meets the following requirements or has an exterior door for emergency escape and rescue directly to the outside:

- (A) the finished sill height may not exceed

(i) 44 inches above the floor; the department will allow an entity to meet this requirement through the provision of a permanently installed step, the top of which is no more than 44 inches from the sill, if the step does not create a tripping hazard, block wheelchair access in the bedroom, or block a heating element; or

(ii) 48 inches above the floor if the window is located in the basement, if the home does not already meet the standard in (i) of this sub-subparagraph; the home must meet the standard in (i) of this sub-subparagraph if the bedroom is remodeled or a new bedroom is constructed;

(B) the net clear openable area must be a minimum of 5.0 square feet for grade floor windows; for purposes of this subparagraph, the net clear openable height may not be less than 22 inches and the width may not be less than 20 inches;

(C) for all other floor windows, not grade floor, the net clear openable area must be a minimum of 5.7 square feet; the net clear openable height may not be less than 24 inches and the net clear openable width may not be less than 20 inches; a window screen may not be used if it permanently prevents exit or if it cannot be easily removed for exit;

(3) the foster home and premises are free of any accumulation of combustible waste material and other fire hazards;

(4) at least one AC primary powered smoke detection device with battery backup, or at least one monitored battery powered smoke detection device, is located in each bedroom; in addition, if the foster home is multi-level, at least one smoke detection device must be installed on each level; each device required under this paragraph must be less than 10 years old, or newer

if necessary to comply with the manufacturer's recommended replacement date; in this paragraph, "AC" means alternating current;

(5) at least one fully charged 2A:10BC dry chemical fire extinguisher is strategically located on each level of the facility, and is maintained, serviced and replaced according to manufacturer's instructions;

(6) any flammable or combustible liquid is stored in a container with a tight-fitting lid specifically designed for holding flammable or combustible liquids, and ensure that these liquids are kept out of the reach of children. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.14.120	AS 47.32.030
	AS 18.05.040	AS 47.32.010	AS 47.33.005
	AS 44.29.020	AS 47.32.020	AS 47.33.010

7 AAC 67.305. Heating and heating devices. (a) A foster home shall ensure that room temperature in the facility is maintained and adjusted as needed for the majority of children in care to be comfortable.

(b) The foster home shall ensure that

(1) each heating device is installed and maintained in a safe and serviceable manner and is

(A) vented to the outside if the device is fuel burning and emits smoke or fumes; vents or stacks leading from a heating unit must be air-tight at joints so that fumes, smoke, or unburned gases cannot pass from the device, vent, or stack into the foster home;

(B) equipped with protective devices if the heater presents a

hazard because of an exposed flame or heating element if children in care are ages 0-5 or have limitations that pose a risk of injury; heat sources must be shielded in a manner that prevents burn injury; the shield must be far enough from the heat source to prevent it from smoldering or burning;

(C) not placed or located in sleeping quarters during sleeping hours, unless the foster home does not have a separate sleeping area, or in exit ways or corridors at any time; and

(2) an open flame heater is not used, except for a fireplace that complies with applicable municipal building codes; if a fireplace is used, it must have a protective screen, and the area near the fireplace must be kept free of clutter and combustible or flammable material.

(c) The foster home shall ensure that any portable electric heater is equipped with a tip over switch and is kept out of the reach of children. A portable electric heater must be kept from flammable objects in accordance with the manufacturer's recommendations.

(Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.14.120	AS 47.32.030
	AS 18.05.040	AS 47.32.010	AS 47.33.005
	AS 44.29.020	AS 47.32.020	AS 47.33.010

7 AAC 67.310. Water supply. A foster home shall provide an ample supply of potable water from a system that complies with applicable provisions of 18 AAC 80.

(Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005

AS 44.29.020

AS 47.32.130

AS 47.33.010

AS 47.14.120

7 AAC 67.315. Wastewater disposal. A foster home shall provide a domestic wastewater system that complies with applicable provisions of 18 AAC 72.

