

DEPARTMENT OF HEALTH AND SOCIAL SERVICES



CHANGES TO REGULATIONS

7 AAC 10 – LICENSING, CERTIFICATION, AND APPROVALS

7 AAC 50 – COMMUNITY CARE LICENSING



FILED REGULATIONS

Incorporating Changes Made by the Department of Law

Effective: February 13, 2008

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The emergency amendment to add a new paragraph to 7 AAC 10.930(a) is made permanent to read:

(4) for a request submitted under (k) of this section, in addition to the information and documentation required under (1) - (3) of this subsection, the request must include

(A) a detailed description of any mitigating circumstances that were involved at the time of the offense;

(B) a description of the individual's educational and employment history;
and

(C) the following information, if applicable:

(i) evidence that the individual is licensed under AS 08, or became licensed after the individual was convicted of the offense or was listed on the centralized registry;

(ii) evidence that the individual passed a criminal history check conducted by the department before February 9, 2007, but after the individual was convicted of the offense;

(iii) evidence that the individual was issued a variance by the department before February 9, 2007, but after the individual was convicted of the offense for which the variance was issued.

The emergency amendment of the lead-in language of 7 AAC 10.930(g) is made permanent to read:

(g) Except as provided in (h) - (k) of this section, the department will not grant a variance for a

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The emergency amendment to add a new subsection to 7 AAC 10.930 is made permanent, and that subsection is further amended, to read:

(k) Notwithstanding the prohibition in (g)(1) of this section, the department may grant a variance for an individual convicted of a permanent barrier crime listed under 7 AAC 10.905. A request under this subsection is subject to the review criteria set out in 7 AAC 10.935(c)(10) and additional consideration under 7 AAC 10.935(e) by the director of the department office responsible for the licensing of, certification of, approval for, or finding of eligibility to receive payments for the entity or provider seeking the variance. (Eff. 2/9/2007, Register 181; am 10/17/2007, Register 184; am 2/13/2008, Register 185)

Authority:	AS 47.05.300	AS 47.05.330	AS 47.32.010
	AS 47.05.310	AS 47.05.340	AS 47.32.030
	AS 47.05.320		

The emergency amendment of 7 AAC 10.935(b) is made permanent to read:

(b) In its review of a request for a variance, the review committee shall determine whether a variance is prohibited under 7 AAC 10.930(f) or (g). If a variance is prohibited, the review committee shall clearly indicate the prohibition in its recommendation under (e) of this section.

The emergency amendment to add a new paragraph to 7 AAC 10.935(c) is made permanent to read:

(10) for a request for a variance submitted under 7 AAC 10.930(k), in addition to the matters described in (1) - (9) of this subsection, the review committee shall consider

(A) whether there were mitigating circumstances involved at the time of the offense;

(B) the individual's educational and employment history;

(C) any current letters of recommendation from employers or other individuals submitted in addition to the minimum required under 7 AAC 10.930(a)(3)(H);

(D) whether the individual is licensed under AS 08, or became licensed after the individual was convicted of the offense or listed on the centralized registry;

(E) whether the individual passed a criminal history check conducted by the department before February 9, 2007, but after the individual was convicted of the offense; and

(F) whether the individual was issued a variance by the department before February 9, 2007, but after the individual was convicted of the offense for which the variance was issued.

The emergency amendment of 7 AAC 10.935(e) is made permanent, and that subsection is further amended, to read:

(e) If the review committee, after its review of available information and documentation, determines that the health, safety, and welfare of recipients of services will be adequately protected, the review committee shall recommend that the commissioner grant the request for a

variance. If the review committee determines that the health, safety, and welfare of recipients of services will not be adequately protected, the review committee shall recommend that the commissioner deny the request for a variance. For a request for a variance submitted under 7 AAC 10.930(k), the review committee shall submit its recommendation to the director of the department office responsible for the licensing of, certification of, approval for, or finding of eligibility to receive payments for the entity or provider seeking the variance. The director shall consider the review committee's recommendation and make a written recommendation that the commissioner grant or deny the request.

The emergency amendment of 7 AAC 10.935(f) is made permanent to read:

(f) The commissioner will consider a recommendation made under (e) of this section and will issue a decision on a request for a variance within 30 days after receiving all information required under 7 AAC 10.930. The commissioner will deliver a copy of the decision to grant or deny the request for a variance to the requesting entity or provider by mail or facsimile. The commissioner will include in the decision to deny a request the reasons for the denial, and will advise the entity or provider of the right to request reconsideration of the decision under 7 AAC 10.950. A copy of the decision will be provided to the department office responsible for conducting criminal history checks, the department office responsible for maintaining the centralized registry established under 7 AAC 10.955, and the department office responsible for licensing, certification, approval, or a finding of eligibility to receive payments.

(Eff. 2/9/2007, Register 181; am 10/17/2007, Register 184; am 2/13/2008, Register 185)

Authority: AS 47.05.300 AS 47.05.330 AS 47.32.010
AS 47.05.310 AS 47.05.340 AS 47.32.030
AS 47.05.320

7 AAC 10.955(a) is amended by adding a new paragraph to read:

(3) whose name appears on the centralized registry because of a matter described in AS 47.05.330(b)(1)(B) involving medical assistance fraud.

7 AAC 10.955(c) is amended to read:

(c) An entity or individual service provider that is subject to AS 47.05.300 - 47.05.390 and 7 AAC 10.900 - 7 AAC 10.990 shall, using a form prescribed by the department, submit to the department reports as required or allowed under AS 47.05.330 for any matter described in (a)(2) or (3) of this section.

(Eff. 2/9/2007, Register 181; am 2/13/2008, Register 185)

Authority: AS 47.05.300 AS 47.05.330 AS 47.32.010
AS 47.05.310 AS 47.05.340 AS 47.32.030
AS 47.05.320

The emergency amendment of the lead-in language of 7 AAC 50.010(a) is made permanent to read:

7 AAC 50.010. Exemptions from licensure requirements. (a) The following persons are exempt from the licensure requirements of AS 47.32 and this chapter:

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The emergency amendment to add a new paragraph to 7 AAC 50.010(a) is made permanent to read:

(6) an individual seeking to operate a foster home if that individual provides care only for one or more relatives, unless the department requires licensure under an agreement for services.

(Eff. 1/1/96, Register 136; am 3/1/98, Register 145; am 10/17/2007, Register 184)

Authority: AS 44.29.020 AS 47.32.020 AS 47.32.030

AS 47.32.010