

ALASKA LEGISLATURE COMMITTEE FILES 1993-1994 8672

8272 SENATE HEALTH EDUCATION & SOCIAL SERVICES

SB

2550

SENATE COMMITTEE REPORT

DATE: 1/14/94

FURTHER: STATE AFFAIRS
FINANCE

Date of 5-Day Notice: 1/27/94
(in accordance with Uniform Rule 23)

DATE TURNED
INTO OFFICE: 2/16/94

HES Committee considered SB 250

Older Alaskans Commission and staff of the commission; changing the name of the Older Alaskans Commission to the Alaska Commission on Aging and extending the termination date; relating to the Alaska Pioneers' Homes Advisory Board; relating to services/programs for older Alaskans; efd. and recommends:

- replace with _____ CS _____ ()
 - or adopt previous _____ CS _____ ()
 - attaches amendment(s)
- same title
 - new title
 - technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal
<i>previous Administration</i>	<i>1/14/94</i>	<i>✓</i>	

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

Gov's Bill

OTHER RECOMMENDATIONS:

Mike Miller No Rec
Judy Sals No Rec
Bob Murphy No Rec

Steve Rieger Do Pass

Chair: Signature and Recommendation

FISCAL NOTE

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB250

(S) Publish Date: 1-14-94

Revision Date: _____ Dept. Affected: Administration
 Title: Relating to OAC, Alaska BRU: Commission on Aging
Pioneer Home Advisory Brd and services for Component: Commission on Aging
 Sponsor: Governor older Alaskans
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
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CHANC. REVENUES ()	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY94) cost: \$ -0-

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Roberley Waldron
 Division: Commissioner's Office
 Approved by Commissioner: Nancy Bear Uska
 Agency: Administration

Phone 258-6117
 Date: _____
 Date: 11/12/93

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WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
(907) 465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 14, 1994

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the Older Alaskans Commission, the Alaska Pioneers' Homes Advisory Board, and certain programs and services for older Alaskans.

The bill changes the name of the Older Alaskans Commission to the Alaska Commission on Aging, decreases the number of required yearly commission meetings, and extends the termination date of the commission. The bill also makes changes in the allocation of functions of the commission, the commission's executive director, and the commissioner of administration. For example, the commission, with the approval of the commissioner of administration, will set policy for the administration of federal programs under the federal Older Americans Act. The executive director, with the commissioner of administration's approval, will administer those programs. The executive director for the commission also will be responsible for the formulation and presentation to the commission of the comprehensive statewide plan that identifies the concerns and needs of older Alaskans. The commission will be responsible for approving a final plan.

The bill also makes certain changes in the composition and duties of the Alaska Pioneers' Homes Advisory Board. The board will be increased from seven to eight members; the new member will be the chairperson of the Alaska Commission on Aging. (Under existing law, the chair of the Alaska Pioneers' Homes Advisory Board is a member of the Older Alaskans Commission.) The bill also decreases the number of board meetings that must be held during a year.

Additionally, the Department of Administration plans to administratively establish a division of senior services to better coordinate services to older Alaskans. The Alaska Commission on Aging and the Alaska Pioneers' Homes Advisory Board would be located administratively in that new division. The new division would replace the

*The Honorable Rick Halford
January 14, 1994
Page 2*

existing division of pioneers' benefits and would assume responsibility for activities currently assigned to that division, which include administration of the pioneers' homes and the longevity bonus program.

The enactment of this bill into law, along with the administrative creation of the new division, will assure improved, coordinated efforts to address the varied problems confronting older Alaskans.

Sincerely,

A handwritten signature in cursive script, reading "Walter J. Hickel". The signature is written in dark ink and is positioned above the printed name and title.

*Walter J. Hickel
Governor*

Branch Office:
5601 C St., Ste. 260
Frontier Bldg.
Anchorage, AK 99503
(907) 563-5654
FAX: 562-3040



Main Office
P.O. Box 110200
Juneau, AK 99811-0209
(907) 465-3250
FAX: 465-4716

Older Alaskans Commission

October 7, 1993

The Honorable Nancy Bear Usera
Commissioner
Department of Administration
P.O. Box 110200
Juneau, AK 99811-0200

Re: Governor's Proposal
for Senior Reorganization

Dear Commissioner Usera:

On behalf of the Commission, I want to express our appreciation of the opportunity to review, with Deputy Commissioner Waldron, Governor Hickel's proposal to reorganize senior services in state government, including the summaries of the three proposed bills.

The commission fully endorses the concepts behind the three bills, and the plan to create a new division of senior services by administrative order. We appreciate your leadership in initiating the Task Force last year, and believe that your choice and direction of Task Force members led directly to this excellent proposal for a new approach to senior services.

The commission plans to work, both as a group and individually, to understand the bills in both concept and detail, and will advocate for their support among the seniors in our local and regional areas. We would like to receive a copy of the actual bills' language as soon as they are public.

The commission has three comments or suggestions for the bill regarding the Commission and the Pioneers' Homes Advisory Board:

1. We think the increased linkage of the two boards, by the designation of a voting seat on each board for the chairman of the other board, is an excellent improvement.
2. While we support the new voting power given to the three departmental commission members from the administration, we would urge addition of language that the chairman of the Alaska Commission on Aging must be selected from among the seven layperson members appointed by the Governor.

Commissioner Nancy Bear Usera

Page 2

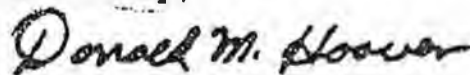
October 7, 1993

3. We strongly feel that because commissioners are either selected by or retained at the pleasure of the current governor, the members of the commission should choose their own chairman. The citizen-led impetus to create a commission in 1980 appears to still reflect the general senior sentiment in our state that the wisdom and experience of seniors should be recognized by allowing them a strong role in managing senior affairs in our state government.

Finally, we wish to note our concern that there be adequate fiscal and personnel resources to successfully carry out the two important new functions of the new Division of Senior Services, namely, the licensing of Assisted Living homes and Adult Protective Services.

Again, thank you for the chance to comment upon this proposal. Please convey to Governor Hickel our strong support of his plan.

Sincerely,



Donald M. Hoover, Chairman
Older Alaskans Commission



Bringing lifetimes of experience and leadership to serve all generations.

CHAIR
Mary Lou Meiners
805 Gold Bell
Juneau, AK 99801
(907) 586-2568

ALASKA STATE LEGISLATIVE COMMITTEE

VICE CHAIRMAN
CCTF Coordinator
Joe Alter
P O Box 20304
Juneau, AK 99802
(907) 586-6620

SECRETARY
Joan McKinnon
5201 Radcliffe Drive
Anchorage, AK 99504
(907) 337-0742

December 15, 1992

Connie J. Lipe
Executive Director
Older Alaskans Commission
P.O. Box 110209
Juneau, Alaska

Dear Connie,

During the December meeting of the State Legislative Committee of A.A.R.P., the proposed consolidation of Senior Services was discussed.

If and when such a centralization should become a reality, the members of the Alaska State Legislative Committee go on record favoring the establishment of a Division of Senior Services within the Department of Community and Regional Affairs.

Thank you for this opportunity to express our opinion on this matter.

Sincerely,
Mary Lou Meiners, Chair
Alaska State Legislative Committee

AGENET

Alaska
Geriatric
Exchange
NETwork

January 27, 1993

Velma Ellyson, President

3935 Svedlund St
Homer, AK 99603
235-7655
Fax 235-3739
Area: South Central

Jill Sandleben, Vice President

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Shell Marie Reading, Sec. Treas.

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1-800-478-1030
Fax 561-3313
Area: Anchorage

Irving J. Igtanloc, Board

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Barrow, AK 99723
1-800-478-6606
Fax 852-0372

Area: North Slope/Northwest

Rose Megli, Board

Box 889
Dillingham, AK 99576
842-1231
Fax 842-5891
Area: Southwest

Cyndi Nation, Board

122 First Avenue
Fairbanks, AK 99712
452-8251 ext. 3152
Fax 458-3850
Area: Interior

Patricia Porter, Board

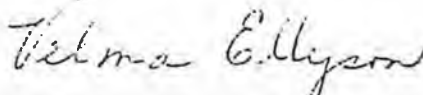
361 Senior Ct.
Kenai, AK 99511
283-4156
Fax 283-5856
Area: South Central

Interagency Task Force
c/o Older Alaskans Commission
3602 C Street Suite 260
Anchorage, Ak 99503

Dear Interagency Task Force,

We, the association of programs providing senior services through Older Alaska Commission grants, are in favor of a Division of Senior Services. This reorganization of programs that serve Older Alaskans into a combined Division of Senior Services will greatly assist us in being about to provide efficient, cost effective services to Alaskan seniors.

Sincerely,



Velma Ellyson
President

RECEIVED
JAN 27 1993
OLDER ALASKANS COMMISSION

PIONEERS' HOMES ADVISORY BOARD

Amos "Joe" Alter, Chairman

October 15, 1993

P.O. Box 110211

Juneau, AK 99811-0211



Nancy Bear Usera, Commissioner
Alaska Department of Administration
P O Box 110200
Juneau, AK 99811-00200

Dear Nancy:

You and your hospitality are great and I am sure I speak for each and all of our Board Members as I thank you.

The opportunity to meet with you and discuss Administration priorities and concern was an excellent way for us to start our home visits. In the Board role of communicating your concerns to Pioneers' Homes residents and the public and visa versa we have the following findings to report to you:

1. The Board, residents, and the public are generally supportive of Administration proposals for reorganization of senior programs within a new division of aging with one exception. Predominate opinion prefers Board selection of its own chairman.
2. The proposed rate increases are generally acceptable.
3. More Mental Health Trust funds should be provided to complement current appropriations for Pioneers' Homes. Current efforts to serve the special needs of Alzheimer and related dementia needs of residents is commendable but inadequate. Planned staff training designed to enhance service to these special residents is essential and appreciated. A closer working relationship between this Board and the Mental Health Board is recommended.
4. Appropriate revisions should be made in current conditions governing employment of qualified part time staff to enhance availability of such staff.
5. There is general opposition to privatization of the homes.

Robert Gore, Board Member
John Dapcevic, Board Member

Vallie Byrdson, Board Member
Stella Odsather, Board Member

Robert Kallenburg, Board Member
Peggy Arness, Board Member

6. Great appreciation and a minimum of dissatisfaction with the system was obvious. We urge continuing restructuring of the service model to address those future needs not met otherwise.

We thank you again for the opportunity to work with you and your dedicated Pioneers' Home staff.

Sincerely,

A handwritten signature in cursive script that reads "Joe".

Amos J. Alter

DEPARTMENT OF ADMINISTRATION

SENATE BILL 250 RELATING TO THE OLDER ALASKANS COMMISSION AND THE PIONEERS' HOMES ADVISORY BOARD

This bill is one of three introduced by Governor Hickel as part of his plan to improve and reorganize state services to Alaska's seniors. A detailed analysis of the bill follows this page. First, let us highlight the improvements which would be effected by Senate Bill 250. When enacted, Senate Bill will:

- Re-name the Older Alaskans Commission as the Alaska Commission on Aging
- Reduce the number of mandatory annual meetings for both the Commission and the Board to reflect current practice and fiscal resources
- Add the chairperson of the Commission on Aging to the Pioneers' Homes Board
- Establish 8 year maximum terms for Pioneers' Homes Board members, allow current members to serve up to 8 more years, and transition the board to staggered terms
- Add the chairperson of the Pioneers' Homes Boards and the Commissioners of Health & Social Services, Community & Regional Affairs, and Administration to the list of voting members on the Commission on Aging (now non-voting members)
- Empower the Governor to choose the chairpersons of the Commission and the Board
- Clarify that the Commission on Aging administers programs through its executive director
- Clarify that the Commission sets policy for administration of its programs and selects recipients of grant awards
- Allow the Commission flexibility to reduce or waive local "match" requirements for grantees when waiver is in public interest

DETAILED ANALYSIS OF SENATE BILL 250

Section 1, AS 18.56.700(b), changes the name of the commission in the Alaska Housing Finance statutes relating to coordination of senior housing efforts.

Section 2 amends AS 44.21.110 to reduce the mandated number of meetings for the Pioneers' Homes Advisory Board from twice to once a year.

Section 3 rewrites AS 44.21.120 to add the chairperson of the Commission on Aging to the Pioneers' Homes Advisory Board; to set the Board members' terms at a maximum of eight consecutive years; and to clarify that the governor designates the chairperson of the Board.

Section 4 amends AS 44.21.200(a) to re-name the Older Alaskans Commission as the Alaska Commission on Aging, and to add to the seven laypersons who currently serve as voting members another four voting members: the citizen Chairperson of the Pioneers' Homes Board and the Commissioners of the Departments of Administration, Community and Regional Affairs, and Health and Social Services; bringing the total of voting members on the commission to eleven.

Section 5 amends AS 44.21.210(a) to reduce the mandatory annual number of meetings of the commission from six to four.

Section 6 amends the quorum for voting by the commission and deletes references to non-voting members.

Section 7 rewrites AS 44.21.210(c) to state that the governor shall designate the chairperson of the commission from among the seven citizen members selected under AS 44.21.20(a)(5).

Section 8 adds a new section on the duties of the Executive Director of the Commission: to formulate the state plan for older Alaskans for the commission and to administer federal and state grants for senior services.

Section 9 amends AS 44.21.230(a) to clarify that the Commission approves the state plan formulated by its staff; makes recommendations directly to both the governor and the legislature; sets policy for the administration of federal and state grants for senior services; and evaluates and awards the grants.

Sections 10 and 11 merely amend the Commission's name in other references in existing laws.

Sections 12 through 14 amend the existing elder abuse reporting law to use the new name for the Commission.

Section 15 amends the Mental Health Trust Lands Settlement Act to use the new name for the Commission.

Sections 16 through 18 amend the existing law authorizing state-funded service grants by the Commission, to amend the Commission's name, and, in sec. 18, to allow the Commission to establish by regulations standards for granting waivers of the required sponsor contribution ("match") when such a waiver is in the public interest.

