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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Triptaa Surve
Department of Health & Social Services

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: August 14, 2017

RE: Filed Permanent Regulations: Department of Health & Social Services

Department of Health and Social Services follow-up update to regulations re: child care assistance (7 AAC 41.025; 7 AAC 41.035(c); 7 AAC 41.335)

Attorney General File: JU2017200132

Regulation Filed: 8/12/2017

Effective Date: 9/11/2017

Print: 223, October 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached 3 pages of regulations, dealing with the child care assistance program, related to the program rates, enrollment authorization, family contribution toward care, and continued participation, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 47.05.010, AS 47.25.001, AS 47.25.041, and AS 47.25.051, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

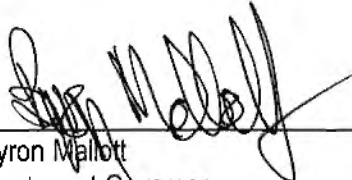
Date: 6-29-17



Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on August 17, 2017, at 8p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Byron Mallott
Lieutenant Governor

Effective: September 11, 2017

Register: 223, October 2017



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

OFFICE OF THE COMMISSIONER

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**DELEGATION OF AUTHORITY
FOR ADOPTING REGULATIONS**

UNDER AS 44.17.010, THE AUTHORITY AND RESPONSIBILITY FOR ADOPTING REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES UNDER THE ALASKA ADMINISTRATIVE PROCEDURE ACT ARE HEREBY DELEGATED TO JON SHERWOOD, DEPUTY COMMISSIONER.

SIGNED:

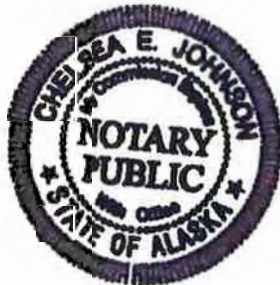
Commissioner

VALERIE DAVIDSON

(Printed name)

SIGNED AND SWORN TO before me this 31st day of August, 2015.

[NOTARY SEAL]



Notary Public in and for the
State of Alaska

My commission expires: w/office

Register 223, October 2017 HEALTH AND SOCIAL SERVICES

7 AAC 41.025(a) is amended to read:

(a) For purposes of calculating a family's program benefits under 7 AAC 41.345, the program rate for each category of care authorized for a child is established in the department's *Child Care Assistance Program Rate Schedule*, revised as of June 13, ~~February 1,~~ 2017 [OCTOBER 5, 2016], and adopted by reference. The rates in the schedule are set out by type of facility licensed under 7 AAC 57 or approved under this chapter, category of care, and ~~POLITICAL~~ ~~SUBDIVISION OR~~ geographic area.

7 AAC 41.025(d) is amended to read:

(d) The state maximum child care assistance payment for a child during a month is equal to the full month rate plus the part month rate for the category of care, the type of facility, and the geographic area where care is provided, except as described in 7 AAC 41.035(c). If the child uses two types of facilities, payment is based on each facility type, not to exceed the rate for the licensed facility type.

#> 7 AAC 41.025(f) is amended to read:

(f) If child care is provided in the child's own home, the program rate for [AN APPROVED] in-home child care [PROVIDER] is the rate for an approved relative provider shown on the department's schedule set under this section. (Eff. 6/23/2006, Register 178; am am 1/5/2017, Register 221; 8/31/2008, Register 187; am 2/31/2010, Register 193; am 9/11/2017, Register 223)

Authority: AS 47.25.001 AS 47.25.041

7 AAC 41.035(c) is amended to read:

(c) Care may not be authorized for a child in excess of a full month enrollment plus a part month enrollment except in the case of a shared custody arrangement when care for a child is provided by two providers in different service delivery areas. Care for a child in a verified shared custody arrangement may be authorized for up to a maximum of a full month enrollment for each provider only if the parents of the child reside and participate in their eligible ^{activities} activity in different child care assistance program grantee service delivery areas requiring the use of different providers. (Eff. 6/23/2006, Register 178; am an 1/5/2017, Register 221;

9/11/2017, Register 223)

Authority: AS 47.25.001

7 AAC 41.335(a) is amended to read:

(a) To determine the amount the family must contribute toward the eligible cost of care, the department will or a designee shall use the department's *Family Income and Contribution Schedule*, revised as of February 1, 2017, [NOVEMBER 2010] and adopted by reference. This amount will be based on family size and income level, and ~~[BASED]~~ on a sliding fee scale.

The introductory language of

7 AAC 41.335(b) is amended to read:

(b) The maximum family monthly income allowed for [INITIAL] participation in the program appears in the *Family Income and Contribution Schedule*, adopted by reference in (a) of this section. The maximum family monthly income

... ((bold))

7 AAC 41.335(d) is repealed:

am 1/5/2017, Register 221;

(d) Repealed 9/11/2017. (Eff. 6/23/2006, Register 178; am 11/1/2010, Register 196;

Register 223, October 2017 HEALTH AND SOCIAL SERVICES

am 9 / 11 / 2017, Register 223)

Authority: AS 47.05.010 AS 47.25.041 AS 47.25.051

AS 47.25.001