

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

FOSTER CARE LICENSING REDESIGN

7 AAC 10. Licensing, Certification, and Approvals.

7 AAC 50. Community Care Licensing.

7 AAC 53. Social Services.

7 AAC 67. Foster Home Licensing Standards. → *New Chapter*



PUBLIC REVIEW DRAFT

May 7, 2021

COMMENT PERIOD ENDS: July 21, 2021.

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

Chapter 10. Licensing, Certification, and Approvals.

7 AAC 10.1000. Purpose and applicability.

7 AAC 10.1000(b)(2) is repealed:

(2) repealed ___/___/___;

(Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1010. Life and fire safety.

7 AAC 10.1010(f)(2)(A) is repealed:

(A) repealed ___/___/___;

7 AAC 10.1010(g)(5) is amended to read:

(5) a critique of the drill as described in (h) of this section [; THE REQUIREMENT FOR INCLUDING A CRITIQUE DOES NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME, BUT THE HOME SHALL INCLUDE A BRIEF EVALUATION OF THE EVACUATION];

7 AAC 10.1010(i)(4) is amended to read:

(4) a critique of the evacuation that includes the information required under (h) of this section [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENT FOR INCLUDING A CRITIQUE DOES NOT APPLY TO A FOSTER HOME OR FOSTER

GROUP HOME, BUT THE HOME SHALL INCLUDE A BRIEF EVALUATION OF THE EVACUATION];

7 AAC 10.1010(1)(3)(A)(ii) is amended to read:

(ii) 48 inches above the floor for [A FOSTER HOME OR FOSTER GROUP HOME LICENSED UNDER 7 AAC 50 ON OR BEFORE JUNE 23, 2006, OR] an assisted living home licensed under 7 AAC 75 on or before June 23, 2006, if the home does not already meet the standard in (i) of this subparagraph; the home must meet the standard in (i) of this subparagraph if the bedroom is remodeled or a new bedroom is constructed; (Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1015. Heating and heating devices.

7 AAC 10.1015(c) is amended to read:

(c) The entity shall ensure that any portable electric heater is equipped with a tipover switch and is kept out of the reach of children, or adults with impaired judgment. A portable electric heater must be kept from flammable objects in accordance with the manufacturer's recommendations. The entity must develop and implement a policy that outlines the safe and proper use of portable heaters [. EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE

REQUIREMENT TO DEVELOP A POLICY DOES NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME]. (Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1030. Toilet facilities, sinks, showers, and bathing facilities.

7 AAC 10.1030(b) is amended to read:

(b) [EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO FOSTER HOMES.] An entity shall provide at least the number of toilets, hand sinks, and bathtubs or showers set out in the following table:

(((Intentionally left blank so that the following table appears on one page)))

Minimum Plumbing Fixtures Based on Average Number of Adults or Children in Care, Plus Employees and Family Members in the Entity During Operation *			
Type of Entity	Minimum Number of Toilets	Minimum Number of Handsinks	Minimum Number of Bathtubs or Showers
Child care center	One for 15 or fewer persons	One for 15 or fewer persons	For a center licensed to care for infants or toddlers, at least one bathtub, portable tub capable of being filled, dumped, and cleaned, or sink used only for the purpose of bathing
	Two for 16 to 30 persons	Two for 16 to 30 persons	
	One additional toilet for each additional 15 or fewer persons	One additional handsink for each additional 15 or fewer persons	
Residential child care facility, assisted living home, or maternity home [, OR FOSTER GROUP HOME]	One for every six persons	One for every six persons	One for every six persons
* This number is calculated based on the anticipated number of individuals who will be in the entity each day, using a six-month average. Infants are not included for purposes of calculating the number of persons in the entity.			

7 AAC 10.1030(c)(5) is amended to read:

(5) each floor and wall is covered with smooth, durable, nonabsorbent, easily cleanable material [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME]; and

7 AAC 10.1030(d) is amended to read:

(d) The entity shall ensure that each portable tub, bedpan, and potty-chair, as applicable, is emptied into a toilet, and is cleaned and sanitized in a utility sink or another place approved by the department. The entity shall ensure that the utility sink or other area is used only for this purpose and is cleaned and sanitized after each use [. EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENT OF THIS SUBSECTION REGARDING SEGREGATED USE OF THE UTILITY SINK DOES NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME].

The introductory language of 7 AAC 10.1030(e) is amended to read:

(e) Except for [A FOSTER HOME OR FOSTER GROUP HOME, OR] an assisted living home providing service for two or fewer residents, the entity shall ensure that each handsink is used only for its designated purpose and is equipped with soap and

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7 AAC 10.1030(f) is amended to read:

(f) The entity shall ensure that a shower or other bathing facility is constructed with smooth, easily cleanable walls, and water-impervious, nonskid floors that slope uniformly to a drain. The entity shall ensure that the shower or other bathing facility is located in a room with mechanical or other adequate ventilation [. EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO FOSTER HOMES OR FOSTER GROUP HOMES]. (Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1035. Premises.

7 AAC 10.1035(a)(4) is amended to read:

(4) outdoor areas are well drained and free from deep depressions that may collect standing water; if necessary to ensure the safety of adults or children in care, the department will require that an outdoor recreation area be enclosed with landscaping, a fence, or another effective barrier that prevents or deters access to a busy roadway or other potential hazard [; EXCEPT AS

PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME];

7 AAC 10.1035(a)(5) is amended to read:

(5) ventilation by natural or mechanical means is provided to keep air fresh and to prevent the accumulation of heat, steam, condensation, vapors, smoke, or fumes; openings to the outside must prevent the entrance of rodents, insects, and other pests [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME];

7 AAC 10.1035(a)(6) is amended to read:

(6) walls and ceilings have smooth, durable, nonabsorbent, easily cleanable surfaces, except that rough-textured and acoustical tile ceilings are permitted in bedrooms and living rooms [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME];

7 AAC 10.1035(a)(8) is amended to read:

(8) stairways and steps have handrails and nonslip treads or covering [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME];

7 AAC 10.1035(a)(14) is amended to read:

(14) at least two feet of floor space is provided between each crib, mat, or bed [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME].

(Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1040. General cleaning and sanitation standards.

7 AAC 10.1040(b) is repealed:

(b) Repealed ___/___/____. (Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1050. Caregiver hygiene.

7 AAC 10.1050(a) is amended to read:

(a) A caregiver with a communicable disease, rash, or infection, or an acute respiratory infection, may not work in an entity in any capacity in which the caregiver likely could transmit that disease, rash, infection, or respiratory infection to an adult or child in care [. THE

REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME].

7 AAC 10.1050(f) is amended to read:

(f) If a caregiver provides toothbrushing assistance, the caregiver shall dispense the toothpaste from a shared container in a manner that will not contaminate the toothpaste container [THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME]. (Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1055. Incontinence care.

7 AAC 10.1055(b) is amended to read:

(b) An assisted living home serving five or fewer residents **is** [A FOSTER HOME, AND A FOSTER GROUP HOME ARE] not required to have written procedures, but must ensure that procedures used minimize the spread of disease and the risk of contamination, and otherwise meet the requirements of this section. (Eff. 6/23/2006, Register 178; am ___/___/___, 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 1060. Additional provisions for entities licensed to provide care for children.

7 AAC 10.1060(d) is amended to read:

(d) An entity that provides diapering shall develop, and ensure that each caregiver follows, written diaper changing procedures that minimize the spread of disease and the risk of contamination to hands and surfaces [. EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), A FOSTER HOME OR FOSTER GROUP HOME IS NOT REQUIRED TO HAVE WRITTEN PROCEDURES, BUT MUST ENSURE THAT PROCEDURES USED MINIMIZE THE SPREAD OF DISEASE AND THE RISK OF CONTAMINATION].

The introductory language of 7 AAC 10.1060(e) is amended to read:

(e) In addition to the requirements of (d) of this section, an entity [OTHER THAN A FOSTER HOME OR FOSTER GROUP HOME] shall ensure that

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7 AAC 10.1060(f) is amended to read:

(f) The entity shall ensure that individual cloth towels used for bathing, toothbrushes, and combs used by a child in care are stored separately to prevent contamination and are labeled with the child's name. If a storage rack is used, the rack must be cleaned and sanitized or replaced when visibly soiled and after contamination with blood or another body fluid [. EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME].

7 AAC 10.1060(g)(2) is amended to read:

(2) if a toy has been mouthed or is otherwise contaminated, that toy is cleaned and sanitized before use by another child [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME]; and

7 AAC 10.1060(g)(3) is amended to read:

(3) toys used by children age three or older are cleaned at least once every seven days or when soiled [; EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS PARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME].

(Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206; am ___/___/___, 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 10.1065. Food service and preparation.

7 AAC 10.1065(b) is amended to read:

(b) **An** [EXCEPT FOR A FOSTER HOME OR FOSTER GROUP HOME, AN] entity providing care for children shall ensure that any meals or snacks brought from a child's home are labeled with the child's name and the date.

(Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1070. Medications.

7 AAC 10.1070(c)(3) is amended to read:

(3) store controlled substances in a locked, permanently affixed storage container; for a controlled substance that requires refrigeration, the storage container must be locked; the entity shall establish written procedures for maintaining a record that accurately accounts for the receipt and each use of each controlled substance, and for periodically reconciling the record; except as provided in 7 AAC 10.1000(c), the requirements of this paragraph do not apply to [A FOSTER HOME, FOSTER GROUP HOME, OR] a child care facility;

7 AAC 10.1070(g)(4) is amended to read:

(4) the entity shall have a written policy for the use of any commonly used nonprescription medication for oral or topical use kept on hand by the entity for the communal use of any adult or child in care for whom the medication may be indicated; the requirements of this paragraph do not apply to [A FOSTER HOME OR FOSTER GROUP HOME, OR TO] an assisted living home serving two or fewer residents;

The introductory language of 7 AAC 10.1070(g)(7) is amended to read:

(7) unused medication must be returned to the parent of a child in care when the medication is no longer needed, except that [A FOSTER HOME, FOSTER GROUP HOME, OR] an entity providing care for a child for whom the department is the legal guardian shall discard the unused medication

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(Eff. 6/23/2006, Register 178; am ___/___/___, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.33.005
	AS 18.05.040	AS 47.32.030	AS 47.33.010
	AS 44.29.020	AS 47.32.130	AS 47.33.020
	AS 47.14.120	AS 47.32.140	

7 AAC 10.1075. First aid kit and procedures.

The introductory language of 7 AAC 10.1075(c)(23) is amended to read:

(23) **for each child participating in** [FOR] a field trip or outing away from a child care facility, [OTHER THAN A FOSTER HOME OR FOSTER GROUP HOME, AND FOR EACH CHILD PARTICIPATING IN THE TRIP OR OUTING,]

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(Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1080. Firearms and ammunition.

7 AAC 10.1080(d) is repealed:

(d) Repealed ___/___/____. (Eff. 6/23/2006, Register 178; am ___/___/____, 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 10.1085. Smoking.

7 AAC 10.1085(c) is repealed:

(c) Repealed ___/___/____. (Eff. 6/23/2006, Register 178; am ___/___/____, 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 10.1090. Animals.

7 AAC 10.1090(g) is amended to read:

(g) Amphibians, ferrets, reptiles, and wild, poisonous, or predatory animals may not be kept in an entity listed in 7 AAC 10.1000(b). **An** [A FOSTER HOME OR FOSTER GROUP HOME, OR AN] assisted living home serving two or fewer residents [,] may have amphibians,

ferrets, or reptiles, if approved by the department. The prohibition of this subsection on predatory animals does not apply to domestic dogs and domestic cats.

7 AAC 10.1090(h)(6)(A) is amended to read:

(A) is conducted when adults or children in care are not present [;

EXCEPT AS PROVIDED IN 7 AAC 10.1000(c), THE REQUIREMENTS OF THIS SUBPARAGRAPH DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME];

and

(Eff. 6/23/2006, Register 178; am ___/___/___, 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 10.1093. Pesticide use and notification.

