

**Chapter 95. Grant Programs.**

13 AAC 95.050 is repealed:

**13 AAC 95.050. Application request.** Repealed \_\_\_/\_\_\_/\_\_\_\_. (Eff. 6/25/88, Register 106; repealed \_\_\_/\_\_\_/\_\_\_\_, Register\_\_\_\_)

[13 AAC 95.050. APPLICATION REQUEST. (a) A PROSPECTIVE APPLICANT MUST REQUEST AN APPLICATION IN WRITING BY THE DATE PROVIDED IN THE PUBLIC NOTICE. THE COUNCIL WILL PROVIDE APPLICATION FORMS AND INSTRUCTIONS TO EACH PROSPECTIVE APPLICANT WHO REQUESTS AN APPLICATION IN WRITING.]

**Authority:** AS 18.66.050

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.105 Governing body.** (a) The governing body of each grantee shall

(1) have written documentation of the governing body's source of authority through charter, articles of incorporation, or bylaws, as appropriate;

(2) meet at least quarterly and keep minutes of all meetings, whether public or in executive session; under this section, the governing body may convene executive session by majority vote at a public meeting to discuss the following subjects excepted from public meetings:

(A) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the grantee;

(B) subjects that tend to prejudice the reputation and character of any

person, unless that person requests a public discussion; and

(C) matters which, by law, municipal charter, or ordinance, are required to be confidential;

(3) appoint an executive director, and designate, in writing, the director's authority, which must include responsibility for the daily operation and administration of the program;

(4) adopt and implement a policy to recruit members of populations which are targeted for program services, particularly Alaska Native and other ethnic or racial minority populations, to reflect representation of community concerns and interests;

(5) approve, in writing, all documents of the grantee that establish policy, including personnel policies, budgets, budget revisions, and the accounting manual; and

(6) direct the grantee's planning process; the governing body shall develop statements of philosophy of service delivery, mission, and goals and objectives; and review the goals and objectives annually.

(b) The governing body shall be comprised of persons who reside in the program's service area to represent community concerns and interests. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.100:

**Editor's Note:** As of Register \_\_\_\_\_, text from 13 AAC 90.020 is relocated to this chapter and adopted as 13 AAC 95.105.

13 AAC 95.110(d) is amended to read:

(d) A grantee shall state that the grantee is an equal opportunity employer in solicitations or advertisements for employees to work on a grant project. A grantee shall consider all qualified applicants for employment without regard to an applicant's **status as a member of a protected class under the following federal and state provisions, adopted by reference as amended from time to time:**

**(1) 42 U.S.C. 10604(e) (Victims of Crime Act of 1984);**

**(2) 42 U.S.C 10406 (Family Violence Prevention and Services Act);**

**(3) Sec. 3 Violence Against Women Reauthorization Act of 2013;**

**(4) 42 U.S.C. 12101 (Americans with Disabilities Act of 1990); and**

**(5) AK Const., art 1 (Declaration of Rights)** [SEX, RACE, RELIGION,

COLOR, NATIONAL ORIGIN, AGE, PHYSICAL DISABILITY, MENTAL DISABILITY, MARITAL STATUS, CHANGE IN MARITAL STATUS, PREGNANCY, OR PARENTHOOD].

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.115. Client policies, procedures, and records.** (a) A grantee shall provide clients with an orientation to the program that includes an explanation of clients' rights to confidentiality, clients' obligation to maintain confidentiality, the services that are available,

program hours, activities, rules governing clients' conduct, and infractions that may result in disciplinary action or discharge.

(b) A grantee shall have a written policy that provides for reviewing and responding to clients' grievances and recommendations about program operations, and that delineates how clients are familiarized with these procedures. Services to an individual may not be terminated based on the filing of a grievance.

(c) A grantee shall have written procedures for client intake that address

(1) evaluation of immediate danger of suicide or homicide, the appropriateness of the client to the program, the presence of child abuse or neglect, the presence of abuse of vulnerable adults, the influence of alcohol or drugs, and a lethality assessment, if applicable;

(2) referral procedures for individuals not admitted to the program; and

(3) conditions for acceptance and refusal of referrals from other agencies.

(d) A grantee shall have written policies and procedures addressing the process by which participants exit services, including through voluntary and involuntary termination.

(e) A grantee shall have individuals available, as reasonable, to provide translation services to non-English-speaking clients.

