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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**M E M O R A N D U M**

**TO:** Triptaa Surve  
Department of Health and Social Services

**FROM:** Kady Levale, Office of the Lieutenant Governor   
465.3509

**DATE:** May 31, 2022

**RE:** Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: foster care and related conforming changes (7 AAC 10; 7 AAC 50; 7 AAC 53; 7 AAC 54; 7 AAC 56; 7 AAC 67)

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Attorney General File:	2021200050
Regulation Filed:	5/27/2022
Effective Date:	7/1/2022
Print:	242, July 2022

cc with enclosures: Joseph Felkl, Department of Law  
Judy Herndon, LexisNexis

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

The attached 187 pages of regulations, dealing with the Foster Care Licensing Redesign (7 AAC 10, 50, 53, 67) are adopted and certified to be a correct copy of the regulation changes that the Department of Health and Social Services adopts under the authority of AS 13.26.066, AS 13.26.153, AS 18.05.010, AS 18.05.040, AS 25.23.100, AS 25.23.180, AS 25.23.190, AS 25.23.200, AS 25.23.210, AS 25.23.230, AS 44.29.020, AS 44.30.020, AS 44.32.030, AS 47.05.010, AS 47.05.012, AS 47.05.060, AS 47.05.065, AS 47.05.300, AS 47.05.310, AS 47.05.320, AS 47.05.330, AS 47.05.340, AS 47.10.080, AS 47.10.087, AS 47.10.093, AS 47.10.098, AS 47.10.142, AS 47.10.300, AS 47.10.310, AS 47.10.320, AS 47.10.392, AS 47.10.970, AS 47.12.120, AS 47.12.310, AS 47.32.010, AS 47.32.020, AS 47.32.030, AS 47.32.032, AS 47.32.040, AS 47.32.050, AS 47.32.060, AS 47.32.070, AS 47.32.080, AS 47.32.090, AS 47.32.100, AS 47.32.110, AS 47.32.120, AS 47.32.130, AS 47.32.140, AS 47.32.150, AS 47.32.180, AS 47.32.190, AS 47.32.200, AS 47.33.005, AS 47.33.010, and AS 47.33.020, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

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

The regulation changes adopted under this order take effect on July 1, 2022, as provided in AS 44.62.180.

Adam Crum

Digitally signed by Adam Crum  
Date: 2022.05.26 13:31:39  
-08'00'

Adam Crum, Commissioner  
Department of Health & Social Services

FILING CERTIFICATION

*Kady Levalle for*

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that<sup>1</sup> on May 27,

2022, at 10:08a.m., I filed the attached regulations according to the provisions of AS 44.62.040 -

44.62.120.

*for Kady Levalle*  
\_\_\_\_\_  
for Lieutenant Governor

Effective: July 1, 2022

Register: 242, July 2022

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*Kevin Meyer*  
.....

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

Register 242, July 2022 HEALTH AND SOCIAL SERVICES

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

(2) repealed 7/1/2022;

(Eff. 6/23/2006, Register 178; am 7/1/2022, Register 242)

<b>Authority:</b>	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(f)(2)(A) is repealed:

(A) repealed 7/1/2022;

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(l)(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 7/1/2022, Register 242)

<b>Authority:</b>	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(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 7/1/2022, Register 242)

<b>Authority:</b>	AS 18.05.010	[AS 47.14.120]	AS 47.32.030
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Register 24<sup>th</sup> July 2022 HEALTH AND SOCIAL SERVICES

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(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)))*

<b>Minimum Plumbing Fixtures Based on Average Number of Adults or Children in Care, Plus Employees and Family Members in the Entity During Operation *</b>			
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, <u>or</u> 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 7 / 1 / 2022, Register 242)



**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(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 are [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 7/1/2022, Register 242)

**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(b) is repealed:

(b) Repealed 7/1/2022. (Eff. 6/23/2006, Register 178; am 7/1/2022, Register 242)

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**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(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 7/1/2022, Register 242)

**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]

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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 7/11/2022,

Register 242

<b>Authority:</b>	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 10.1060(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 years of age 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].

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7 AAC 10.1060(k) is repealed:

(k) Repealed 7/1/2022. (Eff. 6/23/2006, Register 178; am 4/4/2013, Register 206; am 7/1/2022, Register 242)

**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(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 7/1/2022, Register 242)

**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(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 7 / 1 / 2022, Register 242)

<b>Authority:</b>	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

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[AS 47.14.120] AS 47.32.140

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 7/1/2022, Register 242)

**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(d) is repealed:

(d) Repealed 7/1/2022. (Eff. 6/23/2006, Register 178; am 7/1/2022, Register 242)

**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(c) is repealed:

(c) Repealed 7/1/2022. (Eff. 6/23/2006, Register 178; am 7/1/2022, Register 242)

**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(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 7/1/2022, Register 242)

**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 47.33.005
AS 44.29.020	AS 47.32.130	AS 47.33.010
[AS 47.14.120]		

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 7/1/2022, Register 242)

**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 10.9990(10) is repealed and readopted to read:

(10) "child care facility" has the meaning given in 7 AAC 57.990(b);

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7 AAC 10.9990(17) is repealed and readopted to read:

(17) "department" means

(A) the Department of Health, if it has licensing authority over the entity or individual under AS 47.05.300 - 47.05.390 and AS 47.32.010(b);

(B) the Department of Family and Community Services, if it has licensing authority over the entity or individual under AS 47.05.300 - 47.05.390 and AS 47.32.010(c);

7 AAC 10.9990(23) is repealed:

(23) repealed 7/1/2022;

(Eff. 6/23/2006, Register 178; am 7/1/2022, Register 242)

<b>Authority:</b>	AS 18.05.010	<u>AS 44.30.020</u>	AS 47.32.030
	AS 18.05.040	AS 47.14.120	AS 47.33.005
	AS 44.29.020	AS 47.32.010	AS 47.33.010

7 AAC 50.005 is repealed and readopted to read:

**7 AAC 50.005. Applicability.** (a) The provisions of this chapter apply to a residential child care facility licensed or required to be licensed by the Department of Health under AS 47.10.300 and 47.10.392; AS 47.32.020; or AS 47.80.140.

(b) In the event of a conflict between a generally applicable requirement and a specific requirement applicable to a particular facility, the requirement specifically applicable to the facility applies. (Eff. 1/1/96, Register 136; am 7/1/2022, Register 242 )

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

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

(2) repealed 7/1/2022;

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

(6) repealed 7/1/2022;

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

(7) repealed 7/1/2022;

The introductory language of 7 AAC 50.010(c) is amended to read:

(c) The **department may**, [DIVISION WILL, IN ITS DISCRETION AND] on a case by case basis, grant an exemption from the requirements of this chapter to a person providing supervised transition living or supervised apartment living for children [AGE] 16 **years of age** or older depending upon an evaluation of

...

(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 7/1/2022, Register 242)

**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

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[**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 7/1/2022, Register 242)

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 7/1/2022, Register 242)

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** [AGENCY'S] biennial license.

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

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

chapter:

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

(5) repealed 7 / 1 / 2022

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 7 / 1 / 2022, Register 242)

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

AS 47.32.030

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;

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7 AAC 50.030(c)(1) is repealed:

(1) repealed 7/1/2022;

7 AAC 50.030(c)(9) is amended to read:

(9) any specializations for which approval is sought under 7 AAC 50.600 -

7 AAC 50.650 [OF THIS CHAPTER];

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 7/1/2022;

(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 7/1/2022, Register 242

<b>Authority:</b>	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	

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7 AAC 50.035 is repealed:

**7 AAC 50.035. Application for foster home license.** Repealed. (Eff. 1/1/96, Register 136; repealed 7 / 1 / 2022, Register 242)

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'** [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 7/1/2022, Register 242)

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

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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 7/1/2022, Register 242)

7 AAC 50.055 is repealed:

**7 AAC 50.055. Variances for foster care by relatives.** Repealed. (Eff. 1/1/96, Register 136; repealed 7/1/2022, Register 242)

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 7/1/2022, Register 242)

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

**AS 47.32.030**

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;

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(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7/1/2022, Register 242)

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

7 AAC 50.110(a) is amended to read:

**7 AAC 50.110. Administrator** [OR FOSTER PARENT]. (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 **telephone** [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 7/1/2022, Register 242)

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

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

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

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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

7/1/2022, Register 242)

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

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

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

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

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

7 AAC 50.130(b) is amended to read:

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

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

(2) the records are retained [AS FOLLOWS:

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

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

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

7/1/2022, Register 242)

Authority: AS 44.29.020 AS 47.32.110 [AS 47.35.039]  
AS 47.32.030 [AS 47.35.010] [AS 47.35.110]

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

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

...

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

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

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

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

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

(5) repealed 7/1/2022.

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 [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) nonemergency [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, "nonemergency [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 7/1/2022, Register 242)

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

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

7/1/2022, Register 242)

**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

...



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

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

...

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 2/9/2007, Register 181; am 6/29/2017, Register 222; am 7/1/2022, Register 242)

<b>Authority:</b>	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 is repealed and readopted to read:

**7 AAC 50.220. Caregiver age requirements.** In a full-time care facility caring for children

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(1) in which the oldest child in care is under 15 years of age, a caregiver must be at least 18 years of age; and

(2) in which the oldest child in care is at least 15 years of age, a caregiver must be at least 21 years of age. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am

7/1/2022, Register 242)

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

7 AAC 50.250(g) is repealed:

(g) Repealed 7/1/2022.

7 AAC 50.250(i) is amended to read:

(i) A caregiver may count orientation and pre-service training hours required under 7 AAC 50.030(a) that exceed six hours toward caregiver training hours required under (e) [(e) - (g)] of this section. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 47.32.030

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

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

7 AAC 50.300(d) is repealed:

(d) Repealed 7/1/2022.

7 AAC 50.300(e) is repealed:

(e) Repealed 7/1/2022.

7 AAC 50.300(f) is repealed:

(f) Repealed 7/1/2022.

7 AAC 50.300(g) is repealed:

(g) Repealed 7/1/2022.

7 AAC 50.300(j) is amended to read:

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

Register 145; am 7/1/2022, Register 242)

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

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 7/1/2022.

7 AAC 50.400(i) is amended to read:

(i) A **full-time** [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 7/1/2022, Register 242)

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

7 AAC 50.415 is repealed:

**7 AAC 50.415. Supervision of children in foster homes.** Repealed. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; repealed 7/1/2022, Register 242)

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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 7/1/2022, Register 242)

The introductory language of 7 AAC 50.435(j) is amended to read:

(j) A residential child care facility may not isolate a child in a locked room except that, with prior approval of the **department** [DIVISION], a locked behavior-management room may be used under the following conditions:

...

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 6/21/2001, Register 158; am 7/1/2022, Register 242)

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

7 AAC 50.455(a) is amended to read:

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

- (1) diphtheria, tetanus, polio, measles, and rubella;
- (2) if the child is less than seven years of age, pertussis; and

(3) [BEGINNING JULY 1, 2001,] mumps, hepatitis A, hepatitis B, chicken pox, and *Haemophilus influenzae* type B; if [. 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.

The introductory language of 7 AAC 50.455(b) is amended to read:

(b) A **full-time** [FULL TIME] care facility shall obtain health information on each child under care when the child is accepted for care, to the extent possible. In addition to the information required to be obtained by 7 AAC 50.300(a), health information to be obtained by the facility must include

• • •

7 AAC 50.455(c) is amended to read:

(c) If a child over three years of age has not been under regular medical supervision or has not had a health examination by a licensed physician, **physician** [PHYSICIAN'S] assistant, or public health nurse within one year before the child's admission to the **full-time** [FULL TIME] care facility, a **full-time** [FULL TIME] care facility shall arrange for an examination to be completed within 30 days [IN ACCORDANCE WITH THE EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) SCHEDULE SET OUT IN 7 AAC 43.452] and shall provide continuing medical and dental services [ACCORDING TO THAT SCHEDULE]. A **full-time** [FULL TIME] care facility shall arrange for the examination of a child three years of age or younger **not later than** [WITHIN] 30 days **after** [OF] receiving the

child for care, unless the child has had a health examination within three months of admission, and shall provide continuing care according to any recommendations of the health care provider [THE EPSDT SCHEDULE].

7 AAC 50.455(d) is amended to read:

(d) A full-time [FULL TIME] care facility shall ensure that each child in care three years of age or older is given a dental examination by a licensed dentist at least once a year and provided dental treatment as needed.

7 AAC 50.455(e) is amended to read:

(e) A full-time [FULL TIME] care facility may not have human immunodeficiency virus and acquired immune deficiency testing done on a child in care.

The introductory language of 7 AAC 50.455(f) is amended to read:

(f) A full-time [FULL TIME] care facility shall

...

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

7/1/2022, Register 242)

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

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

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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 7 / 1 / 2022, Register 242)

**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 7 / 1 / 2022, Register 242)

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

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

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

...

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

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



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

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

...

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7/1/2022, Register 242)

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

7 AAC 50.540(g) is repealed:

(g) Repealed 7/1/2022 (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7/1/2022, Register 242)

**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 7/1/2022, Register 242)

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

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7 AAC 50.610(a) is amended to read:

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

...