7 AAC 10.1093(a) is amended to read:

(a) An entity shall, whenever practical, use a nonchemical method, including good sanitation practices, structural repair, and window screens to control pests. Pesticide use, including the use of a certified applicator if required, is subject to applicable requirements of the Department of Environmental Conservation under 18 AAC 90 [. THE REQUIREMENTS OF (b) - (g) OF THIS SECTION DO NOT APPLY TO A FOSTER HOME OR FOSTER GROUP HOME, BUT THE HOME MUST NOTIFY THE DEPARTMENT BEFORE ANY MAJOR

FUMIGATION OR OTHER APPLICATION THAT WOULD REQUIRE RESIDENTS OF THE HOME TO BE TEMPORARILY RELOCATED].

(Eff. 6/23/2006, Register 178; am ___/___/___, 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		

Chapter 50. Community Care Licensing.

7 AAC 50.005. Applicability.

7 AAC 50.005(a) is repealed and readopted to read:

(a) The provisions of this chapter apply to residential child care facilities licensed or required to be licensed under AS 47.10.310 and 47.10.392; AS 47.32.020; or AS 47.80.140.

7 AAC 50.005(b) is repealed:

(b) Repealed ___/___/____.

7 AAC 50.005(c) is amended to read:

(c) In the event of a conflict between a generally applicable requirement and a specific requirement applicable to a particular [TYPE OR SIZE OF] facility, the requirement specifically applicable to the facility [TYPE OR SIZE] applies.

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

Authority:	AS 44.29.020	<u>AS 47.32.030</u>	[AS 47.35.010]
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7 AAC 50.010. Exemptions from licensure requirements.

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

(2) repealed ___/___/___;

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

(6) repealed ___/___/___;

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

(7) repealed ___/___/___;

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

Authority: [AS 13.26.023] AS 44.29.020 AS 47.32.020

AS 13.26.066 AS 47.32.010 AS 47.32.030

[**EDITOR'S NOTE:** INFORMATION RELATING TO THE TRIBAL TITLE IV-E PASS THROUGH MAINTENANCE AGREEMENT REFERRED TO IN 7 AAC 50.010 MAY BE OBTAINED FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, OFFICE OF CHILDREN'S SERVICES, P.O. BOX 110630, JUNEAU, AK 99811-0630.]

7 AAC 50.015 is repealed:

7 AAC 50.015. Voluntary licensure; no license issued for certain exempt facilities.

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

7 AAC 50.020 is repealed:

7 AAC 50.020. Implementation. Repealed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/____, Register ___)

7 AAC 50.025. Timeframes.

7 AAC 50.025(a) is amended to read:

(a) A self-monitoring report by a facility under **7 AAC 50.060** [AS 47.35.043] must be submitted **not later than** [BY] the first anniversary date of the residential child care facility's biennial license.

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

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

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

(5) repealed ___/___/____.

7 AAC 50.025(c) is amended to read:

(c) The licensing representative may extend the **timeframe** [TIMEFRAMES] specified in (b)(4) [AND (5)] of this section, if the licensing representative determines that a longer period is

required to obtain additional information and evaluate the effect of the request or notification.

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

Authority: AS 44.29.020 **AS 47.32.060** [AS 47.35.010]

AS 47.32.030

7 AAC 50.030. Application for license.

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

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

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

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

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

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

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

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

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

(13) repealed ___/___/___;

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

Register 181; am 6/29/2017, Register 222; am ___/___/___, Register ___)

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

7 AAC 50.035 is repealed:

7 AAC 50.035. Application for foster home license. Repealed. (Eff. 1/1/96, Register 136; repealed ___/___/___, Register ___)

7 AAC 50.040. Inspections and evaluations by organizations or individuals.

The introductory language of 7 AAC 50.040(a) is amended to read:

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

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7 AAC 50.040(a)(4) is amended to read:

(4) submit the application, licensing evaluation, and all related reports to the **department** [NEAREST DIVISION OFFICE]; and

7 AAC 50.040(b) is amended to read:

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

7 AAC 50.040(c) is amended to read:

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

7 AAC 50.040(d) is amended to read:

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

7 AAC 50.040(e) is amended to read:

(e) The **department may** [DIVISION WILL, IN ITS DISCRETION,] enter into an agreement authorizing an individual or a private or government agency to evaluate whether individuals meet the caregiver qualifications established under 7 AAC 50.210 and 7 AAC 50.220 to develop a list of qualified substitute caregivers available in a community. (Eff. 1/1/96, Register 136; am ___/___/____, Register ___)

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

7 AAC 50.050 is repealed:

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

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

7 AAC 50.055 is repealed:

7 AAC 50.055. Variances for foster care by relatives. Repealed. (Eff. 1/1/96, Register

136; repealed ___/___/____, Register ___)

7 AAC 50.060 is amended to read:

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

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

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

7 AAC 50.100. Responsibilities of a governing body in residential child care facilities.

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

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

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

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

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

7 AAC 50.110. Administrator [OR FOSTER PARENT].

7 AAC 50.110(a) is amended to read:

(a) A facility [, OTHER THAN A FOSTER HOME,] shall designate an administrator who is qualified under 7 AAC 50.200. The administrator may be the same person who owns or is otherwise legally responsible for operating the facility.

7 AAC 50.110(d) is amended to read:

(d) A facility with one or more employees shall designate an adult caregiver or associate administrator to act on behalf of the administrator [OR FOSTER PARENT] in the absence of the administrator [OR THE FOSTER PARENT] from the facility. If the administrator is absent for a

period exceeding three consecutive weeks, the facility shall designate an adult caregiver or associate administrator who meets the requirements of 7 AAC 50.200 to act on behalf of the administrator. In a residential child care facility, if the administrator cannot be reached by phone during any absences, the facility shall designate an adult caregiver or associate administrator who meets the requirements of 7 AAC 50.200 to act on behalf of the administrator. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

7 AAC 50.120. Facility operation and management.

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

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

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7 AAC 50.120(c) is amended to read:

(c) If the department [DIVISION] requests a facility to remove an employee, contractor, or volunteer from contact with children on the grounds set out in (b)(2) and (3) [(b)(2) AND (b)(3)] of this section, the department [DIVISION] will inform the employee, contractor, or volunteer of the grounds for removal and provide the employee, contractor, or volunteer with an opportunity to bring to the department's [DIVISION'S] attention any facts that the employee, contractor, or volunteer believes pertinent to the matter. The department may [DIVISION WILL, IN ITS DISCRETION,] excuse or delay notification to the employee, contractor, or

volunteer if the **department** [DIVISION] **determines** [, IN ITS DISCRETION,] that notification may put children at risk of harm or compromise a police investigation. The **department** [DIVISION] will not provide the employee, contractor, or volunteer with any information that is confidential under law or that may put children at risk of harm or compromise a police investigation.

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

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

7 AAC 50.130. Records.

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

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

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

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

7 AAC 50.130(b) is amended to read:

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

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

(2) except for situations described in (c) of this section, serious injury or illness of a child while in care [REQUIRING ATTENTION BY MEDICAL PERSONNEL OUTSIDE THE FACILITY];

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

(5) repealed ___/___/____.

7 AAC 50.140(c) is amended to read:

(c) **If approved in advance by the department** [WITH PRIOR APPROVAL OF THE DIVISION], a facility regularly serving medically-fragile children **does** [NEED] not **need to** make the report required by (b)(2) of this section.

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

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

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

(3) non-emergency medical care requiring consent from the child's parent **for the needed procedure, treatment, or prescription, even if there is not time to receive parental permission or parental rights have been terminated**; in this paragraph, "non-emergency medical care" includes surgery, anesthesia, and the administration of psychotropic medication, or another drug prescribed for mental illness or behavioral problems;

7 AAC 50.140(f) is amended to read:

(f) If a child in a full-time care facility has no placing worker, the facility shall give the reports required in (d) and (e) of this section to the **department** [DIVISION]. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am ___/___/___, Register ___)

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

7 AAC 50.200. Qualifications of administrator.

7 AAC 50.200(a) is amended to read:

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

7 AAC 50.200(b) is amended to read:

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

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

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

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

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

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7 AAC 50.210. Qualifications and responsibilities of persons having regular contact with children in a facility.

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

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

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(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 2/9/2007, Register 181; am 6/29/2017, Register 222; am ___/___/____, Register ___)

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

7 AAC 50.220. Caregiver age requirements and additional qualifications for adolescent caregivers.

7 AAC 50.220(c) is repealed:

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

Authority:	AS 44.29.020	<u>AS 47.32.030</u>	[AS 47.35.010]
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7 AAC 50.250. Orientation and training.

7 AAC 50.250(g) is repealed:

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

Authority:	AS 44.29.020	[AS 47.35.010]	[AS 47.35.037]
	<u>AS 47.32.030</u>		

7 AAC 50.300. Admission.

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

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

7 AAC 50.300(d) is repealed:

(d) Repealed ___/___/_____.

7 AAC 50.300(e) is repealed:

(e) Repealed ___/___/_____.

7 AAC 50.300(f) is repealed:

(f) Repealed ___/___/_____.

7 AAC 50.300(g) is repealed:

(g) Repealed ___/___/_____.

7 AAC 50.300(j) is amended to read:

(j) A facility shall review information provided about a child under [(g) OR (h) AND] (i) of this section and 7 AAC 50.320(c) to determine whether the facility can satisfy the child's needs. If, after reviewing that information and the application, the facility determines it can satisfy the child's needs, the facility may admit the child. If the facility has reason to believe that, even with reasonable accommodation, the facility cannot meet the needs of the child, the facility may deny admission to the child. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/_____, Register ___)

Authority: AS 44.29.020 AS 47.32.030 [AS 47.35.010]

7 AAC 50.400. Supervision of children.

7 AAC 50.400(a) is amended to read:

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

7 AAC 50.400(f) is repealed:

(f) Repealed ___/___/____.

7 AAC 50.400(i) is amended to read:

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

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

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

7 AAC 50.415. Supervision of children in foster homes.

7 AAC 50.415 is repealed:

7 AAC 50.415. Supervision of children in foster homes. Repealed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/____, Register ___)

7 AAC 50.430 is repealed:

7 AAC 50.430. Program in foster homes. Repealed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/____, Register ___)

7 AAC 50.455. Health in full time care facilities.

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

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

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

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

7 AAC 50.460. Nutrition.

7 AAC 50.460(a) is amended to read:

(a) A facility shall ensure that all snacks and meals meet the child care food program requirements set out in 7 C.F.R. 226.20 [, REVISED AS OF JANUARY 1, 1995].

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

Authority: AS 44.29.020

AS 47.32.030

[AS 47.35.010]

7 AAC 50.500 is amended to read:

7 AAC 50.500. 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 [AS 47.35] and this chapter. The enforcement of local ordinances, such as zoning regulations and local building codes, is the responsibility of local officials. (Eff. 1/1/96, Register 136; am ___/___/___, Register ___)

Authority: AS 44.29.020

AS 47.32.030

[AS 47.35.010]

7 AAC 50.530. Space.

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

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

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

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

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

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

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

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

7 AAC 50.540. Equipment and supplies.

7 AAC 50.540(g) is repealed:

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

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

7 AAC 50.600 is amended to read:

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

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

7 AAC 50.610. Emergency shelter care in full time care facilities.

7 AAC 50.610(a) is amended to read:

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

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

(b) A full-time care facility may be approved to provide emergency shelter care in combination with [REGULAR FOSTER OR] residential care. A residential care facility shall submit a plan for emergency shelter care to the **department** [DIVISION] for review and approval that

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7 AAC 50.610(c) is amended to read:

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

7 AAC 50.610(d) is repealed:

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

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

7 AAC 50.615. Emergency shelter care for runaway children in residential child care facilities.

7 AAC 50.615(a) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 AAC 50.615(e)(3) is amended to read:

(3) includes a review of any materials about the child that the facility has received and the child's health information [FROM THE FORM 06-9372 ADOPTED BY REFERENCE IN 7 AAC 50.610(c)]; and

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

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

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

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

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

Authority:	AS 44.29.020	<u>AS 47.10.310</u>	AS 47.10.392
	AS 47.05.060	[AS 47.10.310(c)(6)]	<u>AS 47.32.030</u>
	AS 47.10.300	AS 47.10.320	[AS 47.35.010]

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

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

7 AAC 50.620. Shelter home care for runaway children.

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

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

department [DIVISION],

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

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

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

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

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

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

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

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

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

(1) the **department** [DIVISION] authorizes a longer period of up to 21 days; or

7 AAC 50.620(n)(4) is amended to read:

(4) shall report a proposed discharge of a runaway child to the child's parent, to the child's placement worker, and to the **department** [DIVISION] at least 12 hours before the discharge if the discharge is to be made to the child's self or to the custody of a person other than the child's parent. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am ___/___/___, Register ___)

Authority: AS 44.29.020 AS 47.10.392 [AS 47.35.010]
AS 47.10.300 **AS 47.32.030**

7 AAC 50.625. Wilderness and adventure experiences in residential child care facilities.

7 AAC 50.625(a) is amended to read:

(a) A residential child care facility may not provide wilderness or adventure experiences for a period longer than four days without a wilderness and adventure experience specialization approved by the **department** [DIVISION].

