

Introduced: 1/12/82
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 650 am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to licensing of foster homes, group
7 homes, nurseries, and institutions; and providing for
8 an effective date."

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

10 * Section 1. AS 47.35.020 is repealed and reenacted to read:

11 Sec. 47.35.020. LICENSE OR PERMIT REQUIRED. No person may, with-
12 out a license or permit to do so, (1) maintain or conduct, for more than
13 90 days, a boarding home, foster home, group home, institution or other
14 place for the regular reception or care of children under 16 years of
15 age, or a foster home, group home or institution for the care of depend-
16 ent adults, or (2) engage in the business of receiving or caring for
17 children under 14 years of age, with or without compensation, in a
18 nursery in which five or more children not related by blood or marriage,
19 or legal adoption, to the owner, operator or manager of the business are
20 lodged.

21 * Sec. 2. AS 47.35.040 is repealed and reenacted to read:

22 Sec. 47.35.040. LICENSING. (a) The department shall issue a
23 license to a facility if it determines that the facility has met the
24 standards for operation set out in AS 47.35.010 -- 47.35.080 and the
25 regulations adopted under AS 47.35.010 -- 47.35.080.

26 (b) A license is valid for two years after the date of issuance
27 unless it is revoked or modified. The department may revoke a license
28 or modify a license to provisional status if it determines that a facil-
29 ity is not in compliance with AS 47.35.010 -- 47.35.080 or the regula-

1 tions adopted under AS 47.35.010 -- 47.35.080.

2 (c) The department may waive compliance with a standard set out in
3 regulations adopted under AS 47.35.010 -- 47.35.080 if an acceptable
4 alternative is established which meets the purpose of the provision and
5 reasonably assures the well-being of persons in care.

6 (d) A license may not be transferred to a different facility or
7 owner.

8 (e) The department shall give written notice of revocation or
9 modification under (b) of this section 30 days before the effective date
10 of the action. However, if the health or well-being of children or
11 dependent adults is in jeopardy, the revocation or modification action
12 is effective immediately upon the issuance of written notice by the
13 department.

14 * Sec. 3. AS 47.35 is amended by adding a new section to read:

15 Sec. 47.35.055. PROVISIONAL LICENSE. (a) The department shall
16 issue a provisional license to a new facility if the facility submits to
17 the department an acceptable plan for operation which is in conformity
18 with the provisions of AS 47.35.010 -- 47.35.080 and the regulations
19 adopted under AS 47.35.010 -- 47.35.080. After the department deter-
20 mines that the new facility is operating in conformance with the provi-
21 sions of AS 47.35.010 -- 47.35.080 and the regulations adopted under
22 AS 47.35.010 -- 47.35.080, the department shall issue a license under
23 AS 47.35.040 to the facility.

24 (b) The department may issue a provisional license to a facility
25 which is licensed under AS 47.35.040 but is temporarily unable to con-
26 form to the provisions of AS 47.35.010 -- 47.35.080 or the regulations
27 adopted under AS 47.35.010 -- 47.35.080.

28 (c) The department may issue a provisional license under (b) of
29 this section only if the facility submits to the department an accep-

1 table plan to bring the facility into conformity with the provisions of
2 AS 47.35.010 -- 47.35.080, and the regulations adopted under AS 47.35.-
3 010 -- 47.35.080 within the time specified in the provisional license.

4 (d) A provisional license is valid for a period not exceeding one
5 year from the date of issuance. The department may renew a provisional
6 license for an additional period not to exceed one year.

7 * Sec. 4. AS 47.35.080 is amended by adding a new paragraph to read:

8 (6) "facility" means the administration, program, and physi-
9 cal plant of a nursery caring for children, or a foster home, group
10 home, or institution caring for children or dependent adults.

11 * Sec. 5. AS 47.35.050 is repealed.

12 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
13 070(c).