

1 IN THE SENATE

BY CHANCE

2 SENATE BILL NO. 652

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing of care providers for  
7 children and adults."

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

9 \* Section 1. As 47.35.010 is amended to read:

10 Sec. 47.35.010. POWERS OF DEPARTMENT. The department may

11 (1) license and supervise boarding homes, foster homes, group  
12 homes, family day care settings, day care centers, maternity homes  
13 [NURSERIES], and institutions caring for children and adults;

14 (2) investigate and supervise licenses;

15 (3) enforce the standards established by it;

16 (4) contract with private or municipal agencies to investi-  
17 gate and make recommendations to the department for the licensing and  
18 supervision of boarding homes, foster homes, group homes, family day  
19 care settings, day care centers, maternity homes, [NURSERIES] and insti-  
20 tutions caring for children and adults under procedures and standards of  
21 operation established by the department; [AND]

22 (5) delegate any of its powers under this section to an  
23 organized borough, upon application by the borough and determination by  
24 the department that sufficient professional expertise is available to  
25 the borough to carry out those powers; and

26 (6) investigate, supervise, and license agencies involved in  
27 placing children for adoption or foster home care or providing indivi-  
28 dual or family counseling.

29 \* Sec. 2. AS 47.35.020 is repealed and re-enacted to read:

1           Sec. 47.35.020. LICENSE REQUIRED. (a) No person, or employee,  
2 officer, or agency of the state, may, whether or not for compensation,  
3 regularly receive and care for children or adults not related by blood  
4 or marriage, or legal adoption to that person, employee, officer, or  
5 agency of the state, including reception and care of children and adults  
6 in boarding homes, foster homes, group homes, family day care settings,  
7 maternity homes, day care centers, and institutions, unless licensed  
8 under this chapter.

9           (b) Without a license issued by the department in accordance with  
10 its regulations no person may operate an agency providing any of the  
11 following services:

- 12                   (1) the placement of children for foster home care;  
13                   (2) the placement of children for adoption; or  
14                   (3) individual and family counseling.

15           (c) In (b) of this section "agency" does not include an individual  
16 who occasionally provides the services indicated.

17 \* Sec. 3. AS 47.35.030 is repealed and re-enacted to read:

18           Sec. 47.35.030. AUTHORITY TO ISSUE REGULATIONS. The department  
19 shall issue regulations furthering the health and safety of children and  
20 adults cared for by persons, or employees, officers, or agencies of the  
21 state licensed under this chapter, including regulations which

22                   (1) delineate standards relating to facilities and services  
23 in boarding homes, foster homes, group homes, family day care settings,  
24 day care centers, and institutions operated by persons licensed under  
25 this chapter;

26                   (2) establish standards and procedures whereby waiver of all  
27 or part of the requirements for licensure under this chapter may be  
28 obtained;

29                   (3) delineate those acts or omissions which are cause for

1 revocation of a license issued under this chapter, irregardless of  
2 whether standards promulgated by regulation issued under this chapter  
3 have been complied with or waived;

4 (4) establish procedures whereby licenses may be awarded or  
5 revoked under this chapter.

6 \* Sec. 4. AS 47.35.040 is amended to read:

7 Sec. 47.35.040. ISSUANCE OF LICENSE OR PERMIT. (a) The depart-  
8 ment shall issue a license [OR PERMIT] to conduct a boarding home,  
9 foster home, group home, family day care settings, day care centers,  
10 [NURSERY] or institution if it determines that the boarding home,  
11 foster home, group home, family day care settings, day care centers,  
12 [NURSERY] or institution meets the standards for licensure [OPERATION]  
13 set by the department by regulation under this chapter.

14 \* Sec. 5. AS 47.35.050 is repealed and re-enacted to read:

15 Sec. 47.35.050. DURATION OF LICENSE. (a) A license required by  
16 sec. 20(a) of this chapter shall remain in effect for a period of one  
17 year from the date of issuance unless revoked for cause.