7 AAC 50.610(c) is amended to read:

(c) Upon admission, a **full-time** [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 7/1/2022.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7/1/2022, Register 242)

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

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

7 AAC 50.615(a) is amended to read:

(a) In order to be approved as specializing in emergency shelter care for runaway children, a residential child care facility must meet the requirements of 7 AAC 50.610 [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) is amended to read:

(3) notify the child's parent of the child's physical and emotional condition and the circumstances surrounding the child's admission to the facility as soon as possible, but not [NO] later than 48 hours after admission, unless

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

(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;

(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

(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 7 / 1 / 2022, Register 242)

**Authority:** AS 44.29.020 [AS 47.10.310(c)(6)] **AS 47.32.030**

AS 47.05.060 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(b)(1) is repealed:

(1) repealed 7/1/2022;

7 AAC 50.620(b)(3) is repealed:

(3) repealed 7/1/2022;

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

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

**department** [DIVISION],

...

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

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

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

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

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

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

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

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

7 AAC 50.620(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 7/1/2022,

Register 242)

**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(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. **A** [NO] young child may **not** participate in a wilderness or adventure experience.



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

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

...

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7/1/2022, Register 242)

**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 7/1/2022, Register 242)

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 7/1/2022, Register 242)

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

7 AAC 50.640(a) is amended to read:

(a) A **full-time** [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.

7 AAC 50.640(g) is amended to read:

(g) A facility shall give at least 30 **days'** [DAYS] notice to the child of any cessation of services. (Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7 / 1 / 2022, Register 242)

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

7 AAC 50.645(b) is repealed:

(b) Repealed 7 / 1 / 2022.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 7 / 1 / 2022, Register 242)

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

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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 7/1/2022, Register 242)

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

7 AAC 50.730(c) is repealed:

(c) Repealed 7/1/2022.

(Eff. 3/1/98, Register 145; am 7/1/2022, Register 242)

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

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

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

...

(Eff. 3/1/98, Register 145; am 7/1/2022, Register 242)

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

7 AAC 50.780(b) is amended to read:

(b) A facility must have a written policy that a pregnant individual seeking adoptive

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placement for her infant shall be referred to a child placement agency or to the **department** [DIVISION].

(Eff. 3/1/98, Register 145; am 7/6/2022, Register 242)

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

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

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

...

7 AAC 50.805(c) is amended to read:

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

(Eff. 6/21/2001, Register 158; am 7/1/2022, Register 242)

**Authority:** AS 44.29.020 **AS 47.32.040** [AS 47.35.010]

**AS 47.32.030** **AS 47.32.060**

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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 7/1/2022, Register 242)

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

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 **interview** 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

...

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 as set out in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition (DSM-5), adopted by reference as amended from time to time;

(Eff. 6/21/2001, Register 158; am 4/13/2011, Register 198; am 7/1/2022, Register 242)

**Authority:** AS 44.29.020 AS 47.12.120 AS 47.32.010

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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

**[EDITOR'S NOTE:** THE AMERICAN PSYCHIATRIC ASSOCIATION'S *DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS*, FIFTH EDITION (*DSM-5*), ADOPTED BY REFERENCE IN 7 AAC 50.825, MAY BE OBTAINED FROM THE AMERICAN PSYCHIATRIC ASSOCIATION, ON ITS WEBSITE AT [HTTPS://WWW.PSYCHIATRY.ORG/PSYCHIATRISTS/PRACTICE/DSM](https://www.psychiatry.org/psychiatrists/practice/dsm), OR [HTTPS://WWW.APPI.ORG/DIAGNOSTIC\\_AND\\_STATISTICAL\\_MANUAL\\_OF\\_MENTAL\\_DISORDERS\\_DSM-5\\_FIFTH\\_EDITION](https://www.appl.org/diagnostic_and_statistical_manual_of_mental_disorders_dsm-5_fifth_edition) . THIS MANUAL IS ALSO AVAILABLE FOR VIEWING AT THE DEPARTMENT OF HEALTH, 130 SEWARD STREET, SUITE 406, JUNEAU, ALASKA]

7 AAC 50.990 is repealed and readopted to read:

**7 AAC 50.990. Definitions.** In this chapter,

(1) "administrator" means individual who has general administrative charge and oversight over a facility subject to this chapter;

(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

(A) under 18 years of age; or

(B) 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"

(A) means a child under 18 years of age who is a

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

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

(B) does not include 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;

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

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

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

(22) "licensee" has the meaning given "licensed entity" in AS 47.32.900,



including an entity to whom a permit has been issued under AS 47.10.392;

(23) "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;

(24) "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;

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

(26) "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;

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

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

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

(30) "passive physical restraint" means the least amount of direct physical contact by a caregiver, using methods approved by the department, to restrain a child from harming self or others;

(31) "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;

(32) "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;

(33) "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;

(34) "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;

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

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

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

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

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

(40) "residential psychiatric treatment center" has the meaning given in AS 47.32.900;

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

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

(43) "semi-secure residential child care facility"

(A) 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;

(B) does not include a facility licensed under 7 AAC 50.805 as a semi-secure residential psychiatric treatment center;

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

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

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

(47) "supervised transition living" or "supervised apartment living" means a short-term program for adolescents at least 16 years of age and under 19 years of age to enable those for whom independent living is the plan to prepare to lead self-sufficient adult lives;

(48) "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;

(49) "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;

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

(51) "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 7/1/2022, Register 242)

**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

The introductory language of 7 AAC 53.010 is amended to read:

**7 AAC 53.010. License required.** To be eligible for payments for foster care, including payments to relatives under **7 AAC 67.025** [7 AAC 53.090], a foster parent must be licensed to  
...

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 7 / 1/2022, Register 242)

Authority:	[AS 44.29.020]	AS 47.10.080	AS 47.14.120
	<b><u>AS 44.30.020</u></b>	AS 47.14.010	AS 47.32.030
	[AS 47.05.010]	AS 47.14.100	<b><u>AS 47.32.032</u></b>
	<b><u>AS 47.06.010</u></b>		

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 **a licensed** foster **home** [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 67.010(4)** [FOR WHOM STATE CUSTODY HAS BEEN RESUMED UNDER AS 47.10.080(v)].

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-

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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 7/11/2022, Register 242)

<b>Authority:</b>	<u>AS 44.30.020</u>	AS 47.10.080	AS 47.14.120
	[AS 47.05.010]	AS 47.14.010	AS 47.14.130
	<u>AS 47.06.010</u>	AS 47.14.100	<u>AS 47.32.030</u>

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 will 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 will propose to the legislature a change to the foster care base rates. A change in the base rate becomes effective the

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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:

...

(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 7/1/2022, Register 242)

<b>Authority:</b>	<b><u>AS 44.30.020</u></b>	AS 47.10.080	AS 47.14.120
	[AS 47.05.010]	AS 47.10.970	<b><u>AS 47.32.030</u></b>
	<b><u>AS 47.06.010</u></b>	AS 47.14.010	

7 AAC 53.040(c)(2) is amended to read:

(2) if the foster parents meet the licensure requirements set out in **7 AAC 67.045**

[7 AAC 50.050] before, or at the time of, emergency placement.

7 AAC 53.040(e) is repealed:

(e) Repealed 7/1/2022. (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 7/1/2022, Register 242)

<b>Authority:</b>	<b><u>AS 44.30.020</u></b>	<b><u>AS 47.06.010</u></b>	<b><u>AS 47.32.030</u></b>
	[AS 47.05.010]	AS 47.14.010	

7 AAC 53.050(e) is repealed:

(e) Repealed 7/1/2022. (Eff. 7/1/90, Register 114; am 11/16/94, Register 132; am

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3/31/2005, Register 173; am 4/13/2011, Register 198; am 12/10/2011, Register 200; am

8/1/2015, Register 215; am 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.10.080 AS 47.14.120

[AS 47.05.010] AS 47.14.010 AS 47.32.030

AS 47.06.010

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 notice to the foster parents when [NOT LATER THAN 30 DAYS BEFORE] the reduction is effective.

7 AAC 53.060(g) is amended to read:

(g) Difficulty-of-care augmented rates apply only to services paid for under this section through the departmental office that oversees children's services or the departmental division that oversees juvenile justice. Difficulty-of-care augmented rates do not apply to services paid for under 7 AAC 135 (Medicaid coverage; behavioral health services) through the Department of Health [DEPARTMENTAL] division that oversees behavioral health or under 7 AAC 130 (Medicaid coverage; home and community-based waiver services) through the Department of Health [DEPARTMENTAL] division that oversees home and community-based waiver



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services. The departmental office that oversees children's services and the departmental division that oversees juvenile justice may not pay for services covered under 7 AAC 105 - 160 (Medicaid coverage and payment) through another office or division of the **Department of Health or the Department of Family and Community Services** [DEPARTMENT]. Any determination about the continuation of Medicaid services must be made through the **Department of Health** [DEPARTMENTAL] office or division that oversees those particular services. (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 7 / 1 / 2022, Register 242)

**Authority:** **AS 44.30.020** AS 47.10.080 AS 47.14.120  
[AS 47.05.010] AS 47.14.010 **AS 47.32.030**  
**AS 47.06.010**

**Editor's note:** The Department of **Family and Community** [HEALTH AND SOCIAL] Services, Office of Children's Services *Child Protective Services Manual*, section 6.2.2.3.A, pages 6 and 7, adopted by reference in 7 AAC 53.060(f)(1), may be obtained or reviewed by contacting the Office of Children's Services, P.O. Box 110630, Juneau, Alaska 99811-0630. The Department of **Family and Community** [HEALTH AND SOCIAL] Services, Division of Juvenile Justice *Needs Assessment for Foster Care*, pages 2 and 3, adopted by reference in 7 AAC 53.060(f)(2), may be obtained or reviewed by contacting the Division of Juvenile Justice, P.O. Box 110635, Juneau, Alaska 99811-0635.

7 AAC 53.061(d) is amended to read:

(d) The department may pay an intensive augmented rate for a child

(1) for whom **a Department of Health** [AN] assessment and approval under 7 AAC 130.200 - 7 AAC 130.219 is pending for Medicaid home and community-based waiver services, if the child might be eligible under the recipient category of children with complex medical conditions;

(2) **whom the Department of Health has** [WHO IS] approved but waitlisted under 7 AAC 130.200 - 7 AAC 130.219 for Medicaid home and community-based waiver services for the recipient category of individuals with intellectual and developmental disabilities;  
or

(3) for whom the department determines that Medicaid home and community-based waiver services provided **through the Department of Health** under 7 AAC 130 or services provided through other service agencies are not sufficient to cover the cost of the child's care, or if the child has needs for which approval and payment are unavailable **through the Department of Health** under 7 AAC 130 or through another service agency.

7 AAC 53.061(e)(1) is amended to read:

(1) what services will be paid for **through the Department of Health** under 7 AAC 130; and

7 AAC 53.061(g) is amended to read:

(g) An intensive augmented rate that the department pays under (d)(1) and (2) of this

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section terminates once Medicaid home and community-based waiver services are approved and established through the Department of Health under 7 AAC 130.200 - 7 AAC 130.219.

7 AAC 53.061(h) is amended to read:

(h) The department will not pay an intensive augmented rate for services available and approved for a child through the Department of Health under 7 AAC 130.

(Eff. 8/1/2015, Register 215; am 7/1/2022, Register 242)

Authority: AS 44.30.020 AS 47.10.080 AS 47.14.120  
[AS 47.05.010] AS 47.14.010 AS 47.32.030  
AS 47.06.010

7 AAC 53.062 is amended to read:

**7 AAC 53.062. Augmented rate for the child of a parent in state custody.** In addition to the base rate under 7 AAC 53.030 and subject to appropriation, if a child in foster care is a parent, and if the parent and the parent's child are placed together in the same foster home, the department will pay the foster parent an augmented rate for the child not in the custody of the department. The augmented rate is equal to the base rate for the age range in which the child of the parent in state custody falls under 7 AAC 53.030(b). (Eff. 8/1/2015, Register 215; am

7/1/2022, Register 242)

Authority: AS 44.30.020 AS 47.10.080 AS 47.14.120  
[AS 47.05.010] AS 47.14.010 AS 47.32.030  
AS 47.06.010

7 AAC 53.063 is amended to read:

**7 AAC 53.063. Other services not paid by the departmental office that oversees children's services.** Services provided by the Department of Health [DEPARTMENTAL] divisions that oversee behavioral health services and senior and disabilities services are rates that are in addition to the services described in this chapter. Nothing in this chapter prevents a child from being eligible for services through other Department of Health [DEPARTMENTAL] subunits, including services under 7 AAC 130 or 7 AAC 135, or services through other state agencies. (Eff. 8/1/2015, Register 215; am 7 / 1 / 2022, Register 242)

**Authority:** AS 44.30.020 AS 47.10.080 AS 47.14.120  
[AS 47.05.010] AS 47.14.010 AS 47.32.030  
AS 47.06.010

7 AAC 53.090 is repealed:

**7 AAC 53.090. Relatives.** Repealed. (Eff. 7/1/90, Register 114; 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; repealed 7 / 1 / 2022, Register 242)

[**EDITOR'S NOTE:** THE SUBSTANCE OF 7 AAC 53.090 WAS FORMERLY CONTAINED IN 7 AAC 50.780.]

7 AAC 53.199(4) is amended to read:

(4) "department" means the Department of Family and Community [HEALTH AND SOCIAL] Services;

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 7 / 1 / 2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.14.010 AS 47.14.120  
AS 47.06.010 AS 47.14.100 AS 47.14.130  
AS 47.10.080

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

...