7 AAC 50.625(b) is amended to read:

(b) A facility must base an experience on a plan that addresses each requirement in this section. A plan for each experience of more than four days' duration must be submitted to the **department** [DIVISION] for review and approval at least **30** [THIRTY] days in advance of the experience. A facility shall ensure that each staff member involved in the experience reviews the plan and that a copy of the plan is taken on each experience away from the facility.

7 AAC 50.625(e) is amended to read:

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

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

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

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

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

7 AAC 50.630 is repealed:

7 AAC 50.630. Boarding care in foster homes. Repealed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed ___/___/___, Register ___)

7 AAC 50.635. Boarding care in residential child care facilities.

7 AAC 50.635(a) is amended to read:

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

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

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

7 AAC 50.640. Supervised transition living in full time care facilities.

7 AAC 50.640(a) is amended to read:

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

7 AAC 50.640(d) is amended to read:

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

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

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

7 AAC 50.645(a) is amended to read:

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

7 AAC 50.645. Care for pregnant and parenting adolescents in full time care facilities.

7 AAC 50.645(b) is repealed:

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

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

7 AAC 50.650. Substance use treatment facilities.

7 AAC 50.650(a) is amended to read:

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

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

Authority: AS 44.29.020 **AS 47.32.030** AS 47.37.140

7 AAC 50.740. Care and services.

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

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

The plan must provide for

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

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

7 AAC 50.780. Discharge and aftercare.

7 AAC 50.780(b) is amended to read:

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

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

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

7 AAC 50.805. Secure and semi-secure residential psychiatric treatment centers.

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

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

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7 AAC 50.805(c) is amended to read:

(c) Each facility must submit a written security plan to the **department** [DIVISION] as part of the facility's application for a license or a license renewal. Portions of a facility's security

plan that are related to fire or emergency safety must meet the approval of the appropriate municipal or state fire safety authority, and the facility shall supply proof of the required approval to the **department** [DIVISION] at the time the application is submitted.

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

Authority: AS 44.29.020 AS 47.32.040 [AS 47.35.010]
 AS 47.32.030 AS 47.32.060

7 AAC 50.820. Orientation and training.

7 AAC 50.820(a) is amended to read:

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

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

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

7 AAC 50.825. Admission.

The introductory language of 7 AAC 50.825(b) is amended to read:

(b) A residential psychiatric treatment center shall perform a psychiatric [AND FUNCTIONAL] assessment of **the child as set out in 7 AAC 135.110(e)** [EACH POTENTIAL RESIDENT, INCLUDING AN EVALUATION DESCRIBED IN 7 AAC 43.870(b)], and shall

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7 AAC 50.825(d)(2)(A) is repealed and readopted to read:

(A) has a psychiatric condition or disorder that meets the diagnostic criteria [IS (i)] classified within the DSM-5 as set out in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (*DSM-5*), adopted by reference in 7 AAC 160.900(a);

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

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

The editor's note is repealed and readopted to read:

Editor's note: The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (*DSM-5*), and adopted by reference in 7 AAC 160.900(a), may be obtained from the American Psychiatric Association, on its website at

<https://www.psychiatry.org/psychiatrists/practice/dsm>, or

[https://www.appi.org/Diagnostic and Statistical Manual of Mental Disorders DSM-](https://www.appi.org/Diagnostic_and_Statistical_Manual_of_Mental_Disorders_DSM-5_Fifth_Edition)

[5 Fifth Edition](https://www.appi.org/Diagnostic_and_Statistical_Manual_of_Mental_Disorders_DSM-5_Fifth_Edition) . This manual is also available for viewing at the Department of Health and Social Services, Office of Children's Services, 130 Seward Street, Suite 406, Juneau, Alaska.

7 AAC 50.990 is repealed and readopted to read:

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

- (1) "administrator" has the meaning given in 7 AAC 10.9990;
- (2) "boarding care" means care provided in a residential child care facility exclusively for children who are residing outside of their home community for the purpose of obtaining education;
- (3) "caregiver" includes an administrator, employee, contractor, substitute, volunteer, student intern, or other individual in a facility whose duties include care and supervision of children;
- (4) "center" includes a residential center;
- (5) "chemical restraint" means a drug that is administered to manage a resident's behavior in a way that reduces the safety risk to the resident or others, that has the temporary effect of restricting the resident's freedom of movement, and that is not a standard treatment for the resident's medical or psychiatric condition;
- (6) "child" means an individual who is under 18 years of age, or under 21 years of age and in the custody of the state;
- (7) "child care" or "care" means care, supervision, and provision of developmental opportunities, with or without compensation, to a child who does not have a parent present;
- (8) "child in care" means an individual in a residential facility who is receiving care;
- (9) "child placement agency" has the meaning given in AS 47.32.900 and includes the state with regard to the placement of children;
- (10) "child with special needs" means a child under 18 years of age who
 - (A) is a
 - (i) "hard to place child" under AS 25.23.240; or
 - (ii) "person with a disability" under AS 47.80.900; but

(B) is not a "gifted" child under 4 AAC 52.890;

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

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

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

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

(15) "facility" means the administration, program and physical plant of a residential child care facility or maternity home and includes other parts of the building housing the facility and adjoining grounds over which the operator of the facility has direct control;

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

(17) "full time care facility" means a residential child care facility;

(18) "group home" means a residential group home;

(19) "isolation" means the involuntary confinement or seclusion of a resident alone in a locked behavior-management room;

(20) "license" means a permit issued under AS 47.10.392 or a license issued under AS 47.32;

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

(22) "licensing representative" means an employee of the department or an individual or organization responsible for evaluating a facility, and presumes review and approval of the representative's decisions by the department or organization authorized under 7 AAC 50.040;

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

(24) "maternity home" has the meaning given in AS 47.32.900;

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

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

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

(28) "parent" has the meaning given in 7 AAC 67.990;

(29) "passive physical restraint" has the meaning given in 7 AAC 67.990;

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

(31) "physical restraint" has the meaning given in 7 AAC 67.990;

(32) "placement worker" means a person who arranges for placement of a child in a residential child care facility and includes an employee of the department with regard to the placement of children;

(33) "professional review organization" means an independent team of medical professionals, including at least one physician, who have competence in the treatment and

diagnosis of mental illness, and who operate under an agreement with the state to provide independent reviews;

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

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

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

(37) "residential child care facility" has the meaning given in AS 47.32.900;

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

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

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

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

(40) "restraint" means a personal restraint, mechanical restraint, or chemical restraint;

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

(42) "semi-secure residential child care facility" means a residential child care facility that is wholly or partially secure such that a child is not prevented from leaving, but will

reasonably ensure that if a child leaves without permission, the child's act of leaving will be immediately noticed; "semi-secure residential child care facility" does not include a facility licensed under 7 AAC 50.805 as a semi-secure residential psychiatric treatment center;

(43) "serious injury" has the meaning given in 7 AAC 67.990;

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

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

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

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

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

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

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

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

(49) "waking hours" means the hours from six a.m. to midnight; (50) "young child" means a child from birth up to nine years of age. (Eff. 1/1/96, Register 136; am 3/1/98, Register

145; am 1/1/2001, Register 156; am 6/21/2001, Register 158; am 6/23/2006, Register 178; am 4/13/2011, Register 198; am ___/___/____, Register ___)

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

Chapter 53. Social Services.

7 AAC 53.010. License required.

7 AAC 53.010(1) is amended to read:

(1) operate a foster home in accordance with the applicable standards and requirements of AS 47.32 and **7 AAC 67** [7 AAC 50];

7 AAC 53.010(3) is amended to read:

(3) operate a foster home in accordance with the applicable tribal foster care licensing standards, if the tribe has a

(A) tribal Title IV-E pass-through maintenance agreement approved by the department; **or**

(B) a memorandum of agreement approved by the department for the placement of children in state custody in a tribal foster home approved by the department.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/____, Register ___)

Authority: AS 44.29.020 AS 47.14.010 AS 47.14.120
AS 47.05.010 AS 47.14.100 AS 47.32.030

AS 47.10.080

7 AAC 53.020. Payment rates.

7 AAC 53.020(a) is amended to read:

(a) Subject to appropriation, and unless another source of payment is available from or through the department for the child's care, the department will provide payment for a child **committed to the custody of the state and**

(1) placed in **licensed** foster care by the department under AS 47.14.100 - 47.14.130; or

(2) **placed in a tribe-licensed foster home by the department as referenced in 7 AAC 67.020(4)(A) and (B).**

7 AAC 53.020(d) is amended to read:

(d) For a child placed in foster care by a tribal entity that has a tribal Title IV-E pass-through maintenance agreement approved by the department, **inclusive of administrative costs, or a memorandum of agreement approved by the department for state placement in a tribe-licensed foster home approved by the department,** the agreement governs the actual rates that are reimbursed to the tribal entity for the child's foster care. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/___, Register ___)

Authority:	AS 47.05.010	AS 47.14.010	AS 47.14.120
	AS 47.10.080	AS 47.14.100	AS 47.14.130

7 AAC 53.030. Base rate and rate adjustments.

7 AAC 53.030(a) is amended to read:

(a) Subject to (b) of this section, the department will pay a base rate for foster care for a child placed by the department or a by tribal entity that has a tribal Title IV-E pass-through maintenance agreement or a memorandum of agreement for state placement in a tribe-licensed foster home with the department.

The introductory language of 7 AAC 53.030(b) is repealed and readopted to read:

(b) The department shall annually review its daily base rates for the care and supervision of children in foster care. Not less than every five years, or when the base rate deviates by 10 percent or more from the previous rate implementation, the department shall propose to the legislature a change to the foster care base rates. A change in the base rate becomes effective the state fiscal year following legislative approval. The base rate for care and supervision will be applied to an individual child foster care placement according to the following age ranges:

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(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.970 AS 47.14.120
AS 47.10.080 AS 47.14.010

7 AAC 53.040. Emergency shelter.

7 AAC 53.040(e) is repealed:

(e) Repealed ___/___/____. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 1/1/96, Register 136; am 3/31/2005, Register 173; am 8/1/2015, Register 215; am ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.14.010

7 AAC 53.050. Ongoing direct costs.

7 AAC 53.050(e) is repealed:

(e) Repealed ___/___/____. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120
AS 47.10.080

7 AAC 53.060. Difficulty-of-care augmented rates.

7 AAC 53.060 (d) is amended to read:

(d) If approved, the department will reassess difficulty-of-care augmented rates in this section at least every six months, and will compute the necessary rate change. Children in care are expected to improve with the provision of foster care services, and the department may reduce rates as appropriate. If the department determines that a rate reduction is appropriate, the department will provide **automated** notice to the foster parents [NOT LATER THAN 30 DAYS BEFORE] **when** the reduction is effective.