(Eff. ____/____/____, Register _____)

Authority: AS 18.05.010 AS 47.32.010 AS 47.32.140

AS 18.05.040 AS 47.32.030 AS 47.33.005

AS 44.29.020 AS 47.32.130 AS 47.33.010

AS 47.14.120

7 AAC 67.317. Solid waste. A foster home shall ensure that solid waste is conveyed, stored, and disposed of in a manner that

(1) minimizes the development of odor;

(2) prevents waste from attracting and harboring pests; and

(3) complies with applicable provisions of 18 AAC 60.

(Eff. ____/____/____, Register _____)

Authority: AS 18.05.010 AS 47.32.010 AS 47.32.140

AS 18.05.040 AS 47.32.030 AS 47.33.005

AS 44.29.020 AS 47.32.130 AS 47.33.010

AS 47.14.120

7 AAC 67.320. Toilet facilities, sinks, showers, and bathing facilities. (a) A foster home located in a municipality with a population of 2,500 or more shall ensure that plumbing is sized, installed, and maintained as required by the applicable state plumbing code developed under AS 18.60.705 - 18.60.740, and by any applicable municipal plumbing code. A foster home shall ensure that plumbing in the foster home is consistent with good public health practices.

(b) A foster home shall provide and maintain clean and sanitary toilet facilities and ensure that in each toilet room

(1) at least one easily cleanable waste receptacle is provided; if soiled diapers are kept in a waste receptacle until disposed of, that waste receptacle must be covered;

(2) toilet tissue is provided;

(3) each step stool, if provided, has a nonslip tread made of a water-impervious, durable material;

(4) each toilet lid, seat, and handle and each hand sink is kept clean and sanitary.

(c) The foster home shall ensure that each portable tub, bedpan, and potty-chair, as applicable, is emptied into a toilet or other sanitary waste disposal method, and is cleaned and sanitized after each use. (Eff. ____/____/____, Register _____)

Authority: AS 18.05.010 AS 47.14.120 AS 47.32.130

AS 18.05.040 AS 47.32.010 AS 47.32.140

AS 44.29.020 AS 47.32.030

7 AAC 67.323. Premises. (a) A foster home shall ensure that

(1) the foster home and surrounding grounds are kept clean, sanitary, safe, in good repair and are free of hazards, that may include splintered surfaces, sharp edges,

protruding corners, broken or hazardous toys, steep stairways, ice on walkways and unsafe play areas;

(2) insects, rodents, and other pests are controlled and that the foster home is kept free of conditions that are likely to attract or harbor pests; any pesticide use is subject to the applicable requirements of 7 AAC 10.1093; if the department determines that the foster home is not adequately controlling pests, the department may require the foster home to hire a commercial pest control applicator certified under 18 AAC 90, or to take other appropriate action if a commercial pest control applicator is not available in the community;

(3) lead-based paint is not used, and any painted surface is free from flaking;

(4) hot water temperature is no less than 100 degrees Fahrenheit, and no more than 120 degrees Fahrenheit on any fixture that is accessible to adults or children;

(5) an artificial light source is provided in each area of the foster home; the light must be sufficient and appropriate for the activities performed in each area by employees, or by adults or children in care;

(6) cleaners, medicines, toxic materials, and other harmful substances are stored in a place that is inaccessible to children and to adults with impaired judgment;

(7) furniture and equipment is durable, safe, easily cleanable, and is kept clean and in good repair;

(8) only nontoxic arts and crafts materials are used;

(9) the department is aware of and approves a poisonous plant that is a common household plant, including a poinsettia, a dieffenbachia, an English ivy, a mother-in-law, and a philodendron, to be present in a foster home, if the department finds that young children in care or children in care with limited judgement will be protected from harm.

(b) A licensee must discuss with the department's licensing representative any potential hazardous conditions, considering the children's ages, behaviors, and abilities. A licensing safety and supervision plan must be written if the department determines that hazardous conditions are present. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.325. General cleaning and sanitation standards. A foster home shall ensure that

(1) each table or highchair used for food is in good repair, is cleaned and sanitized after each use;

(2) floors, low shelves, walls, door knobs, and other surfaces often touched are cleaned and sanitized regularly;

(3) each interior and exterior waste receptacle is kept clean and emptied as often as necessary to prevent overflow;

(4) any surface contaminated by a body fluid, including saliva, blood, mucus, vomit, urine, feces, and an injury discharge, is immediately cleaned and disinfected using universal precautions in accordance with 7 AAC 67.327;