Section 19 amends the name of the Commission in another citation in existing law.

Section 20 provides for a transition period for members of the Pioneers' Homes Advisory Board, so that current members may be reappointed after July 1, 1994 to serve up to eight consecutive years, but also specifying that any other persons appointed after that date will have their terms of office set so as to establish the staggering of terms of members.

Section 21 states that the changes in the Mental Health Settlement Act relative to the Commission will occur only when and if both this bill and chapter 66, SLA 1991 are effective.

Section 22 provides for an effective date of July 1, 1994 for the bill.

SB

255

SENATE COMMITTEE REPORT

DATE: 3/2/94

FURTHER: State Affairs

DATE TURNED INTO OFFICE: 2/17/94

HESS Committee considered SENATE BILL NO. 255

"An Act establishing a comprehensive policy relating to human resource development in the state."

and recommends:

- replace with _____ CS SB 255 (HES) same title
- or adopt previous _____ CS _____ () new title
- attaches amendment(s) technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DCRM	1/27/94		
DAL	1/31/94		
U of M	2/4/94		
DOE	2/7/94		
DHSS	2/8/94		
DOR	2/8/94		
DMVA	2/7/94		
DOC	2/10/94		
DFG	2/10/94		
DEDCED	2/10/94		

Appropriation No Fiscal Note

DO PASS.

John Ellis

OTHER RECOMMENDATIONS:

Mike Miller No Rec

John Duncan No Rec

Kevin A. Leman No Rec

Scott Sharp No Rec

Judy Salo No Rec

Steve Rieger Do Pass
Chair: Signature and Recommendation

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

bill Version: SB 255
(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Dept. of Commerce
Title: Establishing a comprehensive policy on human resource development BRU: _____
Sponsor: Senate C&RA Committee Component: _____
Requestor: Senate C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY94) cost: \$ None

POSITIONS						
FULL TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero Fiscal Impact

Changes in CSSB 255(CRA) have no fiscal impact. This fiscal note is appropriate.

date Comte Aide (initial)

Prepared by: Shirley Armstrong *Shirley Armstrong* Phone: 465-4949
Division: Senate C&RA Committee Date: 2/10/94
Approved by Commissioner: Senator Randy Phillips, Chair *KEP* Date: 2/10/94
Agency: Senate C&RA Committee

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

9
Bill Version: SB 155

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Dept. of Fish & Game
 Title: Establishing a comprehensive policy on human resource development BRU: _____
 Sponsor: Senate C&RA Committee Component: _____
 Requestor: SENATE C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
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CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY94) cost: \$ None

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero Fiscal Impact

Changes in CSSB255 (CRA) have no fiscal impact. This fiscal note is appropriate.

2/10/94 SL
date Comte Aide (initial)

Prepared by: Shirley Armstrong
 Division: Senate C&RA Committee
 Approved by Commissioner: Senator Randy Phillips, Chair REP
 Agency: Senate C&RA Committee

Phono: 465-4949
 Date: 2/10/94
 Date: 2/10/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Number: SB 255
(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Dept of Corrections
 Title: Establishing a comprehensive policy BRU: _____
on human resource development Component: _____
 Sponsor: Senate C&RA Committee
 Requestor: Senate C&RA Committee COMPONENT SERIAL NO. _____

Expenditures/Revenues (Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
OPERATING EXPENDITURES						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES ()	-0-	-0-	-0-	-0-	-0-	-0-

FUND SOURCE (Thousands of Dollars)

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of any current year (FY94) cost: \$ None

POSITIONS

	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Zero Fiscal impact

Changes in CSSB255 (CRA) have no fiscal impact. This fiscal note is appropriate.

2/10/94 sl
date Comptroller (initial)

Prepared by: Shirley Armstrong *Shirley Armstrong* Phone: 465-4949
 Division: Senate C&RA Committee Date: 2/10/94
 Approved by Commissioner: Senator Randy Phillips, Chair *REP* Date: 2/10/94
 Agency: Senate C&RA Committee

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No. 7

Version: SB 255

FISCAL NOTE

(S) Publish Date: 2-11-94

BILL NO. SB 255

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Military and Veterans Affairs
 Title: Establishing a comprehensive policy on human resource development BRU: na
 Component: _____
 Sponsor: Senate C&RA
 Requestor: Senate C&RA COMPONENT SERIAL NO. _____

Expenditures/Revenues		(Thousands of Dollars)				
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0					
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0					

Estimate of any current year (FY94) cost: \$ (not applicable)

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
Zero fiscal impact

Changes in 0558255 (CRA) have no fiscal impact. This fiscal note is appropriate.
2/10/94 date A. Ainsbury Comte Aide (initial)

Prepared by: Jeff Morrison, Director Phone: 465-4730
 Division: Administrative Support Services Division Date: February 7, 1994
 Approved by Commissioner: [Signature] Hugh L. Cox III Date: February 7, 1994
 Agency: Military and Veterans Affairs

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 2
Bill Version: SB 255
(S) Publish Date: 2-11-94

Revision Date: _____
Title: Comprehensive human resource development policy.
Sponsor: Senate CRA
Requestor: Senate CRA

Department Affected: Administration
BRU: Personnel/OEEO
Component: Personnel/OEEO
COMPONENT SERIAL NO. 56

EXPENDITURES/REVENUES (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 CF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Changes in OSSBASS (CR) have no fiscal impact. This fiscal note is appropriate.

2/10/94 date sl Comte Aide(initial)

Prepared by: Kevitt C. Ritchie, Director
Division: Personnel/OEEO

Phone: 465-4429
Date: _____

Approved by Commissioner: Nancy Bear Usher
Agency: Department of Administration

Date: 2/8/94

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FISCAL NOTE

No 5

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 255

(S) Publish Date: 2-11-94

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act establishing a comprehensive policy BRU: PA Administration
relative to human resource development Component: Alaska Work Programs
 Sponsor: Senate CRA by Request
 Requestor: _____ COMPONENT SERIAL NO. 0233

Expenditures/Revenues:		(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00	
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0	
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0	
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0	
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0	
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0	
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0	
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0	
MISCELLANECUS	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	
CHANGES IN REVENUES	0	0	0	0	0	0	

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0	
1003 GF March	0.0	0.0	0.0	0.0	0.0	0.0	
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0	
Other	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	

POSITIONS:							
FULL-TIME	0	0	0	0	0	0	
PART-TIME	0	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	0	

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

See attached page 2

Changes in CSSB255 (CRA) have no fiscal impact. This fiscal note is appropriate.

2/10/94 date sl Comptroller (initial)

Prepared by: Jan L. Hansen, Director Phone: 465-2680
 Division: Division of Public Assistance Date: 2/7/94

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. Date: 2-3-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

CSSB 255(CRA) establishes a comprehensive human resource development policy for the State of Alaska. This legislation establishes requirements for the University of Alaska and all of the major state agencies involved in economic development, job training, education, and social service programs to coordinate their efforts toward a common goal of enabling people to work and support themselves.

Public assistance costs are influenced by a number of variables. While this legislation establishes policies that may be expected to produce long-term improvements in employment prospects for low-income Alaskans, it establishes general policy and cannot be projected to directly impact public assistance program costs.

BASED ON OUR UNDERSTANDING THAT THE SENATE CRA CS FOR SB 255 WILL AMEND THE LANGUAGE ON PAGE 2, LINES 20 AND 21, TO DELETE THE REQUIREMENT FOR CENTRALIZED SERVICE LOCATIONS AND COORDINATED SERVICE HOURS FOR WELFARE RECIPIENTS, we project no fiscal impact by this bill.

FISCAL NOTE

No. 4
 Bill Version: SB 255
 (S) Publish Date: 2-11-94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act establishing a comprehensive policy relating to human resource development in the state.
 Sponsor: Senate C & EA Committee by request
 Requestor: Senate C & RA Committee

Department Affected: Education
 BRU: Education Program Support
 Component: Adult and Vocational Education Administration

COMPONENT SERIAL NO. 120

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ _____

Changes in 0558255 (CRA)
 have no fiscal impact. This
 fiscal note is appropriate.

2/8/94 ole
 date Comte Aide (initial)

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Ed Obje, Vocational Education Phone: 465-8726
 Division: Education Program Support Date: February 7, 1994

Approved by Commissioner: [Signature] Jerry Covey
 Agency: Education Date: February 7, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 3

Bill Version: SB 255

(S) Publish Date: 2-1-94

Revision Date:

Department Affected: University of Alaska

Title: relating to human resource development policy

BRU: all

Component:

Sponsor: Senate C&RA

Requestor:

COMPONENT SERIAL NO.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

REVENUE FD SOURCE						
-------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)	FY95	FY96	FY97	FY98	FY99	FY00
1002 FEDERAL FUNDS						
1003 GF MATCH						
1004 GENERAL FUND						
1006 GF/MHTIA						
OTHER						
TOTAL FUNDING	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:	FY95	FY96	FY97	FY98	FY99	FY00
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

Changes in CSSB255(CRA) have no fiscal impact. This fiscal note is appropriate.

ANALYSIS: (Attach a separate page if necessary.)

2/8/94 date sla Comte Aide(initial)

Prepared by: Wendy Matheny, Budget Analyst
Division: Statewide Budget Office

Phone: 463-3086
Date: 2/4/94

Approved by: Alison Elgee, Associate Director
Agency: Statewide Budget Office

Date: 2/4/94

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO : No. 2
Bill Version: 30 257

Revision Date:
Title: State policy on human resource development
Sponsor: (S) Comm & Reg Affairs by request
Requestor: Senate Community & Regional Affairs

Department Affected: Labor
BRU: Employment Security
Component: Employment/Unemployment Services
COMPONENT SERIAL NO. 1807

(S) Publish Date: 2-11-94

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MFITA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

Changes in ()
have no fiscal impact. This
fiscal note is appropriate.

date Comte Aide (initial)

Prepared by: Judy Knight, Director Phone: 465-2712

Division: Employment Security Date: 1/31/94

Approved by Commissioner: Charles W. Mahlen

Agency: Department of Labor Date: 1/31/94

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STATE OF ALASKA
1993 LEGISLATIVE SESSION

FISCAL NOTE

No. 1

Bill Version: SB 255

(S) Publish Date: 2-11-94

Revision Date: 1/27/94

Dept. Affected: Community & Regional Affairs

Title: Act Establishing Comprehensive Policy
Relating to Human Resource Development

BRU: _____

Component: _____

Sponsor: Senate CRA

Requestor: (S) CRA

COMPONENT SERIAL NO. _____

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0

REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

Estimate of current (FY94) Impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Changes in 05SB255 (CRA)
have no fiscal impact. This
fiscal note is appropriate.

2/10/94 sl
date Comte Aide (initial)

Prepared by: Remond Henderson Director Phone: 465-4708
Division: Administrative Services Date: 1/27/94
Approved by Commissioner: [Signature] Deputy Commissioner Date: 1/27/94
Agency: Community & Regional Affairs

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This is the language of the bill as adopted by majority vote of the Alaska Job Training Council at its meeting on January 24, 1994. New text is underlined, deleted text is bracketed.

SENATE BILL NO. 255
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

A BILL
FOR AN ACT ENTITLED

"An Act establishing a comprehensive policy relating to human resource development in the state."

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

Section 1. AS 44.99 is amended by adding a new section to article 2 to read:

Sec. 44.99.130. STATEMENT OF HUMAN RESOURCE DEVELOPMENT POLICY FOR THE STATE. (a) State programs and activities in the fields of economic development, education, vocational education, job training, and social service shall be coordinated to further the state's primary goal of enabling the people of the state to become part of a literate, skilled, and productive work force and to have an opportunity to earn a living wage. The Department of Administration, the Department of Commerce and Economic Development, the Department of Corrections, the Department of Community and Regional Affairs, the Department of Education, the Department of Health and Social Services, the Department of Labor, the Department of Military and Veterans' Affairs, and the University of Alaska shall plan, coordinate, and implement their programs and activities to better achieve the state's primary goal.

(b) Public officials responsible for economic development programs and systems in the state shall coordinate planning with public officials responsible for job training and human resource development programs and systems concerning anticipated economic development activities so that those programs and systems can prepare clients for the forthcoming employment opportunities in a timely manner.

(c) Public officials responsible for education programs and systems, including vocational education, shall structure those programs and systems to prepare students to enter the work force. To this end, the state's educational system shall ensure that students develop competency in basic and technological skills along with work force readiness values.

(d) Public officials responsible for the state's job training system shall coordinate with business, industry, and labor in the state to anticipate and provide appropriate training for new employment opportunities that are opening up because of economic development and other employment opportunities that are already present or developing in the state.

Post-It™ brand fax transmittal memo 7671 # of pages > 2

To	Shirley Armstrong	From	Carol Akeredrea
Co.		Co.	
Dept.		Phone #	267-4653
Fax #	115-11970	Fax #	

(e) Public officials responsible for the [the social service] programs of the state that [shall be structured to] provide an avenue for people who are unemployed to make the transition from welfare to employment and self-sufficiency [and] shall coordinate [to ensure that] the public assistance, social services and human resource development services [are] available to a client [in a centralized location with convenient, coordinated hours of service].

(f) Public officials responsible for human resource programs will coordinate to minimize duplication of programs, increase sharing of resources, and make access to information and services more convenient to the people of the state.

(g)[f] To plan, monitor, and coordinate the programs, systems, and activities identified in this section, the governor shall use the Alaska Job Training Council as the recognized state job training coordinating council. The council shall submit a report making recommendations on ways in which the state can enhance the coordination and delivery of economic development and human resource development programs and systems, education programs and systems, including vocational education, the job training system, and social service programs to enable the people of the state to become part of a literate, skilled, and productive work force and to have an opportunity to earn a living wage. The council shall submit the report every other year to the governor and to the legislature, in years alternating with the Governor's Coordination and Special Services Plan.

