

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor 465.4081 

DATE: October 1, 2019

RE: Filed Permanent Regulations: Department of Health and Social Services
Department of Health and Social Services Regulation re: Division of Public Assistance:
Child Care Assistance Program (7 AAC 41)

Attorney General File:	2019200414
Regulation Filed:	10/1/2019
Effective Date:	10/31/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis

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

The attached 10 pages of regulations, dealing with the Child Care Assistance Program, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 47.05.010, AS 47.05.300, AS 47.05.310, AS 47.05.340, AS 47.25.001, AS 47.25.021, AS 47.25.031, AS 47.25.041, AS 47.25.051, and AS 47.25.095, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

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

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

Date:

8/8/19



Adam Crum
Commissioner,
Department of Health & Social Services

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

Oct. 1, 2019, at 9:36 AM, I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: October 31, 2019.

Register: 232, January 2020.

7 AAC 41.015(b) is amended ^{by adding new paragraphs} to read:

(13) ensure all actions for family and provider participation are maintained in a state-provided data system, as applicable;

(14) provide information resources to families and providers regarding developmental screening for children; and

(15) provide information to families and providers regarding program participation and resources for families experiencing homelessness; and

(16) provide a child care provider consumer statement to families including information on how to find a child care provider, review a provider's compliance, access information regarding a provider's participation in a voluntary quality recognition and improvement system, how to file a complaint against a child care provider, and the program's established reimbursement rate.

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 1/5/2017, Register 221; am

10 / 31 / 2019, Register 232)

Authority: AS 47.05.300 AS 47.05.340 AS 47.25.001
AS 47.05.310

7 AAC 41.025(a) is amended to read:

(a) For purposes of calculating a family's program benefits under 7 AAC 41.345, the program rate for each category of care authorized for a child is established in the department's Child Care Assistance Program Rate Schedule, revised as of March 1, February 12, 2019, [JUNE 13, 2017], and adopted by reference. The rates in the schedule are set out by type of facility licensed under 7 AAC 57 or approved under this chapter, category of care, and geographic area.

Register 232, January 2019²⁰

HEALTH AND SOCIAL SERVICES

7 AAC 41.025(b)(1)(⁰~~d~~) is amended to read:

(D) school-age child: five years of age through **13** [12] years of age;

(Eff. 6/23/2006, Register 178; am 8/31/2008, Register 187; am 2/31/2010, Register 193; am

1/5/2017, Register 221; am 9/11/2017, Register 223; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001 AS 47.25.041

7 AAC 41.210(13) is amended to read:

~~Except for a provider subject to 7 AAC 41.370, a participating provider~~

(((Publisher: Leading line unchanged.)))

(13) shall **ensure each provider approved for participation as an approved relative provider under 7AAC 41.201(d),** obtain annually at least 12 hours of ongoing training pertaining to health and safety, early childhood and development, **of which at least one hour** must be on one of the health and safety topics listed in ~~7 AAC 41.210~~ ^{paragraphs} (12)(A)-(G) ^{K. of this section} or an **approved refresher training course under 7 AAC 57³⁵⁰, and complete and maintain certification for the required training.** [OR BOTH].

(Eff. 6/23/2006, Register 178; am 2/9/2007, Register 181; am 1/5/2017, Register 221; am

10 / 31 / 2019, Register 232)

Authority: AS 47.05.300 AS 47.05.310 AS 47.25.001

Following 7 AAC 41.210, please add an Editor's Note to read:

Editor's note: A copy of the approved list of training courses may be obtained from the

Department of Health and Social Services, Child Care Program Office, Division of Public

Assistance, Frontier Building, 3601 C St., Suite 140, Anchorage, AK 99503; telephone number

(907) 269-4500, or may be viewed at that office or on the internet at

<http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx> .

7 AAC 41.211(b) is amended to read:

(b) A provider described in 7 AAC 41.200(a)(5) shall ensure that the number of children does not exceed the maximum of five children, younger than 13 years of age, and that no more than two children are younger than 30 months of age. Each child younger than 13 years of age receiving care, regardless of the hours in care, must be counted in the maximum number of children allowed, including the provider's own children or other children residing in the provider's home. A child who reaches 13 years of age while receiving authorized care, must be counted in the number of children receiving care, not to exceed five. ^{determining five} ^{maximum}

(Eff. 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001

7 AAC 41.213(d) is amended to read:

(d) When a child has a pattern of out-of-control behavior, a provider described in 7 AAC 41.200(a)(5) or (6) may remove the child from the company of other children until the child's behavior has stabilized. Exclusionary practices must only to be used as a last resort in extraordinary circumstances where there is a serious safety concern that cannot be reduced or eliminated with reasonable accommodations. In addition, the child care provider shall develop a plan with the child's parent to provide individualized social and emotional intervention support for the child while the child is in care. The plan must include methods for understanding the child's behavior, and developing, adopting, and implementing a team-based positive behavior support plan with the intent to reduce challenging behavior and prevent suspensions and expulsions [ADDRESS THE BEHAVIOR ISSUES].