18 (b) A license required by sec. 20(b) of this chapter shall remain  
19 in effect until revoked for cause.

20 \* Sec. 6. AS 47.35 is amended by adding new sections to read:

21 Sec. 47.35.053. REVOCATION OF LICENSE. A license required by  
22 sec. 20(a) or (b) of this chapter may be revoked for failure to comply  
23 with regulations adopted under this chapter.

24 Sec. 47.35.055. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. The  
25 Administrative Procedure Act (AS 44.62) governs the adoption of regula-  
26 tions and appeals from decisions under this chapter. An applicant for  
27 licensure under this chapter who wishes to appeal the decision of the  
28 department, or a person whose license is revoked and wishes to appeal  
29 the revocation, may obtain a hearing de novo on the issue of whether the

1 license should be granted or revoked by filing statement of issues under  
2 AS 44.62.370, or an accusation under AS 44.62.360, respectively.

3 Sec. 47.35.057. NOTICE OF REVOCATION. (a) The department shall  
4 give written notice of revocation of a license required by sec. 20(a) of  
5 this chapter 30 days before the effective date of a revocation, except  
6 in a case when the health or well-being of children is in jeopardy.

7 (b) The department shall give written notice of revocation re-  
8 quired by sec. 20(b) of this chapter at least 90 days before the effec-  
9 tive date of the revocation.

10 \* Sec. 7. AS 47.35.060 is amended to read:

11 Sec. 47.35.060. RECORDS REQUIRED. Each licensee [OR PERMIT HOLD-  
12 ER] shall keep records regarding each child or adult in its control and  
13 care, or placed by it, which the department prescribes, and shall report  
14 to the department the facts which the department requires with reference  
15 to the children or adults. All records regarding children and adults  
16 and their parents or relatives are confidential and shall be safeguarded  
17 from improper disclosure by the agency or department.

18 \* Sec. 8. AS 47.35.070 is amended to read:

19 Sec. 47.35.070. VIOLATIONS. A person who violates a provision of  
20 secs. 10 - 100 of this chapter or a [RULE OR] regulation adopted under  
21 secs. 10 - 80 of this chapter is guilty of a misdemeanor, and upon  
22 conviction is punishable by a fine of not more than \$200. Each day on  
23 which a violation occurs may be considered a separate and additional  
24 offense.

25 \* Sec. 9. AS 47.35.080(3) and (5) are amended to read:

26 (3) "institution" means an establishment providing regular  
27 care and services for 11 or more children or adults not related by blood  
28 or marriage to the owner or operator;

29 (5) "group home" means a small establishment providing care

1 and services for 10 or fewer children or adults not related by blood,  
2 marriage or legal adoption to the foster parent, operator, or provider  
3 and which is

4 (A) noncontiguous to another institution; and

5 (B) stresses normal family living.

6 \* Sec. 10. AS 47.35.080 is amended by adding new paragraphs to read:

7 (6) "day care centers" means an establishment providing care,  
8 supervision, and guidance for any part of a 24 hour day of children not  
9 related by blood or marriage to the provider, owner, or operator and is  
10 limited to a maximum of six children under age 14 including the pro-  
11 ovider's, owner's, or operator's own children;

12 (7) "family day care settings" means an establishment pro-  
13 viding care, supervision, and guidance for any part of a 24 hour day of  
14 children not related by blood or marriage to the provider, owner, or  
15 operator and is limited to a maximum of six children under age 14 in-  
16 cluding the provider's, owner's, or operator's own children; and

17 (8) "maternity home" means an institution or place of resi-  
18 dence whose primary function is to give care to pregnant girls or women,  
19 regardless of age, before or during confinement, or which provides care  
20 as needed, to mothers and infants after confinement, with or without  
21 compensation.

22 \* Sec. 11. AS 47.35.080(4), 47.35.090 and 47.35.100 are repealed.  
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