(5) cleaning that may present a hazard to children is done only when a room is not occupied by children in care; and

(6) all bedding is laundered

(A) at a frequency to keep it clean;

(B) before assignment to another child in care; and

(C) whenever soiled. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.327. Universal precautions. (a) A foster home shall take precautions to reduce risk against the spread of a communicable, contagious, or infectious disease that could pose a significant threat to the health, safety, or welfare of children in care. Precautions include:

(1) seeking and complying with current medical and sanitation advice on communicable, contagious, or infectious diseases;

(2) adopting universal precautions, including the use of gloves, to handle potential exposure to blood, blood-contaminating body fluids, and injury discharges;

(3) training household members or alternative caregivers in universal precautions and in the prevention of communicable, contagious, and infectious diseases.

(b) Caregivers shall conform to good hygiene practices.

(Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.330. Additional provisions for entities licensed to provide care for

children. (a) A foster home licensed to provide care for infants and children shall

(1) install and use safety gates or a barrier to prevent access to stairs, if infants or toddlers are in care;

(2) install outlet covers in all electrical outlets that are not in use and that are accessible to children under age five.

(b) A foster home that provides diapering shall develop, and ensure that each caregiver follows diaper changing procedures to ensure diapers are changed regularly, soiled areas on the child are washed and dried, and minimize the spread of disease, discomfort, and infection.

Children shall not be left unattended on a diaper changing surface.

(c) Toilet learning shall be:

(1) individualized;

(2) developmentally appropriate;

(3) conducted in accordance with the child's case plan or therapeutic care team;

(4) never forced.

(d) A foster home that provides a play area for use by children in care shall ensure that the play area is free of hazards that can cause injury, including selecting and maintaining play equipment so that it

(1) is securely anchored, unless it is portable and self-supporting;

(2) is free of entrapment, pinch, or crush points;

(3) is free of sharp points, corners, or edges; and

(4) provides clearance between the equipment and any objects that may

cause injury. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.335. First aid kit and procedures. (a) A foster home shall review first aid procedures and have access to emergency telephone numbers, including the number for the poison control center. A foster home shall maintain at least one first aid kit described in (c) of this section that is kept at the foster home.

(b) A foster home shall restock each first aid kit after use to ensure compliance with this section.

(c) Each first aid kit must include at least the following items, checked regularly to ensure that any expiration date is not exceeded, and kept within a container that will hold all of the items:

- (1) disposable nonporous, nonlatex gloves;
- (2) sealed packages of alcohol wipes or antiseptic;
- (3) scissors;
- (4) tweezers;
- (5) a thermometer;
- (6) bandages;
- (7) ace bandage;
- (8) sterile gauze.

(Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.337. Firearms and ammunition. (a) A foster home shall ensure that any firearms are unloaded and stored in a locked gun safe or other approved locked place that is not accessible to children in care. The foster home shall ensure that ammunition is stored separately from the firearms in a place inaccessible to children in care.

(b) The foster home shall inform the department if firearms are present in the foster home.

(c) Before a foster home allows a child to handle a firearm, the home shall submit a firearms safety plan approved by the department that addresses the firearms safety instruction approach the home will use and the home must request the child's placement worker to obtain advance permission from the child's parents, or the department if the parental rights have been terminated. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.340. Smoking. (a) A foster home is subject to the applicable requirements of this section.

(b) Smoking within the home is prohibited and must be limited to outside of the foster home. Smoking includes but is not limited to cigarettes, marijuana, tobacco, vaporizers, e-cigarettes, and cigars. A foster home shall ensure that

(1) cigarettes or other smoking products, ashtrays, lighters, or other smoking accessories are not visible or accessible to children;

(2) the home does not smell of smoke from cigarettes or other smoking products;

(3) smoking doesn't occur in the vicinity of children in care to reduce effects of second hand smoke.

(c) Any vehicle used to transport children must be smoke-free to prevent the accumulation of smoke and smoke odor. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.341. Alcohol, marijuana and other regulated substances. (a) Use of alcohol, marijuana and other regulated substances in a foster home must be conducted in a manner that does not interfere with the supervision of children.

(b) The department may require a foster home to submit on an approved form by the department, the plan for storage and usage of marijuana and alcohol in the foster home.

(Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.343. Medications and supplements. (a) A licensee must comply with the requirements of 7 AAC 10.1070 as applicable to foster homes or foster group homes and the requirements of this section.

(b) A licensee shall record all prescription medication, non-prescription medication, and supplements given to children in care, on a form provided by the department, and make the record available for review by a medical professional and the department.

(c) Consent to begin, modify or stop a psychotropic medication for a child can only be given by

(1) the child's parent;

(2) the child's legal guardian, based on the authority of the guardianship court order;

(3) a court order; or

(4) the child's caseworker, for a child if parental rights of both parents have been terminated and in the custody of the department.

(d) A licensee will notify the child's caseworker if psychotropic medication is changed or newly prescribed for a child placed in the licensee's home so the child's caseworker can take action to obtain consent.

(e) A licensee must not use medications or supplements for behavior control, unless prescribed for that purpose by a physician or another person legally authorized to prescribe medication.

(f) If the licensee cares for children in the custody of another agency, tribal or other court, the licensee must follow the direction of that agency or court regarding giving or applying prescription and nonprescription medications.

(g) A licensee must notify the child's caseworker if the licensee receives a prescription from a child's parent or guardian. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 67.345. Animals. (a) A foster home shall ensure that any animal kept in the foster home or has contact with children in care has no communicable disease, has immunizations required under state and federal law, and is free of internal and external parasites. The foster home must show proof of compliance with required immunizations to the department upon request.

(b) The foster home shall inform the child's caseworker prior to accepting placement if any animal is present in the entity.

(c) The entity shall ensure that

(1) any birds, fish, and other animals in the foster home are kept in appropriately designed cages or aquariums; the requirements of this paragraph do not apply to domestic dogs and domestic cats;

(2) the area around a cage or aquarium is cleaned and sanitized at a frequency to keep the area clean and sanitary;

(3) animal waste is removed daily, or at a frequency to prevent odor and threat of disease.

(d) The department may require a supervision plan related to animals and children in care and the foster home shall

(1) disclose to the department information regarding any animal in the foster home, if that animal has a history of aggressive behavior or biting, regardless of whether the animal has been the subject of a past contact with an animal control official;

(2) notify the department within 24 hours of any occurrence of aggressive behavior or biting by an animal in the foster home, including whether the occurrence resulted in a contact with an animal control official;

(3) permanently remove from the foster home and premises an animal described in (1) or (2) of this subsection, if the department determines that the animal is a threat to the life or safety of children in care. (Eff. ____/____/____, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	AS 47.33.005
	AS 44.29.020	AS 47.32.130	AS 47.33.010
	AS 47.14.120		

7 AAC 67.350. Effect of local ordinances. A license is issued or denied on the basis of the applicant's compliance with the requirements of AS 47.32 and this chapter. The enforcement of local ordinances, such as zoning regulations and local building codes, is the responsibility of local officials. A licensee shall follow all local ordinances regarding building and zoning codes. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

7 AAC 67.355. Space. (a) A foster home or a foster group home must have indoor and outdoor space to accommodate the physical and developmental needs of the children in care.

(b) If outdoor recreation space is not available at a foster home or foster group home, the licensee may use a park or other outdoor locations that are easily accessible, if a plan for transportation to and from and for supervision during the use of this alternative outdoor location is approved by the licensing representative.

(c) A foster home shall ensure that each child has a designated sleeping space that conforms in safety requirements, is comparable to the other household residents, provides enough space so that each child has adequate sleeping space based on their size and age and allows for unrestrictive egress around the sleeping space.

(d) A foster home or a foster group home shall ensure that there is space and a specific place for each child to keep the child's own clothing and personal possessions.

(Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

7 AAC 67.360. Safe sleep. (a) A licensee shall provide beds, cribs, and bedding for the foster children in the home.

(b) A licensee shall provide foster children with individual beds and cribs, except that children age five and under of the same sex may share a bed with approval of the department.