(Eff. 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001

7 AAC 41.222(d)(4) is amended to read:

(4) includes procedures for relocating services and reunifying the child and family when the child care premises are inaccessible; [AND]

7 AAC 41.222(d)(5) is amended to read:

(5) provides for emergency evacuation drills to be conducted and documented once each month unless postponed due to severe weather; the provider shall document the reason for any postponement; and [.]

^(d)
7 AAC 41.222 is amended by adding a new paragraph to read:

(6) includes procedures for lock-down and sheltering the children in place for emergency situations when evacuation is not possible.

(Eff. 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001

7 AAC 41.245(a) is repealed and readopted to read:

(a) Except for a provider subject to 7 AAC 41.370, a participating provider shall ensure that a rate charged by a provider to a family participating in the program must be a rate submitted under 7 AAC 41.201(c)(3) or (e)(14), or as amended under 7 AAC 41.210(4).

(Eff. 6/23/2006, Register 178; am 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001

7 AAC 41.260(c) is amended to read:

(c) A provider described in 7 AAC 41.200(a)(5) shall immediately report to the department

(1) the death of a child while in care;

(2) a serious injury or illness of a child while in care that requires attention by medical personnel outside of the premises; [AND]

(3) a fire or other emergency situation that affects the child care premises, reported as described in 7 AAC 10.1010(i); and

(4) the suspension or expulsion of a child in care for challenging or out of control behavior.

(Eff. ~~6/23/2006~~, Register 178; am 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.25.001 AS 47.25.051

7 AAC 41.265(b) is amended to read:

(b) In addition to compliance and monitoring reviews described in (a) of this section, the department will inspect and investigate the provider for purposes of health and safety compliance within 90 days after receiving a complete application or participation approval. **The department will conduct annual unannounced inspections during subsequent years of a provider's program participation.**

(Eff. 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.05.010 AS 47.25.001

The heading of 7 AAC 41.300 is ^{changed} ~~amended~~ to read:

7 AAC 41.300. **Eligible** [ELIGIBLE] family.

7 AAC 41.300(a)(2) is amended to read:

(2) the family's monthly income is at or below the maximum allowed under 7

AAC 41.335(b); [AND]

7 AAC 41.300(a)(3) is amended to read:

(3) the family has at least one eligible child as specified in 7 AAC 41.350; **and**

7 AAC 41.300 is amended by adding a paragraph to read:

(4) the family's children are physically present and living in the state.

(Eff. 6/23/2006, Register 178; am 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.05.010 AS 47.25.021 AS 47.25.031

AS 47.25.001

7 AAC 41.305(a) is amended to read:

(a) The department will or a designee shall determine family eligibility to participate in the child care assistance program under AS 47.25.021, 47.25.031, and this chapter. After a determination of eligibility ^{- 3 bold / ul} **for a 12th month period**, the department will not and a designee may not re-determine family eligibility for ^{- 3 bold / ul} **that 12th month period** ¹² [MONTHS], if the family's average monthly income as described in 7 AAC 41.325(b) does not exceed 85 percent of the state median income as described in 7 AAC 41.335(b) for a family of the same size. The department will or the designee shall provide written notice to a family regarding eligibility to participate in the program. ^{for} **The department will and a designee may re-determine family eligibility up to 60**

days before the end of the family's current 12-month period for a new 12-month eligibility period. The new 12 month eligibility period must begin no sooner than the last day of the current 12 month eligibility period.

(Eff. 6/23/2006, Register 178; am 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.05.010 AS 47.25.021 AS 47.25.031
AS 47.25.001

7 AAC 41.335(a) is amended to read:

(a) To determine the amount the family must contribute toward the eligible cost of care, the department will or a designee shall use the department's Family Income and Contribution Schedule, revised as of August 31, 2018, ^{*italics*} [FEBRUARY 1, 2017], and adopted by reference. This amount will be based on family size and income level, and on a sliding fee scale.

