

BROADCAST FROM THE CHILD CARE PROGRAM OFFICE

NOTICE OF PROPOSED OMNIBUS CHANGES TO THE CHILD CARE ASSISTANCE PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Child Care Program Office (CCPO) is pleased to announce proposed regulation revisions to Child Care Assistance Program 7 AAC 41. You can view the proposed changes and documents adopted by reference by clicking on the Alaska Online Public Notice System link below. Enter Proposed Changes- Child Care Assistance to search the Alaska Online Public Notice System. Please read this notice carefully for instructions on how and when to comment. The comment period ends 5 p.m. on June 13, 2016. We encourage you to share this information with the families and providers you serve and any interested parties.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to overhaul and make omnibus changes to the regulations on the child care assistance program for families and child care providers.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the child care assistance program, including: reorganization of sections; clarification, description and addition of program provisions and requirements; repeal of sections as no longer applicable; and addition, removal and amendment of definitions. These proposed changes to 7 AAC 41 will include the following articles:

Article 1. Administrative Provisions (7 AAC 41.010 – 7 AAC 41.060). Proposed changes to this article include: reorganizing and clarifying how the Department administers the program; making clarifications to what is meant by licensed, family, day, and participation of a debarred family or provider; eliminating a type of unlicensed provider; adding and amending inspection and investigation requirements; changing the payment amount for in-home caregivers; clarifying criteria for a provider to be eligible for an enhanced rate; amending how payment will be made when payment for a month is authorized, but complete attendance does not occur; changing the method of payment calculation for less than full time attendance; amending to allow payment to a provider for the required notice timeframe; eliminating a unit of care option; amending waitlist priorities for families; and clarifying the eligibility criteria and application process for the Alaska Inclusive Child Care Program.

Article 2. Provisions for Providers (7 AAC 41.200 – 7 AAC 41.270). Proposed changes to this article include: reorganizing its contents for clarification purposes; clarifying and amending the requirements and descriptions for providers; amending where providers may provide care; amending and clarifying requirements for providing care as relative provider; eliminating a type of unlicensed provider; expanding the eligibility and qualification descriptions and requirements for each provider type; amending the training and documentation requirements for approved relative

providers and in-home caregivers; amending the age requirement for providing a safety report; amending the notice requirements for discontinuing care for a child; adding requirements for working with a child with special needs; adding requirements for cooperating with investigations and inspections; amending requirements for relative providers to provide developmentally appropriate activities; adding a section regarding behavior guidance; reorganizing and amending requirements related to health, medication and nutrition, including for providers to meet established health, hygiene, immunization, medicine storage and food requirements; changing the use of substitute caregivers; adding new health and safety requirements for relative providers including requirements related to water temperature, toilet facilities, safety gates on stairs, outlet covers, animals, toxic substances, and poisonous plants; adding a time requirement for providers to submit billings for payment; and adding a section to allow approved relative providers to apply for general variances.

Article 3. Provisions for Families (7 AAC 41.300 – 7 AAC 41.375). Proposed changes to this article include: clarifying and amending the requirements and program descriptions for families; changing the certification period for families; amending allowable family activities; amending the financial eligibility requirements; amending time allowances for travel and job searching; amending the reporting requirements for families; amending allowable work requirements; clarifying when a parent may be unable to provide child care; adding asset limit requirements for families to be eligible; allowing for provisional approval of high need families while information is verified; amending notice requirements to providers; amending eligibility for payments for families engaged in the business of child care; amending how families pay providers; requiring the recovery of benefit overpayments; amending how income is determined for eligibility; amending the definition of an eligible child; amending payment requirements for in-home caregivers; amending when a family may use an in-home caregiver; amending billing requirements; and addressing compliance reviews for families.

Article 4. General Provisions (7 AAC 41.400 – 7 AAC 41.450). Proposed changes to this article include: clarifying and amending provisions generally applicable to the child care assistance program; clarifying and amending the administrative disqualification and hearing process; amending the process for communication between providers and program designees; changing the requirements regarding releases of information from a family; amending the notice requirements for adverse action by the Department; changing requirements for addressing a regulation non-compliance; amending and further defining the process of establishing intentional violations, incorrect payments, recoupment of overpayments, administrative disqualification, sanctions, and penalties; and amending how review of an agency decision can be sought including the appeal process.

Article 5. Definitions (7 AAC 41.990). Proposed changes to this article include revisions, additions and removal of the definitions of terms found elsewhere in 7 AAC 41, including definitions for: age groups; approved provider; attendance rate; hand sink; homeless; inactive status; in-home child care; in-home child care caregiver; in loco-parentis; night shift; non-temporary; participating provider; regularly provides care; relative; special needs; and units of care.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Department

of Health & Social Services, Child Care Program Office, Amanda Manning at P.O. Box 241809, Anchorage AK 99524. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 269-4536 or toll free at 1-888-224-4536 and by electronic mail at amanda.manning@alaska.gov. The comments must be received not later than 5 p.m., on June 13, 2016.

You may submit written questions relevant to the proposed action to Amanda Manning by email at amanda.manning@alaska.gov or at 3601 C Street, Suite 140, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System at <https://aws.state.ak.us/OnlinePublicNotices/default.aspx> and agency website at <http://dhss.alaska.gov/dpa/Pages/ccare/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Amanda Manning at amanda.manning@alaska.gov or (907) 269-4516 not later than May 31, 2016, to ensure that any necessary accommodations can be provided. A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Amanda Manning at amanda.manning@alaska.gov or (907) 269-4516.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 3601 C Street, Suite 140, Anchorage AK, 99524.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Thank you,

