

1 IN THE HOUSE

BY MRS. MCSMITH AND MR. FISHER

2 HOUSE BILL NO. 309

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the licensing and
7 supervision of maternity homes, boarding
8 homes, foster homes, nurseries and institu-
9 tions for caring for children; and repealing
10 and re-enacting Ch. 17, SLA 1951."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 Section 1. Ch. 17, SLA 1951 is repealed and re-enacted to
13 read as follows:

14 Section 1. DEFINITIONS. As used in this Act:

15 (1) "department" means the Department of Health and
16 Welfare.

17 (2) "maternity home" means any house or other place
18 maintained or conducted by any person, society, association,
19 organization or corporation for the receiving, caring for,
20 or treating of females during pregnancy, or during and after
21 delivery.

22 (3) "boarding or foster home" means any establishment
23 providing regular care for any part of the twenty-four hour
24 day for any child not related by blood or marriage to the
25 foster parents.

26 (4) "nursery" means any establishment providing care
27 and services for any part of the twenty-four hour day for
28 any child not related by blood or marriage to the owners or
29 operators.

1 (5) "institution" means any establishment providing
2 regular care and services for six or more children not re-
3 lated by blood or marriage to the owners or operators.

4 Sec. 2. AUTHORITY TO LICENSE AND SUPERVISE. The de-
5 partment has the authority to license and supervise the homes
6 and institutions defined in this Act; to investigate and
7 supervise the licensees; and to enforce the application of
8 standards established by the department.

9 Sec. 3. WHEN TO SECURE LICENSE. No person, association,
10 or corporation shall, without first having obtained a
11 written license or permit therefor from the department,
12 maintain or conduct any maternity home, boarding home,
13 foster home, nursery, institution, or other place for the
14 regular reception or care of children under 16 years of age,
15 nor engage in the business of receiving or caring for such
16 children, either with or without compensation, wherein any
17 child or children, not related by blood or marriage, or by
18 legal adoption, to the owner, operator or manager thereof,
19 are lodged or boarded.

20 Sec. 4. BOARD TO PROMULGATE RULES. The department
21 shall have power to promulgate rules, regulations, and
22 standards not inconsistent with other requirements of law,
23 provided that such authority shall not operate to deny any
24 religious group from establishing and operating in any area
25 any such institution defined in Section 1 solely because
26 of the prior installation or operation of any other religious
27 group in said area. Such authority shall be designed to
28 insure compliance with the intents and purposes of this Act,
29 covering the operation of any such maternity home, boarding

1 home, foster home, nursery, or institution, or for the per-
2 formance of any service specified in Section 1 of this Act,
3 and the department may, by a member or any duly authorized
4 representative, inspect and examine any such institution,
5 home or place, or the performance of any such service.

6 Sec. 5. LICENSES. A written license or permit to con-
7 duct such maternity home, boarding home, foster home, nur-
8 sery, or institution shall be issued by the department
9 whenever it has determined that such maternity home, boarding
10 home, foster home, nursery or institution has met the stan-
11 dards for operation set by said department.

12 Sec. 6. DURATION OF LICENSE. Such license or permit,
13 when issued by the department, shall remain in full force
14 and effect unless revoked for cause, and written notice shall
15 be given 90 days prior to the effective date of such re-
16 vocation.

17 Sec. 7. REVOCATION: HEARING: APPEALS. The issuance of
18 rules and standards, denial and revocation of licenses, and
19 hearings and appeals on same shall be in accordance with
20 provisions of the Administrative Procedure Act.

21 Sec. 8. TRANSFER OF LICENSE OR PERMIT. No license or
22 permit may be transferred.

23 Sec. 9. RECORDS OF CHILDREN. Each holder of a license
24 or permit shall keep such records regarding each mother
25 and child in its control and care, or placed by it, as the
26 department may prescribe, and shall report to said depart-
27 ment such facts as it may require. All records regarding
28 children and their parents or relatives shall be deemed con-
29 fidential and shall be properly safeguarded from improper

1 disclosure by such agency or department.

2 Sec. 10. INTERIM PERMIT. Any person, association, or
3 corporation who, prior to the effective date of this Act, is
4 operating or maintaining any maternity home, boarding home,
5 foster home, nursery, institution, or other place for the
6 purposes outlined in Section 1 of this Act, shall be granted
7 an interim permit or license for a period of six months
8 following such effective date. Such person, association,
9 or corporation shall be certified by the department, and at
10 any time within such period, if required standards are met,
11 said interim permit or license shall be deemed a continuing
12 license, subject to the general provisions of this Act.

13 Sec. 11. PENALTY. Any person, association, or corpora-
14 tion who violates any provision of this Act or any rule or
15 regulation promulgated thereunder, shall be adjudged guilty
16 of a misdemeanor and upon conviction thereof shall be
17 punished by a fine not exceeding \$200.00.

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