(c) For an infant under age 12 months, the licensee must follow safe sleep practices including:

(1) do not use soft bedding materials that increase the risk of suffocation, including comforters, pillows, fluffy blankets, crib bumpers that do not stand upright, and stuffed toys;

(2) do not use sleeping equipment that may allow a child to fall, become entrapped, or have clothing tangled on protrusions;

(3) must have their own sleeping area; and

(4) co-sleeping is the practice of allowing an infant to share a bed with an adult and is prohibited in a foster home. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

7 AAC 67.370. Nutrition. (a) A licensee shall ensure that all snacks and meals served meet the general child nutrition protocols.

(b) Within reason, a licensee shall provide food reflecting the ethnic and cultural background of the children in care.

(c) A licensee shall communicate with the case worker concerning any food allergies or special dietary needs of each child and shall plan that child's meals accordingly.

(d) A licensee must have approval of the child's caseworker and written instructions by a physician, parent or guardian before serving nutrient concentrates, nutrient supplements, and modified diets, including therapeutic and allergy diets.

(e) Licensees shall follow pediatrician recommendations for nutrition and feeding of infants.

(f) In addition to the applicable requirements for feeding infants in 7 AAC 10.1000 – 7 AAC 10.1095 a licensee shall

(1) refrigerate filled bottles, if bottles are not used immediately, and contents must be discarded if not used within twenty-hours;

(2) obtain approval from the child's case worker, if breast milk is provided by anyone other than a baby's biological mother.

(g) Infants who are six months of age or over may hold their own bottles as long as an adult remains in the room and within observation range. A licensee must take bottles from the child when the child finishes feeding, when the bottle is empty, or when the child falls asleep. A licensee must not prop a bottle while feeding an infant. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

Article 5. Specializations.

Section

400. Approval of specializations

410. Emergency shelter care in foster homes

420. Foster group homes

7 AAC 67.400. Approval of specializations. To obtain department approval of a specialization designation, a licensee must demonstrate the ability to comply with the applicable requirements of AS 47.32, and this chapter. The department will approve a requested specialization designation if the department determines that the foster home is able to satisfy those applicable requirements. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

7 AAC 67.410. Emergency shelter care in foster homes. (a) A foster home may not accept children for emergency shelter care, without an emergency shelter care specialization and agreement approved by the department.

(b) A foster home shall follow all requirements outlined in the emergency shelter care agreement. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.030

7 AAC 67.420. Foster group homes. (a) The department will establish the number of children that a foster group home is licensed for on a case by case basis.

(b) A foster group home specialization will be assessed by the department to include ensuring adequate space, equipment, supervision, and support. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.120 AS 47.32.020

Article 6. Miscellaneous Provisions.**Section**

700. Compliance and enforcement.

990. Definitions.

7 AAC 67.700. Compliance and enforcement. The department will conduct inspections and investigations of a foster home subject to this chapter to determine compliance with AS 47.32, and will take enforcement action as appropriate under AS 47.32, 7 AAC 10, and this chapter. (Eff. ____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.030	AS 47.32.110
	AS 47.32.010	AS 47.32.090	AS 47.32.130
	AS 47.32.020	AS 47.32.100	AS 47.32.140

7 AAC 67.990. Definitions. In this chapter, unless the context indicates otherwise,

(1) "abuse or neglect" means the physical injury, sexual abuse, sexual exploitation, negligent treatment or maltreatment of a child where the child's health, welfare and safety are at risk or harmed;

(2) "adolescent" means a child in the period of life from puberty to maturity;

(3) "agency" and "child placement agency" have the meaning given in AS 47.32.900 and includes the state with regard to the placement of children;

(4) "alternate caregiver" means an adult selected by a foster parent to provide care and supervision of children in care during temporary absences of the foster parent;

(5) "babysitter" in this chapter means a person who is at least 16 years of age

selected by the foster parent to provide short term care and supervision for children in care;

(6) "behavior modification" is an approach that replaces undesirable behaviors with more desirable ones through positive or negative reinforcement;

(7) "behavioral health problem" has the meaning given in 7 AAC 10.990;

(8) "boarding care" means care provided in a foster home exclusively for children who are residing outside of their home community for the purpose of obtaining education;

(9) "capacity" means the maximum number of children that a foster home is licensed to care for at a given time;

(10) "case plan" means a description of the services to be provided or performed for a child in care, listing each person who has responsibility to provide or perform the activities for a child or the child's family;

(11) "caseworker" means a child's placing worker, social worker, or family service worker, whether through the department or from a placing agency, who is responsible for the child's placement, but does not include the department's licensing specialist;