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 1/1/96, Register 136; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/___, Register _____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120
AS 47.10.080

7 AAC 53.199. Definitions.

7 AAC 53.199(7)(B) is amended to read:

(B) is in compliance with the additional applicable standards and requirements of

7 AAC 10 and 7 AAC 67 [7 AAC 50]; and

(Eff. 8/1/2015, Register 215; am ___/___/___, Register _____)

Authority: AS 47.05.010 AS 47.14.010 AS 47.14.120
AS 47.10.080 AS 47.14.100 AS 47.14.130

7 AAC 53.200. Purpose and applicability of federal and state subsidies.

The introductory language of 7 AAC 53.200(a) is amended to read:

(a) The purpose of subsidized adoption and guardianship is to facilitate the **permanent** placement of a child who is

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(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 5/4/97, Register 142; am 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/___, Register _____)

Authority: [AS 13.26.062] AS 25.23.190 AS 25.23.230
AS 13.26.153 AS 25.23.210 AS 47.14.100

7 AAC 53.205. Determination that a child is a hard-to-place child with special needs.

7 AAC 53.205(a)(2) is amended to read:

(2) a specific factor or condition makes the child a hard-to-place child within the meaning of AS 25.23.240; for purposes of this paragraph, a specific factor or condition includes any of the following, if it supports a reasonable conclusion that the child cannot be placed without a subsidy:

(A) **older** [ETHNIC BACKGROUND,] age [,] or membership in a [MINORITY OR] sibling group;

(B) a physical or mental disability, or an emotional disturbance;

(C) a recognized high risk of physical or mental disease because of

(i) abandonment or neglect;

(ii) alcohol or drug abuse in the child's home **of origin**;

(iii) domestic violence in the child's home **of origin**;

(iv) emotional, physical, or sexual abuse;

(v) prenatal exposure to alcohol, cocaine, or another addictive drug; or

(vi) the mental illness of a parent; and

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/____, Register _____)

Authority: [AS 13.26.062] AS 25.23.200 AS 25.23.230

AS 13.26.153 [AS 25.23.220] AS 47.14.100

AS 25.23.180

The section heading for 7 AAC 53.210 is repealed and readopted to read:

7 AAC 53.210. Determination and disclosure.

7 AAC 53.210(a) is repealed and readopted to read:

(a) A prospective adoptive parent or guardian must cooperate with the department to meet accepted standards as an adoptive parent or guardian, including successfully passing a fingerprint-based criminal background check in accordance with AS 47.05.300 - 47.05.390. The department will make a determination under this subsection after conducting a home study under AS 25.23.200.

(Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am ___/___/____, Register _____)

Authority:	[AS 13.26.062]	AS 25.23.200	AS 47.14.100
	<u>AS 13.26.153</u>	[AS 25.23.220]	AS 47.14.120
	AS 25.23.100	AS 25.23.230	

7 AAC 53.223 is repealed and readopted to read:

7 AAC 53.223. Eligibility of an applicable child in department custody for Title IV E

adoption assistance. (a) A child who is considered an applicable child for a fiscal year under Title IV-E, as described in (b) of this section, is eligible for Title IV-E adoption assistance if the department has determined under 7 AAC 53.205 that the child is a hard-to-place child with special needs and at the time of initiation of adoption proceedings, the child

(1) was in the care of a public or licensed private child placement agency or Indian tribal organization under

(A) an involuntary removal of the child from the home of a parent, or other specified relative who is the child's legal guardian, in accordance with a judicial determination that remaining in the home would be contrary to the welfare of the child; for a child who was removed from the home

(i) before January 23, 2001, the determination must be made within six months after removal from the home; or

(ii) on or after January 23, 2001, the determination must be made in the first court ruling that pertains to the child's removal; if the determination is not made in the first court ruling regarding removal from the home, the child is not eligible for Title IV-E adoption assistance; or

(B) a voluntary placement agreement or voluntary relinquishment;

(2) meets the medical or disability requirements of Title XVI, adopted by reference in 7 AAC 53.299, related to eligibility for SSI benefits; or

(3) was residing in a foster family home or child care institution with the child's minor parent, and the child's minor parent was in that foster family home or child care institution under

(A) an involuntary removal of the child from the home in accordance with a judicial determination that remaining in the home would be contrary to the welfare of the child; or

(B) a voluntary placement agreement or voluntary relinquishment.

(b) Subject to (d) of this section, a child is an applicable child under Title IV-E, if an adoption assistance agreement as described in (g) of this section has been entered into during the

federal fiscal years from 2018 through 2024, as set out in 42 U.S.C. 673(e)(1) (sec. 473(e)(1) of the Social Security Act).

(c) A child who meets the requirements of (a)(1), (2), or (3) of this section, and is an applicable child under (b) of this section, is eligible for an adoption subsidy under this section if

(1) a prior adoption has been dissolved, or the child's adoptive parents have died; for purposes of this paragraph, the child's eligibility is based on the child's previous eligibility for Title IV-E adoption assistance; or

(2) the child would have been determined eligible for a subsidy if P.L. 105-89 (Adoption and Safe Families Act of 1997) had been in effect at the time that the determination would have been made.

(d) Notwithstanding (b) of this section, beginning with January 1, 2018, any child who has reached the second birthday by the end of the federal fiscal year in which the adoption subsidy agreement as described in (g) of this section is entered is an applicable child under Title IV-E, if the child meets the requirements of (a)(1), (2), or (3) of this section and

(1) the child has been in foster care under the responsibility of the department for at least 60 consecutive months; or

(2) the child is a sibling of a child who is an applicable child under (a) of this section, and is to be placed in the same placement as the applicable child who is that child's sibling.

(e) If a legal guardian of a child who is receiving Title IV-E relative guardianship assistance under 7 AAC 53.226 seeks to adopt the child post-guardianship, in addition to the other adoption eligibility requirements of this section, the placement of the child with the relative guardian and any associated guardianship assistance payments made on behalf of the child

before the finalization of the post-guardianship adoption, will be considered never to have been made for purposes of the adoption eligibility determination.

(f) Notwithstanding any other provision of this section, the department will not make a payment, including reimbursement of a nonrecurring adoption expense, with respect to any applicable child if that child would otherwise be considered to be a hard-to-place child with special needs under (a) of this section, but, as provided in 42 U.S.C. 673(a)(7) (sec. 473(a)(7) of the Social Security Act),

(1) is not a citizen or resident of the United States; and

(2) was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

(g) An adoption assistance agreement under (b) or (d) of this section must comply with 42 U.S.C. 675(3) (sec. 475(3) of the Social Security Act), adopted by reference in 7 AAC 53.299.

(h) In this section,

(1) "child care institution" has the meaning given in 42 U.S.C. 672(c) (sec. 472(c) of the Social Security Act);

(2) "foster family home" has the meaning given in 42 U.S.C. 672(c) (sec. 472(c) of the Social Security Act);

(3) "Indian tribal organization" has the meaning given in 25 U.S.C. 450b, as provided in 42 U.S.C. 672(a)(2)(B)(iii) and 679c(a) (secs. 472(a)(2)(B)(iii) and 479B(a) of the Social Security Act). (Eff. 4/13/2011, Register 198; am 8/1/2015, Register 215; am

____/____/____, Register _____)

Authority: [AS 13.26.062] AS 25.23.210 AS 47.14.100

AS 13.26.153

AS 25.23.230

AS 47.14.120

7 AAC 53.226. Eligibility of a child in department custody for Title IV-E relative guardianship assistance.

The introductory language of 7 AAC 53.226 is amended to read:

Subject to the requirements of this section, a child in department custody is eligible for Title IV-E guardianship assistance. A child's eligibility under this section is not affected by the replacement of a guardian with a successor guardian, due to the event of the death or incapacity of the relative guardian; the eligibility of a child for a relative Title IV-E relative guardianship assistance payment under this subsection is not affected by reason of the replacement of the relative guardian with a successor legal guardian named in the guardian assistance agreement, including in any amendment to the agreement. A child in department custody is eligible for Title IV-E guardianship assistance if

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7 AAC 53.226(7) is repealed and readopted to read:

(7) the child described in (1), (2), (5) or (6) of this section, whose sibling or siblings are not so described, may be eligible if the following apply:

(A) the child and any sibling of the child may be placed in the same relative guardianship arrangement, if the department and the relative agree on the appropriateness of the arrangement for the siblings; and

(B) Title IV-E relative guardianship assistance payments may be paid on behalf of each sibling so placed;

7 AAC 53.226 is amended by adding a new paragraph to read:

(8) the prospective guardian has signed a Title IV-E relative guardianship subsidy agreement.

(Eff. 4/13/2011, Register 198; am 8/1/2015, Register 215; am 6/29/2017, Register 222; am ___/___/___, Register _____)

Authority:	[AS 13.26.062]	AS 25.23.210	AS 47.14.100
	<u>AS 13.26.153</u>	AS 25.23.230	AS 47.14.120
	AS 25.23.200		

The **section heading** for 7 AAC 53.227 is amended to read:

7 AAC 53.227. Eligibility for state [STATE] adoption or guardianship subsidy.

7 AAC 53.227(b) is repealed and readopted to read:

(b) A hard-to-place child with special needs who is not in department custody and does not meet the eligibility requirements for a Title IV-E adoption or guardianship subsidy under either 7 AAC 53.222 or 7 AAC 53.223 is eligible for a state subsidy.

7 AAC 53.227(c) is repealed and readopted to read:

(c) If a hard-to-place child with special needs who is eligible for a state adoption subsidy is also eligible for Medicaid immediately before the signing of the subsidy agreement, the child is eligible for a state subsidy with Medicaid.

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/___, Register _____)

Authority:	[AS 13.26.062]	AS 25.23.210	AS 47.14.100
	<u>AS 13.26.153</u>	AS 25.23.230	AS 47.14.120

7 AAC 53.229. Deferred subsidy.

7 AAC 53.229(c) is amended to read:

(c) An adoptive parent or guardian may request a monetary subsidy under 7 AAC 53.245 for a child receiving a deferred subsidy if a factor or condition under 7 AAC 53.205(a)(2)(B) is later diagnosed. The request for a monetary subsidy must be made in writing and must document the reasons that the child requires a monetary subsidy, including a documented diagnosis from a qualified health professional. **The subsidy will be negotiated as specified in 7 AAC 53.260**

[THE DEPARTMENT WILL NEGOTIATE A MONETARY SUBSIDY WITH THE ADOPTIVE PARENT OR GUARDIAN IF THE DEPARTMENT APPROVES THE REQUEST]. (Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/___, Register _____)

Authority:	[AS 13.26.062]	AS 25.23.210	AS 47.14.100
	<u>AS 13.26.153</u>	AS 25.23.230	AS 47.14.120

7 AAC 53.230 is repealed and readopted to read:

7 AAC 53.230. Unearned income of an adoptive or a guardianship child. An adoptive parent or guardian shall apply to become a representative payee for

- (1) any SSI benefits that the child is eligible to receive;
- (2) any other social security benefits under 42 U.S.C. 301 - 42 U.S.C. 1397mm; or

(3) any other unearned income that the child in department custody was receiving before the adoption or guardianship was final. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am ___/___/____, Register _____)

Authority: [AS 13.26.062] AS 13.26.153 AS 25.23.230

7 AAC 53.240 is repealed and readopted to read:

7 AAC 53.240. Medical expenses of an adoptive or a guardianship child. (a) A Title IV-E adoption or guardianship subsidy includes Medicaid coverage.

(b) A state adoption subsidy may include Medicaid coverage, as described in 7 AAC 53.227(c).

(c) A state guardianship subsidy does not include Medicaid coverage.

(d) If the adoptive or guardianship family's health care insurance plan will cover the child for an additional fee, that cost will be considered in determining the amount of a subsidized adoption or guardianship payment, subject to the limit set by AS 25.23.210. If the child is also eligible for Medicaid, Medicaid coverage will be considered secondary to the family's insurance plan coverage.

(e) If a child is eligible for Medicaid, medical costs, services, and treatment available through Medicaid will not be considered by the department when determining the adoption or guardianship subsidy rate under 7 AAC 53.245. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am 3/31/2005, Register 173; am 8/1/2015, Register 215; am ___/___/____, Register _____)

Authority: [AS 13.26.062] AS 25.23.210 AS 47.14.100

AS 13.26.153 AS 25.23.230 AS 47.14.120

7 AAC 53.245(a)(2)(B) is amended to read:

(B) the department is financially responsible for providing specified **medically necessary** services if the services are not available in the state where the parent or guardian resides; and

7 AAC 53.245. Adoption and guardianship subsidy agreement and payment.

7 AAC 53.245(c) is amended to read:

(c) The department will provide subsidized adoption and guardianship payments subject to the availability of appropriations from the legislature and the provisions of AS 25.23.210. An income eligibility requirement does not exist for a prospective adoptive parent or guardian in determining the child's eligibility for adoption or guardianship assistance payments. The amount of the payment will be determined through an agreement negotiated between a prospective adoptive parent or guardian and the department, taking into account the circumstances of the prospective adoptive parent or guardian and the needs of the child as described in this section. **The amount of the subsidy will be negotiated under (d) of this section.** The amount **of the subsidy** may be renegotiated [PERIODICALLY] to fit the child's changing **special** needs and the circumstances of the adoptive parent or guardian. However, the amount of the payment may not exceed the foster care payment that would have been paid by the department during the same period if the child were in a foster home.