(f) A grantee shall have written policies and procedures describing the ways in which services are made accessible to clients of diverse backgrounds and with varying levels of need, including marginalized and underserved populations.

(g) A grantee shall have written policies and procedures for closing and storing clients' records.

(h) A grantee shall have written policies and procedures for ensuring the confidentiality and security of clients' privileged communications and records. These procedures must

(1) include procedures for disclosure of privileged communications and confidential information in accordance with AS 18.66.200 - 18.66.250 including the use of forms for documenting the disclosure and for obtaining the clients' written consent;

(2) comply with applicable laws and regulations on privileged communications and confidentiality of clients' records; and

(3) address the use and disclosure of client information by anyone other than program personnel.

(i) A grantee may not deny access to services based on state and federal non-discrimination requirements stipulated in the grantee's grant award conditions. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.115:

**Editor's Note:** As of Register \_\_\_\_\_, text from 13 AAC 90.080 is relocated to this chapter and adopted as 13 AAC 95.115.

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.116. Reporting of suspected abuse of children and vulnerable adults. (a)**

A grantee shall have written policies and procedures related to mandatory reporting requirements for suspected abuse or neglect of a vulnerable adult.

(b) A grantee shall require reporting by all staff if there is reasonable cause to believe that a vulnerable adult has suffered abuse or neglect as defined in AS 47.24.900 and that there is

immediate danger to the vulnerable adult, or that the abuse is ongoing and the vulnerable adult is unable or unwilling to assure the vulnerable adult's own safety.

(c) A report under (b) of this section must be made to Adult Protective Services, division of senior and disabilities services. If there is reasonable cause to believe that immediate action is necessary to protect the individual, the person filing a report under (b) of this section must also file the report with a peace officer.

(d) A grantee shall have written policies and procedures related to mandatory reporting requirements for suspected abuse or neglect of a child.

(e) A grantee shall require reporting by all staff if there is reasonable cause to believe that a child has suffered abuse or neglect as defined in AS 47.17.290, unless

(1) the reportable offense is related to the child's prior exposure to domestic violence; and

(2) the staff has reasonable cause to believe the child is currently safe, in appropriate care, and not in danger of mental injury under AS 47.17.020(h).

(f) A report under (e) of this section must be made to the Office of Children's Services. If there is reasonable cause to believe that immediate action is necessary to protect the safety of the child, the person filing a report under (e) of this section must also file the report with a peace officer. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.116:

**Editor's Note:** As of Register \_\_\_\_\_, text from 13 AAC 90.100 is relocated to this chapter and adopted as 13 AAC 95.116.

An editor's note is added following 13 AAC 95.116:

**Editor's note:** Information on reporting abuse of a vulnerable adult may be obtained at: <http://dhss.alaska.gov/dsds/Pages/aps/default.aspx> or from Adult Protective Services, 550 West 8th Avenue, Anchorage, AK 99501; Phone: 907-269-3666 or 1-800-478-9996 (in state only).

Information on reporting abuse of a child may be obtained at: <http://dhss.alaska.gov/ocs/Pages/childrensjustice/reporting/report.aspx> or from Care enough to call: 1-800-478-4444, Email: [reportchildabuse@alaska.gov](mailto:reportchildabuse@alaska.gov) or Fax: 907-269-3939.

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.117. Training on reporting suspected abuse of children and vulnerable adults.** (a) A grantee shall provide training on the recognition and reporting of abuse or neglect to employees or volunteers who are required to report child abuse or neglect under AS 47.17.020, or the abuse of a vulnerable adult under AS 47.24.010. The training must take place

(1) during the first month of employment or volunteer work, for new employees or volunteers; and

(2) once a year, for all employees or volunteers.

(b) As part of the training required under this section, a grantee shall require each employee or volunteer to read and sign a statement that clearly defines all forms of reportable abuse or neglect and outlines the responsibility of an employee or volunteer to report abuse or neglect. The statement must be retained in the personnel file of the employee or volunteer. (Eff.

\_\_\_/\_\_\_/\_\_\_, Register\_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.117:

**Editor's Note:** As of Register \_\_\_\_\_, text from 13 AAC 90.105 is relocated to this chapter and adopted as 13 AAC 95.117.

