

Introduced: 4/20/76  
Referred: Health, Education and  
Social Services

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 SENATE BILL NO. 750

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 adults."

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

9 \* Section 1. AS 47 is amended by adding a new chapter to read:

10 CHAPTER 36. INSTITUTIONS FOR ADULTS.

11 Sec. 47.36.010. POWERS OF DEPARTMENT. The department may

12 (1) license and supervise boarding homes, foster homes, group  
13 homes, family day care homes, day care centers, maternity homes, nurs-  
14 ing homes, and institutions caring for adults;

15 (2) investigate and supervise licenses;

16 (3) enforce the standards established by it;

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

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

27 (6) investigate, supervise, and license agencies involved in  
28 placing adults in institutional care or providing individual or family  
29 counseling.

1           Sec. 47.36.020. LICENSE REQUIRED. (a) No person may, whether or  
2 not for compensation, regularly receive and care for adults not related  
3 by blood, marriage, or legal adoption to that person, including recep-  
4 tion and care of adults in boarding homes, foster homes, group homes,  
5 family day care homes, maternity homes, day care centers, nursing homes  
6 and institutions, unless licensed under this chapter.

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

- 10                   (1) the placement of adults in boarding homes;  
11                   (2) the placement of adults in institutions; or  
12                   (3) individual and family counseling.

13           (c) An agency operated by the state or a municipality shall comply  
14 with this chapter.

15           (d) This section does not apply to an individual who occasionally  
16 provides the services indicated.

17           Sec. 47.36.030. AUTHORITY TO ISSUE REGULATIONS. The department  
18 shall issue regulations furthering the health and safety of adults cared  
19 for by persons, or employees, officers, or agencies of the state li-  
20 censed under this chapter, including regulations which

21                   (1) delineate standards relating to facilities and services  
22 in boarding homes, foster homes, group homes, family day care homes, day  
23 care centers, nursing homes and institutions operated by persons li-  
24 censed under this chapter;

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

28                   (3) delineate those acts or omissions which are cause for  
29 revocation of a license issued under this chapter, regardless of

1 whether standards promulgated by regulation issued under this chapter  
2 have been complied with or waived;

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

5 Sec. 47.36.040. ISSUANCE OF LICENSE OR PERMIT. (a) The depart-  
6 ment shall issue a license to conduct a boarding home, foster home,  
7 group home, family day care homes, day care centers, nursing homes or  
8 institution if it determines that the boarding home, foster home, group  
9 home, family day care homes, day care centers, nursing homes or institu-  
10 tion meets the standards for licensure set by the department by regula-  
11 tion under this chapter.

12 Sec. 47.36.050. DURATION OF LICENSE. (a) A license required by  
13 sec. 20(a) of this chapter shall remain in effect for a period of one  
14 year from the date of issuance unless revoked for cause.

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

17 Sec. 47.36.060. REVOCATION OF LICENSE. A license required by  
18 sec. 20(a) or (b) of this chapter may be revoked for failure to comply  
19 with regulations adopted under this chapter.

20 Sec. 47.36.070. APPLICATION OF ADMINISTRATIVE PROCEDURE ACT. The  
21 Administrative Procedure Act (AS 44.62) governs the adoption of regula-  
22 tions and appeals from decisions under this chapter. An applicant for  
23 licensure under this chapter who wishes to appeal the decision of the  
24 department, or a person whose license is revoked and wishes to appeal  
25 the revocation, may obtain a hearing de novo on the issue of whether the  
26 license should be granted or revoked by filing statement of issues under  
27 AS 44.62.370, or an accusation under AS 44.62.360, respectively.

28 Sec. 47.36.080. NOTICE OF REVOCATION. (a) The department shall  
29 give written notice of revocation of a license required by sec. 20(a) of

1 this chapter 30 days before the effective date of a revocation, except  
2 in a case when the health or well-being of adults is in jeopardy.

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

6 Sec. 47.36.090. RECORDS REQUIRED. Each licensee shall keep  
7 records regarding each adult in its control and care, or placed by it,  
8 which the department prescribes, and shall report to the department the  
9 facts which the department requires with reference to the adults. All  
10 records regarding adults and their parents or relatives are confidential  
11 and shall be safeguarded from improper disclosure by the agency or  
12 department.

13 Sec. 47.36.100. VIOLATIONS. A person who violates a provision of  
14 secs. 10 - 100 of this chapter or a regulation adopted under this chap-  
15 ter is guilty of a misdemeanor, and upon conviction is punishable by a  
16 fine of not more than \$200. Each day on which a violation occurs may  
17 be considered a separate and additional offense.

18 Sec. 47.36.110. DEFINITIONS. In this chapter,

19 (1) "boarding home" means an establishment providing regular  
20 care for less than six adults not related by blood or marriage to the  
21 owner or operator;

22 (2) "day care" means the care, supervision and guidance of an  
23 adult on a regular basis, for periods of less than 24 hours a day;

24 (3) "day care center" means

25 (A) any facility, other than an occupied residence in  
26 which day care is regularly provided for one or more adults;

27 (B) any facility including an occupied residence in  
28 which day care is regularly provided for 13 or more adults, includ-  
29 ing adults living in the home and adults received for day care who

1 are related or unrelated to the resident caregiver;

2 (4) "day care facility" means a day care center or family day  
3 care home as defined in this section;

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

6 (6) "family day care home" means an occupied residence in  
7 which day care is regularly provided for no more than 12 adults, includ-  
8 ing adults living in the home and adults received for day care who are  
9 related to the resident caregiver; however, an occupied residence in  
10 which day care is regularly provided only for adults related to the  
11 resident caregiver is not a family day care home;

12 (7) "group home" means a small establishment providing care  
13 and services for 10 or fewer adults not related by blood, marriage or  
14 legal adoption to the operator or provider and which is

15 (A) noncontiguous to another institution; and

16 (B) stresses normal family living;

17 (8) "institution" means an establishment providing regular  
18 care and services for 11 adults not related by blood or marriage to the  
19 owner or operator, including nursing homes;

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

25 (10) "nursing home" means a facility providing inpatient care  
26 for convalescent or chronic disease patients who require skilled nursing  
27 or intermediate care and related medical facilities;

28 (11) "related" means any of the following relationships by  
29 marriage, blood, or legal adoption: parent, grandparent, brother,

1 sister, stepparent, stepsister, stepbrother, uncle, aunt.  
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