The introductory language of 7 AAC 53.245(d) is amended to read:

(d) Factors that the department will consider in negotiating the amount of **the** [A] subsidy [PAYMENT] include

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7 AAC 53.245(d)(3) is repealed and readopted to read:

(3) child care if

(A) both adoptive or guardianship parents, or one parent in a single-parent household, are working, attending educational classes or training, or actively seeking work and there is no other household member who is able to provide care for the child during the period of time that the adoptive parent or guardian is not available for the reasons set out in this subparagraph;

(B) the adoptive parent or guardian is unable to work, attend educational classes or training, or seek work without financial assistance for child care;

(C) the adoptive parent or guardian states that the need for the child care payment exceeds the limit of the subsidy amount and will cause financial hardship;

(D) child care costs are negotiated based on actual costs of care; the costs must be for a limited time, and will not exceed the rates which would have been paid in foster care; and

(E) the parent or guardian requests renegotiation of the subsidy if the child care is no longer needed during the period of time it is effective, or if the parent or guardian states that the family has a continued need after the child care portion of the subsidy expires; the parent or guardian is responsible for requesting renegotiation;

7 AAC 53.245(d)(4) is repealed and readopted to read:

(4) cost of transportation that is extraordinary and required to meet the child's special needs, including transportation to medical or behavioral health appointments, or transportation to support cultural continuity for the child if a request for cultural continuity transportation is made 30 days in advance of the travel date; transportation costs under this section do not include

(A) travel less than 50 miles per week;

(B) costs covered by Medicaid or other health insurance;

(C) costs for more than one escort per trip regardless of the number of children traveling;

(D) visits longer than three days in-state or five days out-of-state;

(E) international travel;

(F) lodging;

(G) travel for vacation or school trips;

(H) baggage fees, travel insurance, or any other fees associated with travel;

(I) ground transportation; or

(J) any out-of-state travel that is not court-ordered, other than travel within the limits set out in (D) of this paragraph.

7 AAC 53.245(d)(5) is repealed:

(5) repealed ___/___/___;

7 AAC 53.245(d)(6) is repealed:

(6) repealed ___/___/___;

7 AAC 53.245(d)(7) is repealed:

(7) repealed ___/___/___;

7 AAC 53.245(d)(8) is repealed:

(8) repealed ___/___/___;

7 AAC 53.245(d)(9) is repealed:

(9) repealed ___/___/___;

7 AAC 53.245(d)(10) is repealed and readopted to read:

(10) behavioral health treatment if

(A) there are no Medicaid or insurance providers available in the community in which the child resides;

(B) the therapeutic needs are determined to be medically necessary; and

(C) the adoptive parent or guardian states that the need for the behavioral health treatment is temporary, exceeds the limit of the subsidy payment, and will cause financial hardship; treatment costs may be negotiated based on actual costs and may not exceed six months' cost of treatment; and

7 AAC 53.245(d)(11) is repealed and readopted to read:

(11) medical or dental expenses described in 7 AAC 53.240, if

(A) there is a documented cost of ongoing medical or dental care and treatment that is not met by Medicaid or other medical or dental insurance coverage; and

(B) the medical or dental needs are determined to be medically necessary to support provision of either one-time or ongoing expenses including

(i) extraordinary clothing or laundry needs;

(ii) costs of the purchase of special foods for a child who cannot eat a regular diet;

(iii) special medical equipment, glasses, or other medically necessary items;

7 AAC 53.245(d)(12) is repealed:

(12) repealed ___/___/___; [AND]

7 AAC 53.245(d)(13) is repealed:

(13) repealed ___/___/___.

7 AAC 53.245(h)(1) is amended to read:

(1) adoptive parent or guardian is no longer legally responsible for the child; an adoptive parent or guardian is considered to be no longer legally responsible for the child if

(A) parental rights have been terminated;

(B) [, OR IF] the child becomes an emancipated minor, marries, or enlists in the military; **or**

(C) the child becomes the legal responsibility of another individual through guardianship; or

7 AAC 53.245 is amended by adding new subsections to read:

(l) Factors that the department will not consider in negotiation of the amount of a subsidy include

(1) services that are covered by Medicaid;

(2) services that are covered through other department divisions or state departments;

(3) costs for goods or services for the child after the child turns 18 years of age;

(4) costs associated with buying or improving the home or purchasing vehicles.

(m) When negotiating a subsidy the department will not include in any agreement payment for services to providers who are not enrolled in the Medicaid program. If a qualified Medicaid provider is available, but a parent chooses for the child to receive services from a provider that is not enrolled with Medicaid, those costs will not be included in a negotiated subsidy;

(n) For purposes of this section,

(1) if the child is a Medicaid recipient, the determination whether a service, supply, or prescription drug is medically necessary will be made under 7 AAC 105 - 7 AAC 160 (Medicaid coverage and payment);

(2) if the child is not a Medicaid recipient, the department will make the determination of medical necessity; the department will determine that a service, supply, or prescription drug is medically necessary if the department determines that a physician or other

licensed health care provider, exercising prudent clinical judgment, would give the child the service, supply, or prescription drug for the purpose of evaluating, diagnosing, or treating an illness, an injury, a disease, or its symptoms; for the department to make a determination that a service, supply, or prescription drug is medically necessary, the provision of the service, supply, or prescription drug

(A) must be in accordance with generally accepted standards of medical practice; in this subparagraph, generally accepted standards of medical practice are standards that are based on credible scientific evidence published in peer-reviewed medical literature generally recognized by the relevant medical community; otherwise, the standards must be consistent with physician specialty society recommendations; the standards must be consistent with the views of physicians practicing in relevant clinical areas and any other relevant factors;

(B) must be clinically appropriate, in terms of type, frequency, extent, site, and duration, and considered effective for the patient's illness, injury, or disease;

(C) may not be mostly for the convenience of the patient or physician or other health care provider; and

(D) may not be more costly than an alternative service or sequence of services at least as likely to produce the same therapeutic or diagnostic results as to the diagnosis or treatment of that patient's illness, injury or disease. (Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/___, Register _____)

Authority: [AS 13.26.062] AS 25.23.210 AS 47.14.100

AS 13.26.153 AS 25.23.230 AS 47.14.120

7 AAC 53.260. Changes in adoption or guardianship subsidy payment.

7 AAC 53.260(c) is amended to read:

(c) A change in the maximum allowable subsidy payment due to an increase in foster care rates is not automatic, but will be based on changes in the child's special needs or a change in [AND] the circumstances of the adoptive or guardianship family.

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am ___/___/____, Register _____)

Authority:	[AS 13.26.062]	AS 25.23.210	AS 47.14.100
	<u>AS 13.26.153</u>	AS 25.23.230	AS 47.14.120

7 AAC 53.300. Applicability.

7 AAC 53.300 is amended to read:

7 AAC 53.300 - 7 AAC 53.370 apply, unless otherwise indicated, for children in department custody or under the supervision of the department [DIVISION].

(Eff. 7/1/90, Register 114; am ___/___/____, Register _____)

Authority:	AS 47.05.010	AS 47.10.080	AS 47.14.010
	AS 47.05.065		

7 AAC 53.310. Clothing.

7 AAC 53.310(a) is amended to read:

(a) The department [DIVISION] will pay for adequate clothing as determined by the department [DIVISION] at the time of the initial placement of a child in an out-of-home care setting. If the child is placed in successive settings, the department [DIVISION] will determine the adequacy of clothing at the time of each placement and will pay for the purchase of additional clothing if

(1) the **department** [DIVISION] has provided prior authorization for that purchase; and

(2) the cost is not already covered by another program or by the base rate under 7 AAC 53.030.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/___, Register _____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.320. Medical, dental, diagnostic, and therapeutic services.

7 AAC 53.320(b) is amended to read:

(b) If the child is eligible to receive Medicaid benefits, payment for the medical, dental, diagnostic, and therapeutic care of a child placed in an out-of-home care setting by the **department** [DIVISION] will be made through the Medicaid program. The proof of Medicaid eligibility must be furnished to the medical provider by the out-of-home care provider to enable the medical provider to bill the **department** [DIVISION] for services rendered.

7 AAC 53.320(c) is amended to read:

(c) The **department** [DIVISION] is financially responsible for routine medical, dental, diagnostic, and therapeutic services for a child placed in an out-of-home care setting who is not eligible under the Medicaid program and who has no other resources, such as a military health benefit, the Alaska Native Health Service, or the child's parents, to meet these needs. **The department will not cover medical costs higher than the established Medicaid rates. The department will use the Medicaid criteria and rates to determine whether it will cover the**

requested medical services. The medical provider may bill the **department** [DIVISION] directly for these services. Prior authorization from the **department** [DIVISION] is required.

7 AAC 53.320(d) is repealed and readopted to read:

(d) An out-of-home care provider is expected to obtain routine medical and dental care for a child in accordance with 7 AAC 50.455. The out-of-home care provider must receive prior authorization from the department before nonemergency or non-medically necessary services are provided. A service will not be reimbursed by Medicaid unless it is medically necessary under 7 AAC 105 – 7 AAC 160 and the department has provided prior authorization consistent with the child's placement plan.

7 AAC 53.320(e) is amended to read:

(e) For emergency medical and dental treatment, the out-of-home care provider may seek treatment immediately without prior authorization, but must notify the **department** [DIVISION] immediately. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 1/1/96, Register 136; am 4/13/2011, Register 198; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.330. One-time items.

7 AAC 53.330(a) is amended to read:

(a) "One-time items" are goods or services that are not included in out-of-home care payments because of high one-time or short-term costs exceeding \$100. An out-of-home care

provider may request one-time item money for a child placed by the **department** [DIVISION] when there is no other resource for payment.

7 AAC 53.330(d) is amended to read:

(d) Requests by providers for one-time item money must be made to the **department** [DIVISION] in writing.

7 AAC 53.330(e) is amended to read:

(e) Out-of-home care providers will be notified within 10 working days of the action taken by the **department** [DIVISION] on the request. (Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 11/16/94, Register 132; am 1/1/2001, Register 156; am 4/13/2011, Register 198; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.080

7 AAC 53.340. Prevention of out-of-home placement and reuniting families.

The introductory language of 7 AAC 53.340(b) is amended to read:

(b) The **department** [DIVISION DIRECTOR] may authorize the services or goods if

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(Eff. 7/1/90, Register 114; am 4/13/2011, Register 198; am 8/1/2015, Register 215; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010
AS 47.05.065

7 AAC 53.360. Unearned income of children in state custody.

7 AAC 53.360(a) is amended to read:

(a) Unearned income received by a foster parent for a child under 18 years of age who is in state custody under AS 47.10 or AS 47.14 and has been placed by the department in a foster home must be forwarded directly to the department [DIVISION], unless otherwise provided by court order for a specific child.

7 AAC 53.360(b) is amended to read:

(b) Unearned income received by the department [DIVISION] for a child in department custody who is older than 17 years of age will be included in the child's case plan with consideration toward transferring the receipt of the income to the child or a responsible representative, based on the child's needs.

(Eff. 11/23/78, Register 68; am 7/1/90, Register 114; am 12/10/2011, Register 200;

am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.365. Payment to child placement agencies.

7 AAC 53.365(a) is amended to read:

(a) The department [DIVISION] will pay for child placement services when the department [DIVISION] has entered into an agreement with a child placement agency licensed under AS 47.32 and in compliance with the additional applicable standards and requirements of 7 AAC 56.

7 AAC 53.365(b) is amended to read:

(b) The **department** [DIVISION] will pay for the cost of foster care to a child placement agency under an agreement that meets the requirements of (a) of this section. The **department** [DIVISION] will list the rates in the agreement to be paid by the child placement agency to the foster parents and for associated expenses related to child placement services. The child placement agency is responsible for direct payment to the foster parents.