7 AAC 41.335(b) is repealed and readopted to read:

(b) The maximum family monthly income allowed for participation in the program appears in the Family Income and Contribution Schedule, ^{*italics*} adopted by reference in (a) of this section. The maximum family monthly income may not exceed 85 percent of the state's median income (SMI) level developed by the federal government for this state, as periodically published in the federal register, and adjusted by family size

The introductory language of

7 AAC 41.335(c) is amended to read:

(c) The department will review and revise the family income and contribution schedule annually, based on the state's median income (SMI) published in the federal register and may consider additional revisions based on one or more of the following factors:

[,]

7 AAC 41.335(c)(2) is amended to read:

(2) the state's median income (SMI) level as described in (b)(1) of this section
[AND ADJUSTED BY AMOUNTS PAYABLE TO A FAMILY UNDER AS 43.23
(PERMANENT FUND DIVIDENDS)] for the current year;

7 AAC 41.335 is amended by adding a new sub-section to read:

(e) If the family's monthly income or family size needs to be adjusted during its eligible period, the department or its designee ^{will} ~~may~~ use the *Family Income and Contribution Schedule* in effect at the time of the family's initial eligibility to determine the adjustment of their contribution, ^{and that was} ~~and adopted by reference in (a) of this section.~~ ^{will} The department or its designee ~~may~~ use the *Family Income and Contribution Schedule* in effect at the time of the family's application for continued program participation to determine the family's continued eligibility.

(Eff. 6/23/2006, Register 178; am 11/1/2010, Register 196; am 1/5/2017, Register 221; am 9/11/2017, Register 223; am 10 / 31 / 2019, Register 232)

Authority: AS 47.05.010 AS 47.25.041 AS 47.25.051
AS 47.25.001

The introductory language of 7 AAC 41.350(a) is amended to read:

(a) Subject to (b) **and (c)** of this section, a child eligible to participate in the child care assistance program under this chapter is an individual

• • •

7 AAC 41.350 is amended by adding a new sub-section to read:

(c) A child described in (a) of this section is eligible to participate in the program through the end of the family's current eligibility period, if the participating child turns 13 years of age during the family's current eligibility period.

(Eff. 6/23/2006, Register 178; am 1/5/2017, Register 221; am 10 / 31 / 2019, Register 232)

Authority: AS 47.05.010 AS 47.25.001 AS 47.25.095

7 AAC 41.370(b)(2)(J) is amended to read:

(J) a completed child care provider disaster preparedness and emergency evacuation plan, on a form prescribed by the department ^{that} must include

(1) evacuation procedures that will ensure the complete evacuation of children in care, including children with limited mobility, within 150 seconds during an emergency;

(2) a detailed description of the procedures that will be followed for the complete evacuation of the child care premises, including specific procedures, as applicable, for

(A) children younger than 30 months of age;

(B) children with limited mobility; and

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

(3) procedures for other emergency situations or natural disasters that may affect the child care premises, including, active shooter, tsunami, flooding, and earthquake emergencies;

Register 232, January 20²⁰19

HEALTH AND SOCIAL SERVICES

(4) procedures for relocating services and reunifying the child and family when the child care premises are inaccessible;

(5) emergency evacuation drills to be conducted and documented once each month unless postponed due to severe weather; the caregiver shall document the reason for any postponement; and

(6) lock-down procedures for sheltering the children in place for emergency situations when evacuation is not possible;

(Eff. 6/23/2006, Register 178; am 2/4/2007, Register 181;
am. 1/5/2017, Register 221; am 6/29/2017, Register 222; am 10/31/2019
Register 232)

Authority:	AS 47.05.010	<u>AS 47.05.330</u>	AS 47.25.001
	AS 47.05.300	<u>[AS 47.25.330]</u>	AS 47.25.051

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Samantha Weinstein
Assistant Attorney General
Legislation and Regulations Section

Date: September 5, 2019

File No.: 2019200414

Tel. No.: 465-3600

Re: Department of Health and Social
Services Regulation re: 7 AAC 41:
Div. of Public Assistance: Child Care
Assistance Program

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. The regulations concern the child care assistance program, regarding the responsibilities of designees, revising rates, and changing provisions for providers and families. The department requests that these regulations be filed as soon as possible to meet federal program guidelines.