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/18/94

FURTHER: L&C
HES
STA

Date of 5-Day Notice: 1/25/94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: _____

CRA Committee considered SB 255

"An Act establishing a comprehensive policy relating to human resource development in the state."

and recommends:

replace with CS SB 255 (CRA)

same title
 new title
 technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
DCRA	1/27/94	0	
DOL	1/31/94	0	
DOFA	2/4/94	0	
DOE	2/7/94	0	
DOA	2/8/94	0	
DHSS	2/8/94	0	

Department	Date	Zero	Fiscal
DMVA	2/7/94	0	
DDK	2/10/94	0	
DFID	2/10/94	0	
DFG	2/10/94	0	

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

KCCP E. McC...

OTHER RECOMMENDATIONS:

W. Adams - No Rec

Kevin L. Taylor No Rec
Loren A. Human No Rec

(KCCP E. McC... D.C. P...)
Chair: Signature and Recommendation



WALTER J. HICKEL, GOVERNOR

REPLY TO: Department of Community
and Regional Affairs
333 W. 4th Avenue
Suite 220
Anchorage, Alaska 99501-2341
Phone: (907) 269-4500
Fax: (907) 269-4520

ALASKA JOB TRAINING COUNCIL

MEMO TO: Members of the AJTC

FROM: Debra Call
Chair, Executive Committee

DATE: January 10, 1994

SUBJECT: Policy for Human Resource Development

Everyone is aware by now that the Executive Committee of Council has been working for the past year on drafting a policy for human resource development in the state. The Committee met on January 15, 1994, to consider language contained in a working draft of proposed legislation. The attached copy of *Senate Community and Regional Affairs Committee Bill No. 255* entitled "An Act establishing a comprehensive policy relating to human resource development in the state" is that adopted by the Executive Committee at its meeting on January 15.

Background. As you will recall, at the last meeting of Council on November 18, 1993, a resolution was adopted which endorsed development of a human resource development policy and provided direction to the Chair to carry the issue to the Governor. Following recess of Council that first day, the Executive Committee met in worksession to decide upon strategy to move the issue forward given the direction by Council. At that worksession it was agreed that the policy would be moved along three tracks simultaneously. That is, the AJTC would take draft policy to the Governor (1) at the same time that the legislature considered a 'policy' bill (2) while the Council was then taking the policy to other public advisory bodies for support and endorsement (3). The consensus at the meeting was to proceed with this strategy. I then briefed the Council of the results of our committee work at the earliest opportunity, which was the morning of November 19.

Policy Drafted. Staff of DCRA and Legislative Legal Services began developing a policy statement in the form of draft legislation. The first working draft was presented to the Executive Committee for review and comment on January 15. Committee members spent nearly three hours reviewing the document, line by line. Comments were provided with directions for changes. The attached copy incorporates the language as passed by a majority vote of 3 to 1 (Chair abstaining).

Following discussion of specific language, the Committee then spent time discussing strategy to carry the policy to the Governor, Legislature and advisory groups, given the fact that legislative session was already underway. It was moved that due to severe time constraints in the required readings of legislation, the Committee vote to allow introduction of the bill in the Senate Community and Regional Affairs Committee on Tuesday, January 18, 1994, with the understanding that there may be changes resulting from the full Council review at this January 24, teleconference. The motion passed with no opposition (Chair abstained).

Members of the AJTC
January 18, 1994
Page Two

Council Review. In accordance with the terms of the Committee's motion, this legislation is being presented to the full Council for review and comment at next week's meeting. Please review the document carefully and come to the meeting prepared to discuss.

If you have questions regarding this bill please contact Bruce Geraghty in Juneau at 465-4700 or Tony Nakazawa in Anchorage at 269-4607. I hope to hear all members on line next Monday.

Distribution List:

MEMBERS OF THE ALASKA JOB TRAINING COUNCIL:

Debra Call, Chair

Mr. James Caldarola	Ms. Jewel Jones
Mr. H. Leo Brown	Mr. Ralph L. Kibby
Mr. Percy Frisby	Mr. Bruce A. Kleven
Mr. Joseph R. Gabrielle	Ms. Judy Knight
Mr. Bruce R. Geraghty	Ms. Jo Ann C. McDowell
Ms. Sharon Guenther	Ms. Sarah H. Palin
Ms. Jan Hansen	Senator Randy Phillips
Ms. JuAnn B. Henderson	Mr. David Rees
Mr. Kay G. Hoch	Representative Jerry Sanders
Ms. Mary E. Shields	Ms. Julie A. Ward
	Mr. Mike Young

AJTC COMMITTEES

EXECUTIVE COMMITTEE

Debra Call
Percy Frisby
David Rees
James Caldarola
Ralph Kibby

PROGRAM COMPLIANCE

Kay Hoch
Julie Ward
James Caldarola
Judy Knight
Sarah H. Palin

COORDINATION

Jewel Jones
Jan Hansen
Bruce Kleven
Mary Shields
David Rees

AD HOC (to research different issues and offer support to other committees as needed)

Jo Ann Henderson
Percy Frisby
Rep. Jerry Sanders
Sen. Randy Phillips
Bruce Geraghty
Jo Ann C. McDowell
Ralph Kibby
H. Leo Brown
Joseph R. Gabrielle
Sharon Guenther

7785
CA:JMB
revised 12/29/93

Goal #1: Provide employers with a diversified, multi-skilled workforce.

1. Objective: Participation by employers.
2. Objective: Develop private/public partnerships to train employees.
3. Objective: Encourage new and expanding businesses to hire job training participants.

Coordination Criteria:

- Job Training Plans of Private Industry Councils (PICs) must describe ways in which employers will be involved in the development of training programs.
- Create incentives to maximize participation by employers ie. monetary advantages, reduction in paperwork or simplification in program delivery.
- Market and promote programs to educate employers of benefits to participation.
- Analyze market information to determine employers' needs.
- Target training resources to occupations having high non-resident employees.
- Design training programs to meet the needs of employers.

4. Objective: Promote training and placement opportunities for women in 'nontraditional' employment.**Coordination Criteria:**

- Broaden employers' awareness of any mandated requirements for entry of women into 'nontraditional' employment.
- Provide technical assistance and a one-stop environment to employers to meet the established goals of the '92 job training reform amendments.

PRIORITY ACTION STEP: Maximize employer participation by having a meeting or meetings between employers and providers.

Goal #2: Increase coordination of workforce development programs to maximize service delivery from the available resources.

1. Objective: Remove barriers to collaboration.

Barriers to Collaboration:

- | | |
|--|--|
| °Lack of communication | °Political changes resulting in loss of jobs |
| °Differing performance standards | °Lack of overall state policy for human resource development |
| °Changing regulations and program requirements | °Knowing who to collaborate with, ie. AR DORS |
| °De-funding programs or changes in program funding | °Geographic separation and transportation costs |
| °Number of federal programs | °Number of agencies involved at the state and local levels |

Coordination Criteria :

(Ways to remove barriers to collaboration)

- Participate in the development of a statewide human resource investment policy.
- Institute an ongoing forum for communication among all relevant programs.
- Develop an electronic bulletin board (make use of current technology).
- Develop a resource directory for workforce development.

2. Objective: Provide Incentives.

Coordination Criteria :

- Develop economic and programmatic incentives (\$) for collaboration among programs. The collaboration would result in accomplishment of individual program goals.
- Develop performance standards to reward collaboration.
- Share resources and real information across programs to the extent permissible.

3. Objective: Integrate Services.

Coordination Criteria :

- Use technology to address integration issues linking regions, communities and the state as a whole.
- With the philosophy "Any Door is the Right Door", work toward 'one-stop shopping' permitting programs other than your own to do some basic client intake and assessment.
- Begin joint assessment and joint planning processes across programs.
- *Assess confidentiality requirements which impede collaboration among agencies and identify strategies to address them.*

4. Objective: Share evaluations of workforce development programs.

Coordination Criteria :

- Develop a central clearinghouse for data/jobs/program evaluations, etc.

PRIORITY ACTION STEP: Participate in the development of a statewide human resource investment policy.

Goal #3: Employment and training programs shall assist the economically disadvantaged, at-risk youth, dislocated worker and the marginally employed to become self-supporting.

1. Objective: Provide workforce development services to welfare recipients, particularly JOBS participants, in order to provide basic skills and training necessary for long term employability.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Basic education should be provided to persons determined to need additional education. Where possible, basic education should be concurrent or integrated with job specific skills training.
- Job skills training must be tailored to the abilities and interests of JOBS clients.
- Training programs must help trainees arrange for child care during training and in transition to the world of work.

2. Objective: Provide services to those people having multiple barriers to employment to enable them to become self-sufficient.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Develop and distribute a statewide resource and referral manual.

3. Objective: Provide opportunities for Alaska's older residents to return to work, placing particular emphasis on those who have additional barriers to employment.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Programs should promote the benefits of hiring older workers.
- Provide outreach and recruitment of older workers.

4. Objective: Identify and serve Alaskans with disabilities or other special needs.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Workforce development plans must demonstrate that service strategies to persons with disabilities are coordinated with the Division of Vocational Rehabilitation.

5. Objective: Assist students in the transition from school to work.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Maintain state based career information tools including AKCIS and the Alaska Career Guide.
- Promote Tech-Prep and the integration of academic and vocational education as included in ALASKA 2000.
- *Coordinate the state's School-to-Work Initiative with other work readiness initiatives such as Alaska-Youth Ready For Work, WISE, Tech Prep, etc.*

6. Objective: Meet the needs of dislocated workers through collaboration in the outreach and provision of training and placement services.

Coordination Criteria :

- Use 'case management' for clients while agencies work as a 'team' of resources.
- Enhance the cooperative provision of multiple agency "Rapid Response Teams" to mitigate the impact of business/industry lay-offs.
- Ensure that unemployment insurance claimants are informed about training under the State Training and Employment Program.

PRIORITY ACTION STEP: Produce and distribute a resource and referral manual.

A M E N D M E N T

OFFERED IN THE SENATE HESS

BY R. PHILLIPS

TO: CSSB 255 (CRA)

Page 3, line 5:

Insert a new subsection to read:

"(h) The legislative auditor shall conduct a performance audit of the implementation of the policy provided in this section during fiscal year 1998 and every four years thereafter."

SB

268

WALTER J. HICKEL
GOVERNOR



P. O. Box 110001
Juneau, Alaska 99811-0001
907-465-3500

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 28, 1994

268

*The Honorable Rick Halford
President of the Senate
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182*

Dear Mr. President:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the licensing, by the Department of Health and Social Services (DHSS), of facilities for the care of children, child placement agencies, maternity homes, and residential facilities and foster homes for adults. The bill reorganizes and clarifies existing licensing statutes and provides much-needed detail in the statutes. The bill's reorganization of the statutes separates licensing of child-related facilities from licensing of adult facilities.

Sections 5 and 7 - 12 of the bill set out new statutory provisions that provide for the licensing and regulation of child foster homes, child care facilities, residential child care facilities, child placement agencies, and maternity homes. Section 7 of the bill clarifies which of these facilities are required to be licensed and which are exempt from licensure. Licensing procedures and requirements, appeal procedures, and operational requirements that apply to all such facilities are set out in secs. 7 - 11. Those sections provide for provisional licenses and biennial licenses, and specify that DHSS must inspect and investigate a facility before either a provisional license or initial biennial license is issued. Renewal procedures for biennial licenses are also provided. Complaint, investigation, and other enforcement provisions are set out in sec. 12 of the bill.

Section 13 of the bill sets out a separate article in AS 47.35 to address licensure and regulation of adult residential care facilities. Many of the provisions in secs. 7 - 12 of the bill are incorporated by reference in the adult residential care facility article. I intend to introduce a bill this session relating to "assisted living homes" for adults; that bill will place licensing and regulation of adult residential facilities in a new chapter in

The Honorable Rick Halford
January 28, 1994
Page 2

AS 47. If that bill passes the legislature and becomes law, sec. 13 of the attached bill will not take effect. See sec. 21 of the bill.

Sections 14 and 15 of the bill set out general provisions for administrative adjudication procedures, liability immunity, criminal penalty, and definitions for AS 47.35.

Sections 1 - 4 and 6 of the bill make conforming amendments to existing statutes to reflect changes made by secs. 5 and 7 - 15 of the bill. Section 16 of the bill repeals most of the existing statutes in AS 47.35 -- their provisions have been reworded and reorganized in secs. 5 and 7 - 15 of the bill. Section 17 of the bill contains transition provisions that specify how the bill affects existing as well as new facilities.

Section 18 of the bill authorizes DHSS to begin the regulation adoption process so that necessary regulations can take effect on the effective date of the statutory changes made by the bill. Sections 19 - 21 provide an immediate effective date for sec. 18 and a January 1, 1996 effective date for the statutory changes made by the remainder of the bill. Section 21 makes the January 1, 1996 effective date for sec. 13 contingent on another adult residential facility bill not becoming law, as discussed earlier in this letter.

I urge your support of this important legislation.

Sincerely,



Walter J. Hickel
Governor

8-GS2004NE L
Lauterbach
4/6/94

CS FOR SENATE BILL NO. 268(HES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered:
Referred:

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to facilities for the care of children; to child placement
2 agencies; to maternity homes; to certain residential facilities for adults; and to
3 foster homes for adults; and providing for an effective date."

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

5 * Section 1. AS 11.61.195(a) is amended to read:

6 (a) A person commits the crime of misconduct involving weapons in the
7 second degree if the person knowingly

8 (1) possesses a firearm during the commission of an offense under
9 AS 11.71.010 - 11.71.040; or

10 (2) violates AS 11.61.200(a)(1) and is within the grounds of or on a
11 parking lot immediately adjacent to

12 (A) a public or private preschool, elementary, junior high, or
13 secondary school without the permission of the chief administrative officer of
14 the school or district or the designee of the chief administrative officer; or

1 (B) a center, other than a private residence, licensed under
2 AS 47.35 [AS 47.35.010 - 47.35.075] or recognized by the federal government
3 for the care of children.

