



BLANKET VARIANCE - 1115 Adult Residential Facilities

The Commissioner recognizes that 1115 Adult Residential Facilities are not traditional assisted living homes; therefore, certain accommodations should be made to meet the needs of the state, the provider, and the residents we are all serving. Commissioner Crum has approved the below blanket variances for all 1115 Adult Residential Facilities.

Regulation/Statute	Variance	
7 AAC 75.080 (b) (13)	Exempt	A business plan is not required.
7 AAC 75.085	Exempt	A 3-month cash reserve is not required
7 AAC 75.230 (c)(1)(A)	Modification	For an Adult Mental Health Residential program licensed to serve 1 - 10 residents, any clinical or management staff of a DHSS Department Approved Community Behavioral Health services agency with at least 2 years relevant experience will be deemed as meeting the training requirements of this section for an "administrator" and "administrator designee".
7 AAC 75.230 (c)(2)(A)	Modification	For an Adult Mental Health Residential program licensed to serve 11 or more residents, any clinical or management staff of a DHSS Department Approved Community Behavioral Health services agency with at least 5 years relevant experience will be deemed as meeting the training requirements of this section for an "administrator" and "administrator designee".
7 AAC 75.260 (a)(1)	Modification	Furniture in an Adult Mental Health Residential program must be supplied by the treatment program, not the resident.
7 AAC 260 (a)(7)(c)	Modification	For an Adult Mental Health Residential program bedroom that is for triple occupancy, it must contain at least 200 square feet of open floor space measured before furniture is placed in the room
7 AAC 75.260 (b)	Modification	A Facility can be used as an Adult Mental Health Residential program licensed as an Assisted Living Facility with specified variances and may be licensed in a building that has more than one occupancy if:
7 AAC 75.300	Substitution	A Behavioral Health Treatment plan conducted according to 7 AAC 135.20 can substitute for an assisted living plan in an Adult Mental Health Residential program.

7 AAC 75.340 (a)(6)	Exemption	Length of stay/treatment is determined by medical necessity and not by a lease or contract as Adult Mental Health Residential Facilities are part of a Behavioral Health level of care system.
AS 47.33.060	Substitution	Adult Mental Health Residential programs are not required to establish House Rules but will establish Treatment Program rules which are appropriate for a residential treatment facility setting and clients will be provided a written copy of these.
AS 47.33.070(a)(4)	Substitution	Behavioral Health Treatment Plan substituted can for an assisted living plan
AS 47.33.070(a)(5)	Substitution	Treatment Admission paperwork can be substituted for a Residential Services Contract
AS 47.33.070(a)(7)(A)	Substitution	Resident's rights under 7 AAC 12.890 and AS 47.30.825 - 47.30.865
AS 47.33.070(a)(7)(c)	Substitution	Resident's rights to protection from retaliation per agency grievance policy to include a non-retaliation clause.
AS 47.33.070(a)(7)(E)	Substitution	Adult Mental Health Residential programs are not required to establish House Rules but will establish Treatment Program rules which are appropriate for a residential treatment facility setting
AS 47.33.210	Substitution	<p>Treatment Admission paperwork can be substituted for a Residential Services Contract and will contain:</p> <ul style="list-style-type: none"> • A Consent to treatment signed by client or client's legal representative • A description of services or accommodations to be provided by the treatment program • A description of fees charged • Client Rights and Responsibilities • Grievance Procedures • Program Rules (substitute for House Rules) • An agreement around safekeeping of client money or valuables • A copy living will or advance directive (if applicable) • Discharge policy - Length of stay determined by medical necessity
AS 47.33.220-240	Substitution	A Behavioral Health Treatment plan conducted according to 7 AAC 135.20 can substitute for an assisted living plan in an Adult Mental Health Residential program.
AS 47.33.300	Substitution	Adult Mental Health Residential programs shall develop, and amend as necessary, written policies and procedures that cover patient rights, consistent with 7 AAC 12.890 and AS 47.30.825 - 47.30.865
AS 47.33.350	Substitution	All Adult Mental Health Residential Programs will establish a grievance policy and procedure to include a non-retaliation clause.
AS 47.33.360	Exempt	Length of stay/treatment is determined by medical necessity and not by a lease or contract as Adult Mental Health Residential Facilities are part of a Behavioral Health level of care system.