(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 7 / 1 / 2022, Register 242)

**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(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 7/1/2022, Register 242)

**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 of 7 AAC 53.210 is changed to read:

**7 AAC 53.210. Determination [APPLICATION FOR ADOPTION OR GUARDIANSHIP; DEPARTMENT 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

7/1/2022, Register 242)

<b>Authority:</b>	[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 child's second birthday by the end of the federal fiscal year in which the adoption assistance agreement as described in (g) of this section is entered into 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

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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

7/1/2022, Register 242)

**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

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

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

...

7 AAC 53.226(6) is amended to read:

(6) for a child who has attained 14 years of age, the child has been consulted regarding the guardianship arrangement in accordance with that child's rights under

AS 13.26.126 [AS 13.26.040]; [AND]

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

(7) the child described in (1), (2), (5), or (6) of this section has one or more siblings not so described, subject to the following:

(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 one or more of the siblings; and

(B) the department will pay Title IV-E relative guardianship assistance payments on behalf of each sibling so placed; and

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

7/1/2022, Register 242)

**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  
AS 25.23.200

The section heading for 7 AAC 53.227 is changed 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 7 / 1 / 2022, Register 242)

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

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 7 / 1 / 2022,

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**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 53.230 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 any

- (1) SSI benefits that the child is eligible to receive;
- (2) other social security benefits under 42 U.S.C. 301 - 42 U.S.C. 1397mm; or
- (3) 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 7/1/2022, Register 242)

**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 7/1/2022, Register 242)

<b>Authority:</b>	[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 53.245(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(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

...

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 no other household member 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 a week;
- (B) costs covered by Medicaid or other health insurance;
- (C) costs for more than one escort for a trip regardless of the number of children travelling;
- (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 7/1/2022;

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

(6) repealed 7/1/2022;

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

(7) repealed 7/1/2022;

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

(8) repealed 7/1/2022;

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

(9) repealed 7/1/2022;

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

(10) behavioral health treatment if

(A) no Medicaid or insurance providers are 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; and

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

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

(12) repealed 7/1/2022;

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

(13) repealed 7/1/2022;

7 AAC 53.245(h) is amended to read:

(h) Subsidy payments terminate when a child reaches **18 years of** age [18]. However, the department may immediately terminate the agreement and cease making payments if the department determines that the

(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; and

(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 under 7 AAC 105 - 7 AAC 160. If a qualified Medicaid provider is available, but a parent chooses that the child 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 of Health will make the determination of medical necessity; the Department of Health will determine that a service, supply, or prescription drug is medically necessary if the Department of Health 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 of Health 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 must be 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 7/1/2022, Register 242)

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

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

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in [AND] the circumstances of the adoptive or guardianship family.

(Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am 7/1/2022, Register 242)

**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 53.299(2) is amended to read:

(2) "AFDC" means Aid to Families with Dependent Children assistance, formerly administered by the former Department of Health and Social Services [DEPARTMENT] under former AS 47.25.301 - 47.25.420;

7 AAC 53.299(4) is amended to read:

(4) "department" means the Department of Family and Community [HEALTH AND SOCIAL] Services;

7 AAC 53.299(9) is amended to read:

(9) "Medicaid" means the medical assistance program administered by the Department of Health [DEPARTMENT] under 42 U.S.C. 1396 - 1396v and AS 47.07; (Eff. 3/31/2005, Register 173; am 4/13/2011, Register 198; am 8/1/2015, Register 215; am 7/1/2022, Register 242)

**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 53.320(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** [MEDICAID COUPONS] must be furnished to the medical provider by the out-of-home care provider to enable the medical provider to bill the **Department of Health** [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, in consultation with the Department of Health, 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 of Health under 7 AAC 105 - 7 AAC 160** [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

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authorization from the Department of Health under 7 AAC 105 - 7 AAC 160 before nonemergency or nonmedically 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 of Health 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 **of Family and Community Services and the Department of Health** [DIVISION]. (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

7/1/2022, Register 242)

**Authority:** AS 47.05.010 AS 47.10.080 AS 47.14.010

**AS 47.06.010**

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) **A request** [REQUESTS] by **an out-of-home care provider** [PROVIDERS] for one-

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time item money must be made to the department [DIVISION] in writing.

7 AAC 53.330(e) is amended to read:

(e) Not later than [OUT-OF-HOME CARE PROVIDERS WILL BE NOTIFIED WITHIN] 10 working days after receiving a request for one-time item money, the department will notify an out-of-home care provider 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 7/1/2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.06.010 AS 47.10.080

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

...

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

7/1/2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.06.010 AS 47.10.080

[AS 47.05.065] AS 47.06.025 AS 47.14.010

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

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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 7/1/2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.10.080 AS 47.14.010

**AS 47.06.010**

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 7/1/2022, Register 242)

**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(1) is amended to read:

(1) "child's placement plan" includes

(A) the placement plan of care required by 7 AAC 50.300(c) for a child in a licensed foster home;

**(B)** [,] the treatment plan required by 7 AAC 50.330 for a child in a licensed residential child care facility; [,] and

**(C)** the case plan for a child and the child's family prepared by an employee of the **department** [DIVISION];

7 AAC 53.370(2) is amended to read:

(2) "department" means the Department of **Family and Community** [HEALTH AND SOCIAL] Services;

7 AAC 53.370(3) is repealed:

(3) repealed 7/1/2022;

7 AAC 53.370(4) is amended to read:

(4) "out-of-home care setting" and "out-of-home care provider" **includes** [INCLUDE]

(A) the home of a relative;

(B) a [CHILD] foster home **licensed under AS 47.32 and in compliance with the additional applicable standards and requirements of 7 AAC 67;**

**(C)** [OR] a residential child care facility licensed under AS 47.32 and in compliance with the additional applicable standards and requirements of 7 AAC 50; and

**(D)** [(C)] a state-operated facility;

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 7/1/2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.10.080 AS 47.14.010  
AS 47.06.010

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 7/1/2022, Register 242)

**Authority:** [AS 47.05.010] AS 47.10.080 AS 47.14.010

**AS 47.06.010**

The introductory language of 7 AAC 53.999(b) is amended to read:

(b) **In** [FOR THE PURPOSES OF] 7 AAC 53.901 - 7 AAC 53.999,

...

7 AAC 53.999(b)(2) is amended to read:

(2) "commissioner" means the commissioner of **health** [THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES];

7 AAC 53.999(b)(6) is amended to read:

(6) "department" means the Department of Health [AND SOCIAL SERVICES];  
(Eff. 1/13/85, Register 93; am 6/14/85, Register 95; am 7 / 1 / 2022, Register 242)

**Authority:** AS 47.05.010 AS 47.40.011 AS 47.40.041  
AS 47.14.010

7 AAC 54.440(b)(1) is amended to read:

(1) the commissioner **of family and community services** has approved the disclosure;

(Eff. 1/14/2000, Register 153; am 7 / 1 / 2022, Register 242)

**Authority:** [AS 47.05.010] **AS 47.06.010** AS 47.10.080  
[AS 47.05.040] **AS 47.06.040** AS 47.14.010



7 AAC 54.500(g) is amended to read:

(g) The provisions of this section do not apply to licensing-related actions conducted under AS 47.05.300 - 47.05.390, AS 47.06 [AS 47.05], AS 47.32, 7 AAC 10, or 7 AAC 50.

(Eff. 4/13/2011, Register 198; am 7/1/2022, Register 242)

<b>Authority:</b>	[AS 13.26.062]	[AS 47.05.010]	AS 47.14.010
	<u>AS 13.26.153</u>	[AS 47.05.050]	AS 47.14.100
	AS 25.23.210	<u>AS 47.06.010</u>	AS 47.14.120
	AS 25.23.230	<u>AS 47.06.080</u>	AS 47.14.130

7 AAC 54.510(g) is amended to read:

(g) The provisions of this section do not apply to licensing-related actions conducted under AS 47.05.300 - 47.05.390, AS 47.06 [AS 47.05], AS 47.32, 7 AAC 10, or 7 AAC 50.

(Eff. 4/13/2011, Register 198; am 7/1/2022, Register 242)

<b>Authority:</b>	[AS 13.26.062]	[AS 47.05.010]	AS 47.14.010
	<u>AS 13.26.153</u>	[AS 47.05.050]	AS 47.14.100
	AS 25.23.210	<u>AS 47.06.010</u>	AS 47.14.120
	AS 25.23.230	<u>AS 47.06.080</u>	AS 47.14.130

7 AAC 54.900(a)(8) is amended to read:

(8) "department" means the Department of Family and Community [HEALTH AND SOCIAL] Services;

(Eff. 5/15/83, Register 86; am 5/4/90, Register 114; am 11/16/94, Register 132; am 1/14/2000,

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Register 153; am 10/14/2005, Register 176; am 12/30/2006, Register 180; am 4/13/2011,

Register 198; am 9/7/2013, Register 207; am 7/1/2022, Register 242

Authority:	[AS 13.26.062]	[AS 47.05.030]	AS 47.10.093
	<u>AS 13.26.153</u>	[AS 47.05.040]	AS 47.10.098
	AS 25.23.210	[AS 47.05.050]	AS 47.12.310
	AS 25.23.230	<u>AS 47.06.010</u>	AS 47.14.010
	[AS 47.05.010]	<u>AS 47.06.040</u>	AS 47.14.120
	[AS 47.05.015]	<u>AS 47.06.070</u>	AS 47.17.040
	[AS 47.05.020]	<u>AS 47.06.080</u>	

7 AAC 55.640(d) is amended to read:

(d) A pregnant woman must apply to the subunit of the appropriate department [DIVISION] for a determination of her eligibility for services. That subunit [THE DIVISION] will assist the woman in applying and will supply forms for the application. That subunit may [THE DIVISION WILL] determine [, IN ITS DISCRETION,] which services are available and appropriate for the woman, and whether money is available to provide those services.

7 AAC 55.640(f) is amended to read:

(f) A pregnant woman who is aggrieved by a decision of the subunit [DIVISION] that she is not eligible for services may request a hearing, using the same procedures as those set out in 7 AAC 49. (Eff. 2/7/85, Register 93; am 1/14/2000, Register 153; am 4/4/2013, Register 206; am 7/1/2022, Register 242)

**Authority:** AS 47.40.100 AS 47.40.120

7 AAC 55.690(1) is repealed and readopted to read:

(1) "commissioner" means

(A) the commissioner of health, with respect to maternity homes, and with respect to purchases made by the Department of Health;

(B) the commissioner of family and community services, with respect to foster homes, and with respect to purchases made by the Department of Family and Community Services;

7 AAC 55.690(3) is repealed and readopted to read:

(3) "department" means

(A) the Department of Health, with respect to maternity homes, and with respect to purchases made by the Department of Health;

(B) the Department of Family and Community Services, with respect to foster homes, and with respect to purchases made by the Department of Family and Community Services;

7 AAC 55.690(4) is repealed:

(4) repealed 7/1/2022;

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7 AAC 55.690(5) is repealed:

(5) repealed 7/1/2022;

7 AAC 55.690(8) is amended to read:

(8) "foster home" has the meaning given in AS 47.32.900 [AS 47.35.900];

7 AAC 55.690(10) is amended to read:

(10) "maternity home" has the meaning given in AS 47.32.900 [AS 47.35.900].

(Eff. 2/7/85, Register 93; am 3/1/98, Register 145; am 7/1/2022, Register 242)

**Authority:** AS 47.40.100 AS 47.40.120

7 AAC 56.010(a) is amended to read:

(a) The provisions of this chapter apply to child placement agencies licensed or required to be licensed for arranging foster home, residential child care facility, adoptive home, or guardianship placements for a child under AS 47.10.310 or AS 47.32.010(c) [; AS 47.35.015; OR AS 47.35.085]. To the extent practicable, the requirements set out in this chapter apply generally to all child placement agencies arranging for four types of child placement. However, when necessary or appropriate, various specific requirements set out in this chapter apply to child placement agencies arranging for less than all four types of child placement.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020] AS 47.32.010 [AS 47.35.010]

AS 44.30.020 AS 47.32.030

The introductory language of 7 AAC 56.020(a) is amended to read:

(a) **The** [IN ADDITION TO THOSE PERSONS WHO ARE SPECIFICALLY LISTED UNDER AS 47.35.015 AS EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER, THE] department will consider the following persons as included in [THE] exemptions from licensure under AS 47.32.030 [AS 47.35.015]:

...

(Eff. 1/1/2001, Register 156; am 1/5/2017, Register 221; am 7/1/2022, Register 242)

Authority: [AS 44.29.020] AS 47.32.010 AS 47.32.030  
AS 44.30.020 AS 47.32.020

7 AAC 56.030 is amended to read:

**7 AAC 56.030. Voluntary licensure; no license issued for certain exempt agencies.**

The **department** [DIVISION] will not issue a license to agencies that are exempt under [AS 47.35.015(e)(2), (4), AND (5) OR] 7 AAC 56.020(a)(1) and (3). (Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

Authority: [AS 44.29.020] AS 47.32.010 AS 47.32.030  
AS 44.30.020 AS 47.32.020 [AS 47.35.010]

7 AAC 56.040(a) is amended to read:

(a) An out of state agency that is exempt from licensure as a child placement agency under [AS 47.35.015 OR] 7 AAC 56.020 is not subject to the provisions of this section.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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Authority: [AS 44.29.020] AS 47.32.010 AS 47.32.030  
AS 44.30.020 AS 47.32.020 [AS 47.35.010]

7 AAC 56.050(a) is repealed:

(a) Repealed 7/1/2022.