4 * Sec. 2. AS 11.61.220(a) is amended to read:

5 (a) A person commits the crime of misconduct involving weapons in the fifth
6 degree if the person

7 (1) knowingly possesses a deadly weapon, other than an ordinary
8 pocketknife or a defensive weapon, that is concealed on the person;

9 (2) knowingly possesses a loaded firearm on the person in any place
10 where intoxicating liquor is sold for consumption on the premises;

11 (3) being an unemancipated minor under 16 years of age, possesses a
12 firearm without the consent of a parent or guardian of the minor;

13 (4) knowingly possesses a firearm

14 (A) or a defensive weapon within the grounds of or on a
15 parking lot immediately adjacent to a public or private preschool, elementary,
16 junior high, or secondary school without the permission of the chief
17 administrative officer of the school or district or the designee of the chief
18 administrative officer, except that a person 21 years of age or older may
19 possess

20 (i) an unloaded firearm in the trunk of a motor vehicle
21 or encased in a closed container in a motor vehicle;

22 (ii) a defensive weapon; or

23 (B) within the grounds of or on a parking lot immediately
24 adjacent to a center, other than a private residence, licensed under AS 47.35
25 [AS 47.35.010 - 47.35.075] or recognized by the federal government for the
26 care of children; or

27 (5) possesses or transports a switchblade or a gravity knife.

28 * Sec. 3. AS 18.50.950(4) is amended to read:

29 (4) "child adoption agency" means a child adoption agency licensed
30 under AS 47.35 [AS 47.35.100];

31 * Sec. 4. AS 25.23.185(c) is amended to read:

1 (c) A child adoption agency licensed under AS 47.35 [AS 47.35.100] shall
2 maintain records of the information required to be furnished to the court under this
3 section or under regulations of the commissioner implementing this section. If a child
4 adoption agency ceases to place persons for adoption, it shall transfer its records to the
5 commissioner.

6 * Sec. 5. AS 44.21.240(2) is amended to read:

7 (2) "long term care facility" means a [FOSTER HOME OR OTHER]
8 residential facility for [DEPENDENT] adults that is required to be licensed under
9 AS 47.35 and a nursing home as defined in AS 08.70.180;

10 * Sec. 6. AS 44.47.305(b) is amended to read:

11 (b) To qualify for a grant under (a) or (d) of this section, the child care facility
12 must

13 (1) be currently licensed under AS 47.35 [AS 47.35.010 - 47.35.075]
14 and applicable municipal licensing requirements;

15 (2) participate in the day care assistance program under AS 44.47.250
16 - 44.47.310; and

17 (3) provide care under a payment system as provided in (g) of this
18 section.

19 * Sec. 7. AS 44.47.310(2) is amended to read:

20 (2) "child care facility" means an establishment licensed under
21 AS 47.35 [AS 47.35.010 - 47.35.075], including [BUT NOT LIMITED TO] day care
22 centers, family day care homes, and schools for preschool age children, which provides
23 care for children not related by blood, marriage, or legal adoption to the owner,
24 operator, or manager of the facility;

25 * Sec. 8. AS 44.47.310(4) is amended to read:

26 (4) "day care facility" means a center or home licensed in accordance
27 with the provisions of AS 47.35 [AS 47.35.010 - 47.35.075] or recognized by the
28 federal government for the care of children;

29 * Sec. 9. AS 44.62.330(a)(24) is amended to read:

30 (24) Department of Health and Social Services, relating to denial,
31 involuntary conditioning, or revocation of a license issued under AS 47.35, or

1 suspension of operations or admissions or assessment of an administrative fine
2 under AS 47.35 [RELATING TO BOARDING AND FOSTER HOMES FOR
3 CHILDREN];

4 * Sec. 10. AS 47.35 is amended by adding a new section to read:

5 Sec. 47.35.005. PURPOSE; APPLICABILITY. (a) The purpose of this
6 chapter is to establish and maintain standard levels for services offered to children in
7 child care facilities, foster homes, and residential child care facilities; services offered
8 by child placement agencies; and services offered to pregnant individuals in maternity
9 homes. The legislature recognizes the responsibility of parents to select and monitor
10 caregivers for their children in order to ensure a reasonably safe and developmentally
11 appropriate child care environment. The community care licensing procedures in this
12 chapter are intended to reduce predictable risk of harm to children and to provide
13 support services to those providing child care or services.

14 (b) This chapter and regulations adopted under this chapter apply to facilities
15 and agencies

16 (1) for which licensure is required by or under AS 47.35.015; or

17 (2) that are exempt under AS 47.35.015 from licensure but for which
18 a license is issued under AS 47.35.015(g).

19 * Sec. 11. AS 47.35.010 is amended to read:

20 Sec. 47.35.010. POWERS OF DEPARTMENT. (a) The department may

21 (1) license and supervise [BOARDING HOMES,] foster homes, child
22 care facilities, residential child care facilities, child placement agencies, and
23 maternity [GROUP] homes [, NURSERIES, INSTITUTIONS CARING FOR
24 CHILDREN AND FOSTER HOMES, GROUP HOMES AND INSTITUTIONS
25 CARING FOR DEPENDENT ADULTS];

26 (2) investigate applicants, [AND SUPERVISE] licensees, and persons
27 that the department reasonably believes are operating a facility without a license
28 in violation of this chapter;

29 (3) adopt regulations to implement the provisions of this chapter,
30 including regulations establishing licensure and renewal procedures, [ENFORCE
31 THE] standards, and fees; establishing requirements for operation of facilities or

1 agencies licensed under this chapter; and distinguishing between types of child
2 care facilities [ESTABLISHED BY IT];

3 (4) enter into agreements [CONTRACT] with private entities,
4 municipalities, or individuals [OR MUNICIPAL AGENCIES] to investigate and
5 make recommendations to the department for the licensing and supervision of
6 [BOARDING HOMES,] foster homes, child care facilities, residential child care
7 facilities, child placement agencies, and maternity [GROUP] homes [, NURSERIES,
8 INSTITUTIONS CARING FOR CHILDREN AND FOSTER HOMES, GROUP
9 HOMES AND INSTITUTIONS CARING FOR DEPENDENT ADULTS] under
10 procedures and standards of operation established by the department [; CONTRACTS
11 WITH PRIVATE AGENCIES UNDER THIS PARAGRAPH ARE GOVERNED BY
12 AS 36.30 (STATE PROCUREMENT CODE)].

13 (b) The department shall, within 90 days after receiving a written request that
14 it do so, delegate its powers relating to child care facilities [NURSERIES] under this
15 chapter [SECTION AND UNDER AS 47.35.040 - 47.35.060] to a municipality that
16 has adopted an ordinance providing for child [DAY] care licensing under home rule
17 powers under AS 29.10.010 or as authorized under AS 29.35.200 - 29.35.210. A
18 municipality to which these powers have been delegated may adopt, by ordinance,
19 additional requirements for child care facilities operating within its boundaries
20 if the requirements meet or exceed the requirements adopted [WAIVE OR
21 MODIFY ANY REGULATION OR STANDARD ESTABLISHED] by the department
22 [UNDER THE AUTHORITY OF AS 47.35.010 - 47.35.075 AS IT APPLIES TO
23 NURSERIES OR THE APPLICATION OF ANY SUCH REGULATION OR
24 STANDARD AS IT APPLIES TO A PARTICULAR DAY CARE LICENSEE BUT
25 MUST NOTIFY THE DEPARTMENT OF ANY WAIVER].

26 * Sec. 12. AS 47.35 is amended by adding new sections to read:

27 Sec. 47.35.015. LICENSE REQUIRED; EXEMPTIONS. (a) A person may
28 not operate a child care facility without a license issued under this chapter unless that
29 facility is exempt from licensure. The following facilities are exempt:

30 (1) a facility in which child care is regularly provided and each child's
31 parent is on the premises within reasonable proximity and accessibility to the child;

1 (2) a facility located on a United States Department of Defense or
2 United States Coast Guard installation that is located on federal property;

3 (3) a recreational program that children are allowed to attend and in
4 which the program assumes no responsibility for care of the children;

5 (4) a daytime therapeutic program of supervised, educational, and
6 rehabilitative services for children with special needs or behavioral problems;

7 (5) a program that asserts exemption as primarily educational and that
8 either

9 (A) is certified as a pre-elementary school under Department of
10 Education regulations adopted under AS 14.07.020; or

11 (B) serves children three years of age or older and is exempt
12 from Department of Education regulation;

13 (6) a temporary facility providing care for less than five continuous
14 weeks;

15 (7) a facility regularly providing child care to four or fewer children
16 unrelated to the caregiver;

17 (8) a facility in which the caregiver is a relative of all of the children.

18 (b) A person may not operate a foster home without a license issued under this
19 chapter unless that facility provides care only

20 (1) for relatives and the department does not require licensure under an
21 agreement for services;

22 (2) for one or more children nine years of age or older placed by a
23 parent with either

24 (A) authorization for emergency medical care; or

25 (B) a consent to temporary custody;

26 (3) for one or more exchange students placed by a sponsoring agency
27 in a home evaluated and approved by that sponsoring agency;

28 (4) for one or more children who are the subject of a petition for
29 adoption filed by the caregiver pending a final decree of adoption, if a home study has
30 been completed;

31 (5) for one or more children placed for adoption by a child placement

1 agency licensed under this chapter;

2 (6) for a child for up to 72 hours in a nonsecure attendant care setting
3 authorized by the department; or

4 (7) for a child on a 24-hour basis for a period of no more than 30 days
5 in a licensed child care facility meeting requirements for nighttime care adopted by the
6 department by regulation.

7 (c) A person may not operate a residential child care facility without a license
8 issued under this chapter unless that facility is

9 (1) a juvenile facility operated by the state under AS 47.10.150;

10 (2) a medical facility licensed by the department under AS 18.20;

11 (3) a recreational camp providing recreational experiences of no more
12 than one month's duration for a child; or

13 (4) exempt from licensure for a reason set out in (b)(6) or (7) of this
14 section.

15 (d) A person may not operate a maternity home without a license issued under
16 this chapter.

17 (e) A person may not arrange foster home, residential child care facility,
18 adoptive home, or guardianship placements for a child without a child placement
19 agency license issued under this chapter. The requirement for licensure does not apply
20 to

21 (1) state, federal, or municipal governments;

22 (2) school districts;

23 (3) an Indian organization, as defined in 25 U.S.C. 1903(7), that is
24 authorized to make placement decisions under 25 U.S.C. 1918 or 1919; or

25 (4) a person who places children for adoption by relatives.

26 (f) In addition to facilities and agencies that, under this section, are exempt
27 from licensure, the department, by regulation, may provide for additional exemptions
28 that the department considers appropriate.

29 (g) A person may apply for a license for a facility or agency that is exempt
30 from licensure under this section. The department may issue a license to an applicant
31 under this subsection if the applicant meets the requirements of this chapter and

1 regulations adopted under this chapter.

2 Sec. 47.35.017. APPLICATION FOR LICENSE. (a) Application for a license
3 to operate a foster home, child care facility, residential child care facility, child
4 placement agency, or maternity home, shall be made to the department on a form
5 provided by the department, and shall be accompanied by any applicable fees
6 established by the department under AS 47.35.010(a)(3).

7 (b) An application submitted under this section must contain at least the
8 following information:

9 (1) the name and address of the applicant, and if the applicant is an
10 agency, corporation, partnership, association, or any other form of organization, the
11 name, address, and title of all individuals who have an ownership or management
12 interest in the facility;

13 (2) the name, physical location, and mailing address of the facility or
14 agency for which the license is sought;

15 (3) the name and address of the administrator of the facility or agency,
16 if any;

17 (4) evidence that the administrator or foster parent is an adult with
18 sufficient experience, training, or education to fulfill the duties of an administrator or
19 foster parent;

20 (5) a release for the administrator or foster parent and for each other
21 person, as specified by the department by regulation, who will have contact with
22 individuals served by the facility or agency, authorizing the department to review all
23 federal, state, and municipal law enforcement, medical, licensing, and protective
24 services records, identified in regulations adopted under this chapter, that are relevant
25 to the person who is the subject of the release and to the type of license for which the
26 application has been submitted;

27 (6) for a facility, the number of individuals that will be served in the
28 facility;

29 (7) the type of facility or agency for which the license is sought;

30 (8) copies of all inspection reports and approvals required by state fire
31 prevention and environmental health and safety authorities for operation of the facility

1 or agency, including any variances granted by these authorities;

2 (9) a plan of operation, as required by the department by regulation;

3 (10) a staffing plan that describes the number of people who will work
4 at the facility or agency, staff qualifications, a description of each person's
5 responsibilities, and, for a facility other than a maternity home, a supervision schedule
6 for the children in care that meets the requirements established by the department by
7 regulation;

8 (11) evidence that the applicant has completed orientation or training
9 required by the department, by regulation, for holders of the type of license for which
10 the application was submitted; and

11 (12) other information required by the department, by regulation, in
12 order to monitor compliance with this chapter and regulations adopted under this
13 chapter.

14 * Sec. 13. AS 47.35 is amended by adding new sections to read:

15 Sec. 47.35.023. PROVISIONAL LICENSE; BIENNIAL LICENSE. (a) The
16 department shall issue a provisional license to a new facility or agency that applies
17 under AS 47.35.017 if, after inspection and investigation, the department determines
18 that the application and plan of operation for the facility or agency meet the
19 requirements of this chapter and regulations adopted under this chapter. A provisional
20 license is valid for a period not to exceed one year. The department may extend a
21 provisional license for one additional period not to exceed one year.

22 (b) Notwithstanding (a) of this section, if an emergency exists and a child must
23 be placed immediately, the department or the department's designee may issue a
24 provisional foster home license for a period of 90 days or less if the department or the
25 department's designee determines that the applicant meets minimal requirements for
26 emergency conditions.