7 AAC 53.365(c) is amended to read:

(c) The **department may** [DIVISION WILL, IN ITS DISCRETION,] authorize a child placement agency to pay for the cost of subsidized adoption or subsidized guardianship under an agreement as specified in (a) of this section. If payment for subsidized adoption or subsidized guardianship is included in the agreement, the **department** [DIVISION] will list the rates in the agreement to be paid by the child placement agency to the adoptive or guardianship parents. The child placement agency is responsible for direct payment of those subsidies. The **department** [DIVISION] will list the rates in the agreement to be paid for expenses related to child placement services for adoption and guardianship.

(Eff. 1/1/2001, Register 156; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/____, Register ____)

Authority: AS 25.23.200 AS 47.10.080 AS 47.14.100
AS 25.23.210 AS 47.14.010

7 AAC 53.370. Definitions.

7 AAC 53.370(1) is amended to read:

(1) "child's placement plan" includes the placement plan of care required by 7 AAC 50.300(c) for a child in a licensed foster home, the treatment plan required by 7 AAC 50.330 for a child in a licensed residential child care facility, and the case plan for a child and the child's family prepared by an employee of the **department** [DIVISION];

7 AAC 53.370(3) is repealed:

(3) repealed ___/___/___;

7 AAC 53.370(5)(B) is amended to read:

(B) through a tribal entity that has a tribal Title IV-E maintenance pass-through agreement approved by the department **or a memorandum of agreement approved by the department**; in this subparagraph, "tribal Title IV-E maintenance pass-through agreement" has the meaning given in 7 AAC 53.199;

(Eff. 7/1/90, Register 114; am 1/1/96, Register 136; am 3/1/98, Register 145; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/___, Register ___)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC 53.400. Eligibility for resumption of state custody.

7 AAC 53.400(b) is amended to read:

(b) A person is not eligible under AS 47.10.080(v) or this chapter if that person

(1) is married;

(2) does not reside in this state;

(3) fails to comply with requirements of probation or parole, if any;

(4) is in or enters active duty in the military; **or**

(5) [HAS PREVIOUSLY RESUMED STATE CUSTODY UNDER AS 47.100.080(v) AFTER REACHING 18 YEARS OF AGE; OR

(6)] refuses to sign the agreement referred to in (a)(4) of this section.

(Eff. 12/10/2011, Register 200; am 8/1/2015, Register 215; am ___/___/____, Register _____)

Authority: AS 47.05.010 AS 47.10.080 AS 47.14.010

7 AAC is amended by adding a new chapter:

Chapter 67. Foster Home Licensing Standards.

Article

- 1. Licensing Process (7 AAC 67.005 – 7 AAC 67.080)
- 2. Foster Home Administration Operation and Management (7 AAC 67.100 – 7 AAC 67.180)
- 3. Care and Services for Children in Foster Care Home (7 AAC 67.200 – 7 AAC 67.240)
- 4. Health and Safety in the Foster Home (7 AAC 67.300 – 7 AAC 67.370)
- 5. Specializations (7 AAC 67.400 – 7 AAC 67.420)
- 6. Miscellaneous Provisions (7 AAC 67.900 – 7 AAC 67.990)

Article 1. Licensing Process.

Section

- 005. Applicability
- 010. Exemptions from licensure requirements
- 020. Implementation
- 025. Foster care by relative caregivers
- 030. Application for an initial or renewal of a foster care license

- 035. Assessment of a foster home upon initial application
- 037. Formal inspection of a foster home for licensure
- 040. Issuance of a provisional foster care license
- 041. Relocation of a foster home
- 045. Provisional foster home license issued under emergency conditions
- 050. Biennial license and renewal
- 055. Investigation of a foster home
- 060. Enforcement actions and plans of correction
- 065. Request for variance
- 070. Disclosure of department licensing records and confidentiality

7 AAC 67.005. Applicability. (a) The provisions of this chapter:

(1) are not exclusive and supplement other applicable standards of licensure including those set forth in AS 47.05.300 – AS 47.05.390, AS 47.32, and 7 AAC 10;

(2) apply to foster homes licensed or required to be licensed under AS 47.32 and this chapter; and

(3) do not apply to placement decisions made by the department under AS 47.10.088.

(b) A foster home may not operate unless:

(1) it has a current foster care license issued by the department under AS 47.32 and this chapter, regardless of the oversight agency; or

(2) is exempt under 7 AAC 67.020.

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

Authority: AS 44.29.020 AS 47.14.120 AS 47.32.020
AS 47.10.310 AS 47.32.010 AS 47.32.030

7 AAC 67.010. Exemptions from licensure requirements. The following individuals are exempt from the licensure requirements of AS 47.32 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, and

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

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

(5) a person licensed as an assisted living home under AS 47.32 and 47.33 who admits a child for care pursuant to an assessment of the child's individual needs and services;

(6) a person providing 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 care has, for each child in care, an authorization for emergency medical care;

(7) a person who provides care for a child pursuant to a power of attorney executed by the child’s parent under AS 13.26.066.

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

Authority:	AS 13.26.066	AS 47.14.120	AS 47.32.020
	AS 44.29.020	AS 47.32.010	AS 47.32.030

7 AAC 67.020. 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. A foster home 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 67.025. 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) 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.

(c) An unlicensed relative is subject to a background check.

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

(e) For purposes of this section, relative has the meaning given in 7 AAC 67.990. (Eff. ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030
AS 47.14.100

7 AAC 67.030. Application for an initial or renewal of a foster care license. (a) An applicant for a license to operate a foster home under AS 47.32 and this chapter shall submit an initial application in the name of the individuals responsible for the operation of the foster home,

in a format provided by the department. The following additional information is required for the application to be complete:

(1) a statement as to whether each adult household member has 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;

(2) 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 for cause as an employee in a facility licensed under AS 47.32;

(3) 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;

(4) verification, through a government-issued identification such as a driver's license or passport that the applicant is at least 21 years of age or older;

(5) information regarding any licensing specialization requested under 7 AAC 67.400 - 7 AAC 67.420;

(6) the signed release of information authorization for a background check for all household members over the age of 16;

(7) fingerprints for each household member over the age of 16 must be submitted to conduct a criminal history check;

(8) foster parent background information in a format provided by the department;

(9) a plan for care and supervision in a format provided by the department; and

(10) an emergency response plan in a format provided by the department.

(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) Within 30 days from the date that the initial licensing application is received by the department, the applicant shall provide the following information, if applicable to the department:

(1) 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;

(2) a request for a general or background check variance in accordance with 7 AAC 67.075.

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

(d) An applicant has 30 days from the date the department receives the initial application under (a) of this section to complete all actions required for licensure or the application may be considered incomplete and closed. The department will notify the applicant in writing, if the application is closed.

(e) The department may extend the application timeframes for an additional 45 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 supervisor approves one of the following exceptions:

(1) one of the individuals is on active duty with the military and is stationed out-of-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 47.32.032
 - AS 47.05.300
 - AS 47.05.310
 - AS 47.05.320
 - AS 47.05.340
 - AS 47.32.020
 - AS 47.32.040
 - AS 47.32.060

7 AAC 67.035. Assessment of foster home upon initial application. (a) The Department will assess an application for a foster home license, including a review and discussion of:

- (1) background check information;
- (2) past child protection information;
- (3) release of information authorizations, if necessary;

- (4) previous licensing history in this state and other states ;
- (5) assessment of the skills and abilities of the applicants;
- (6) child rearing practices and parenting techniques of applicants;
- (7) 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;
- (8) 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 to meet the specific needs of the foster child placed in the foster home; and
- (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 completion of any treatment. (Eff.

____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.040
AS 47.32.010 AS 47.32.030

7 AAC 67.037. Formal inspection of a foster home for licensure. (a) The Department shall conduct a physical inspection of the foster home upon each application and renewal to determine whether the home is maintained in a manner protective of life, health, safety, and welfare.

(b) The applicant for a foster home license must allow access to each room in the proposed foster home and each building on the premises unless the building is a self-contained, separate entry residence rented to or owned by another individual.

(c) During a physical inspection of the proposed foster home, the licensing specialist may take photographs of the home and premises. (Eff. ____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.050
AS 47.14.120 AS 47.32.030 AS 47.32.060
AS 47.32.010

7 AAC 67.040. Issuance of a provisional foster care license. (a) If, after evaluation and inspection, the department determines the applicant meets the requirements of AS 47.32, this

chapter and any other applicable statutes or regulations, the department shall issue a provisional foster care license.

(b) A provisional 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.

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

(d) 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 47.32.032	AS 47.32.150
	AS 47.32.010	AS 47.32.040	AS 47.32.050
	AS 47.32.020	AS 47.32.060	
	AS 47.32.030	AS 47.32.070	

7 AAC 67.041. Relocation of a foster home. A licensee must provide advance notice to the department of their intent to re-locate and must schedule an inspection within 30 days of the relocation. Following the inspection, the department may issue a license for the new location. (Eff. ___/___/___, Register _____)

Authority:	AS 44.29.020	AS 47.32.030	AS 47.32.110
	AS 47.32.010	AS 47.32.080	

7 AAC 67.045. Provisional foster home license issued under emergency conditions.

(a) The department may issue a license under this section 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.

(b) The department may issue a license under this section, regardless of whether the application is complete, if the department has determined from initial background screening, 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 license issued under this section is valid for 90 days unless the department specifies a shorter period.

(c) Prior to placement under this section, the department shall conduct an initial background screening for the applicant, and each household member 16 years of age and older including a search of the following databases:

- (1) Alaska Public Safety Information Network (APSIN);
- (2) Child protection records (Prober and ORCA);
- (3) National Sex Offender Registry;
- (4) Juvenile Offender Management Information System (JOMIS).

(d) Before issuing a license under this section, the department shall conduct a licensing inspection under 7 AAC 67.047.

(e) 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.

(f) No later than 30 days after issuance of a license under this section, an applicant must submit a completed application under 7 AAC 67.040 to maintain a provisional foster home license.

(g) If the department does not issue a license under this section, the applicant may apply for a provisional foster care license under this chapter. (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 67.050. Biennial license and renewal. (a) At least 90 days before expiration of a biennial license, a licensed foster home that intends to remain licensed shall submit an application for biennial licensure in accordance with 7 AAC 67.040.

(b) If, after assessment and inspection, the department determines the applicant meets the requirements of AS 47.32, this chapter, and any other applicable statutes or regulations, the department shall issue a biennial license.

(c) A biennial 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.

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

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.050
AS 47.14.100 AS 47.32.020 AS 47.32.060
AS 47.14.120 AS 47.32.040

7 AAC.67.055. Investigation of a foster home. (a) The department may investigate complaints alleging a violation of licensure.

(b) Depending on the nature of the complaint, the department may assign a licensing specialist and a protective services specialist to jointly investigate the complaint.

(c) The licensing specialist will document the investigation in a report of investigation, including any finding and any enforcement action. (Eff. ___/___/___, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.100
	AS 18.05.040	AS 47.32.020	AS 47.32.110
	AS 44.29.020	AS 47.32.030	AS 47.32.120
	AS 47.14.120	AS 47.32.090	

7 AAC 67.060. Enforcement actions and plans of correction.

(a) Under AS 47.32.120, AS 47.32.130, and AS 47.32.140, the department may issue an enforcement action upon the result of an inspection or investigation.

(b) A plan of correction indicating the steps the licensee must take to meet the requirements of this chapter must be submitted to the department within 14 calendar days of the notice of an enforcement action.

(c) If a licensee fails to submit an acceptable plan of correction, the licensee may be subject to further enforcement actions under AS 47.32.140.

(d) In the event the department revokes a license under AS 47.32.140, the department will not accept a plan of correction.

(1) A licensee may appeal the decision by the department to revoke a license under AS 47.32.130.

(2) If a licensee appeals the decision by the department to revoke a license under AS 47.32.130, AS 47.32.140, and AS 47.32.150, the department will not place children in the

foster home or issue foster care payments until the final agency decision is received. (Eff.