7 AAC 56.050(b) is amended to read:

(b) The licensing representative will not assess compliance with the requirements of this chapter until the agency's license is renewed, converted from provisional to biennial status, or reviewed, or until an investigation of an allegation of noncompliance with a requirement of AS 47.32 [AS 47.35] or this chapter, whichever occurs first.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

Authority: [AS 44.29.020] AS 47.32.010 AS 47.32.030  
AS 44.30.020 AS 47.32.020 [AS 47.35.010]

7 AAC 56.060(a) is amended to read:

(a) A self-monitoring report by a facility under 7 AAC 56.080 [AS 47.35.043] must be submitted **not later than** [BY] the first anniversary date of the **child placement** agency's biennial license.

The introductory language of 7 AAC 56.060(b) is amended to read:

(b) The following timeframes apply to review for compliance with AS 47.32 [AS 47.35]

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or this chapter or other action by the licensing representative under AS 47.32 [AS 47.35] or this chapter:

...

7 AAC 56.060(b)(5) is repealed:

(5) repealed 7/1/2022.

7 AAC 56.060(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. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 44.30.020 AS 47.32.060

7 AAC 56.070(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 56.070(b)(2) is amended to read:

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

7 AAC 56.070(b)(4)(D) is amended to read:

(D) request a health, probation, or mental health evaluation, if considered necessary by the **department** [DIVISION] to evaluate whether the administrator or candidate to be the administrator of the agency meets the requirements of **AS 47.32** [AS 47.35] and this chapter; and

7 AAC 56.070(c)(1) is repealed:

(1) repealed 7/1/2022;

7 AAC 56.070(c)(11) 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 56.070(d) is amended to read:

(d) An applicant for a provisional or a biennial license under **AS 47.32** [AS 47.35] shall provide the information specified under (c) of this section as applicable to the type of child placements the agency performs.

7 AAC 56.070(f) is amended to read:

(f) An application is not complete unless it provides all of the information required by [AS 47.35.017(b) AND] this section, unless it is an application for biennial renewal of a license.



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If the application is an application for biennial renewal of a license, only the attachments to the application for the license that require updating must be submitted with the application for renewal.

(Eff. 1/1/2001, Register 156; am 2/9/2007, Register 181; am 6/29/2017, Register 222; am

7/1/2022, Register 242)

<b>Authority:</b>	[AS 44.29.020]	AS 47.05.320	AS 47.32.020
	<u>AS 44.30.020</u>	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

7 AAC 56.080 is amended to read:

**7 AAC 56.080. 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. 1/1/2001, Register 156; am 7/1/2022, Register 242)

<b>Authority:</b>	[AS 44.29.020]	<u>AS 47.32.030</u>	[AS 47.35.043]
	<u>AS 44.30.020</u>	[AS 47.35.010]	

7 AAC 56.100(a)(1) is amended to read:

(1) determine policy for the operation and management of the agency that meets the requirements of AS 47.32 [AS 47.35] and this chapter and provide for implementation of that

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policy by an administrator;

7 AAC 56.100(a)(4) is amended to read:

(4) employ or contract with a sufficient number of administrative and service staff to provide the services the agency is licensed to provide under AS 47.32 [AS 47.35] and this chapter;

(Eff. 1/1/2001, Register 156; am 7 / 1 / 2022, Register 242)

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

AS 44.30.020

7 AAC 56.110(a)(1) is amended to read:

(1) be established and maintained on a sound fiscal basis; the department [DIVISION] will consider an agency to meet the requirements of this paragraph if the agency has income adequate to cover its expenses;

7 AAC 56.110(a)(3) is amended to read:

(3) have a fee policy that clearly describes what fees are charged and what services are covered by the fees; for agencies providing adoption services, the fee policy must be submitted to the department [DIVISION].

The introductory language of 7 AAC 56.110(b) is amended to read:

(b) With regard to child placement activity an agency created within 12 months of an

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application for a license under AS 47.32 [AS 47.35] and this chapter shall

...

7 AAC 56.110(b)(2) is amended to read:

(2) submit a 12-month budget to the department [DIVISION] when the application is submitted under 7 AAC 56.070; and

The introductory language of 7 AAC 56.110(c)(1) is amended to read:

(1) submit an annual financial report to the department [DIVISION] on a form provided by the department [DIVISION] that includes

...

7 AAC 56.110(c)(2) is amended to read:

(2) submit the financial report to the department not later than [DIVISION WITHIN] 60 days after [OF] the end of the agency's fiscal year; and

7 AAC 56.110(d)(2) is amended to read:

(2) have available for review by the department [DIVISION] and provide to the prospective adoptive family a report for each prospective adoption, in which the agency charged expenses to the prospective adoptive families;

(Eff. 1/1/2001, Register 156; am 7 / 1 / 2022, Register 242)

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

**AS 44.30.020**

7 AAC 56.130(c) is amended to read:

(c) If the **department** [DIVISION] requests an agency to remove an employee, contractor, or volunteer from contact with children and clients on the grounds set out in (b)(2) and (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 or clients 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 or clients at risk of harm or compromise a police investigation.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

**AS 44.30.020**

7 AAC 56.140(a) is amended to read:

(a) When an agency places a child into a facility regulated under **AS 47.32** [AS 47.35]

and 7 AAC 50, the responsibility for the child's care becomes a joint responsibility between the agency and the facility. The facility must meet the requirements for the type of facility specified in its license issued under 7 AAC 50. The agency is not required to duplicate activities, such as care and treatment planning, being carried out by the facility; however, the agency shall participate in the planning, including providing information about the child required by 7 AAC 50. Notwithstanding any contrary provision of this section regarding time frames and any specifics of care, requirements of 7 AAC 50 for the facility control.

7 AAC 56.140(b) is amended to read:

(b) An agency that operates a residential child care facility to serve runaway children under 7 AAC 50.615 or that designates shelter homes for runaway children under AS 47.32 [AS 47.35.085] and the requirements of 7 AAC 50.620 must have a program of care for serving runaway children as described in 7 AAC 50.615(c). The agency may provide the program on site at the agency's residential child care facility or in the agency's office.

(Eff. 1/1/2001, Register 156; am 7 / 1 / 2022, Register 242)

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

AS 44.30.020

7 AAC 56.150(a)(1) is amended to read:

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

7 AAC 56.150(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 47.35 AND] this chapter.

7 AAC 56.150(b) is amended to read:

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

7 AAC 56.150(e) is amended to read:

(e) An agency shall maintain personnel records for employees, contractors, and volunteers. For employees, these records shall include starting and ending dates, application materials, evidence of a criminal justice information search, annual and interim performance evaluations, orientation and training documentation, personnel action memoranda of commendation or reprimand, and similar items. For all volunteers, records may be limited to starting and ending dates, application materials, an evaluation notation. Additionally, for regular volunteers, **records must** include evidence of a criminal justice information search done in accordance with **AS 47.05.300 - 47.05.390** [AS 47.35.017].

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020]      **AS 47.32.030**      [AS 47.35.039]  
                                         **AS 44.30.020**      [AS 47.35.010]      [AS 47.35.110]

The introductory language of 7 AAC 56.160(a) is amended to read:

(a) An [IN ADDITION TO THE NOTICE OF CHANGES REQUIRED BY AS 47.35.047, AN] agency shall report the following planned changes to the licensing representative as soon as possible, but not later than 30 days before they are expected to occur:

• • •

7 AAC 56.160(c) is amended to read:

(c) With prior approval of the department, [DIVISION] an agency regularly serving medically fragile [MEDICALLY-FRAGILE] children need not make the report required by (b)(2) of this section.

7 AAC 56.160(d)(3) is amended to read:

(3) life-threatening illness or hospitalization of a child in placement with the agency, unless the child is a medically fragile [MEDICALLY-FRAGILE] child; or

7 AAC 56.160(e)(3) is amended to read:

(3) nonemergency [NON-EMERGENCY] medical care requiring consent from the child's parent; [,] in this paragraph, "nonemergency [NON-EMERGENCY] medical care" includes surgery, anesthesia, psychotropic medication, or any drugs prescribed for mental illness or behavioral problems;

(Eff. 1/1/2001, Register 156; am 7 / 1 / 2012, Register 242)

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

AS 44.30.020

AS 47.32.030

7 AAC 56.200(b) is amended to read:

(b) An administrator must be of good character and reputation, have an understanding of child placement issues, positive experience with working with individuals of different cultures, and the skills to work with children, parents, family members, **department** [DIVISION] personnel, community agencies, and as applicable, staff of the agency and residential facilities, foster, adoptive, or guardianship parents, and applicants for a placement setting.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 44.30.020

7 AAC 56.300(b)(5) is amended to read:

(5) inform clients of the procedures for making a complaint to the **department** [DIVISION].

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 44.30.020

7 AAC 56.320(g) is amended to read:

(g) In an emergency placement of a runaway child an agency shall notify the child's parent of the child's physical and emotional condition and the circumstances surrounding the



child's placement as soon as possible, but no later than 48 hours after placement of the child, unless

(1) the agency has reason to believe that the child's parent has physically or sexually abused the child and the **Department of Health or Department of Family and Community Services** [DIVISION] is notified immediately;

(2) the agency has reason to believe that notifying the child's parent would endanger the life or safety of the child and the **Department of Health or Department of Family and Community Services** [DIVISION] is notified immediately;

(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 of Health or Department of Family and Community Services** [DIVISION] is notified within 48 hours; or

(4) the child was admitted directly to an agency home or residential child care facility and the home or facility has previously notified the child's parent. (Eff. 1/1/2001, Register 156; am 7 / 1 / 2022, Register 242)

**Authority:** [AS 44.29.020] AS 47.10.392 [AS 47.35.010]  
**AS 44.30.020** **AS 47.32.030** [AS 47.35.085]  
AS 47.10.300

7 AAC 56.360(a) is amended to read:

(a) An agency may not place a child in an unlicensed setting if that setting is required to be licensed under **AS 47.32** [AS 47.35]. An agency may not place a child in a licensed facility, if the placement would result in the facility being not in compliance with the conditions on the

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facility's license. Before placing a child in a foster home, a child placing worker shall check the conditions on the foster home license and the number of children currently in the home to ensure placement of a child does not cause the home to be in violation of the conditions on the foster home's license.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020]      **AS 47.32.030**      [AS 47.35.010]  
**AS 44.30.020**

7 AAC 56.400(f) is amended to read:

(f) Before or within one week of placement, an agency shall arrange for a health examination for a child by a licensed physician, physician's assistant, or public health nurse [in accordance with the early periodic screening, diagnosis, and treatment (EPSDT) **program under 7 AAC 110.200 - 7 AAC 110.210** [SCHEDULE SET OUT IN 7 AAC 43.452]. If the child has received **that** [SUCH AN] examination current according to the EPSDT **program** [SCHEDULE] for a child ages birth to three years, and within one year for a child ages three years and older, and the agency has a copy of the report, the health examination is not required under this subsection.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020]      **AS 47.32.030**      [AS 47.35.010]  
**AS 44.30.020**

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7 AAC 56.420(b)(9) is amended to read:

(9) information for making a complaint regarding agency services to the **department** [DIVISION].

7 AAC 56.420(c) is amended to read:

(c) An agency shall provide or identify training opportunities and financing for agency foster parents to increase their skills and ability to parent and meet the requirements of **7 AAC 67.130** [7 AAC 50.250(g)].

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

**AS 44.30.020**

7 AAC 56.450(e)(2) is amended to read:

(2) immediately report the allegations to the **department** [DIVISION] for investigation.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

**AS 44.30.020**

7 AAC 56.500(c) is repealed:

(c) Repealed 7/1/2022.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 44.30.020

7 AAC 56.510(a)(4) is repealed:

(4) repealed 7/1/2022;

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

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

AS 44.30.020

The introductory language of 7 AAC 56.560(a) is amended to read:

(a) The department may enter into an agreement authorizing an agency to inspect and evaluate applicants for a foster home or foster group home license or renewal of a license under 7 AAC 67 [7 AAC 50] and to monitor the homes, if the department determines that the agency is qualified under AS 47.32 [AS 47.35] and this chapter to do so. The agreement may authorize an agency to

...

7 AAC 56.560(d) is amended to read:

(d) An agency conducting evaluations for a license for a foster home or foster group home must receive initial orientation from the department relating to foster home licensing requirements and procedures under AS 47.32 and 7 AAC 67 [AS 47.35 AND 7 AAC 50] and shall develop written procedures, approved by the department, related to its methods of

conducting investigations and inspections under (a) of this section.

7 AAC 56.560(e) is amended to read:

(e) The authorization under (a) of this section includes authorization to perform evaluations for **provisional licensure of a** foster home [LICENSING] under emergency placement conditions according to **7 AAC 67.045** [7 AAC 50.050]. An agency shall submit the evaluation file for the foster home licensing, along with the agency verification described under (a)(4) of this section, to the department for issuance of the license.

7 AAC 56.560(f) is amended to read:

(f) An agency authorized to act by an agreement under (a) of this section shall immediately report to the department 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 will evaluate the report and, if the department determines that an investigation is warranted, will develop a coordinated plan for the investigation or delegate the investigation to the agency.