27 (c) Before expiration of a provisional license issued under (a) or (b) of this
28 section, the department shall inspect and investigate the facility or agency in order to
29 determine whether the facility or agency is operating under the provisional license in
30 compliance with this chapter and applicable regulations.

31 (d) Before expiration of a provisional license, the department shall issue a

1 biennial license for the facility or agency if (1) after inspection and investigation under
2 (c) of this section, the department finds that the facility or agency is operating in
3 compliance with, and meets the licensure requirements of, this chapter and regulations
4 adopted under this chapter; (2) the ground for revocation set out in AS 47.35.130(a)(2)
5 does not exist; and (3) all applicable fees have been paid. The department shall
6 prepare a summary report of its findings and recommendations for issuance of a
7 biennial license.

8 (e) The issuance of a license by the department does not obligate the
9 department to place or maintain an individual in the facility or through the agency, or
10 to support the facility or agency financially.

11 Sec. 47.35.025. DENIAL OF LICENSE; RIGHT TO APPEAL. (a) If the
12 department denies an application for a license or decides not to issue a biennial
13 license, the department shall hand deliver to the prospective licensee, or mail to the
14 prospective licensee by certified mail, return receipt requested, a notice of denial of
15 licensure. The notice must contain a summary of the department's reasons for denial
16 of the license and a form for requesting a hearing under (b) of this section.

17 (b) A prospective licensee who was denied licensure may appeal the
18 department's decision by requesting a hearing, on the form provided by the
19 department, within 15 days after receipt of the notice of denial of licensure.

20 Sec. 47.35.027. VARIANCES. (a) The department may grant to an applicant
21 for a license under this chapter, or to a licensee, a variance from a requirement of this
22 chapter or a regulation adopted under this chapter if that person submits to the
23 department, on a form provided by the department, a complete variance request as
24 required by this section. A variance may be granted if

25 (1) the applicant or licensee proposes an alternative means, acceptable
26 to the department, to satisfy the intent of the requirement for which the variance is
27 requested; and

28 (2) the health and safety of children is adequately protected.

29 (b) A request for a variance must contain the following information:

30 (1) the statute or regulation from which the variance is sought;

31 (2) the reasons why the variance is needed;

- 1 (3) the period of time for which the variance is requested;
- 2 (4) the proposed alternative means of satisfying the intent of the
- 3 requirement for which the variance is requested;
- 4 (5) a statement as to how the health and safety of children will be
- 5 protected during the period of the variance; and
- 6 (6) assurance that the conditions of the facility or agency do not present
- 7 an imminent danger to the health or safety of individuals served by the facility or
- 8 agency.

9 (c) To evaluate a request for a variance, the department shall take one or more

10 of the following actions:

- 11 (1) investigate the statements in the request;
- 12 (2) inspect the facility or agency;
- 13 (3) schedule a conference with the applicant or licensee regarding the
- 14 variance request.

15 (d) The department's decision approving or denying a variance must be in

16 writing, and the department shall provide a copy of the decision to the person

17 requesting the variance. If the department grants the variance, the decision must state

18 the term of and conditions of the variance.

19 (e) If an applicant or licensee violates a condition of a variance granted under

20 this section, the variance is terminated.

21 Sec. 47.35.029. CONTENT OF LICENSE; POSTING. (a) A license issued

22 under this chapter must state

- 23 (1) the period of time during which the license is in effect;
- 24 (2) the name of the facility or agency;
- 25 (3) the type of facility or agency;
- 26 (4) the name of the licensee;
- 27 (5) the location and mailing address of the facility or agency;
- 28 (6) for a facility other than a maternity home, the number and age
- 29 range of children that the facility may have in care at any time;
- 30 (7) any conditions set by the department;
- 31 (8) variances approved by the department for the duration of the

1 license; and

2 (9) the address and phone number of the nearest department office that
3 is responsible for administering this chapter or of the department representative
4 responsible for evaluating that facility or agency under AS 47.35.010(a)(4).

5 (b) A licensee, except a foster home licensee, shall post the license in a
6 conspicuous place in the facility or agency visible to individuals in care and their
7 families, and to facility or agency staff. If the department has approved a variance that
8 is not stated on the license, the licensee, except a foster home licensee, shall post a
9 copy of the variance near the license. A foster home licensee shall have the facility
10 license available for inspection upon request.

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

12 Sec. 47.35.033. LICENSES NOT TRANSFERABLE. A license may be issued
13 under this chapter only for the location and person named in the application. A license
14 issued under this chapter may not be transferred to another person or location.

15 * Sec. 15. AS 47.35 is amended by adding new sections to read:

16 Sec. 47.35.037. ORIENTATION AND TRAINING. The department, by
17 regulation, may require that an applicant or licensee complete orientation or training
18 to assist that person in operating under the license.

19 Sec. 47.35.039. RECORDS REQUIRED. (a) In accordance with regulations
20 adopted by the department, a licensee shall keep the records regarding each individual
21 in its care, or that it places, that are necessary to show compliance with this chapter
22 and regulations adopted under this chapter.

23 (b) The department's licensing records, with the names of all individuals in
24 care and parents of minors in care deleted to protect the confidentiality of those
25 individuals, are available for public inspection, except for

26 (1) material made confidential by state or federal statutes or regulations;

27 (2) material that is part of an uncompleted licensing or complaint
28 investigation;

29 (3) records that would deprive an applicant, licensee, or other person
30 of a fair and impartial hearing; and

31 (4) records for which the department determines that disclosure would

1 constitute an unwarranted invasion of personal privacy.

2 (c) A government agency that provides funding to a facility or agency licensed
3 under this chapter may have access to that facility's or agency's records in order to
4 conduct an audit.

5 * Sec. 16. AS 47.35 is amended by adding new sections to read:

6 Sec. 47.35.043. MONITORING; INVESTIGATION. (a) By the first
7 anniversary of the effective date of a biennial license, including a renewed biennial
8 license, the licensee shall submit an annual self-monitoring report to the department.
9 The department shall specify, by regulation, the contents of the report.

10 (b) To encourage parents of children in child care facilities to become involved
11 in day-to-day monitoring of the care provided by the facilities, the department shall
12 require licensees to give to parents of children in child care in the licensee's facility
13 a summary of the regulatory requirements that apply to the facility and the
14 department's or department representative's telephone contact number for reporting a
15 concern regarding child care. The department also may provide notice of the
16 telephone contact numbers for reporting child care concerns.

17 (c) The department may conduct an investigation, including announced or
18 unannounced on-site inspections, for ongoing monitoring or to assist in its review of
19 an annual self-monitoring report.

20 Sec. 47.35.045. BIENNIAL LICENSE RENEWAL. (a) At least 90 days
21 before the expiration date of a biennial license, a licensee who wishes to remain
22 licensed shall submit, on a form provided by the department, an application for
23 renewal of the license and any associated variances.

24 (b) Before expiration of a biennial license, the department or its representative
25 shall inspect a facility or agency that is the subject of a renewal application.

26 (c) The department shall renew a biennial license if the department finds that

27 (1) the licensee

28 (A) either is in compliance with this chapter and regulations
29 adopted under this chapter or is substantially in compliance and has
30 implemented a plan of correction, approved by the department, that is designed
31 to bring the facility or agency into full compliance; and

1 (B) has maintained the facility or agency in good repair and is
2 in compliance with all state fire safety and environmental health and safety
3 code requirements;

4 (2) the ground for revocation set out in AS 47.35.130(a)(2) does not
5 exist; and

6 (3) all applicable fees have been paid.

7 (d) If the licensee submits a renewal application within the time period
8 required by the department by regulation, but the department is unable to complete its
9 review before the expiration date of the biennial license, the license is automatically
10 extended for six months, or until the department completes its review and either
11 approves or denies the application, whichever occurs first.

12 (e) If the department decides to approve an application for renewal, but finds
13 that the applicant is not in compliance with a provision of this chapter, a regulation
14 adopted under this chapter, or a condition on the license, the department, as a
15 condition on the renewed biennial license, shall require the applicant to correct any
16 violations and provide the department with verification of compliance.

17 (f) If the department denies an application for renewal, it shall provide the
18 applicant with a notice of denial of application. The notice must contain a written
19 statement of the reasons for denial and a form for requesting a hearing under (g) of
20 this section.

21 (g) An applicant whose application is denied may appeal the department's
22 decision by requesting a hearing, on the form provided by the department, within 15
23 days after receipt of the notice of denial of application.

24 Sec. 47.35.047. NOTICE OF CHANGES. (a) A licensee shall provide the
25 department with written notice of a change of mailing address at least 14 days before
26 the effective date of the change.

27 (b) A licensee shall notify the department within 24 hours after having
28 knowledge of an indictment or charging by information or complaint of an
29 administrator, foster parent, member of the licensee's household, regular volunteer, or
30 staff person for a felony, for a misdemeanor crime of assault, reckless endangerment,
31 contributing to the delinquency of a minor, or misconduct involving a controlled

1 substance, for the crime of perjury, as defined in AS 11 or the laws of another
2 jurisdiction, or for a sex crime as defined in AS 12.62.035.

3 (c) A licensee shall notify the department at least 20 days before the effective
4 date of a decision to relinquish the license.

5 (d) A licensee shall notify the department at least 20 days before the date on
6 which the licensee wishes to change the number of children in care or hours of
7 operation.

8 (e) A licensee shall notify the department no later than one day after signing
9 a contract for sale of the licensed facility or agency.

10 (f) A licensee shall notify the department at least 30 days before the licensee
11 wishes to change the location of the facility or agency.

12 * Sec. 17. AS 47.35 is amended by adding new sections to read:

13 Sec. 47.35.105. COMPLAINTS. (a) A person who believes that a provision
14 of this chapter, a regulation adopted under this chapter, or a condition of a license
15 issued under this chapter has been violated may file a verbal or written complaint with
16 the department.

17 (b) The department shall investigate all complaints filed under this section
18 unless the department reasonably concludes that the complaint is without merit.

19 (c) After an investigation under this section, the department shall prepare a
20 written report of investigation and shall mail a copy to the licensee or other person
21 who is the subject of the complaint, and to the complainant if requested. If the
22 department determines that a violation of this chapter, a regulation adopted under this
23 chapter, or a condition of a license issued under this chapter has occurred, the
24 department's report of investigation must contain the following:

25 (1) a description of the violation;

26 (2) a citation to the provision of this chapter or the regulation that has
27 been violated, if applicable; and

28 (3) either

29 (A) a date by which the violation must be corrected and a
30 verification of compliance submitted to the department; or

31 (B) a plan of correction.

1 (d) A licensee may submit to the department a written response regarding a
2 report of investigation relating to that facility or agency. The department shall retain
3 the written response in the licensing file.

4 (e) A licensee may not take retaliatory action against a person who files a
5 complaint. A complainant against whom retaliatory action has been taken may recover
6 treble damages in a civil action upon a showing that the actions were taken in
7 retaliation for the filing of a complaint.

8 Sec. 47.35.110. INVESTIGATIONS; SEARCH WARRANTS. (a) An
9 applicant for a license, or a licensee, shall cooperate with the department for purposes
10 of licensing investigations, investigations relating to ongoing monitoring of the facility
11 or agency, or investigations under AS 47.35.105 by

12 (1) permitting representatives of the department to inspect the facility
13 or agency, review records, interview staff, and interview individuals in care; and

14 (2) providing to the department information and documentation
15 requested by the department to determine compliance with this chapter and regulations
16 adopted under this chapter.

17 (b) Following an investigation relating to ongoing monitoring of a facility or
18 agency or relating to a facility that the department believes is operating without a
19 license in violation of this chapter, the department shall prepare and distribute a written
20 report of investigation as described in AS 47.35.105(c), and the facility or agency may
21 submit a response as described in AS 47.35.105(d).

22 (c) The department may seek a search warrant to inspect a facility or agency
23 if the

24 (1) department has probable cause to believe that the facility or agency
25 is operating without a license in violation of this chapter and the facility or agency
26 operator refuses to allow an inspection by the department; or

27 (2) licensee refuses to allow an inspection of the facility or agency by
28 the department.

29 Sec. 47.35.120. ENFORCEMENT ACTIONS. (a) During an investigation
30 under this chapter, the department, by written notice, may suspend operations of the
31 facility or agency if the department has reasonable cause to believe that a violation is

1 occurring that presents an imminent danger to the health or safety of the individuals
2 in care. A suspension under this subsection continues for the time period set by the
3 department and may continue until the department issues a report of investigation
4 under AS 47.35.105(c) or 47.35.110(b).

5 (b) If, after an investigation under this chapter, the department has determined
6 that a violation of this chapter or a regulation adopted under this chapter has occurred
7 or a ground for revocation or nonrenewal set out in AS 47.35.130 exists, has issued
8 a report of investigation under AS 47.35.105(c) or 47.35.110(b), and has determined
9 that voluntary compliance or a plan of correction is not appropriate, the department
10 may take one or more of the following enforcement actions, as the department
11 considers appropriate:

12 (1) delivery of a warning notice to the licensee or other person who is
13 the subject of the investigation;

14 (2) modification of the term of an existing license or reduction of the
15 number of children for whom care can be provided;

16 (3) suspension of operations of the facility or agency for a period of
17 time set by the department;

18 (4) suspension of admissions to the facility for a period of time set by
19 the department;

20 (5) nonrenewal of the license;

21 (6) revocation of the license;

22 (7) issuance of an order requiring immediate closure of the facility or
23 agency;

24 (8) assessment of an administrative fine of up to \$500 for each day a
25 violation continues, not to exceed a total of \$5,000 for a violation.

26 (c) The department shall provide the licensee or other person who is the
27 subject of an investigation with written notice of the department's decision under (b)
28 of this section to take enforcement action. The notice must contain a form for
29 requesting a hearing under (d) of this section and must describe

30 (1) each enforcement action that will be taken;

31 (2) the condition, if any, in the facility or agency that constitutes a

1 violation of this chapter or a regulation adopted under this chapter;

2 (3) the licensee's or other person's right to appeal the department's
3 decision to take an enforcement action described in (b)(2) - (8) of this section.