(12) "chemical restraint" means use of a medication or drug that is administered to manage a child's behavior that has the temporary effect of restricting the child's freedom of movement, and that is not a standard treatment for the child's medical or psychiatric condition;

(13) "child" or "children" means an individual who is

(A) under 18 years of age;

(B) 18 through 20 years of age and in the custody of the state;

(14) "child in care" means a child through 20 years of age who is in the custody of the state and placed in a foster home or with a relative caregiver;

(15) "child placement agency" means an agency required to be licensed under

7 AAC 56.010 to place children for temporary care, continued care, guardianship, or adoption;

(16) "department" means the department of health and social services;

(17) "domestic violence" has the meaning given in AS 18.66.990;

(18) "emergency shelter care" means care in a foster home that is short-term in nature, usually not exceeding 30 days;

(19) "entity" means an entity listed in AS 47.32.010(b) and includes the program, the licensee, and the facility premises;

(20) "EPSDT" means the early periodic screening, diagnosis, and treatment provided under 7 AAC 110.200 – 7 AAC 110.210;

(21) "family friend" subject to AS 47.14.100(e)(2)(C) means either

(A) a fictive kin, who is an individual that is unrelated to a child by birth or marriage, but who has an emotionally significant relationship with the child, with the same characteristics as a family relationship; or

(B) an individual who has a significant relationship with the child such as a close friend to the parent, coach or school teacher;

(22) "firearm" means a portable gun, a barreled weapon that launches one or more projectiles, often driven by the action of an explosive force caused by pressure during the discharge of ammunition;

(23) "foster group home" means a foster home in which one or more licensees operate only one group home for no more than eight children;

(24) "foster home" has the meaning given in AS 47.32.900(7) and this chapter, and includes all parts of the home, other buildings and adjoining grounds over which the licensee has direct control;

(25) "infant" means a child under one year of age;

(26) "license" means a permit issued under AS 47.32 and this chapter;

(27) "licensee" means an individual who has been issued a current license under AS 47.32 and this chapter;

(28) "mechanical restraint" means a device attached or adjacent to the child's body that the child cannot easily remove and that restricts freedom of movement;

(29) "medically-fragile child" means a child who is dependent on life sustaining medications, treatments, equipment, and has the need for assistance with activities of daily living above and beyond those expected of other same age peers, who lack physical or emotional strength and require frequent medical attention from personnel outside of the facility;

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

(31) "missing child" means "runaway child" and has the meaning given in AS 47.10.390 for runaway minor;

(32) "out-of-home placement" means a child's placement in a home or facility other than the child's parent, guardian, or legal custodian;

(33) "parent" means a birth or adoptive parent;

(34) "passive physical restraint" means the least amount of direct physical contact by a licensee using approved methods of making such physical contact to restrain a child from harming self or others;

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

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

(37) "placement worker" means

(A) an employee or volunteer of a child placement agency who arranges for placement of a child in a foster home; or

(B) an employee of the department with regard to the placement of children by the department under AS 47.14.100 – 47.14.130;

(38) "premises" means a place or location associated with the activities of a licensed entity, and includes all or portions of adjacent structures, land, vehicles, equipment, water supply, wastewater systems, and plumbing;

(39) "protective services specialist" means an employee of the department with the child protection duties specifically assigned to the division that oversees children's services;

(40) "prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities;

(41) "psychotropic medication" means a type of medicine that is prescribed to affect or alter thought processes, mood, sleep, or behavior; these include anti-psychotic, anti-depressants and anti-anxiety medications;

(42) "regular contact" has the meaning given in 7 AAC 10.990;

(43) "relative" means an individual who is related to another by blood, adoption, marriage, or tribal custom and includes a family friend with a pre-existing significant relationship with the child in care;

(44) "restraint" means the extraordinary restriction of a child's freedom or freedom of movement;

(45) "severe developmental disabilities" means significant disabling, physical or mental conditions that cause a child to need external support for self-direction, self-support and social participation;

(46) "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 provided by the foster home, 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;

(47) "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 the child's family or community;

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

(49) "youth" means an individual who is between 16 and up to 21 years of age.

(Eff. ____/____/____, 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