The June 2, 2019, public notice and the August 8, 2019, adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:sjw

cc: Honorable Adam Crum, Commissioner, Department of Health and Social Services
Nicole Fritz, Program Coordinator, Department of Health and Social Services
Janice Braden, Department of Health and Social Services
Alex Hildebrand, Assistant Attorney General, Department of Law
Triptaa Surve, Regulations Contact, Department of Health and Social Services

NOTICE OF PROPOSED CHANGES ON THE CHILD CARE ASSISTANCE PROGRAM
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the child care assistance program related to administrative, family, and provider provisions.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Child Care Assistance Program, including the following:

- Article 1. Administrative Provisions (7 AAC 41.010 – 7 AAC 41.060), is proposed to be changed as follows: Add to responsibilities of designees; revise rates to the *Child Care Assistance Program Rate Schedule* for the maximum state payment to a child care provider.
- Article 2. Provision for Providers (7 ACC 41.200 - 7 AAC 41.270), is proposed to be changed as follows: clarify health and safety training requirements for approved relative providers; add ratios and program requirements for a child who turns 13 years of age while receiving authorized care; clarify behavior guidance for out-of-control behavior; clarify life and fire safety for relocating services, emergency evacuation drills, and procedure for lock-down and sheltering in place; clarify provider charges for participating providers; clarify reports for suspension or expulsion; and add and clarify compliance and other reviews for annual unannounced inspections.
- Article 3. Provisions for Family (7 ACC 41.300 - 7 ACC 41.375) is proposed to be changed as follows: clarify eligibility requirements for families; revise the Family Income and Contribution Schedule; and clarify and add requirements to disaster preparedness and emergency evacuation plan.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 and by electronic mail at nicole.fritz@alaska.gov. The comments must be received not later than 5 p.m. on July 12, 2019.

Oral or written comments also may be submitted at a hearing to be held on June 19, 2019, at conference room 880, 3601 C Street, Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3 p.m. and might be extended to accommodate those present before 3 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-800-705-1680 (Toll Free).

You may submit written questions relevant to the proposed action to Ms. Nicole Fritz by e-mail at nicole.fritz@alaska.gov or at Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of

the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and its website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667 not later than June 10, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667.

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

Statutory authority: AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.340, AS 47.25.001; AS 47.25.021; AS 47.25.031; AS 47.25.041; AS 47.25.051; AS 47.25.095.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.340, AS 47.25.001; AS 47.25.021; AS 47.25.031; AS 47.25.041; AS 47.25.051; AS 47.25.095.

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

The Department of Health & Social Services, Division of Public Assistance, Child Care Program Office, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Public Assistance, Child Care Program Office notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Public Assistance, Child Care Program Office at nicole.fritz@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE:

May 29, 2019



Adam Crum
Commissioner,
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON THE CHILD CARE ASSISTANCE PROGRAM
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Child Care Assistance Program, including the following:

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- Article 2. Provision for Providers (7 ACC 41.200 - 7 AAC 41.270), is proposed to be changed as follows: clarify health and safety training requirements for approved relative providers; add ratios and program requirements for a child who turns 13 years of age while receiving authorized care; clarify behavior guidance for out-of-control behavior; clarify life and fire safety for relocating services, emergency evacuation drills, and procedure for lock-down and sheltering in place; clarify provider charges for participating providers; clarify reports for suspension or expulsion; and add and clarify compliance and other reviews for annual unannounced inspections.
- Article 3. Provisions for Family (7 ACC 41.300 - 7 ACC 41.375) is proposed to be changed as follows: clarify eligibility requirements for families; revise the Family Income and Contribution Schedule; and clarify and add requirements to disaster preparedness and emergency evacuation plan.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 and by electronic mail at nicole.fritz@alaska.gov. The comments must be received not later than 5 p.m. on July 12, 2019.

Oral or written comments also may be submitted at a hearing to be held on June 19, 2019, at conference room 880, 3601 C Street, Anchorage, AK 99503. The hearing will be held from 1:00 p.m. to 3 p.m. and might be extended to accommodate those present before 3 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number 1-800-705-1680 (Toll Free).

You may submit written questions relevant to the proposed action to Ms. Nicole Fritz by e-mail at nicole.fritz@alaska.gov or at Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/> and its website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667 not later

than June 10, 2019, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Nicole Fritz at nicole.fritz@alaska.gov or by telephone at (907) 269-7667.

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

Statutory authority: AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.340, AS 47.25.001; AS 47.25.021; AS 47.25.031; AS 47.25.041; AS 47.25.051; AS 47.25.095.

Statutes being implemented, interpreted, or made specific: AS 47.05.010; AS 47.05.300; AS 47.05.310; AS 47.05.340, AS 47.25.001; AS 47.25.021; AS 47.25.031; AS 47.25.041; AS 47.25.051; AS 47.25.095.