(Eff. 1/1/2001, Register 156; am 3/31/2005, Register 173; am 7 / 1 / 2022, Register 242)

**Authority:** [AS 44.29.020] **AS 47.32.030** [AS 47.35.010]  
**AS 44.30.020** **AS 47.32.032**

7 AAC 56.570(a) is amended to read:

(a) An agency authorized to act under 7 AAC 56.560(a) shall evaluate all requirements for each home reviewed by the agency at least every two years, and whenever a change is made

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that affects the conditions of the verification to the department. These changes include the admission to the home of a resident who is [AGE] 18 years **of age** or older. The re-evaluation must document that appropriate requirements of AS 47.10, **AS 47.32, 7 AAC 67** [AS 47.35, 7 AAC 50], and this chapter are met.

(Eff. 1/1/2001, Register 156; am 3/31/2005, Register 173; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020] **AS 47.32.030** [AS 47.35.010]  
**AS 44.30.020**

7 AAC 56.660(d) is amended to read:

(d) An agency shall request a child protection and licensing clearance from the **department** [DIVISION] for each adult member of an adoptive or guardianship applicant household to ascertain that **department** [DIVISION] records do not contain information described in 7 AAC 56.210(b)(1) and (4).

7 AAC 56.660(f) is amended to read:

(f) An agency may and the **department may** [DIVISION WILL, IN ITS DISCRETION,] require that a person residing in an applicant household provide an evaluation from a probation, health, or mental health professional affirming that the person is free from problems that can be detrimental to the health, safety, or well-being of a child.

(Eff. 1/1/2001, Register 156; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020] **AS 47.32.030** [AS 47.35.010]  
**AS 44.30.020**

The introductory language of 7 AAC 56.990 is amended to read:

**7 AAC 56.990. Definitions.** In [AS 47.35 AND IN] this chapter, [UNLESS THE CONTEXT REQUIRES OTHERWISE,]

...

7 AAC 56.990(2) is amended to read:

(2) "administrator" **means an individual who has general administrative charge and oversight of a facility or agency** [HAS THE MEANING GIVEN IN AS 47.35.900];

7 AAC 56.990(3) is amended to read:

(2) "agency" **means a child placement agency** [HAS THE MEANING GIVEN IN AS 47.35.900];

7 AAC 56.990(7) is repealed and readopted to read:

(7) "child" means

(A) an individual under 18 years of age, including an individual who is a relative of a care provider, administrator, or foster parent; or

(B) an individual 18 through 20 years of age who is

(i) in the custody of the state; or

(ii) a runaway child served by an agency;

7 AAC 56.990(9) is amended to read:

(9) "child placement agency" has the meaning given in AS 47.32.900 ["AGENCY"];

7 AAC 56.990(11) is amended to read:

(11) "child with special needs"

**(A)** means a child under [THE AGE OF] 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)** **does not include** [IS NOT] a **"gifted" child** ["GIFTED CHILD"]

under 4 AAC 52.890 [AS 14.30.350];

7 AAC 56.990(14) is amended to read:

(14) "department" means the Department of Family and Community [HEALTH AND SOCIAL] Services;

7 AAC 56.990(15) is repealed:

(15) repealed 7/1/2022

7 AAC 56.990(17) is amended to read:

(17) "EPSDT" means the early periodic screening, diagnosis, and treatment provided under 7 AAC 110.200 - 7 AAC 110.210 [7 AAC 43.452];



7 AAC 56.990(18) is amended to read:

(18) "facility" **means the administration, program, and physical plant of a foster home** [HAS THE MEANING GIVEN IN AS 47.35.900];

7 AAC 56.990(19) is amended to read:

(19) "foster home" has the meaning given in **AS 47.32.900** [AS 47.35.900];

7 AAC 56.990(22) is amended to read:

(22) "home study" **means a written report of an investigation of the prospective adoptive or foster parent or parents' ability to care for a child that has been prepared in accordance with AS 25.23.100(f), including** [HAS THE MEANING GIVEN IN AS 47.35.900; "HOME STUDY" INCLUDES] the joint assessment process entered into by the agency and a foster home licensee or an applicant for adoption or guardianship or a foster home license for the purpose of determining the family's strengths and how they could best serve the children the agency has available for placement;

7 AAC 56.990(28) is amended to read:

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

7 AAC 56.990(29) is amended to read:

(29) "licensee," **with respect to** [HAS THE MEANING GIVEN IN

AS 47.35.900; "LICENSEE" INCLUDES] a person to whom a license has been issued under AS 47.10.310 or AS 47.32, has the meaning given "licensed entity" in AS 47.32.900;

7 AAC 56.990(30) is amended to read:

(30) "licensing representative" means an employee of the **department** [DIVISION] whose decisions are subject to review and approval by the **department** [DIVISION];

7 AAC 56.990(31) is amended to read:

(31) "**medically fragile** [MEDICALLY-FRAGILE] child" means a child who lacks physical or emotional strength and requires frequent medical attention from personnel **outside** [OUT SIDE] of the facility or agency;

7 AAC 56.990(34) is amended to read:

(34) "parent" **means a birth or adoptive parent or a legal guardian** [HAS THE MEANING GIVEN IN AS 47.35.900];

7 AAC 56.990(36) is amended to read:

(36) "placement setting" includes a foster home **licensed under 7 AAC 67,** [AND] a residential child care facility licensed under 7 AAC 50, and a home providing guardianship or adoption for a child;

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7 AAC 56.990(41) is amended to read:

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

[AS 47.35.900];

(Eff. 1/1/2001, Register 156; am 4/13/2011, Register 198; am 7/1/2022, Register 242)

**Authority:** [AS 44.29.020] AS 47.10.392 AS 47.32.020

AS 44.30.020 AS 47.32.010 AS 47.32.030

AS 47.10.300

7 AAC 58.090(2) is amended to read:

(2) "commissioner" means the commissioner of family and community

[HEALTH AND SOCIAL] services;

7 AAC 58.090(3) is amended to read:

(3) "department" means the Department of Family and Community [HEALTH

AND SOCIAL] Services;

(Eff. 8/8/2020, Register 235; am 7/1/2022, Register 242)

**Authority:** AS 47.14.215

7 AAC is amended by adding a new chapter to read:

### **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 Homes (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**

05. Applicability
10. Exemptions from licensure requirements
20. Implementation
25. Foster care by relative caregivers
30. Application for an initial or renewal of a foster home license
35. Assessment of a foster home upon initial application
37. Formal inspection of a foster home for licensure
40. Issuance of a provisional foster home license
41. Relocation of a foster home
45. Provisional foster home license issued under emergency conditions
50. Biennial license and renewal
55. Investigation of a foster home
60. Enforcement actions and plans of correction
65. Request for variance

70. 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 out in AS 47.05.300 - 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 it

(1) has a current foster home 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. 7 / 1 / 2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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 persons are exempt from the foster home 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 AS 47.33 who admits a child for care in accordance with 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 under a power of attorney executed by the child's parent under AS 13.26.066. (Eff. 7/1/2022, Register 242)

**Authority:** AS 13.26.066 AS 47.14.120 AS 47.32.020

AS 44.30.020 AS 47.32.010 AS 47.32.030

**7 AAC 67.020. Implementation.** (a) A foster home license issued on or after July 1, 2022 must meet the requirements of licensure established under this chapter.

(b) A license issued before July 1, 2022 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) the biennial renewal or extension date.

(c) The department may extend a license issued before July 1, 2022 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 July 1, 2022 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.030 AS 47.32.032  
AS 47.32.010

**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 a foster home, nor does it mean that a foster care payment by the department occurs. The department will only issue foster care payments once the department

issues the foster home license.

(b) An unlicensed relative may receive financial support by applying for support programs through the Department of Health's public assistance programs and services under AS 47.27. An unlicensed relative may not 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. (Eff. 7 / 1 / 2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.030 AS 47.32.032  
AS 47.32.010

**7 AAC 67.030. Application for an initial or renewal of a foster home 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 a child care, residential care, or other licensed facility, and any reasons for any termination of that 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 the applicant's family, independent of any foster care maintenance payment as set out in 7 AAC 53;

(4) verification, through a government-issued photographic 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 16 years of age;

(7) for each household member over 16 years of age, the fingerprints that are required under AS 47.05.310(e) for a report of criminal justice information and a national criminal history record 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;

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

(b) Not later than 10 working days after receiving the application, the department will provide the applicant written notification of the application's receipt and the status of completion.

(c) Not later than 30 days from the date that department receives the initial licensing application, the applicant shall provide the following information, if applicable, to the department:

(1) fire safety, solid waste, wastewater, or drinking water inspection reports conducted by a state or municipal authority responsible for those inspections as required under

13 AAC 50, 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 - 47.05.390, 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 department may consider the application incomplete and close it. The department will notify the applicant in writing if the department closes the application.

(e) The department may extend the application timeframes for an additional 45 days, if circumstances exist that require additional information to complete the licensing process.

(f) In a two-parent household, 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 armed forces of the United States and is stationed outside the state for the duration of the foster home 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 home license;

(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.

(g) In (f) of this section, "two-parent household" means a two-individual domestic relationship in which the individuals are married, have a domestic partnership, or cohabitate.

(Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.05.340	AS 47.32.032
	AS 47.05.300	AS 47.32.010	AS 47.32.040
	AS 47.05.310	AS 47.32.020	AS 47.32.060
	AS 47.05.320	AS 47.32.030	

**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 health, 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;
- (9) 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;

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

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

(12) 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.

7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.020 AS 47.32.032

AS 47.14.120 AS 44.32.030 AS 47.32.040  
AS 47.32.010

**7 AAC 67.037. Formal inspection of a foster home for licensure.** (a) The department will 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 foster home and premises. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.030 AS 47.32.050  
AS 47.14.120 AS 47.32.032 AS 47.32.060  
AS 47.32.010 AS 47.32.040 AS 47.32.110  
AS 47.32.020

**7 AAC 67.040. Issuance of a provisional foster home 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 will issue a provisional foster home license.

(b) A provisional foster home license is issued for the physical address where the

applicant resides and is not transferrable to another individual, owner, or operator, or another physical address, except as authorized by this chapter.

(c) Taking into consideration the preference of the applicant, and the assessment under 7 AAC 67.035(a), the department may impose a condition on a provisional foster home license.

(d) If the department decides not to issue or to deny a provisional foster home license, the department will issue a written notice to the applicant. In the notice, the department will outline the reasons for nonissuance or denial of the provisional foster home license and the process for appeal of this determination under AS 47.32.070. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.032 AS 47.32.060  
AS 47.32.010 AS 47.32.040 AS 47.32.070  
AS 47.32.020 AS 47.32.050 AS 47.32.150  
AS 47.32.030

**7 AAC 67.041. Relocation of a foster home.** A licensee must provide advance notice to the department of the licensee's intent to relocate and must schedule an inspection not later than 30 days after the relocation. Following the inspection, the department may issue a license for the new location. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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 provisional foster home license under emergency conditions 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) Before placement under this section, the department will 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) the Alaska Public Safety Information Network (APSIN);
- (2) child protection records (Prober and the Online Resource for Children in Alaska (ORCA));
- (3) the United States Department of Justice's Dru Sjodin National Sex Offender Public Website (NSOPW) maintained under 42 U.S.C. 16920;
- (4) the Alaska Sex Offender/Child Kidnapper Registry that the Department of Public Safety maintains under AS 18.65.087;
- (5) the Juvenile Offender Management Information System (JOMIS).

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

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

(f) Not 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 home license under this chapter. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.032
	AS 47.14.100	AS 47.32.020	AS 47.32.040
	AS 47.14.120	AS 47.32.030	AS 47.32.050

**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 an assessment under 7 AAC 67.035 and inspection under 7 AAC 67.037, the department determines the applicant meets the requirements of AS 47.32, this chapter, and any other applicable statutes or regulations, the department will issue a biennial license.

(c) A biennial foster home license is issued for the physical address where the applicant resides and is not transferrable to another individual, owner, or operator or another physical address, except as authorized by this chapter.

(d) Taking into consideration the preference of the applicant, and the assessment under (b) of this section, the department may impose a condition on a biennial foster home license.

(Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.040
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AS 47.14.100	AS 47.32.020	AS 47.32.050
AS 47.14.120	AS 47.32.030	AS 47.32.060

**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 investigate the complaint jointly.

(c) The licensing specialist shall document the investigation in a report of investigation in accordance with AS 47.32.120, including any finding and any enforcement action. (Eff.

7/1/2022 Register 242

<b>Authority:</b>	AS 44.30.020	AS 47.32.020	AS 47.32.100
	AS 47.14.120	AS 47.32.030	AS 47.32.110
	AS 47.32.010	AS 47.32.090	AS 47.32.120

**7 AAC 67.060. Enforcement actions and plans of correction.** (a) Under AS 47.32.120, 47.32.130, and 47.32.140, the department may take an enforcement action based upon the result of an inspection or investigation.

(b) Not later than 14 days after receiving notice under AS 47.32.140(b) from the department, the licensee must make the allegation of compliance under AS 47.32.140(b) or enter into a plan of correction under AS 47.32.140(b) and (c). A plan of correction must indicate the steps that licensee must take to meet the requirements of this chapter.

(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) If the department revokes a license under AS 47.32.140(d), the department will not accept a plan of correction from the date of revocation.

(e) A licensee may appeal the decision by the department to revoke a license under AS 47.32. If a licensee appeals the decision by the department to revoke a license under AS 47.32.130, 47.32.140, and 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.