____/____/____, Register _____)

Authority:	AS 44.29.020	AS 47.32.040	AS 47.32.130
	AS 47.05.010	AS 47.32.050	AS 47.32.140
	AS 47.32.020	AS 47.32.060	
	AS 47.32.030	AS 47.32.120	

7 AAC 67.065. Request for variance. (a) An applicant for a foster home license or a licensee may request a general variance from a requirement of this chapter pursuant to 7 AAC 10.9500 - 7 AAC 10.9535.

(b) An applicant for a foster home license or 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 pursuant to 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 67.070. Disclosure of department licensing records and confidentiality. (a) The department shall create and maintain a file for each licensed foster home and establish policies for the safeguarding of these records.

(b) Confidentiality and disclosure of the licensing file is pursuant to AS 47.32.180.

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

(1) the office of administrative hearings or superior court upon appeal of an enforcement action under AS 47.32.140;

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

(3) 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. (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 of a foster parent
- 105. Qualifications of individuals having regular contact with children in a foster home
- 120. Alternative caregivers and babysitters
- 130. Orientation and training
- 140. Placement of a child in foster home on a non-emergency basis
- 150. Placement change of a child
- 160. Records, child
- 170. Records and reports, general
- 180. Records, critical incidents

7 AAC 67.100. Qualifications of a foster parent. (a) Individuals who seek or currently have a foster home license must:

- (1) be of reputable character, exercise sound judgment and demonstrate responsible, stable, law-abiding, and emotionally mature behavior;
- (2) be at least 21 years of age;
- (3) have an approved background check;
- (4) demonstrate the understanding and ability, to meet the physical, behavioral, emotional, and social needs of children in care;
- (5) possess the physical capacity and emotional stability to provide care for children;
- (6) treat all children in the home fairly;
- (7) 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;
- (8) have adequate family supports or financial, subsistence or community resources to support the household independent of the monthly foster care reimbursements;
- (9) demonstrate a willingness 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, that provide services to the child in the foster home;
- (10) ensure that all household members are compliant with foster home licensing requirements;
- (11) adhere to applicable regulations when identifying safe and responsible alternate caregivers taking into consideration the age, special needs, and behaviors of each child when selecting an alternate caregiver, and;

(12) ensure that all individuals having regular contact with children in the foster home comply with the applicable requirements of this chapter;

(b) Individuals who seek or currently have a foster home license must not:

(1) pose a risk to the health, safety, and well-being of a child;

(2) abuse or neglect a child;

(3) engage in any sexually suggestive or sexually exploitive behaviors with a child, and;

(4) have a romantic relationship with a 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 67.105. Qualifications of individuals having regular contact with children in a foster

home. (a) For the purpose of this section, individuals with regular contact includes, alternate care givers, babysitters, and household members.

(b) Individuals having regular contact with children in a foster home must:

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

(2) treat all children in the home fairly;

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

(4) 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.

(c) Individuals having regular contact with children in a foster home must not:

(1) pose a risk to the safety, health, and well-being of a child;

(2) abuse or neglect a child;

(3) engage in any sexually suggestive or sexually exploitive behaviors with a child, and;

(4) have a romantic relationship with a 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 67.120. Alternate caregivers and babysitters. (a) Foster parents will use prudent parenting standards when designating alternate caregivers and babysitters.

(b) Foster parents must designate an alternate caregiver when the foster parent will be away from the foster home for more than 24 hours.

(1) the use of alternate care providers cannot exceed 48 hours in a calendar week unless approved by the department.

(2) foster parents may not designate an alternate caregiver for longer than 14 days. When utilizing an alternate caregiver for longer than 24 continuous hours, the foster parent must provide notice and contact information for the alternate caregiver to the license worker and the child’s caseworker.

(3) alternate caregivers must be at least 18 years of age to care for children in care under the age of 15, and must be 21 years of age to care for children 15 years of age or older.

(4) alternate caregivers must have an approved background check.

(c) Regardless of whether an alternate caregiver is designated for longer absences of the foster parent, a babysitter may be utilized by a foster parent for short-term, intermittent care. A babysitter is excused from the requirement for a background check, but must meet the following conditions:

(1) be at least 14 years of age;

(2) provide only short-term or occasional care, which is defined as less than 48 hours in a calendar week, and no longer than 6 consecutive hours without permission of the department; and

(3) demonstrate the ability to handle common emergencies.

(d) A foster child placed in a home may not provide child care for the foster parent, unless authorized by the child's case worker in writing and outlined in the child's case plan.

(e) Foster parents must comply with a request by the department to remove an alternate caregiver or babysitter from contact with children.

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

(g) Foster parents must provide alternate caregivers and babysitters with at minimum the following information:

(1) the responsibilities expected of the caregiver;

(2) emergency procedures and health and safety measures;

(3) information about the emotional, behavioral, medical or physical conditions of the child or children in care, 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, caseworker, and other emergency numbers. (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) The department may require an applicant for a foster care license to complete a foster care orientation or training program. If the applicant does not complete any required program, the department shall suspend processing the application until the requirement is met.

(b) Within 90 days of issuance of a provisional license, a written individualized training plan will be developed in consultation 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.

(c) Following the first year of licensure, foster parents will be required to complete training as identified in the individual training plan developed and updated annually by the department’s licensing specialist in consultation with the foster parent.

(d) 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	

7 AAC 67.140. Placement of a child in foster home on a non-emergency basis. (a) A licensee will review information provided by the department about a child under this section and 7 AAC 67.220(c), to determine whether the foster home can meet the child's needs.

(b) A licensee may only admit a child within the age range, capacity, or conditions of the foster home license. If a licensee seeks to change the age range, capacity, or conditions of the foster home license, approval must be obtained by the department and a new foster home license with the changes will be issued upon approval.

(c) When a licensee agrees to accept a placement, 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) Prior to placement, the department will provide information about the child to the licensee including:

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

(2) the reason and expected duration of placement;

(3) information about a child’s medical history including current and past medications and known allergies; names and phone numbers of the child’s primary health care providers, 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, and procedures to follow in case of a behavioral or medical emergency.

(4) the child’s educational needs, strengths and weaknesses, including special education services and supports; where the child attends school; and procedures for obtaining school records and providing transportation to the child’s school;

(5) delinquent activity, including activity alleged but not adjudicated; and 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) If, after reviewing the information set forth in subsection (d), the foster parent determines it can meet the child’s needs, the foster home may accept placement the child. If a foster parent has reason to believe that it cannot meet the needs of a child, a licensee may deny placement of the child.

(f) 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 more than one agency, prior approval from the licensing oversight agency is required.

(g) A licensee shall cooperate with case plan development and implementation for a child in care. A copy of the case plan for the child may be provided by the child's caseworker.

(h) 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.

(i) 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 providing the department with health information about 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 67.150. Placement change of a child. (a) A licensee shall provide notice to the child's caseworker at least 14 calendar days 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 in the event of an emergency affecting the foster home, a 14 calendar day notice is not required. If a child must be relocated to another

placement setting by the department, the licensee shall cooperate with the department through the relocation process.

(b) 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.

(c) A licensee shall provide all of the child’s personal possessions to the protective services specialist within 72 hours of the change of placement. Personal possessions include but are not limited to the following:

(1) the child’s money and bank account information;

(2) clothing, including clothing 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 child’s health care providers.

(b) A licensee shall maintain educational records including report cards, teacher conference information, and the child’s school work.

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

(d) A licensee shall securely store the child’s records within the foster home.

(e) A foster home caring for a child who is in state custody shall comply with the requirements regarding the confidentiality and disclosure of child protection records in 7 AAC 54.

(f) A licensee may not disclose in any format, including through the use of the internet or social networking sites, information containing the identity of a child in care, including photographs and videos. (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) A licensee has an on-going duty to keep current the information submitted with their most recent application for licensure by immediately updating the department’s licensing specialist any change of information including:

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

(2) application by a member of the household to become an in-home child care provider, an adult assisted living home provider, or in-home adult day care provider at the premises licensed as a foster home;

(3) change in the household composition, including :

(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 on the licensed premises;

(4) licensee change of name;

(5) intent to relocate the foster home under 7 AAC 67.051;

(6) change of phone number;

(7) a change in the specialization under this chapter;

(b) A licensee shall report to the department's licensing specialist the following no later than the first business day known:

(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;

(c) A licensee shall report the following to the child's caseworker no later than the first business day that 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.

(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 specialist.

(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, chemical, or mechanical 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;

(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 health, safety and well-being needs of a child in care.

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

(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	AS 47.32.200

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. Placement of children who are receiving 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 foster parent must provide children in their care with responsible adult supervision, physical safety, emotional support and personal attention appropriate to the child’s age and developmental needs.

(b) The department may request a written supervision plan for children when conditions or individuals are identified as potential risks to a child in care.

(c) Foster parents will utilize the prudent parent standard for determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, or social activities. Notwithstanding the provisions of this subsection (c), a child’s caseworker must approve a child’s participation in the following activities before the child may begin participation:

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

(b) No more than six children, inclusive of the licensee's own biological, adoptive, or any household member's 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.

(c) The foster home can only exceed six foster children when one of the following circumstances apply:

(1) Parenting youth to remain with their child;

(2) Siblings to stay together;

(3) A child with a meaningful relationship with a family to stay with that family.

(d) A general variance is required if more than six children are in a foster home. (Eff.

____/____/____, Register _____)

Authority: AS 44.29.020 AS 47.32.010 AS 47.32.030

7 AAC 67.220. Placement of children who are receiving home and community-based waiver services. (a) Children who are receiving 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, the department may license a foster home and place children who are receiving home and community-based waiver services in that home if:

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

(2) 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.

(b) the foster home capacity is limited to three children inclusive of biological or adoptive children when providing care for one or more children eligible for home and community-based waivers.

(c) at or before admission of a child receiving home and community based waiver services, the licensee shall obtain the child’s waiver support plan and follow identified services, as outlined in the support plan.

(d) for children who are receiving home and community based waiver services and are 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) A foster home will promote the physical, social, intellectual, spiritual, and emotional development of a child in care including:

(1) supporting the child’s choice of participation in religious or faith-based services including providing for transportation to such services;

(2) supporting the child’s choice of participation in ethnic or cultural events, including providing for transportation to such events;

(3) helping a child develop age-appropriate patterns of behavior that

foster constructive relationships and increase their coping skills;

(4) providing children with access to safe and suitable toys and activities that contribute to developing their physical, mental, social and emotional skills.

(b) Except for medical reasons, a foster parent may not deny food to a child, force-feed a child, or otherwise coerce a child to eat against the child's will for any reason.

(c) Children in care shall be clean and groomed appropriately. A foster parent is responsible for providing children in care with items needed for grooming and personal hygiene.

(d) A foster parent is responsible for providing each child with clean, well-fitting clothing appropriate to the age of the child and seasonal weather conditions.

(e) A foster parent 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.

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

(1) the foster parent is responsible for educating the child about money management and planning as age appropriate;

(2) no member of a foster home may borrow or spend money acquired by a child in care

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

(g) A foster parent 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 child or foster home, the foster parent should discuss the issue with the child's caseworker.

(h) A foster parent 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. Children in care will attend a public school unless an alternate education is approved by the department.

(i) A foster parent may not transfer a child from their home school to another school without permission from the child's caseworker.

(j) A foster parent shall comply with the child's case plan and family contact plan.

(k) The foster parent 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 child in care;

(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 foster parent 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 foster parent must demonstrate the ability to develop and use appropriate discipline strategies to address the challenging behaviors of a child in care that may be the result of the child's trauma, grief, or past experiences.

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

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

(1) behavior modification must be based on an understanding of the child's needs and stage of development;

(2) behavior modification must be fair, reasonable, consistent, and related to the child's behavior;

(3) A child in care may not be:

(A) 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;

(B) assigned strenuous exercise or work as a form of punishment. This excludes age and developmentally appropriate chores or exercise;

(C) threatened with physical harm;

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

(E) 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;

(F) placed in a locked room;

(G) placed under a cold water shower;

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

(I) subject to the use of a physical restraint, except when necessary to protect a child 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;

(J) subject to the use of a mechanical restraint, except for a protective device such as a seatbelt;

(K) subject to the use of a chemical restraint; or

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

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

(7) providing inadequate medical or dental care.