4 (d) A licensee or other person to whom a notice has been provided under (a)
5 or (c) of this section may appeal the department's decision to impose an enforcement
6 action described in (a) or (b)(2) - (8) of this section by filing a written request for a
7 hearing, on the form provided by the department, within 15 days after receipt of the
8 notice of enforcement action.

9 (e) Unless the violation that prompted enforcement action under (b) of this
10 section presents an imminent danger to the health or safety of the individuals in care,
11 an enforcement action described in a notice provided under (c) of this section may not
12 be imposed until the

13 (1) time period for requesting a hearing under (d) of this section has
14 passed without a hearing being requested; or

15 (2) department makes a final decision following a hearing requested
16 under (d) of this section.

17 (f) If a hearing is requested under (d) of this section, the department's decision
18 following the hearing is a final administrative order.

19 (g) If a hearing is not requested under (d) of this section, the department's
20 notice of enforcement action constitutes a final administrative order, which the
21 department may seek the court's assistance in enforcing.

22 (h) A licensee whose license was revoked or not renewed under this section
23 may not reapply for licensure under this chapter until after the time period, if any, set
24 by the department in its final administrative order. If a time period is not set by the
25 department, the revocation or nonrenewal is permanent, and the former licensee may
26 not again apply for licensure under this chapter.

27 (i) Assessment of an administrative fine under this section does not preclude
28 imposition of a criminal penalty under AS 47.35.820.

29 Sec. 47.35.130. GROUND FOR LICENSE REVOCATION OR
30 NONRENEWAL. (a) In addition to the ground of violation of this chapter or a
31 regulation adopted under this chapter, the department may revoke, or decline to renew,

1 a license issued under this chapter on one or more of the following grounds:

2 (1) failure to submit a timely and complete renewal application;

3 (2) the indictment or charging by information or complaint for, or a
4 criminal conviction within the last 10 years, of the licensee or facility administrator for
5 a felony; a misdemeanor crime of assault, reckless endangerment, contributing to the
6 delinquency of a minor, or misconduct involving a controlled substance; the crime of
7 perjury, as defined in AS 11 or the laws of another jurisdiction; or a sex crime as
8 defined in AS 12.62.035;

9 (3) obtaining or attempting to obtain or retain a license under this
10 chapter by fraudulent means, misrepresentation, or by submitting false information;

11 (4) failure to correct a violation noted in a report of investigation
12 provided under AS 47.35.105(c) or 47.35.110(b);

13 (5) failure to comply with a final administrative order issued by the
14 department under AS 47.35.120.

15 (b) A licensee may voluntarily relinquish the license or withdraw an
16 application for renewal.

17 ARTICLE 2. ADULT FACILITIES.

18 Sec. 47.35.210. POWERS OF DEPARTMENT REGARDING ADULT
19 RESIDENTIAL CARE FACILITIES. The department may

20 (1) license and supervise adult residential care facilities;

21 (2) investigate applicants, licensees, and persons that the department
22 believes are operating an adult residential care facility without a license in violation
23 of AS 47.35.210 - 47.35.250;

24 (3) adopt regulations to implement the provisions of AS 47.35.210 -
25 47.35.250, including regulations establishing licensure and operating standards;
26 application and licensure procedures and fees; license renewal procedures, standards,
27 and fees; procedures and standards for variances; and procedures regarding
28 enforcement actions and appeals;

29 (4) enter into agreements with private or municipal agencies, or with
30 individuals, to investigate and make recommendations to the department for the
31 licensing and supervision of adult residential care facilities under procedures and

1 standards of operation established by the department.

2 Sec. 47.35.220. LICENSE REQUIRED. A person may not operate an adult
3 residential care facility without a license issued under AS 47.35.210 - 47.35.250 unless
4 the facility is a Pioneers' Home operated by the state under AS 47.55.

5 Sec. 47.35.230. APPLICATION FOR LICENSE; LICENSING. Except as
6 otherwise provided in regulations adopted by the department, the procedures and
7 requirements in AS 47.35.017, 47.35.023, 47.35.025, 47.35.027, 47.35.029, 47.35.033,
8 and 47.35.045 apply to application for license for and licensure of an adult residential
9 care facility.

10 Sec. 47.35.240. RECORDS; REPORTS. (a) As required by the department
11 by regulation, the licensee for an adult residential care facility shall

12 (1) keep records regarding adults in care in the facility; and

13 (2) submit reports to the department.

14 (b) The department's licensing records, with the names of adults in care
15 deleted, are available for public inspection, except for material described in
16 AS 47.35.039(b)(1) - (4).

17 (c) A government agency that provides funding to a facility licensed under
18 AS 47.35.210 - 47.35.250 may have access to the facility's records in order to conduct
19 an audit.

20 (d) The provisions of AS 47.35.047(a), (b), (c), (e), and (f), regarding notice
21 to the department of certain changes, apply to an adult residential care facility licensed
22 under AS 47.35.210 - 47.35.250.

23 Sec. 47.35.250. COMPLAINTS; INVESTIGATIONS; ENFORCEMENT
24 ACTIONS. Except as provided otherwise in regulations adopted by the department,
25 the provisions of AS 47.35.105, 47.35.110, 47.35.120, and 47.35.130, regarding
26 complaints, investigations, and enforcement actions, apply to an adult residential care
27 facility.

28 ARTICLE 3. MISCELLANEOUS PROVISIONS.

29 Sec. 47.35.800. ADMINISTRATIVE PROCEDURE. The administrative
30 adjudication provisions of AS 44.62 (Administrative Procedure Act) apply to an appeal
31 from a department decision under this chapter relating to denial, involuntary

1 conditioning, or revocation of a license, suspension of operations or admissions, or
2 assessment of an administrative fine.

3 Sec. 47.35.810. IMMUNITY FROM LIABILITY. (a) A person operating
4 under agreement with the department under AS 47.35.010(a)(4) is immune from civil
5 liability that might otherwise be incurred or imposed for acts or omissions that
6 occurred during the performance of the person's duties on behalf of the department if
7 the person was operating within the scope of the duties delegated to the person under
8 the agreement.

9 (b) The department and its employees are not liable for civil damages as a
10 result of an act or omission in the licensing, monitoring, or supervision of a facility
11 or agency licensed under this chapter. This subsection does not preclude liability for
12 civil damages as a result of gross negligence or reckless or intentional misconduct.

13 Sec. 47.35.820. PENALTY. A person who violates a provision of this chapter
14 or a regulation adopted under this chapter is guilty of a class B misdemeanor.

15 * Sec. 18. AS 47.35.900 is repealed and reenacted to read:

16 Sec. 47.35.900. DEFINITIONS. In this chapter,

17 (1) "administrator" means an individual who has general administrative
18 charge and oversight of a facility or agency;

19 (2) "agency" means a child placement agency;

20 (3) "child" means an individual under 18 years of age, and includes an
21 individual who is a relative of a care provider, administrator, or foster parent;

22 (4) "child care" means, care, supervision, and provision of
23 developmental opportunities, with or without compensation, to a child who does not
24 have a parent present;

25 (5) "child care facility" means a place where child care is regularly
26 provided for children under the age of 12 for periods of time that are less than 24
27 hours in duration unless nighttime care is authorized by the department;

28 (6) "child placement agency" means a person who arranges for
29 placement of a child

30 (A) in a foster home, residential child care facility, or adoptive
31 home; or

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(B) for guardianship purposes;

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

(8) "facility" means the administration, program, and physical plant of a foster home, child care facility, residential child care facility, or maternity home;

(9) "foster home" means a place where the adult head of household provides 24-hour care on a continuing basis to one or more children who are apart from their parents;

(10) "home study" means a written report of an investigation of the prospective adoptive or foster parent or parents' ability to care for a child that has been prepared in accordance with AS 25.23.100(f);

(11) "licensee" means a person to whom a license has been issued under this chapter;

(12) "maternity home" means a place of residence whose primary function, with or without compensation, is to give care to pregnant individuals, regardless of age, before or after the individual gives birth, or that provides care, as needed, to mothers and their newborn infants;

(13) "nonsecure attendant care setting" means an unlocked place that is an alternative to an adult jail or other locked setting, where an employee, adult head of household, or volunteer provides care for one or more children 10 years of age or older who are under arrest and who are apart from their parents;

(14) "parent" means a birth or adoptive parent or a legal guardian;

(15) "recreational camp" means a place that provides recreational opportunities to children who attend with the consent of their parent;

(16) "relative" means an individual who is related to another through any of the following relationships, by blood, adoption, or marriage: parent, grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother, cousin, aunt, uncle, great-aunt, great-uncle or step-grandparent;

(17) "residential child care facility" means a place, staffed by employees, where one or more children who are apart from their parents receive 24-hour care on a continuing basis.

* Sec. 19. AS 47.40.110 is amended to read:

1 Sec. 47.40.110. LICENSING AND SUPERVISION. A person providing
2 services purchased by the Department of Health and Social Services under
3 AS 47.40.100 - 47.40.120 shall, if required to be licensed under AS 47.35, be licensed
4 and supervised in the same manner as foster homes and [, BOARDING HOMES,]
5 maternity homes [, AND OTHER AGENCIES AND INSTITUTIONS] under
6 AS 47.35.

7 * Sec. 20. AS 47.35.020, 47.35.030, 47.35.035, 47.35.040, 47.35.055, 47.35.060, 47.35.070,
8 47.35.075, 47.35.090, and 47.35.100 are repealed.

9 * Sec. 21. APPLICABILITY; IMPLEMENTATION. (a) AS 47.35, as amended by this
10 Act, applies to all foster homes, child care facilities, residential child care facilities, child
11 placement agencies, and maternity homes, as defined in AS 47.35.900, as amended by sec. 18
12 of this Act, that are in operation on January 1, 1996, as well as to all such facilities and
13 agencies that begin operation on or after January 1, 1996.

14 (b) A foster home, child care facility, residential child care facility, child placement
15 agency, or maternity home, as defined in AS 47.35.900, as amended by sec. 18 of this Act,
16 that is in operation on January 1, 1996, and that was licensed by the Department of Health and
17 Social Services before January 1, 1996, may continue to operate under that license until the
18 expiration date of the license, or until a complaint is filed, whichever occurs first. On the date
19 that the license expires or a complaint is filed, whichever occurs first, the procedures in
20 AS 47.35, as amended by this Act, including license renewal procedures, first apply to such
21 a facility or agency.

22 (c) If AS 47.35.210 - 47.35.250, enacted in sec. 17 of this Act, take effect, AS 47.35,
23 as amended by this Act, applies to residential facilities for dependent adults and to foster
24 homes for adults that are in operation on January 1, 1996, as well as to adult residential care
25 facilities that begin operation on or after January 1, 1996. A residential facility for dependent
26 adults or a foster home for adults that is in operation on January 1, 1996, and that was
27 licensed by the Department of Health and Social Services before that date may continue to
28 operate under that license until the expiration date of the license or until a complaint is filed,
29 whichever occurs first. On the date that the license expires or a complaint is filed, whichever
30 occurs first, the adult residential care facility procedures in AS 47.35, as amended by this Act,
31 including license renewal procedures, first apply to such a facility or foster home.

1 * Sec. 22. TRANSITION; REGULATIONS. Notwithstanding secs. 25 and 26 of this Act,
2 the Department of Health and Social Services may proceed to adopt regulations necessary to
3 implement the provisions of this Act. The regulations take effect under AS 44.62
4 (Administrative Procedure Act), but not before January 1, 1996.

5 * Sec. 23. AS 47.35.210 - 47.35.250, enacted in sec. 17 of this Act, take effect only if a
6 bill that provides for a licensing and regulatory structure for residential facilities for adults
7 other than this Act is not enacted into law after passing the Second Session of the Eighteenth
8 Alaska State Legislature.

9 * Sec. 24. Sections 22 and 23 of this Act take effect immediately under AS 01.10.070(c).

10 * Sec. 25. Except for AS 47.35.210 - 47.35.250, enacted in sec. 17 of this Act, secs. 1 -
11 21 of this Act take effect January 1, 1996.

12 * Sec. 26. Subject to sec. 23 of this Act, AS 47.35.210 - 47.35.250, enacted in sec. 17 of
13 this Act, take effect January 1, 1996.

FISCAL NOTE

No. 1

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Bill Version: SB 268

(S) Publish Date: 1-28-94

Revision Date: December 17, 1993 Dept. Affected: Health and Social Services
 Title: Community Care Licensing Statute BRU: Family & Youth Services
 Component: Central Office
 Sponsor: Rules Committee by request of the Governor
 Requestor: _____ COMPONENT SERIAL NO. _____

Expenditures/Revenues:		(Thousands of Dollars)				
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES						
TRAVEL	45.0	20.0				
CONTRACTUAL	20.0	15.0				
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	65.0	35.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGES IN REVENUES

FUND SOURCE		(Thousands of Dollars)				
1002 Federal Receipts						
1003 GF Match						
1004 GF	65.0	35.0				
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	65.0	35.0	0.0	0.0	0.0	0.0

POSITIONS:
 FULL-TIME _____
 PART-TIME _____
 TEMPORARY _____

Estimate of current year (FY94) impact: _____

ANALYSIS: (Attach a separate page if necessary)
 This bill focuses licensing on children and families; removing two types of care -- adult foster homes and adult residential care -- from the licensing statute. It consolidates all the basic licensing procedures into the bill, so that each program regulation will only address the program issues. The existing licensing statute needs to be revised to address significant changes in licensing which have occurred since the statute was first enacted. There is a lot of public interest and support for the licensing of child care facilities.

There will be an 18 month implementation in order to allow the Division time to revise all regulations with appropriate public input. The bill takes full effect on January 1, 1996.