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

The Department of Health & Social Services, Division of Public Assistance, Child Care Program Office, keeps a list of individuals and organizations interested in its regulations. Those on the list will automatically be sent a copy of all of the Division of Public Assistance, Child Care Program Office notices of proposed regulation changes. To be added to or removed from the list, send a request to the Department of Health & Social Services, Division of Public Assistance, Child Care Program Office at nicole.fritz@alaska.gov, giving your name, and either your e-mail address or mailing address, as you prefer for receiving notices.

DATE: MAY 21, 2019.


Adam Crum
Commissioner,
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. Adopting agency: Department of Health & Social Services.
2. General subject of regulation: Child Care Assistance Program
3. Citation of regulation (may be grouped): 7 AAC 41
4. Department of Law file number, if any: 2019200414
5. Reason for the proposed action:

 - (X) Compliance with federal law or action (identify): Child Care & Development Block Grant Act of November 2014
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - () Development of program standards
 - () Other (identify): _____
6. Appropriation/Allocation: N/A
7. Estimated annual cost to comply with the proposed action to:
The estimated annual cost to comply with proposed action is \$3,324,338.00 from 1002 Federal Receipts. The state does not need a fiscal note, as the budget for the Child Care Program Office can sustain the current cost.

A private person: \$0.
Another state agency: \$0.
A municipality: \$0.
8. Cost of implementation to the state agency and available funding (in thousands of dollars): \$0.

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

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

Name: Nicole Fritz
Title: Program Coordinator I
Address: 3601 C Street, Suite 140, Anchorage AK 99516
Telephone: (907) 269-7667
E-mail address: nicole.fritz@alaska.gov

10. The origin of the proposed action:

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

11. Date: 5/28/19

Prepared by: Nicole Fritz
[signature]
Name (printed): Nicole Fritz
Title (printed): Program Coordinator I
Telephone: 907-269-7667

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 41. Child Care Assistance Program, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 8/6/19



Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska
on August 6, 2019
(date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

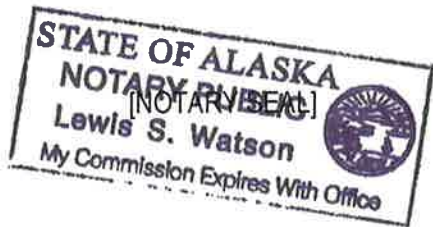
On June 19, 2019, at 1:00 p.m. in room 880, Department of Health & Social Services, 3601 C Street, Room 880, Anchorage, AK 99503, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to 7 AAC 41. Child Care Assistance Program.

Date: 8/6/19

Nicole Fritz
Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska
on August 6, 2019
(date)

[Signature]
Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Nicole Fritz, Program Coordinator I, of the Department of Health & Social Services, being sworn, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing and orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on 7 AAC 41. Child Care Assistance Program.

Date: 8/6/2019

Nicole Fritz
Nicole Fritz, Program Coordinator I

Subscribed and sworn to before me at Anchorage, Alaska
on August 6, 2019
(date)



[Signature]
Notary Public in and for the State of Alaska

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

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STATE OF ALASKA THIRD JUDICIAL DISTRICT

Joleesa Stepetin

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

June 02, 2019

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

Signed

Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 3rd day of June, 2019

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

MY COMMISSION EXPIRES

STATE OF ALASKA
NOTARY
PUBLIC
Jade L. Nowling

NOTICE OF PROPOSED CHANGES ON THE CHILD CARE ASSISTANCE PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the Child Care Assistance Program, including the following:

- Article 1. Administrative Provisions (7 AAC 41.010 - 7 AAC 41.060), is proposed to be changed as follows: Add to responsibilities of designees; revise rates to the Child Care Assistance Program Rate Schedule for the maximum state payment to a child care provider.

- Article 2. Provision for Providers (7 ACC 41.200 - 7 AAC 41.270), is proposed to be changed as follows: clarify health and safety training requirements for approved relative providers; add ratios and program requirements for a child who turns 13 years of age while receiving authorized care; clarify behavior guidance for out-of-control behavior; clarify life and fire safety for relocating services, emergency evacuation drills, and procedure for lock-down and sheltering in place; clarify provider charges for participating providers; clarify reports for suspension or expulsion; and add and clarify compliance and other reviews for annual unannounced inspections.

- Article 3. Provisions for Family (7 ACC 41.300 - 7 ACC 41.375) is proposed to be changed as follows: clarify eligibility requirements for families; revise the Family Income and Contribution Schedule; and clarify and add requirements to disaster preparedness and emergency evacuation plan.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Department of Health & Social Services, Child Care Program Office, 3601 C St., Suite 140, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept

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