An editor's note is added following 13 AAC 95.117:

**Editor's note:** Information on the training related to reporting suspect abuse of a child is available at <http://dhss.alaska.gov/ocs/Pages/childrensjustice/mandatoryreporting.aspx> or from the Child Advocacy Center, Child Justice Act Task Force, DHSS Office of Children's Services, 907-465-3207. Employees and volunteers that are required to complete this training may obtain a certificate by successfully passing the quiz at the end of the training.

Information on the training related to reporting suspected abuse of a vulnerable adult is available at: <http://dhss.alaska.gov/dsds/Pages/aps/default.aspx> or from Adult Protective Services, 550 West 8th Avenue, Anchorage, AK 99501; Phone: 907-269-3666 or 1-800-478-9996 (in state only).

13 AAC 95.120(e) is amended to read:

(e) A grantee shall establish procedures for processing complaints alleging discrimination **based on a client's status as a member of a protected class under the following federal and state provisions, adopted by reference as amended from time to time:**

**(1) 42 U.S.C. 10604(e) (Victims of Crime Act of 1984);**

**(2) 42 U.S.C 10406 (Family Violence Prevention and Services Act);**

**(3) Sec. 3 Violence Against Women Reauthorization Act of 2013;**

**(4) 42 U.S.C. 12101 (Americans with Disabilities Act of 1990); and**



**(5) AK Const., art 1 (Declaration of Rights)** [ON THE BASIS OF SEX, RACE, RELIGION, COLOR, NATIONAL ORIGIN, AGE, PHYSICAL DISABILITY, MENTAL DISABILITY, MARITAL STATUS, CHANGE IN MARITAL STATUS, PREGNANCY, OR PARENTHOOD]. (Eff. 6/25/88, Register 106; am 7/1/91, Register 118; am \_\_\_/\_\_\_/\_\_\_, Register\_\_\_\_)

**Authority:** AS 18.66.050

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.125 Facilities.** (a) A facility operated by a grantee must

(1) comply with applicable zoning ordinances and conform to electrical, sanitation, plumbing, building, fire, safety, and health codes of the governmental jurisdictions in which the facility is located; if the facility is located in a region without applicable ordinances or codes, the facility must, at minimum,

- (A) be free from health and safety hazards,;
- (B) have adequate ventilation in all areas;
- (C) provide lighting of interior and exterior areas; and
- (D) ensure locks on external windows, doors, and other entry points of the

facility; and

(2) provide a smoke-free environment inside the facility.

(b) A grantee shall maintain records of facility inspections and conditional use permits for three years.

(c) Grantees providing residential shelter or safe home services shall meet the requirements of this section in addition to those found in 13 AAC 90.140 and 13 AAC 90.150.

(Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.125:

**Editor's Note:** As of Register \_\_\_\_, text from 13 AAC 90.070 is relocated to this chapter and adopted as 13 AAC 95.125.

13 AAC 95 is amended by adding a new section to read:

**13 AAC 95.135 Fiscal management.** (a) A grantee shall have an accounting system that ensures proper use of money, as required by funding sources, and documentation of financial transactions. The system must include

- (1) uniform procedures for handling financial transactions;
- (2) reconciliation and summary of financial transactions at least monthly;
- (3) written procedures for payroll that ensure that correct amounts are regularly withheld from each employee's pay and paid to appropriate federal, state, and local units of government;
- (4) written procedures for regular review and approval of all employees' time and attendance forms; and
- (5) controls to safeguard proper handling of cash receipts and disbursements.

(b) A grantee shall maintain an accounting policy and procedures manual which must be reviewed and updated annually. The accounting manual must include

- (1) funding-source accounting requirements;
- (2) internal control procedures;
- (3) a chart of accounts;
- (4) accounting records maintenance instructions; and
- (5) instructions for preparation of financial statements.

(c) A grantee shall have written procedures for the preparation and revision of the revenue and expense budgets for the program. These budgets must include all sources and uses of money received.

(d) A grantee shall have insurance that provides for the protection of the physical and financial resources of the program. This insurance must include personal injury liability insurance for employees, volunteers, and clients. (Eff. \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.135:

**Editor's Note:** As of Register \_\_\_\_, text from 13 AAC 90.050 is relocated to this chapter and adopted as 13 AAC 95.135.

13 AAC 95.140(g) is amended by adding a new paragraph to read:

- (7) activities that compromise survivor safety and recovery.

((Publisher: please move "or" to the end of the appropriate, penultimate paragraph))

13 AAC 95.140 is amended by adding a new subsection to read:

(h) A grantee may not charge or accept fees for services provided under CDVSA funding.