Continued

Prepared by: Deborah R. Wing, Director *Deborah R. Wing* Phone: 465-3191
 Division: Division of Family & Youth Services Date: 01/24/94

Approved by Commissioner: Margaret R. Lowe *Margaret R. Lowe* Date: 1-25-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

In FY95, the Division will appoint a task force of providers, licensing staff and others to recommend standards for operation. \$65,000 will be needed to begin the implementation of the changes. The \$45,000 in the travel line will fund the task force travel, and travel for staff to conduct public hearings. The \$20,000 contract line will fund a contractor to draft standards for each program area, and to revise the drafts after public comment.

In FY96, the \$35,000 will go toward finalizing the implementation. Contractual money will go for design and publication of forms and guidebooks to implement the standards. \$20,000 will fund regional training for different care types.

It is expected that full implementation of this bill will require more funds than the \$100,000 built into this fiscal note; however, some of the work required for service improvements will be assumed by existing staff and resources. The impact of all the changes required by this bill at one time cannot, however, be assumed by existing staff. The improvements to the licensing program that this bill will accomplish are very important to the citizens of this state.

The revision of the licensing statute will have a major program impact on the Division of Family and Youth Services. There will be immediate need to work with those affected to propose and draft at least six sets of licensing regulations, conduct public hearings, revise drafts and promulgate regulations, develop implementation materials including forms and guidebooks for each type of care, revise the licensing procedures manual for staff, train licensees and licensing staff. The Department of Law advises this must be done within 18 months.

Community participation in the revision of standards is important to ensure that the standards developed are clear and viable, and that there is consensus.

Community Care Licensing Bill

Goals

- ◆ Licensing is intended to reduce risk to our most vulnerable citizens
- ◆ The legislation will enhance efficiency to accomplish more with the same resources.

Background

- ◆ DFYS licenses nearly 2,000 facilities and agencies.
- ◆ The public demands more licensed care settings.

- ◆ Workers now license up to nine kinds of care.
- ◆ Workload standards: exceeded by 50% in some places.
- ◆ Many workers also have protective services duties.
- ◆ Workers must know 40 pages of licensing procedures.

Passing Community Care Licensing & Assisted Living will

- ◆ Focus DFYS on children and families.
- ◆ Transfer regulation of care for elders or adults with a disability to divisions in those fields.

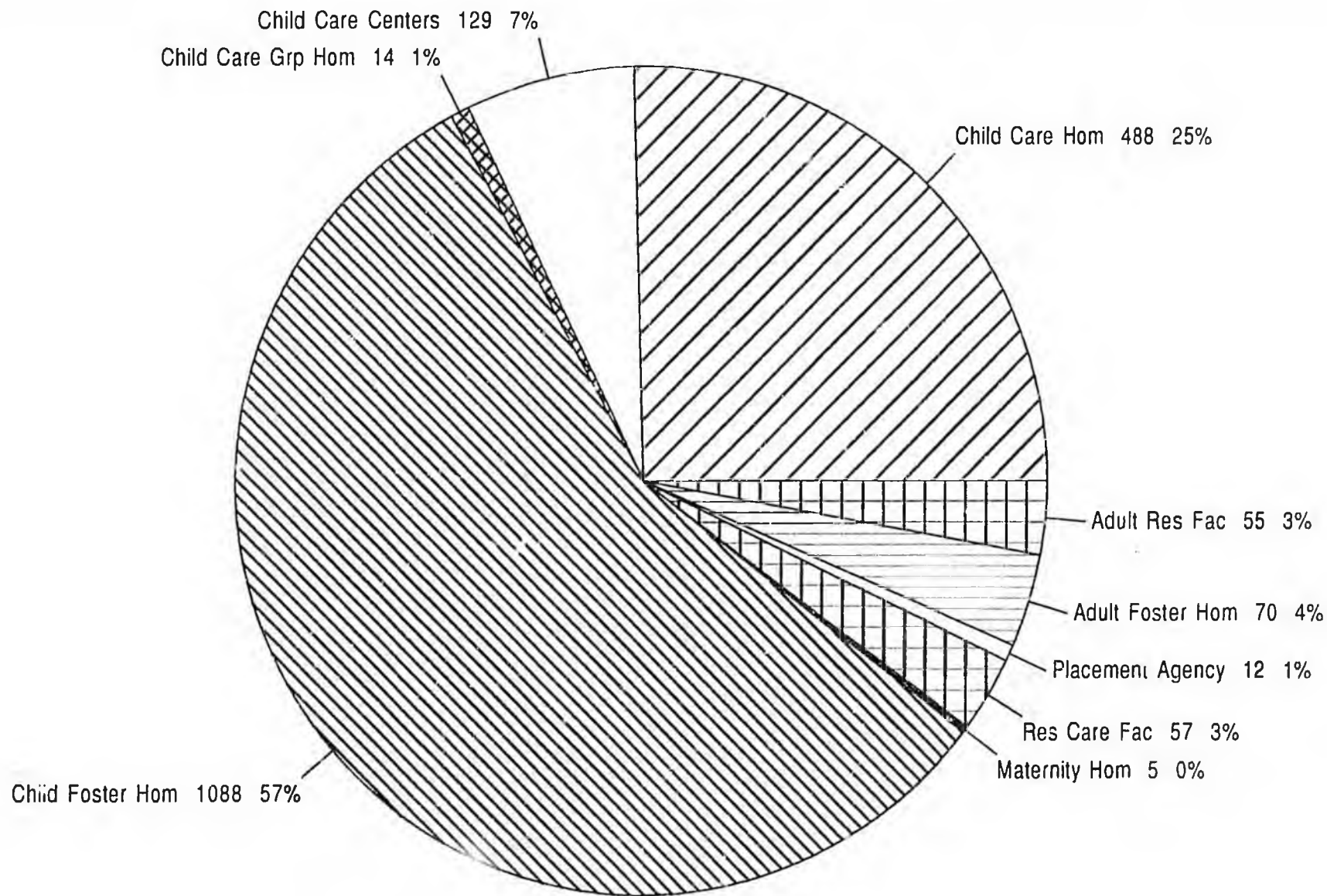
- ◆ Advance efficiency and competency by
 - Consolidating licensing procedures
 - Convening a task force to form standards
 - Publishing guidebooks and conducting training

- ◆ Clarify the shared role with parents to ensure their child's safety and development in licensed care.
 - Yet, the state retains duty for oversight.

- ◆ Expand partnerships with private agencies
 - Include liability protection.
 - Encourage partners to increase the number of regulated homes in additional communities.

COMMUNITY CARE LICENSED FACILITIES

MARCH 1994



Total = 1918

Community Care Licensing: Section by Section Analysis and Commentary

CS HB 412 HES & CS SB 268 HES Workdraft
April 7, 1994

This bill in large part reflects current licensing practice and the thinking of experienced supervisors in the Division of Family and Youth Services (DFYS). It moves detail from quasi-legislative regulations developed over nearly two decades into a cohesive licensing law. Proposed modest improvements to Alaska licensing are emphasized in this analysis and commentary.

Following introduction of the Governor's Community Care Licensing bill, DFYS conducted a teleconference with the heads of organizations and key agencies that would be affected by the bill. The department drafted amendments suggested by those attending the teleconference.

House HES sent the bill to Legislative Counsel, Terry Lauterbach, to incorporate department amendments with changes suggested by a HES committee member. House HES also requested that Ms. Lauterbach review the bill for conformance with legislative drafting requirements. She proposed technical improvements along with the amendments. All were adopted by the House HES Committee with the support of the department. Other than minor wording modifications, changes from the Governor's bill are noted in this analysis.

Page

- 1 Sections 1 through 8 (Compatibility with Other Statutes) make conforming numbering or terminology amendments to other laws including Criminal, Adoption, Office of the Long Term Care Ombudsman, Child Care grant and Day Care Assistance laws. There is no change in substance. Sections 1--5 were added by Ms. Lauterbach.

- 3 Section 9 (Appeal Hearings) also sets out conforming amendments. It requires that appeal hearings following all serious enforcement by the department be conducted under the provisions of the Administrative Procedures Act. DFYS will conduct appeal hearings under their informal grievance procedure for less onerous actions, such as a denial of a request for a variance.

- 4 Section 10 (Purpose; Applicability) adds a purpose statement. DFYS intends to use the purpose in publications to clarify the role of licensing for providers of service and to inform

parents that they play a critical role in selecting and monitoring care for their children. Section 10 establishes that the provisions of this statute apply both for programs required to be licensed and for those that voluntarily choose to be licensed. The original version of the bill included changing the title of the Chapter from "Institutions" to "Community Care Licensing." Ms. Lauterbach indicated that the Revisor of Statutes selects chapter titles. She noted that the Department prefers "Community Care Licensing" as the title.

4 **Section 11 (Powers of the Department)** is amended.

- Section 11 reflects updated terminology for facilities and agencies falling under the provisions of the chapter and authorizes the department to adopt fees by regulation. Refer also to the definitions on page 21.
- Section 11 provides authority for the department to enter into agreements with individuals, in addition to organizations, to perform licensing evaluations. DFYS has agreements with about 12 agencies to perform licensing evaluations, primarily foster care. Only three agreements involve state funds, and those three are exempt from the procurement code. Since the procurement code rarely applies, reference to it is removed.
- The material related to delegating powers to a municipality has been revised in collaboration with the Municipality of Anchorage (MOA). The MOA is the only municipality that has adopted an ordinance to license child care centers. The revision reflects the practice of the MOA to adopt additional standards that meet or exceed state standards.

5 **Section 12 (License Required; Exemptions)** states that a child care license is required unless the facility is exempt. Facilities and agencies excluded from the licensure process are listed. These are the same as those under current statute and regulations with exceptions noted below.

6 The exemption from licensure for child care facilities on military bases was amended in House HES to clearly exempt facilities on Coast Guard installations on the advice of Commander Gary Palmer of Legal Services in the US Coast Guard. The department will continue the exemption on Kodiak Island and the exemptions for the large military bases in Anchorage and Fairbanks, but the department agreed to continue to license family child care homes under voluntary licensure on Coast Guard Installations in communities like Cordova and Sitka. Child care is limited there, and the Coast Guard has no oversight means. Licensure will be on a time available basis.

Licensing statutes are not intended to apply to care from relatives. The original bill had a drafting error that was amended in House HES to clearly exempt relative child care and or grandparents were added to the definition of relatives.

Application of the licensing statute is proposed to be expanded in four areas as sound public policy. They are:

- The exemption for governmentally operated programs is removed except where specified. Only one local government, the MOA, has the expertise to license and it does not operate programs.
 - 6/7 • The clause in current statute that allows a foster home or residential facility to operate for 90 days without a license is removed. The primary purpose to reduce risk before persons receive care is lost, if programs begin without licensure. Consider that a person is not allowed to operate an automobile before obtaining a license.
 - 6/7 • The defined age of a child is changed from "under 16 years of age" to "under 18 years of age" for requiring licensure in foster homes and residential child care. No known programs would be affected by this change.
 - 7 • The exemption for the "occasional" placement of a child for adoption without a license has been deleted. Most, if not all, attorneys now arranging non-relative adoptions, contract with a licensed child placement agency to obtain evaluations and oversight for adoption placements.
 - 7 Voluntary licensure is retained.
 - 8 **(Application for license)**. Items that must be submitted in an application for licensure are consolidated.
 - 9 **Section 13** describes license issuance, denial and right to appeal, and the content of a license by consolidating material from existing statute and regulations.
 - 9 **(Provisional license; Biennial License)**. Retaining on site inspections prior to license issuance has strong community support as indicated in community meetings on the draft.
- One amendment in House HES addresses the practical matter that only minimal licensing requirements can be met in the middle of the night in a village under emergency conditions. Alaska Native Grantees recommended a direct approach to licensing under emergency placement conditions. See paragraph (b).
- 10 **(Denial of License; Right to Appeal)** Current practice is described.

- 10 The term, **(Variances)**, rather than, waivers, more accurately reflects approved alternatives to meeting the intent of a requirement. The procedure for granting variances is set out. Reasonable variances are widely used.
- 11 **(Content of the License)** is consolidated from five sets of regulations resulting in reducing the volume by 4/5.
- 12 House HES amended this section at the request of the department to provide that a variance issued within the period of licensure be posted near the license. This will prevent the need for the extra paperwork of issuing an amended license to display the variance.
- 12 **Section 14 (Non-transferability)** retains the provision that licenses are not transferrable to a different owner or location.
- 13 **Section 15 (Orientation and Training)** requires that applicants or licensees complete orientation and training that the department prescribes in regulation. Currently only child foster home training is mentioned in statute, however orientation and training is required in regulations for all types of care.
- 12 **(Records)** must be kept by the licensee to demonstrate compliance with standards. Since licensing records are open and are frequently reviewed by parents seeking child care and others, specifying which records are not available for public inspection is important. In particular, personal background information provided by foster parents is sensitive and should not be open to inspection by the public.
- 13 **Section 16 (Monitoring; Investigation)** outlines the process for monitoring and biennial license renewal. An annual self monitoring report is added. The department believes a self monitoring report will motivate the licensee to seek to meet standards and reduce the time necessary in the department's review. In addition the section encourages parents who have placed children in child care to monitor by requiring that they receive a summary of standards and a telephone number for reporting concerns. A partnership with informed parents will go a long way toward ensuring care is safe for young children.
- 13 **(Biennial License Renewal)** The process for renewal of a license is specified and procedures that were previously only in the department's licensing manual are included. For example, if there is a vacancy in a one person office and a license expires, it is automatically extended for six months or until a department representative may visit to perform the investigation. If the department finds noncompliance, a plan of correction and verification of compliance is required.