(e) A foster parent 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. (Eff. ___/___/___, Register _____)

Authority: AS 44.29.020 AS 47.14.120 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

- 317. Solid waste
- 320. Toilet facilities, sinks, showers and bathing facilities
- 323. Premises
- 325. General cleaning and sanitation standards
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- 330. Additional provisions for licensed foster homes to provide care for children
- 335. First aid kit and procedures
- 337. Firearms and ammunition
- 340. Smoking
- 341. Alcohol, marijuana and other regulated substances
- 343. Medications and supplements
- 345. Animals
- 355. Space
- 360. Safe sleep
- 370. Nutrition

7 AAC 67.300. Purpose and applicability. The purpose of 7 AAC 67.300 – 7 AAC 67.360 is to protect public health, safety, and welfare by establishing health and safety standards for foster homes. (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 fire 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.

(b) At the time of licensing, the department will inspect a foster home to determine if the foster home 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) A foster home 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) describes in detail the procedures that will be followed for the complete evacuation of the foster home 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, in a format 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 scheduled drills.

(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 evacuation 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 caregiver who was present at the time of the drill;
- (3) initials of each child in care who was present at the time of the drill;
- (4) 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 in an accessible location one disaster kit that includes

- (1) at least one working flashlight and extra batteries;
- (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 each sleeping area, or no more than three feet from the entrance to that 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 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 (3) of this subsection;

(2) the home has at least one means of escape from any basement directly to the outside at or near ground level, if the basement is occupied for any part of the day;

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

(A) the finished sill height may not exceed

(i) 44 inches above the floor; the department will allow an foster home 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, and 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 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 floor windows other than 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;

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

(5) 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;

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

(7) 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 44.29.020	AS 47.32.020	

7 AAC 67.305. Heating and heating devices. (a) A foster home shall ensure that room temperature in the home 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 heating device 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; and

(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 44.29.020	AS 47.32.020	

7 AAC 67.310. Water supply. A foster home shall provide an ample supply of potable water from a system that complies with the 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 44.29.020	AS 47.32.130	
	AS 47.14.120		

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

____/____/____, Register _____)

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

AS 44.29.020 AS 47.32.130

AS 47.14.120

7 AAC 67.317. Solid waste disposal. 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 44.29.020 AS 47.32.130
AS 47.14.120

7 AAC 67.320. Toilet facilities, sinks, showers, and bathing facilities. (a) A foster home, except one located in an organized municipality or unorganized village with a population of less than 2,500, 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 home and surrounding grounds are kept clean, sanitary, safe, in good repair and are free of hazards, including 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 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 home is not adequately controlling pests, the department may require the licensee 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, for 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;

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

(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 placement in the home of common household plants that are poisonous including a poinsettia, a dieffenbachia, an English ivy, a mother-in-law, and a philodendron,

(b) At the time of licensing, the department will inspect a foster home to determine if the home 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 require a licensing safety and supervision plan be written to address hazardous conditions identified on the premises. (Eff. ___/___/___, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	
	AS 44.29.020	AS 47.32.130	

AS 47.14.120

7 AAC 67.325. General cleaning and sanitation standards. In addition to the other cleaning and sanitation requirement of 7 AAC 67.300 – 7 AAC 67.360, 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 by children in care 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 44.29.020 AS 47.32.130

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 including thoroughly washing the caregiver’s hands with soap and warm water and rinsing with water

(1) before food handling, food preparation, food serving, eating, or setting a table;

(2) after toileting, diapering, or assisting with toileting or diapering;

(3) before and after assisting with toothbrushing;

(4) after handling animals, animal waste or animal cages;

(5) whenever hands are contaminated with a body fluid, including after nose

wiping. (Eff. ___/___/___, Register _____)

Authority: AS 18.05.010 AS 47.32.010 AS 47.32.140

AS 18.05.040 AS 47.32.030

AS 44.29.020 AS 47.32.130

AS 47.14.120

7 AAC 67.330. Additional provisions for licensed foster homes to provide care for children. (a) In addition to other applicable requirements of 7 AAC 67.300 – 7 AAC 67.360, a foster home shall

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

(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 ensure diapers are changed regularly, soiled areas on the child are washed and dried, and the spread of disease, discomfort, and infection are minimized. 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;

and

(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 44.29.020 AS 47.32.130
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 44.29.020 AS 47.32.130
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 department 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 receive approval from the child’s caseworker.

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

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

7 AAC 67.340. Smoking. (a) Smoking within the home is prohibited and must be limited to outside of the foster home. Smoking includes 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 in care;

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

(3) smoking does not occur in the vicinity of children in care to reduce effects of second-hand smoke.

(b) Any vehicle used to transport children must be smoke-free. (Eff. ___/___/___, Register _____)

Authority:	AS 18.05.010	AS 47.32.010	AS 47.32.140
	AS 18.05.040	AS 47.32.030	
	AS 44.29.020	AS 47.32.130	
	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 in care.

(b) The department may require a foster home to submit a plan for approval for the storage and use of marijuana and alcohol in the home. This plan shall be submitted in a format provided by the department. (Eff. ___/___/___, Register _____)

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

7 AAC 67.343. Medications and supplements. (a) A foster home or may administer medication only if the foster parent meets the following conditions:

(1) obtains written permission from the department for the administration of prescription medication to a foster child;

(2) administers prescription medication, or any special medical procedures only in the dosage, at the intervals, or in the manner prescribed by the person legally authorized to prescribe medication or medical procedures and;

(3) administers nonprescription medication only if authorized by the child's caseworker.

(b) Prescription medicine must be kept in the original container showing the date filled, the expiration date, instructions, and the physician's or other medical professional's name.

(c) A foster parent must maintain proper storage of medications in accordance with the manufacturer's recommendation and in a secure manner that prevents access by unauthorized individuals.

(d) A foster home that provides care for six or more children, inclusive of the parent's own children, shall keep medication requiring refrigeration in a separate refrigeration unit that is not used to store food.

(e) A foster parent shall discard medication in a manner that prevents access by children in care and in accordance with instructions from the manufacturer.

(f) A foster parent shall ensure that nonprescription medications and health products, including non-aspirin fever reducers, naturopathic remedies, vitamin and mineral supplements, diaper ointments and powders, sunscreen, and insect repellent, are used only at the dose, duration, or method of administration specified on the manufacturer's label.

(g) A foster parent shall record all prescription medication, non-prescription medication, and supplements given to children in care, in a format provided by the department, and make the record available for review by a medical professional and the department.

(h) 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, if the parental rights of both parents of the child have been terminated and the child is in the custody of the department.

(i) A foster parent will notify the child's caseworker if a recommendation is made for a change in the child's psychotropic medication or is newly prescribed for a child placed in the licensee's home so the child's caseworker can take action to obtain consent prior to a change, ending, or beginning of treatment.

(j) A foster parent 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.

(k) A foster parent must notify the child's caseworker if the foster parent 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 which has regular and frequent 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) Prior to accepting placement, the foster home shall inform the child's caseworker if any animal is present in the foster home. The department may require a supervision plan related to animals and children in care.

(c) The foster home shall ensure that

(1) any birds, fish, and other animals in the 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; and

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

(d) The foster home shall

(1) disclose to the department information regarding any animal in the 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 home, including whether the occurrence resulted in a contact with an animal control official; and

(3) permanently remove from the 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 44.29.020 AS 47.32.130
AS 47.14.120

7 AAC 67.355. Space. (a) A foster 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 home, the foster parent 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 specialist.

(c) A foster home shall ensure that each child in care has a designated sleeping space that conforms to safety requirements in this chapter, 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 home shall ensure that there is space and a specific place for each child in care 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 foster parent shall provide beds, cribs, and bedding for the children in the home.

(b) A foster parent shall provide 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 foster parent must follow safe sleep practices including:

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

(3) provide each child in care with their own sleeping area; and

(4) prohibiting co-sleeping, which is the practice of allowing an infant to share a bed with an adult. (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 foster parent shall ensure that all snacks and meals served meet the general child nutrition protocols.

(b) A foster parent is encouraged to provide food reflecting the ethnic and cultural background of the children in care.

(c) A foster parent 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 foster parent 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) Foster parents shall follow pediatrician recommendations for nutrition and feeding of infants. When an infant is placed in a foster home, the foster parent shall

(1) when reusing bottles, bottle caps, and nipples, before reuse,

(A) wash them in a dishwasher, using a long wash cycle with hot water, and a heated drying cycle; or

(B) boil them in water for at least five minutes.

(2) refrigerate filled bottles, if bottles are not used immediately. Contents of the bottle must be discarded if not used within twenty-hours;

(3) obtain approval from the child’s case worker if breast milk is provided by anyone other than an infant’s biological mother; and

(4) ensure that infants who are six months of age or over and holding their own bottles are within observational range of an adult while feeding. A foster parent must take bottles from the child when the child finishes feeding, when the bottle is empty, or when the child falls asleep. A foster parent 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

7 AAC 67.400. Approval of specializations. To obtain department approval of a specialization designation described in 7 AAC 67.410 – 7 AAC 67.420, 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 specialization agreement. (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

990. Definitions

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) "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;

(3) "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;

(4) "background check" means the screening and review that the department conducts under 7 AAC 10.915 for a barrier crime or condition.

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

(6) "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;

(7) "caseworker" means an individual employed by the department who is assigned to the case of an individual or family to provide child protection services;

(8) "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;

(9) "child" means an individual who is

(A) under 18 years of age; or

(B) under 21 and in the custody of the state;

(10) "child in care" means a child under 21 years of age who is in the custody of the state and placed in a foster home or with a relative caregiver;

(11) "child placement agency" means an agency that arranges for placement of a child in a foster home, residential child care facility, or adoptive home, or for guardianship purposes;

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

(13) "emergency shelter care" means a specialization granted for a foster care license that is short-term in nature, usually not exceeding 30 days;

(14) "early periodic screening, diagnosis, and treatment (EPSDT)" has the meaning provided under 7 AAC 110.200 – 7 AAC 110.210.

(15) "family contact plan" means the schedule of family visits, telephone calls, or other means of communication between the child and the biological family.

(16) "firearm" means a weapon, including a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury;

(17) "foster home" has the meaning given in AS 47.32.900 and this chapter, and includes all household members, and all parts of the home, other buildings and adjoining grounds over which the foster parent or has direct control;

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

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

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

(21) "licensee" means an individual who has been issued a current license under

AS 47.32 and this chapter;

(22) "licensing specialist" means an employee of the department with duties assigned to carry out the process of licensing a foster home and to enforce compliance with the foster home licensing standards of this chapter;

(23) "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;

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

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

(26) "passive physical restraint" means the least amount of direct physical contact by a foster parent or caregiver, using methods approved by the department, to restrain a child from harming self or others;

(27) "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;

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

(29) "premises" means a place or location licensed under AS 47.32 and this chapter and includes all or portions of adjacent structures, land, vehicles, equipment, water supply, wastewater systems, and plumbing;

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

(31) "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and welfare of a child while at the same time encouraging the emotional and developmental growth of the child;

(32) "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;

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

(34) "relative" means an individual who is related to another by blood, adoption, marriage, tribal custom, or adult family member. "Adult family member" has the meaning given in AS 47.10.990;

(35) "serious injury" means an injury that could result in death, dismemberment, disfigurement, protracted impairment of health, 2nd or 3rd degree burns, lacerations, bone fractures, substantial hematoma including unexplained bruising, bruising in multiple areas of the body, bruises to the face, head or genitals, or bruises larger than a quarter in size, head injuries, injuries to internal organs, other significant impairments, other injuries and illness requiring outside medical attention, any injury involving a motor vehicle accident, or life threatening illness or hospitalization;

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

(37) "supervision plan" means a plan that is developed between the foster parent and the licensing specialist that illustrates how the foster parent will provide supervision to the children.

(38) "toddler" means a child age 12 months up to an age of 30 months.

(39) “training plan” means the plan that is developed between the foster parent and the licensing specialist for specified training that assists the foster parent.

(40) "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;

(41) “waiver services” means the services offered by the department for which the department has received a waiver from the federal government if the department was authorized, directed, or requested to apply for the waiver by law or by a concurrent or joint resolution of the legislature. (Eff. ___/___/___, Register _____)

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