7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.050	AS 47.32.130
	AS 47.06.010	AS 47.32.060	AS 47.32.140
	AS 47.32.020	AS 47.32.120	AS 47.32.150
	AS 47.32.040		

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

(b) An applicant for a foster home license or a licensee may request, with respect to a barrier crime or condition, a variance under 7 AAC 10.930 from a requirement of 7 AAC 10.900 - 7 AAC 10.990 or this chapter. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.06.010	AS 47.32.010
	AS 47.05.310	AS 47.05.340	AS 47.32.030
	AS 47.05.320		

**7 AAC 67.070. Disclosure of department licensing records and confidentiality. (a)**

The department will 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 governed by AS 47.32.180.

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

(1) the office of administrative hearings or superior court upon appeal of an enforcement action under AS 47.32.150;

(2) any government agency that provides financing to a foster home licensed under this chapter; the agency 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 that the health, safety, and welfare of individuals in care are adequately protected. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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. Alternate 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 of a child
- 170. General records and reports
- 180. Critical incident records

**7 AAC 67.100. Qualifications of a foster parent.** (a) An individual who seeks or currently has 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 a valid background check in accordance with AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990;
- (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, the 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 this chapter 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) An individual who seeks or currently has a foster home license may not

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

(2) abuse or neglect a child;

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

(4) have a romantic relationship with a child. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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, an individual having regular contact with

children in a foster home includes an alternate caregiver, a babysitter, and a household member.

(b) An individual 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 their 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) An individual having regular contact with children in a foster home may not

- (1) pose a risk to the health, safety, or well-being of a child;
- (2) abuse or neglect a child;
- (3) engage in any sexually suggestive or sexually exploitive behaviors with a child; or
- (4) have a romantic relationship with a child. (Eff. 7 / 1 / 2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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) A foster parent shall use the reasonable and prudent parent standard when designating alternate caregivers and babysitters.

(b) A foster parent shall designate an alternate caregiver when the foster parent will be away from the foster home for more than 24 hours, as follows:

(1) the use of an alternate caregiver may not exceed 48 hours in a calendar week unless approved by the department;

(2) a foster parent 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 licensing specialist and the child's caseworker;

(3) an alternate caregiver must be at least 18 years of age to care for children younger than 15 years of age, and must be at least 21 years of age to care for children at least 15 years of age and under 18 years of age;

(4) an alternate caregiver must have a valid background check in accordance with AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990;

(c) Regardless of whether an alternate caregiver is designated for longer absences of the foster parent, the foster parent may utilize a babysitter for short-term, intermittent care. A babysitter is excused from the requirement in (b)(4) of this section for a background check, but must meet the following conditions:

(1) be at least 14 years of age;

(2) provide only short-term or intermittent care; for purposes of this subsection, short-term or intermittent care consists of fewer than 48 hours of care in a calendar week and no longer than six consecutive hours without permission of the department;

(3) demonstrate the ability to handle common emergencies.

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

(e) A foster parent shall 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 an alternate caregiver.

(g) A foster parent shall provide an alternate caregiver or babysitter with at least the following information:

- (1) the responsibilities expected of the caregiver or babysitter;
- (2) emergency procedures and health and safety measures;
- (3) information about the emotional, behavioral, medical, or physical conditions, if any, of each child in care;
- (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 and caseworker, and other emergency telephone numbers. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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 home license to complete a foster care orientation or training program. If the applicant does not complete the required program, the department will suspend processing the application until the requirement is met.

(b) Not later than 90 days after issuance of a provisional foster home license, the department will develop a written individualized training plan 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, a foster parent shall 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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 nonemergency basis.** (a) A licensee shall 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, and conditions of

the foster home license. If a licensee seeks to change the age range, capacity, or conditions of the foster home license, the licensee must request approval from the department. Upon approval, the department will issue a new foster home license with the changes.

(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) Before 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 for and expected duration of placement;

(3) information about the child's medical history, including

(A) current and past medications and known allergies;

(B) names and telephone numbers of the child's primary health care providers;

(C) information about any physical, behavioral, or medical needs that will necessitate special attention and effort from the licensee;

(D) special equipment;

(E) behavioral health needs or services the child is receiving;

(F) medical appointments;

(G) treatments; and

- (H) procedures to follow in case of a behavioral or medical emergency;
  - (4) the child's educational needs, strengths and weaknesses, including
    - (A) special education services and supports;
    - (B) where the child attends school; and
    - (C) procedures for obtaining school records and providing transportation to the child's school;
  - (5) delinquent activity, including
    - (A) activity alleged but not adjudicated; and
    - (B) the name and telephone 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; and
  - (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 out in (d) of this section, the foster parent determines that the foster parent can meet the child's needs, the foster home may accept placement of the child. If a foster parent has reason to believe that the foster parent 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. The child's caseworker may provide a copy of the case plan for the child.

(h) Not later than 30 days after placement of a child in care, a licensee shall initiate an early periodic screening, diagnosis, and treatment (EPSDT) screening for each child placed in care, 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. Collaborative management 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. 7/1/2012, Register 242)

<b>Authority:</b>	AS 44.30.020	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 the department must relocate a child to another placement setting, the licensee shall cooperate with the department throughout 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 not later than 72 hours after the change of placement. Personal possessions include 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) photographs, 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. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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 of a 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 schoolwork.

(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, social media, or social networking sites, information containing the identity of a child in care, including photographs and videos. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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. General records and reports.** (a) A licensee has an ongoing duty to keep current, with the department's licensing specialist, the information submitted with the licensee's most recent application for licensure by immediately providing any update 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 an 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 in the licensed foster home;
- (4) licensee change of name;
- (5) intent to relocate the foster home under 7 AAC 67.041;
- (6) change of telephone number; and
- (7) a change in the specialization under this chapter.

(b) A licensee shall report the following information to the department's licensing specialist 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 known:

- (1) pregnancy of a child in care;
- (2) severe distress, depression, or significant changes in the behavior of a child in care;
- (3) nonemergency medical care requiring consent from the child's parent; in this paragraph, "nonemergency 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

(1) give a report required in (b) of this section to the department by contacting the licensing specialist's supervisor; and

(2) give a report required in (c) of this section to the department by contacting the caseworker's supervisor. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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. Critical incident records.** (a) A licensee shall report critical incidents immediately or as soon as reasonably possible to the licensing specialist and to

- (1) the child's caseworker, during normal work hours; or
- (2) the department staff who are responsible for after-office hours intake and on-call services..

(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) the 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 a physical, chemical, or mechanical restraint on 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 nonprescription, incorrectly administered or not taken as prescribed;
- (11) hospitalization or inpatient 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, or well-being needs of a child in care; and
- (13) a circumstance in which 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. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	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 Homes.**

#### **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 shall provide children in the foster parent's 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) A foster parent shall utilize the reasonable and 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, 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) handling of a firearm under supervision;
- (3) contact sports;
- (4) playing with propelled objects, such as paint guns, without constant supervision;
- (5) airborne activities other than approved transportation. (Eff. 7/1/2022.)

Register 242

**Authority:** AS 44.30.020 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 not more than two children, unless the children in care are related to the licensee.

(b) The foster home capacity is limited to six children, inclusive of the licensee's own biological or adoptive children, or any household member's biological or adoptive children. Of the six, not more than

- (1) two children under 30 months of age are permitted;
- (2) two may be nonambulatory.

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

- (1) a parenting youth needs to remain with the youth's child;
- (2) siblings are to stay together;
- (3) a child with a meaningful relationship with a family wants to stay with that

family.

(d) A general variance as described in 7 AAC 67.065(a) is required if more than six children are in a foster home. (Eff. 7/1/2022, Register 242)

**7 AAC 67.220. Placement of children who are receiving home and community-based waiver services.** (a) If the Department of Health is providing home and community-based waiver services under 7 AAC 130 to children with complex medical, cognitive, and developmental delays that require intensive levels of care by a foster parent, the department may license a foster home, notwithstanding the provisions of 7 AAC 67.210, and place children who are receiving home and community-based waiver services in that home if

(1) the licensee's training or experience qualifies the licensee 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 set out 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 waiver services.

(c) At or before admission of a child receiving home and community-based waiver services, the licensee shall obtain the child's person-centered support plan prepared under 7 AAC 130.217 and 7 AAC 130.218 and follow identified services, as set out in that plan.

(d) For children who are receiving home and community-based waiver services and are in the custody of the Department of Family and Community Services, the licensee must also

follow the child's case plan for children's services. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.030

**7 AAC 67.230. Program and management in foster home.** (a) A foster home shall 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 those services;

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

(3) helping the child develop age-appropriate patterns of behavior that foster constructive relationships and increase the child's coping skills; and

(4) providing the child with access to safe and suitable toys and activities that contribute to developing the child's 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) A child in care shall be clean and groomed appropriately. A foster parent is responsible for providing a child in care with items needed for grooming and personal hygiene.

(d) A foster parent is responsible for providing each a child in care 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.

The foster parent may assign a child in care with chores appropriate to the child's age, health, and ability. A child in care may

- (1) do regular household tasks without payment;
- (2) do work assignments other than household tasks that are appropriate to the child's age and physical conditions and receive monetary compensation for that chore; or
- (3) receive an allowance, if allowances are given to other children in the foster

home.

(f) A foster parent shall consider money earned or received as a gift or allowance or from another source as the child in care's personal property. The foster parent is responsible for educating the child about money management and planning as age appropriate. A member of a foster home may not borrow or spend money acquired by a child in care. 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.

(g) A foster parent shall allow the child access to personal belongings that the child brought or acquired while in care. If some of the child's possessions create health or safety concerns to the child or foster home, the foster parent shall 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. A child in care shall attend a public school unless the department approves alternate education.

(i) A foster parent may not transfer a child from the child's 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 for 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 a 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; and

(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 shall seek consent from the child's caseworker if there is concern for the health and safety of the child. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.030

**7 AAC 67.240. Behavior guidance.** (a) A foster parent shall 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) A foster parent is responsible for behavior modification practices for a child in care, as follows:

(1) this responsibility may not be delegated to a child;

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

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

(4) 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;

(F) placed in a locked room;

(G) placed under a cold water shower;



(H) forced to eat or have hot sauce, soap, or other burning or foul 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; a physical restraint permitted under this subparagraph may be passive physical restraint only; the foster parent shall report the use of any physical restraint 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 may not use methods of behavior modification that interfere 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 in care;

(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 may 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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

327. Universal precautions

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 67.370 is to protect public health, safety, and welfare by establishing health and safety standards for foster homes. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.030  
AS 47.14.120 AS 47.32.020

**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 delegated building and fire safety inspection and enforcement activities under 13 AAC 50.

(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 three minutes;

(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, in a format required by the department, for other emergency situations or natural disasters that may affect the foster home; and

(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 must 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, provided by the foster parent, of each child in care who was present at the time of the drill; and

- (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 transmission, or electronic mail not 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 not 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 a 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 subparagraph; the home must meet the standard in (i) of this subparagraph if the bedroom is remodeled or a new bedroom is constructed;

(B) the net clear openable area must be a minimum of five 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; and

(7) any flammable or combustible liquid is stored in a container with a tight-fitting lid that is specifically designed for holding flammable or combustible liquids; the foster home shall ensure that these liquids are kept out of the reach of children. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.020 AS 47.32.032  
AS 47.14.120 AS 47.32.030 AS 47.32.110  
AS 47.32.010

**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 airtight 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, and if children in care are under six years of age 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; and

(D) not placed or located 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. 7/1/2022,

Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.030  
AS 47.14.120 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.

7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**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.

7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**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. 7/1/2022,

Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.130
	AS 47.14.120	AS 47.32.030	AS 47.32.140

**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; and

(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 emptied by means of another sanitary waste disposal method, and is cleaned and sanitized after each use. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

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

(1) the foster home and premises are kept clean, sanitary, safe, in good repair, and 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 foster home and premises are 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 not less than 100 degrees Fahrenheit, and not 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 are durable, safe, and easily cleanable, and are kept clean and in good repair;

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

(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. 7 / 1 / 2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.030 AS 47.32.130  
AS 47.14.120 AS 47.32.110 AS 47.32.140  
AS 47.32.010

**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 67.370, a foster home shall ensure that

(1) each table or high chair used for food is in good repair, and 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**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; and

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

(b) A caregiver 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; or

(5) whenever hands are contaminated with a body fluid, including after nose wiping. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.130
	AS 47.14.120	AS 47.32.030	AS 47.32.140

**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 67.370, 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 five years of age.

(b) A foster home that provides diapering shall ensure that diapers are changed regularly, that soiled areas on the child are washed and dried, and that the spread of disease, discomfort, and infection is minimized. Children may not be left unattended on a diaper-changing surface.

(c) A foster home shall ensure that toilet learning is

- (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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**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) a nonlatex elastic bandage;
- (8) sterile gauze. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020            AS 47.32.010            AS 47.32.130  
AS 47.14.120            AS 47.32.030            AS 47.32.140

**7 AAC 67.337. Firearms and ammunition.** (a) A foster home shall ensure that a firearm is 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 a firearm in a place inaccessible to children in care.



(b) The foster home shall inform the department if a firearm is present in the foster home.

(c) Before a foster home allows a child to handle a firearm, the home shall submit a firearm safety plan approved by the department that addresses the firearm safety instruction approach that the home will use. The home must receive approval from the child's caseworker.

(Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.130
	AS 47.14.120	AS 47.32.030	AS 47.32.140

**7 AAC 67.340. Smoking.** (a) Smoking within a foster 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 under (a) of this section; and
- (3) to reduce effects of second-hand smoke, smoking does not occur in the vicinity of children in care.

(b) A vehicle used to transport children must be smoke-free. (Eff. 7/1/2022, Register 242)

<b>Authority:</b>	AS 44.30.020	AS 47.32.010	AS 47.32.130
	AS 47.14.120	AS 47.32.030	AS 47.32.140

**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. The foster home shall submit the plan in a format provided by the department. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**7 AAC 67.343. Medications and supplements.** (a) A foster home 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 nonaspirin 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, nonprescription 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 may 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 shall 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 that the child's caseworker may take action to obtain consent before a change, ending, or beginning of treatment.

(j) A foster parent may 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 shall notify the child's caseworker if the foster parent receives a prescription from a child's parent or guardian. (Eff. 7 / 1 / 2012, Register 242)

**Authority:** AS 44.30.020 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 that 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 shall show proof of compliance with required immunizations to the department upon request.

(b) Before 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 not later than 24 hours after 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**7 AAC 67.355. Space.** (a) A foster home shall 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 location that is easily accessible, if the licensing specialist approves a plan for transportation to and from and for supervision during the use of this alternative outdoor

location.

(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 sleeping spaces of other household members, provides enough space so that each child has adequate sleeping space based on the child's size and age, and allows for unrestrictive egress around the sleeping space.

(d) A foster home shall ensure that each child in care has space and a specific place to keep the child's own clothing and personal possessions. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**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 under six years of age of the same sex may share a bed with approval of the department.

(c) For an infant, 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) providing each child in care with the child's own sleeping area; and

(4) prohibiting co-sleeping; in this paragraph "co-sleeping" means the practice of

allowing an infant to share a bed with an adult. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.130  
AS 47.14.120 AS 47.32.030 AS 47.32.140

**7 AAC 67.370. Nutrition.** (a) A foster parent shall ensure that all snacks and meals served are nutritious, well-balanced, and in sufficient quantity to maintain good health and meet a child in care's daily dietary needs.

(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 caseworker 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, or modified diets, including therapeutic and allergy diets.

(e) A foster parent 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 20 hours;

(3) obtain approval from the child's caseworker if breast milk is provided by anyone other than an infant's biological mother; and

(4) ensure that infants who are at least six months of age 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 may not prop a bottle while feeding an infant. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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 an emergency care specialization designation under 7 AAC 67.410, 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. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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 set out in the emergency shelter care specialization agreement. (Eff. 7/1/2022, Register 242)

**Authority:** AS 44.30.020 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,

(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, or 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 years of age 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" has the meaning given in AS 47.32.900;

(12) "clean" has the meaning given in 7 AAC 10.9990;

(13) "department" means the Department of Family and Community Services;

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

(15) "easily cleanable" has the meaning given in 7 AAC 10.9990;

(16) "emergency shelter care" means a specialization granted for a foster home

license that is short-term in nature, usually not exceeding 30 days;

(17) "family contact plan" means the schedule of family visits, telephone calls, or other means of communication between the child and the biological family;

(18) "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;

(19) "food" has the meaning given in 7 AAC 10.9990;

(20) "foster home" has the meaning given in AS 47.32.900 and this chapter, and includes all household members;

(21) "foster parent" means an individual who has been issued a current foster home license under AS 47.32 and this chapter;

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

(23) "insect" has the meaning in 7 AAC 10.9990;

(24) "license" means a current foster home license issued under AS 47.32 and this chapter;

(25) "licensee", with respect to the holder of a current foster home license, has the meaning given "licensed entity" in AS 47.32.900;

(26) "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;

(27) "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;

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

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

(30) "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;

(31) "pest" has the meaning given in 7 AAC 10.9990;

(32) "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;

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

(34) "potable water" has the meaning given in 7 AAC 10.9990;

(35) "premises" means a place or location licensed under AS 47.32 and this chapter, including all or portions of adjacent structures, land, vehicles, equipment, water supply, wastewater systems, and plumbing over which the licensee has direct control;

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

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

(38) "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions to maintain the health, safety, and best interests of the child while encouraging the emotional and developmental growth of the child;

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

(40) "relative" means an individual who is related to another by blood, adoption, marriage, or tribal custom, or an adult family member; in this paragraph, "adult family member" has the meaning given in AS 47.10.990;

(41) "sanitize" has the meaning given in 7 AAC 10.9990;

(42) "serious injury" means an injury that could result in death, dismemberment, disfigurement, protracted impairment of health, second- or third-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;

(43) "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 the 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;

(44) "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 in care;

(45) "toddler" means a child at least 12 months of age and under 31 months of age;

(46) "toilet" has the meaning given in 7 AAC 10.9990;

(47) "training plan" means the plan that is developed between the foster parent and the licensing specialist for specified training that assists the foster parent;

(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 the child's family or community;

(49) "universal precautions" has the meaning given in 7 AAC 10.9990. (Eff.

7/1/2022 Register 242)

**Authority:** AS 44.30.020 AS 47.32.010 AS 47.32.030

# MEMORANDUM

## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** May 26, 2022

**File No.:** 2021200050

**Tel. No.:** 465-3600

**From:** Rebecca C. Polizzotto  
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation, Regulations, and  
Legislative Research Section  
Rebecca C. Polizzotto

**Re:** Department of Health and Social  
Services regulations re: foster care  
and related conforming changes  
(7 AAC 10; 7 AAC 50; 7 AAC 53;  
7 AAC 54, 7 AAC 56; 7 AAC 67)

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2022.05.26  
14:26:35 -08'00'

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period.

The regulations are an omnibus reorganization of material addressing foster home licensing and payments to foster home licensees. This reorganization includes reassignment of the core foster home regulations to new 7 AAC 67. Additionally, the regulations make conforming changes and repeals to 7 AAC 10, 7 AAC 50, 7 AAC 53, 7 AAC 54, and 7 AAC 56, including replacement of long out-of-date references to former AS 47.35 (repealed 2005) with the centralized licensing provisions of AS 47.32. Finally, the regulations introduce changes to reflect the upcoming split of the Department of Health and Social Services into the Department of Health and Department of Family and Community Services as a result of E.O. 121 (2022).

Because E.O. 121 takes effect July 1, 2022, and given the corresponding special effective date on the July 1, 2022 adoption order, we request filing of the regulations on or before June 1, 2022, and preferably before the last transmittal to the publisher (May 27, 2022) for publication in the Register 242 quarterly supplement (July 2022).

The May 13, 2022 public notice and the July 1, 2022 adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Honorable Kevin Meyer, Lieutenant Governor  
File No. 2021200050

May 26, 2022  
Page 2 of 2

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

RCP:scw

Cc w/ enclosure:      Triptaa Surve, Regulations Contact  
                                 Department of Health and Social Services  
  
                                 Kelly Henriksen, Senior Assistant Attorney General  
                                 Department of Law



NOTICE OF PROPOSED CHANGES ON FOSTER CARE LICENSING REDESIGN IN THE  
REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on foster care licensing to comply with state and federal law.

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

- **7 AAC 10. Licensing, certification, and approvals.**
  - *Currently includes the barrier crimes and conditions, background checks, variance procedures, environmental health and safety, and inspections and investigations related to all licensed entities described in AS 47.32.010;*
    - is proposed to be amended as follows:
      - Repeal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
  
- **7 AAC 50. Community care licensing.**
  - *Currently includes the standards for care of children residing in a foster home inclusive of supervision of foster children, qualification of foster parents, administration of a foster home, and foster care specializations.*
    - is proposed to be amended as follows:
      - Repeal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
  
- **7 AAC 53. Social services**, is proposed to be amended as follows:
  - Repeal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
  - Modify the payments for foster care, including payments made by the department for tribally licensed foster homes.
  
- **7 AAC 67. Foster home licensing standards**, is a proposed new chapter to:
  - Consolidate foster home licensing standards;
  - Update applicable licensing standards to comply with state and federal law.
  - Other proposed regulations in Chapter 67 include:
    - Add to the exemptions under 7 AAC 67.020, individuals who are licensed to operate a foster home by a Tribe or a Tribal entity in which the Tribe has either a current Tribal IV-E pass-through Agreement or a Memorandum of Agreement approved by the department.
  
    - Outline the foster home administration operation and management, including the qualifications and responsibilities of a foster parent and others in the home who have regular contact with a

children in the home; standards for alternative caregivers including persons employed by the foster parent in the home as babysitters, orientation and training requirements for foster parents, placement responsibilities of a foster parents; and recordkeeping, reporting and storage of a child's foster care reports.

- Incorporate and modify the requirements for care and services for a child in a foster home, including supervision of a child, maximum capacity of a foster home; supervision requirements for children eligible for the department's home and community-based waiver services; program and management in the foster home and behavioral guidance.
- Incorporate the environmental health and safety standards previously outlined in 7 AAC 10.1000 - .1095 specific to foster homes.
- Incorporate the existing Chapter 50 standards for specializations for foster group homes and emergency shelter homes.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Chrissy Vogeley, Department of Health & Social Services, Office of Children's Services, P.O. Box 110630, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 465-3397 and by electronic mail at [christina.vogeley@alaska.gov](mailto:christina.vogeley@alaska.gov). The comments must be received not later than 5 p.m. on July 21, 2021.

You may provide oral comments relevant to the proposed action **via telephone** at the hearing to be held on June 23, 2021, 11 a.m. – 2 p.m., **by calling 1-877-337-6181 (Toll Free). Please note that in-person attendance will not be permitted at the hearing site because of the public health and safety concerns associated with the COVID – 19 pandemic. Please prepare to share your oral comments by telephone only.** If you call to provide oral testimony, you should be on the line **before** the hearing begins at 11 a.m. The Department of Health & Social Services will give priority to those who call in before 1:30 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Ms. Chrissy Vogeley, by e-mail at [christina.vogeley@alaska.gov](mailto:christina.vogeley@alaska.gov), or by mail at the Department of Health & Social Services, Office of Children's Services, Attention: Chrissy Vogeley, P.O. Box 110630, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Ms. Chrissy Vogeley at [christina.vogeley@alaska.gov](mailto:christina.vogeley@alaska.gov) or at (907) 465-3548 no later than June 15, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/Default.aspx>, or by contacting Ms. Chrissy Vogeley at

[christina.vogeley@alaska.gov](mailto:christina.vogeley@alaska.gov) , or at (907) 465-3548.

A copy of material proposed for adoption by reference may be viewed at the agency's office at the State of Alaska, Department of Health & Social Services, Office of Children's Services, 130 Seward Street, Suite 406, Juneau, AK 99801.

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

**Statutory authority:** AS 13.26.066; AS 13.26.153; AS 18.05.010; AS 18.05.040; AS 25.23.100; AS 25.23.180; AS 25.23.190; AS 25.23.200; AS 25.23.210; AS 25.23.230; AS 44.29.020; AS 47.05.010; AS 47.05.012; AS 47.05.060; AS 47.05.065; AS 47.05.300; AS 47.05.310; AS 47.05.320; AS 47.05.330; AS 47.05.340; AS 47.10.080; AS 47.10.087; AS 47.10.142; AS 47.10.300; AS 47.10.310; AS 47.10.320; AS 47.10.392; AS 47.10.970; AS 47.12.120; AS 47.32.010; AS 47.32.020; AS 47.32.030; AS 47.32.040; AS 47.32.050; AS 47.32.060; AS 47.32.100; AS 47.32.110; AS 47.32.120; AS 47.32.130; AS 47.32.140; AS 47.32.180; AS 47.32.190; AS 47.33.005; AS 47.33.010; AS 47.33.020.

**Statutes being implemented, interpreted, or made specific:** AS 13.26.066; AS 13.26.153; AS 18.05.010; AS 18.05.040; AS 25.23.100; AS 25.23.180; AS 25.23.190; AS 25.23.200; AS 25.23.210; AS 25.23.230; AS 44.29.020; AS 47.05.010; AS 47.05.012; AS 47.05.060; AS 47.05.065; AS 47.05.300; AS 47.05.310; AS 47.05.320; AS 47.05.330; AS 47.05.340; AS 47.10.080; AS 47.10.087; AS 47.10.142; AS 47.10.300; AS 47.10.310; AS 47.10.320; AS 47.10.392; AS 47.10.970; AS 47.12.120; AS 47.32.010; AS 47.32.020; AS 47.32.030; AS 47.32.040; AS 47.32.050; AS 47.32.060; AS 47.32.100; AS 47.32.110; AS 47.32.120; AS 47.32.130; AS 47.32.140; AS 47.32.180; AS 47.32.190; AS 47.33.005; AS 47.33.010; AS 47.33.020.

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

DATE: May 10, 2021.

/s/Adam Crum

Commissioner,

Department of Health & Social Services

State of Alaska.