- 14 **(Notice of Changes)** Required notices are updated and standardized.
- 15 **Section 17 (Complaints, investigation, enforcement and grounds for license revocation or nonrenewal)** are specified. The majority of this material is a consolidation and refinement of existing regulations. Changes:
- 15 • A requirement to mail a copy of the report of an investigation to the complainant, if requested.
 - 16 • Prohibition of licensee retaliatory action against a complainant. This is especially important to protect employees who are fearful of reporting unsafe practices.
 - 16 • Probable cause is added as the standard for seeking a search warrant when considered necessary.
 - 17 • Suspension of operations in cases of imminent danger is authorized until the department investigation is complete. Suspension is more appropriate than immediate revocation authorized under current statute.
 - 17 • The array of enforcement actions authorized are listed along with the grounds for revocation or nonrenewal. Most appear now only in the department's licensing manual.
- 19 **(Licensing Adult Facilities)** outlines procedures for licensing adult residential care facilities, including adult foster homes, in brief. Pioneer Homes, as now, are exempt from licensure. Many provisions in bill sections 11 -17 are incorporated by reference. This article would go into effect only if the companion Assisted Living bill did not pass. It will ensure that currently licensed adult care facilities remain regulated by DFYS in the event that the Assisted Living bill does not pass.
- 20 **(Administrative Procedure)** complements section 9 in specifying appeals fall under the Administrative Procedures Act for serious enforcement actions under this chapter.
- 21 **(Immunity from Liability)** is provided for individuals and agencies acting under agreement with the department to perform licensing evaluations. Liability concern is often cited as a deterrent to private agencies interested in performing licensing evaluations. Alaska Native and other nonprofit agencies strongly support this section.
- 21 **(Penalty)** provisions for violations under the chapter as a class B misdemeanor have not been changed.

- 21 Section 18 (Definitions) are updated. For example, "nursery" is a term now in statute. It becomes a "child care facility. The outdated term, "institution," becomes "residential child care facility".
- 22 Section 19 This is an amendment added by Ms. Lauterbach similar to those at the beginning of the bill. It amends terminology in the department's purchase of service chapter to conform to the bill.
- 23 Section 20 repeals several existing sections in Chapter 35.
- 23 Sections 21 -- 26 Remaining sections contain provisions for implementation and the timetable that the department will use for an orderly transition from the current system of licensure to the new one. More than 1,900 facilities and agencies with a capacity for 13,600 individuals now fall under the provisions of this licensing statute. The time line for implementation is a year and a half to allow for the transition. During this period the department will review regulations for seven or more types of facilities and agencies, work with care providers, consumers and others to draft revised standards of operation for each type of care and agency falling under the statute, conduct public review of drafts, promulgate regulations, develop implementation materials and conduct licensing training for both providers and licensors.

Senate Bill 268

For An Act Entitled: "An Act relating to facilities for the care of children; to child placement agencies; to maternity homes; to certain residential facilities for adults; and to foster homes for adults; and providing for an effective date."

There are other methods for pursuing quality in programs, but licensing alone reaches almost all programs. Its benefit is that a disinterested third party (the licensing agent) evaluates an applicant and program against the public's definition of an acceptable level of quality. In this way licensing reduces risk and protects our most vulnerable citizens, who are in care away from their own homes. Regulation should not be thought of as an unwarranted intrusion, but as vigorous and necessary protection for parents and their children or adults in need. This bill is intended to facilitate efficiency in licensing so that this valuable protection may continue as resources are reduced.

The Division of Family and Youth Services (DFYS) licenses 1,900 care facilities and agencies. There is public demand for more licensed care and support for licensing, but there are hurdles to productivity. DFYS workers now must know how to evaluate up to nine kinds of care; workload standards are exceeded by 50% in some locations; many workers also have protective services duties; and they must be familiar with more than 40 pages of procedures in statute and varying regulations.

Passage of Community Care Licensing legislation for children's care coupled with passage of the Assisted Living bill for adult care will focus DFYS staff on children and families. Regulation of care facilities for elders or adults with a disability would be transferred to divisions knowledgeable in those care fields.

The efficiency of DFYS licensing resources will further be enhanced by consolidating procedures now scattered in statute and various regulations. Forty single spaced pages are consolidated to eighteen pages, double spaced, in this bill. To further promote efficiency, DFYS will convene a task force of those affected to assist in forming standards, will publish guidebooks to reduce questions for those getting started and will provide regional licensing training to ensure competency.

Clarity is needed and given on the shared role with parents to ensure their child's safety and development in licensed care. Yet, the state retains primary duty for oversight.

Expanded partnerships with private agencies could increase the number of regulated homes in additional communities, without increasing state costs. Clear liability protection for licensing agents will go a long way toward meeting that goal.

The department has a considerable investment in the development of this bill and has sought the expertise of key state and national experts. The basics were taken from a national collaborative effort in the form of a model bill published by the American Bar Association. The Assisted Living bill mentioned earlier is based on the model. The department then reduced the volume of model material, tailored provisions to match current Alaska licensing practice and added modest improvements based on recommendations of licensing supervisors, selected providers, the Department of Law and a review by the nation's licensing expert in Washington DC. A Section by Section analysis is available from the Division of Family and Youth Services.

DEPARTMENT'S POSITION

The department strongly supports this bill and urges its passage.

Recommended:

Deborah R. Wing

Date:

2/2/94

Deborah R. Wing, Director
Division of Family and Youth Services

Approved:

Margaret R. Lowe

Date:

2/8/94

Margaret R. Lowe, M.Ed., Ed.S.
Commissioner
Department of Health and Social Services

NAEYC Position Statement on Licensing and Other Forms of Regulation of Early Childhood Programs in Centers and Family Day Care



Subjects & Predicates

The importance of regulating early childhood programs Increasing numbers of young children are spending significant portions of their day in settings outside their home. The latest census figures indicate the majority of mothers of young children are employed outside the home. Moreover, a growing percentage of preschool children attend early childhood programs regardless of their mother's employment status. Quality early childhood programs provide important educational and nurturing experiences to young children. Early childhood programs also enable parents to work or attend educational or training programs. Thus, the provision of early childhood programs that will nurture, protect, and educate young children benefits not only the children themselves but also their families, their communities, and the larger society.

When parents seek child care outside their homes, they can choose among a variety of options reflecting the diverse needs of today's families. These options can be grouped in two major settings: *family day care* or care in the home of a caregiver who is not a relative or close family friend and *center care*, generally in a non-residential setting. Close to half the states define an additional care setting: the *group home*. Group homes usually care for 7 to 12 children in a caregiver's home, employing additional staff as necessary to meet the adult-child ratios necessary for the age of the children served. States not recognizing the group-home category regulate this arrangement as a center. Regardless of the setting, services may be provided to infants; toddlers; preschool, school-age, and special needs children. Each type of care may provide full- or part-day care on a regular or flexible basis.

POSITION

The National Association for the Education of Young Children believes all forms of out-of-home care settings must be subject to public regulation. Public regulation of early childhood programs is administered by the states and takes the form of licensing center programs and licensing or registering family day care homes. When these regulatory systems are well-designed and effectively administered, they can help to assure the provision of early childhood programs that will nurture, protect, and educate young children. As such, regulation should not be perceived as unwarranted intrusion, but as vigorous and necessary consumer protection for parents and their young children.

The benefits of public regulation of early childhood programs The primary benefit of regulation is that it helps assure children's rights to an acceptable level of care. Licensing standards set forth the public definition of acceptability; programs must meet at least this level of quality in order to legally operate. States vary considerably at where they set the baseline of acceptable quality. Such variation reflects differences in the degree of public understanding of children's needs.

In addition to assuring the well-being of young children, a well-administered regulatory system offers important benefits to providers of care. It gives official recognition of the importance of their work in caring for the community's children, brings them into contact with other providers and sources of business assistance and training, helps them recruit children, facilitates getting insurance

coverage, educates parents about standards and provides rationale for the cost of a program, and prevents unscrupulous competition from offering grossly substandard services. The benefits to providers, while important, are secondary to the central purpose of protecting consumers.

An effective regulatory system not only assures an acceptable level of care, but can help to raise the level over time. Regulatory requirements educate the community as to the necessary components of acceptable care. As public understanding and support grow, and as more providers are able to improve the quality of care they offer, standards can be raised and higher levels of quality are provided to all children in care.



Michael Siluk

Regulation should not be perceived as unwarranted intrusion, but as vigorous and necessary consumer protection for parents and their young children.

Assuring an effective regulatory system

States regulate center programs by *licensing*; some states also use this system for family day care homes. The goal of licensing is to assure a minimum level of good quality care while taking into account the different types of settings and the number of children served. Licensing includes an on-site visit to assure that basic requirements are met prior to licensure and periodic inspections to monitor continued compliance.

Registration is a variation of licensing used by some states for family day care homes. Registration relies more heavily on parents as monitors than does traditional licensing. Generally, inspections are not required prior to registration, and states vary in degree to which registered homes are monitored. Parents are informed of the standards, are encouraged to inspect for themselves, and are told to report serious violations. Registration of family day care homes offers a viable alternative to licensing when it includes an effective monitoring process. At a minimum, the monitoring process should assure that at least 20% of registered homes receive random inspection visits on a regular, rotating basis.

NAEYC affirms the importance of a well-designed and effectively administered system of state regulation to secure the provision of safe, nurturing, and educational early childhood programs for young children. The criteria for assuring regulatory systems are well-designed and effectively administered include

1. Mandatory compliance is enforced.

Basic levels of quality care must be assured through regulation for all children participating in any form of out-of-home care. Thus, regulatory systems designed to provide basic protection of children must apply to all programs, without limiting definitions, exemptions, or exceptions. Whenever programs are exempted, not covered, or given special treatment, the entire regulatory structure is weakened.

Sanctions should be included in the regulatory system to give binding force to its requirements. Enforcement provisions should give the state the ability to impose fines, to revoke or suspend licenses or registration, and to take emergency action to close a program in those rare cases that are dangerous to children. The vulnerability of children mandates the highest level of official scrutiny of their child care environments.

2. Programs are regulated

—regardless of sponsorship

NAEYC opposes the exemption of programs on the basis of sponsorship, such as the exemption of church-run programs. When public schools operate programs for young children, it is usual for the state Department of Education, rather than the licensing agency, to assume responsibility for approval. In such cases, the responsible agency should adopt standards equal to or better than those of the licensing agency, implemented through a system that includes monitoring visits.

—regardless of the length of the program day

Both full- and part-day programs should be regulated, including programs that provide drop-in care.

—regardless of the age or number of children served

The system should provide developmentally appropriate standards that cover the care of all children in infant/toddler care, preschool care, school-age care, and special needs programs.

3. Standards are appropriate to the type of setting and the number of children served, and reflect current research findings concerning the determinants of quality child care, including factors such as

- group size
- adult-child ratios
- staff knowledge and training in early childhood education and child development
- parent involvement and access
- positive discipline
- developmental appropriateness of the program

4. The regulatory system is highly visible and accessible to parents and providers.

The general public, and in particular parent-consumers, should have access to information about the requirements for legal and safe operation of an early childhood program. Public service announcements, the development and dissemination of brochures and flyers that describe state/local standards, open workshops, and communication with organized parent groups are all excellent ways for the regulatory agency to raise the child-caring consciousness of a community. A highly visible regulatory system also helps to inform potential and current providers of the existence of standards and the need to comply with the law.

There should be physical evidence that a given program setting has been duly inspected and found to meet the standards imposed by the state and/or local authorities. Mechanisms for registering complaints about the care of children should be widely publicized and accessible to both parents and the general public. All these materials and

services should be presented in languages consistent with the needs of local communities.

Publicizing the requirements of the regulatory system is particularly important when states use registration systems with random inspections of family day care providers. Parents must be warned that under such a system not all registered providers have been inspected, and the state cannot verify that the registration requirements have been met. When such systems are used, parents must play an especially active role in inspecting and monitoring the quality of a program.

5. Standards are clear, reasonable, and vigorously enforced.

The authority invested with the responsibility of licensing programs should develop written materials and presentations that clearly communicate what is necessary to obtain and maintain official approval. Confusing or intimidating legal language should be kept to a minimum.

Applications and inspection procedures should be simple and handled in a timely fashion. A timeline for the accomplishment of registration or licensure should be presented and discussed with each applicant. Application materials should describe, in writing, what will happen and when. Where possible, one individual should be assigned to oversee the licensing process to completion for each applicant.

6. Funding for the implementation and monitoring of the regulations is adequate.

Regulations are compromised if funds are inadequate to assure effective implementation and monitoring by the administering agency. A regulatory system can accomplish its objectives only with sufficiently trained staff and adequate resources. Staff must be able to meet their inspection goals, to follow up on all parent complaints, and to investigate unregulated care. Staff should be sufficient to avoid long waiting lists of pending licenses or registration.

NAEYC believes that centers and group homes should be regulated by a licensing system that includes an on-site visit prior to licensure and periodic visits thereafter. It is important to visit center programs at least once a year, and preferably twice a year, to assure continuing maintenance of the required level of quality. At least one visit a year should be unannounced. NAEYC suggests that in order to make the needed visits and follow up on complaints, one full-time licensor (or full-time equivalent) should have 50 centers assigned, and never more than 75 centers.

Licensors who regulate family day care through an inspection visit prior to licensing and conduct at least annual visits should have 100 homes assigned, and never more than 150 (exclusive of

other responsibilities). If a registration process is used to regulate family day care, visits should be made to at least 20% of the homes on a random, rotating basis, not counting visits to follow up complaints. A full-time inspector could handle 500 homes and never more than 750 with backup assistance.

or other certificates should include up-to-date information about available training and technical assistance, including referral to local organizations sponsoring the Child Care Food Program, and local/state professional associations.

Special considerations for various care settings

NAEYC believes all forms of out-of-home care should be publicly regulated. However, the diverse characteristics of types of care make it important that the regulatory system has the flexibility to deal with variation without compromising the safety and developmental appropriateness of the program. For example, it is especially important that standards for family day care be clear and few in number.

7. The regulatory system is responsive to the needs of both providers and parents.

The regulatory authority should play a central role in the child care delivery system at both the local and state levels. Interface with referral programs, resource networks, and training/technical assistance programs should also be an important function of the regulatory staff. Regulatory materials, such as application forms, brochures, licenses,



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Whenever programs are exempted, not covered, or given special treatment, the entire regulatory structure is weakened.