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register\_\_\_\_\_)

**Authority:** AS 18.66.050

13 AAC 95.150(a)(1) is amended to read:

(1) **if** [IF] an employee of a grantee performs duties under the grant project and duties that are not under the grant project, the grantee shall determine the amount of [A] payment on the basis of the amount of time spent by the employee in performing the duties under the grant project;[.] **if** [IF] the employee concurrently performs the same duty for two or more grant projects or for one grant project for which the grantee receives money under two or more grants, the grantee may allocate payments among the grants or grant projects in a manner that the grantee considers appropriate;[. HOWEVER,] the allocation may not result in payments that exceed the amount owed to the employee;[.]

The introductory language of 13 AAC 95.150(a)(2) is amended to read:

(2) [A] payment for leave taken by an employee must be in accordance with the written employee leave policy established by the grantee under 13 AAC 95.210;[. HOWEVER,] for an employee whose employment is part of a training program conducted by an educational or training institution, the payment may not include payment for leave other than leave taken under a holiday schedule of the educational or training institution in which the trainee is enrolled;[.] **the** [THE] council will approve a payment to an employee whose employment is part of a training program conducted by an educational or training institution only if the council determines that

...

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

13 AAC 95.170(a)(2) is amended by adding a new subparagraph to read:

(A) membership dues paid out of CDVSA funds may not support lobbying;

(Eff. 6/25/88, Register 106; am 7/1/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

13 AAC 95.200(a) is amended to read:

**13 AAC 95.200. Indirect costs.** (a) An applicant that does not have a federally approved indirect-cost rate may include administrative costs in the applicant's proposed budget as direct costs **or may use a flat ten percent de minimus indirect cost rate.** The applicant shall document the proposed costs in the applicant's justification narrative for the proposed budget.

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

13 AAC 95.230(a) is amended to read:

**13 AAC 95.230. Payment provisions.** (a) Subject to 13 AAC 95.240, the council will make payments to a grantee under a grant by monthly or quarterly advances or reimbursements. [TO RECEIVE A PAYMENT UNDER THIS SECTION, THE GRANTEE MUST SUBMIT TO THE COUNCIL A PAYMENT REQUEST MADE ON A FORM PROVIDED BY THE COUNCIL.]

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(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 18.66.050

The introductory language of 13 AAC 95.250(b) is amended to read:

(b) Subject to (c) of this section, a grantee shall use grant income, including the grantee's share of proceeds from the sale of assets of the grant project, to further the objectives of the grant project, including[, BUT NOT LIMITED TO,] uses that will

...

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 18.66.050

The introductory language of 13 AAC 95.280(a) is amended to read:

**13 AAC 95.280. Confidentiality.** (a) A grantee shall ensure the privacy of a person receiving services from the grantee, and shall preserve the confidentiality of client records, privileged communications under AS 18.66.200 - 18.66.250 [AS 25.35.100 - 25.35.150], and information pertaining to a person served by the grantee unless

...

13 AAC 95.280(a)(3)(A) is amended to read:

(A) the provisions of AS 18.66.200 - 18.66.250 [AS 25.35.100 - 25.35.150]; or

13 AAC 95.280 is amended by adding a new subsection to read:

(b) Participant confidentiality must meet the highest standard of practice in accordance with AS 18.66.200 - 18.66.250 and 34 U.S.C. § 12291(b)(2). (Eff. 6/25/88, Register 106; am 7/1/91, Register 118; am 7/1/95, Register 134; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

An editor's note is added following 13 AAC 95.280:

**Editor's note:** For best practices regarding confidentiality, the CDVSA Best Practices Guide may be viewed at <https://dps.alaska.gov/CDVSA/Resources> or you may request a copy from CDVSA, PO Box 111200, Juneau, AK, 99811-1200; phone: (907) 465-5503.

13 AAC 95.300(e)(1) is amended to read:

(1) receive approval from the council before reallocating funding **between any budget categories;** [UNDER (D) OF THIS SECTION IN A MANNER THAT WOULD INCREASE ANY SINGLE BUDGET CATEGORY BY MORE THAN 10 PERCENT OF THAT CATEGORY OR BY MORE THAN \$5,000, WHICHEVER IS LESS; AND]

13 AAC 95.300(e)(2) is repealed:

(2) repealed \_\_\_/\_\_\_/\_\_\_

[NOTIFY THE COUNCIL WITHIN 30 DAYS AFTER REALLOCATING AN AMOUNT NOT SUBJECT TO (1) OF THIS SUBSECTION].