ADDITIONAL REGULATION NOTICE INFORMATION  
(AS 44.62.190(d))

1. Adopting agency: Office of Children's Services
2. General subject of regulation: Foster Care Licensing Redesign
3. Citation of regulation (may be grouped): 7 AAC 10, 50, 53, 67.
4. Department of Law file number, if any: 2021200050
  
5. Reason for the proposed action:
  - (X) Compliance with federal law or action (identify): Comply with several updates to federal law related to the foster care licensing regulations, including the following:
    - P.L. 115-123 - Bipartisan Budget Act of 2018 (also Family First Prevention Services Act; includes criminal record checks for individual working in child care institutions, model licensing standards for foster family homes, limits of children in foster homes);
    - P.L. 113-183 - Preventing Sex Trafficking and Strengthening Families Act of 2014 (includes enacting the reasonable and prudent parent standard, reporting requirements for runaway and missing minors);
    - P.L. 112-34 - Child and Family Services Improvement and Innovation Act of 2011 (includes standards for monthly caseworker visits in homes, appropriate use and monitoring of psychotropic medications for children in care);
    - P.L. 110-351 - Fostering Connections to Success and Increasing Adoptions Act of 2008 (includes providing kinship guardianship assistance payments for children, licensing standards for relatives, notification requirements for relatives, educational stability);
    - P.L. 109-288 - Child and Family Services Improvement Act of 2006 (includes standards for caseworker visits, improve child outcomes);
    - P.L. 109-248 - Adam Walsh Child Protection and Safety Act of 2006 (includes fingerprint-based checks for all prospective foster and adoptive parents, child abuse and neglect registry checks in each state the prospective foster parent/adoptive parent lived in the past 5 years).
  - (X) Compliance with new or changed state statute.
  - ( ) Compliance with federal or state court decision (identify): \_\_\_\_\_
  - (X) Development of program standards
  - ( ) Other (identify): \_\_\_\_\_
  
6. Appropriation/Allocation: Children's Services/ Foster Care Base Rate; Foster Care Augmented Rate; Foster Care Special Need; Subsidized Adoptions and Guardianship.
  
7. Estimated annual cost to comply with the proposed action to: None.
  - A private person: \$0
  - Another state agency: \$0
  - A municipality: \$0

8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

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

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

Name: Chrissy Vogeley

Title: Social Services Program Officer

Address: P.O. Box 110630, Juneau, AK 99801

Telephone: (907) 465-3548

E-mail address: [christina.vogeley@alaska.gov](mailto:christina.vogeley@alaska.gov)

10. The origin of the proposed action:

- Staff of state agency  
 Federal government  
 General public  
 Petition for regulation change<sup>7</sup>  
 Other (identify): \_\_\_\_\_

11. Date & Prepared by: Chrissy Vogeley

[signature]

Name: Chrissy Vogeley

Title: Social Services Program Officer

Telephone: (907) 465-3548

Digitally signed by Chrissy  
Vogeley  
Date: 2021.03.30 17:29:21  
-08'00'

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION  
AND FURNISHING OF ADDITIONAL INFORMATION

I, Chrissy Vogeley, Special Assistant to the Deputy Commissioner, of the Department of Health & Social Services, under penalty of perjury, certify the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to Foster Care Licensing Redesign, specifically, Licensing, Certification, & Approvals (7 AAC 10); Community Care Licensing (7 AAC 50); Social Services, Child Foster Care Payment Rates (7 AAC 53); & Foster Home Licensing Standards (7 AAC 67), has been given by being

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

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

There is no notary public or other official available to notarize this document.

I certify under penalty of perjury that the foregoing is true.

**Chrissy Vogeley** Digitally signed by Chrissy Vogeley  
Date: 2021.07.28 16:14:38 -08'00'

[original or password-protected electronic signature]

Chrissy Vogeley, Special Assistant to the Deputy  
Commissioner

State of Alaska  
Juneau, AK 99801.

AFFIDAVIT OF ORAL HEARING

I, Chrissy Vogeley, Special Assistant to the Deputy Commissioner, of the Department of Health & Social Services, under penalty of perjury, state the following:

On June 23, 2021, at 11 a.m., via teleconference and without in-person attendance because of the public health and safety concerns related to the COVID-19 pandemic, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to Foster Care Licensing Redesign, specifically, Licensing, Certification, & Approvals (7 AAC 10); Community Care Licensing (7 AAC 50); Social Services, Child Foster Care Payment Rates (7 AAC 53); and Foster Home Licensing Standards (7 AAC 67).

There is no notary public or other official available to notarize this document.

I certify under penalty of perjury that the foregoing is true.

**Chrissy Vogeley** Digitally signed by Chrissy  
Vogeley  
Date: 2021.07.28 16:15:13 -08'00'  
[original or password-protected electronic signature]  
Chrissy Vogeley, Special Assistant to the Deputy  
Commissioner

State of Alaska  
Juneau, AK 99801.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Chrissy Vogeley, Special Assistant to the Deputy Commissioner, of the Department of Health & Social Services, under penalty of perjury, state the following:

In compliance with AS 44.62.215, the Department of Health & Social Services has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on Foster Care Licensing Redesign, specifically, Licensing, Certification, & Approvals (7 AAC 10); Community Care Licensing (7 AAC 50); Social Services, Child Foster Care Payment Rates (7 AAC 53); and Foster Home Licensing Standards (7 AAC 67).

There is no notary public or other official to notarize this document.

I certify under penalty of perjury that the foregoing is true.

**Chrissy Vogeley** Digitally signed by Chrissy  
Vogeley  
Date: 2021.07.28 16:15:45 -08'00'

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[original or password-protected electronic signature]  
Chrissy Vogeley, Special Assistant to the Deputy  
Commissioner

State of Alaska  
Juneau, AK 99801



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 100871 ST OF AK/DHSS/COMMISSIONERS  
3601 C STREET STE 902, ANCHORAGE, AK 99503

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STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

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

05/13/2021

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

Signed \_\_\_\_\_

Subscribed and sworn to before me  
this 13th day of May 2021.

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

MY COMMISSION EXPIRES

7/14/2024

### NOTICE OF PROPOSED CHANGES ON FOSTER CARE LICENSING REDESIGN IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

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

- 7 AAC 10. Licensing, certification, and approval.
  - Currently includes the barrier crimes and conditions, background checks, variance procedures, environmental health and safety, and inspections and investigations related to all licensed entities described in AS 47.32.010.
  - Is proposed to be amended as follows:
    - Federal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
- 7 AAC 50. Community care licensing.
  - Currently includes the standards for care of children residing in a foster home inclusive of: supervision of foster children, qualification of foster parents, administration of a foster home, and foster care specializations.
  - Is proposed to be amended as follows:
    - Federal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
- 7 AAC 53. Social services. Is proposed to be amended as follows:
  - Federal sections and language related to foster care licensing and move the applicable text to a new Chapter 67.
  - Modify the payments for foster care, including payments made by the department for tribally licensed foster homes.
- 7 AAC 67. Foster home licensing standards, is a proposed new chapter to:
  - Consolidate foster home licensing standards.
  - Update applicable licensing standards to comply with state and federal law.
  - Other proposed regulations in Chapter 67 include:
    - Add to the exemptions under 7 AAC 67.020, individuals who are licensed to operate a foster home by a Title or a Tribal entry in which the Tribe has either a current Tribal IVG pass-through Agreement or a Memorandum of Agreement approved by the department.

• Outline the foster home administration operation and management, including the qualifications and responsibilities of a foster parent and others in the home who have regular contact with a child in the home; standards for alternative caregivers including persons employed by the foster parent at the home as babysitters, orientation and training requirements for foster parent; placement responsibilities of a foster parent; and recordkeeping, reporting, and storage of a child's foster care reports.

• Incorporate and modify the requirements for care and services for a child in a foster home, including supervision of a child, maximum capacity of a foster home; supervision requirements for children eligible for the department's home and community-based waiver services; program and management of the foster home and behavioral guidance.

• Incorporate the environmental health and safety standards previously outlined in 7 AAC 10.1000 - 10105 specific to foster homes.

• Incorporate the existing Chapter 50 standards for specializations for foster group homes and emergency shelter homes.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ms. Christy Vogtney, Department of Health & Social Services, Office of Children's Services, P.O. Box 110630, Juneau, AK 99811. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 445-3397 and by electronic mail at christna.vogtney@alaska.gov. The comments must be received not later than 5 p.m. on July 1, 2021.

You may provide oral comments relevant to the proposed action via telephone at the hearing to be held on June 23, 2021, 11 a.m. - 2 p.m., by calling (907) 445-3397 (Toll Free). Please note that in-person attendance will not be permitted at the hearing due to the risk of public health and safety concerns associated with the COVID-19 pandemic. Please prepare to share your oral comments by telephone only if you call to provide oral testimony. You should call on the line before the hearing begins at 11 a.m. The Department of Health & Social Services will give priority to those who call in before 1:30 p.m. The Department of Health & Social Services may, before the hearing begins, limit the time allotted for each person providing oral testimony. The time limit may be necessary to conclude the hearing in the time provided.

You may submit written questions relevant to the proposed action to Ms. Christy Vogtney, by e-mail at christna.vogtney@alaska.gov or by mail at the Department of Health & Social Services, Office of Children's Services, Attention: Christy Vogtney, P.O. Box 110630, Juneau, AK 99811. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its responses to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System.

If you are a person with a disability who needs a special accommodation in order to participate in this process please contact Ms. Christy Vogtney at christna.vogtney@alaska.gov or at (907) 445-3348 no later than June 15, 2021, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System at: <https://www.state.ak.us/OnlinePublicNotice/Content.aspx>, or by contacting Ms. Christy Vogtney at christna.vogtney@alaska.gov or at (907) 445-3348.

A copy of material proposed for adoption by reference may be viewed at the agency's office at the State of Alaska, Department of Health & Social Services, Office of Children's Services, 130 Seward Street, Suite 406, Juneau, AK 99801.

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

Statutory authority: AS 13.24.066; AS 13.24.153; AS 18.05.010; AS 18.05.040; AS 25.23.100; AS 25.23.180; AS 25.23.190; AS 25.23.200; AS 25.23.210; AS 25.23.230; AS 25.23.240; AS 25.23.250; AS 25.23.260; AS 25.23.270; AS 25.23.280; AS 25.23.290; AS 25.23.300; AS 25.23.310; AS 25.23.320; AS 25.23.330; AS 25.23.340; AS 25.23.350; AS 25.23.360; AS 25.23.370; AS 25.23.380; AS 25.23.390; AS 25.23.400; AS 25.23.410; AS 25.23.420; AS 25.23.430; AS 25.23.440; AS 25.23.450; AS 25.23.460; AS 25.23.470; AS 25.23.480; AS 25.23.490; AS 25.23.500; AS 25.23.510; AS 25.23.520; AS 25.23.530; AS 25.23.540; AS 25.23.550; AS 25.23.560; AS 25.23.570; AS 25.23.580; AS 25.23.590; AS 25.23.600; AS 25.23.610; AS 25.23.620; AS 25.23.630; AS 25.23.640; AS 25.23.650; AS 25.23.660; AS 25.23.670; AS 25.23.680; AS 25.23.690; AS 25.23.700; AS 25.23.710; AS 25.23.720; AS 25.23.730; AS 25.23.740; AS 25.23.750; AS 25.23.760; AS 25.23.770; AS 25.23.780; AS 25.23.790; AS 25.23.800; AS 25.23.810; AS 25.23.820; AS 25.23.830; AS 25.23.840; AS 25.23.850; AS 25.23.860; AS 25.23.870; AS 25.23.880; AS 25.23.890; AS 25.23.900; AS 25.23.910; AS 25.23.920; AS 25.23.930; AS 25.23.940; AS 25.23.950; AS 25.23.960; AS 25.23.970; AS 25.23.980; AS 25.23.990; AS 25.24.000.

Statutes being implemented, amended, or made specific: AS 13.24.066; AS 13.24.153; AS 18.05.010; AS 18.05.040; AS 25.23.100; AS 25.23.180; AS 25.23.190; AS 25.23.200; AS 25.23.210; AS 25.23.230; AS 25.23.240; AS 25.23.250; AS 25.23.260; AS 25.23.270; AS 25.23.280; AS 25.23.290; AS 25.23.300; AS 25.23.310; AS 25.23.320; AS 25.23.330; AS 25.23.340; AS 25.23.350; AS 25.23.360; AS 25.23.370; AS 25.23.380; AS 25.23.390; AS 25.23.400; AS 25.23.410; AS 25.23.420; AS 25.23.430; AS 25.23.440; AS 25.23.450; AS 25.23.460; AS 25.23.470; AS 25.23.480; AS 25.23.490; AS 25.23.500; AS 25.23.510; AS 25.23.520; AS 25.23.530; AS 25.23.540; AS 25.23.550; AS 25.23.560; AS 25.23.570; AS 25.23.580; AS 25.23.590; AS 25.23.600; AS 25.23.610; AS 25.23.620; AS 25.23.630; AS 25.23.640; AS 25.23.650; AS 25.23.660; AS 25.23.670; AS 25.23.680; AS 25.23.690; AS 25.23.700; AS 25.23.710; AS 25.23.720; AS 25.23.730; AS 25.23.740; AS 25.23.750; AS 25.23.760; AS 25.23.770; AS 25.23.780; AS 25.23.790; AS 25.23.800; AS 25.23.810; AS 25.23.820; AS 25.23.830; AS 25.23.840; AS 25.23.850; AS 25.23.860; AS 25.23.870; AS 25.23.880; AS 25.23.890; AS 25.23.900; AS 25.23.910; AS 25.23.920; AS 25.23.930; AS 25.23.940; AS 25.23.950; AS 25.23.960; AS 25.23.970; AS 25.23.980; AS 25.23.990; AS 25.24.000.

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

DATE: May 10, 2021.  
By: Adam Crum,  
Commissioner  
Department of Health & Social Services  
State of Alaska.  
Pub: May 13, 2021

