



# LAWS OF ALASKA

1982

**Source**

SB 650 am H

**Chapter No.**

97

## AN ACT

Relating to licensing of foster homes, group homes, nurseries, and institutions; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: June 14, 1982  
Actual Effective Date: June 15, 1982

AN ACT

Relating to licensing of foster homes, group homes,  
nurseries, and institutions; and providing for an  
effective date.

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 AS 47.35.020 is repealed and reenacted to read:

Sec. 47.35.020. LICENSE OR PERMIT REQUIRED. No person may, without a license or permit to do so,

(1) maintain or conduct, for more than 90 days, a boarding home, foster home, group home, institution, or other place for the regular reception or care of children under 16 years of age, or a foster home, group home, or institution for the care of dependent adults; or

(2) engage in the business of receiving or caring for children under 14 years of age, with or without compensation, in a nursery in which five or more children not related by blood or marriage, or legal adoption, to the owner, operator or manager of the business are lodged.

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 AS 47.35.040 is repealed and reenacted to read:

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

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

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1 tions adopted under AS 47.35.010 - 47.35.080.

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

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

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

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

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

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

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

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

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

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

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

11 \* Sec. 5. AS 47.35.050 is repealed.

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