The introductory language of 13 AAC 95.300(f) is amended to read:

(f) In extraordinary circumstances, [BASED ON A SHOWING OF GOOD CAUSE BY THE GRANTEE,] the council [WILL] **may**, in its discretion

...

13 AAC 95.300(f) is amended by adding a new paragraph to read:

(3) approve a request for reallocation that is filed with the council after the deadline established by the council at the beginning of the fiscal year.

(Eff. 6/25/88, Register 106; am 7/1/91, Register 118; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

(((Publisher: please move "and" to appropriate penultimate paragraph)))

13 AAC 95.310(a)(1) is amended to read:

(1) for purchases of non-expendable personal property **with a value of \$5000 or more**, the grantee will **obtain prior approval from the council, obtain three competitive price quotations from potential suppliers, and will track this equipment according to council standards** [REQUIRE THREE COMPETITIVE PRICE QUOTATIONS FROM POTENTIAL SUPPLIERS];

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050



13 AAC 95.320(k) is amended to read:

(k) A grantee shall **submit an equipment retention/disposal form for each piece of equipment purchased with council funds** [PROVIDE A COPY OF THE UPDATED INVENTORY LIST DESCRIBED IN (I) AND (J) TO THE COUNCIL ON AN ANNUAL BASIS ON A DATE SPECIFIED BY THE COUNCIL].

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050

The introductory language of 13 AAC 95.330(a) is amended to read:

(a) If a grantee fails to comply with the terms of a grant or of this chapter, the council **will provide the grantee with written notice of failure to comply. The council may, not sooner than 15 days after issuing written notice of failure to comply,** [WILL, IN ITS DISCRETION, NO SOONER THAN 15 DAYS AFTER PROVIDING THE GRANTEE WITH WRITTEN NOTICE OF THE FAILURE TO COMPLY,] suspend the grant. A grantee may not use grant money to pay an obligation incurred during the period of the suspension; however, **a** [THE] grantee may pay an obligation incurred before the period of suspension if the grantee obtains the approval of the council and if payment of the obligation would otherwise be allowed under this chapter or under the terms of the grant. A suspension under this subsection remains in effect until ...

13 AAC 95.330(b) is amended to read:

(b) The council **may** [WILL, IN ITS DISCRETION,] terminate a grant, in whole or in part, before the end of the grant period if **a** [THE] grantee fails to comply with the terms of the

grant or of this chapter. The council will notify the grantee in writing **not later than** [AT LEAST] 30 days before [THE] termination. The notice will state the reasons for [THE] termination, the effective date, and the portion of the grant to be terminated if the termination is partial. The council **may** [WILL, IN ITS DISCRETION,] make necessary arrangements for managing the grant before the effective date of the termination and for closing the grant.

13 AAC 95.330(c) is amended to read:

(c) The council **may** [WILL, IN ITS DISCRETION,] terminate a grant, in whole or in part, before the end of the grant period, with the consent of the grantee.

(Eff. 6/25/88, Register 106; am \_\_\_/\_\_\_/\_\_\_, Register\_\_\_)

**Authority:** AS 18.66.050

13 AAC 95.900(4) is repealed:

(4) repealed \_\_\_/\_\_\_/\_\_\_ [CHAIR];

13 AAC 95.900(6) is repealed:

(6) repealed \_\_\_/\_\_\_/\_\_\_ [FINAL STATE BUDGET];

13 AAC 95.900(13)(A) is amended to read:

(A) an article of tangible personal property that is complete in itself, is of a durable nature, has an expected useful life of more than one year, and has an acquisition cost, as defined in **13 AAC 95.310(1), of \$5000** [13 AAC 95.320(B), OF \$500] or more;  
or

13 AAC 95.900(15) is repealed:

(15) repealed \_\_\_/\_\_\_/\_\_\_ [REAL PROPERTY];

13 AAC 95.900(16) is repealed:

(16) repealed \_\_\_/\_\_\_/\_\_\_ [SUBCONTRACT];

13 AAC 95.900(17) is repealed:

(17) repealed \_\_\_/\_\_\_/\_\_\_ [TRUE LEASE]. (Eff. 6/25/88, Register 106; am  
\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

**Authority:** AS 18.66.050