

Act No. 156
Public Acts of 2017
Approved by the Governor
November 8, 2017
Filed with the Secretary of State
November 8, 2017
EFFECTIVE DATE: February 6, 2018

**STATE OF MICHIGAN
99TH LEGISLATURE
REGULAR SESSION OF 2017**

Introduced by Reps. Vaupel, Lucido, Canfield, Cox, Tedder, Webber, Kahle and Glenn

ENROLLED HOUSE BILL No. 4173

AN ACT to amend 1979 PA 218, entitled “An act to provide for the licensing and regulation of adult foster care facilities; to provide for the establishment of standards of care for adult foster care facilities; to prescribe powers and duties of the department of licensing and regulatory affairs and other departments; to prescribe certain fees; to prescribe penalties; and to repeal certain acts and parts of acts,” by amending sections 6 and 26a (MCL 400.706 and 400.726a), section 6 as amended by 1998 PA 442 and section 26a as added by 1996 PA 194, and by adding section 26c.

The People of the State of Michigan enact:

Sec. 6. (1) “Personal care” means personal assistance provided by a licensee or an agent or employee of a licensee to a resident who requires assistance with dressing, personal hygiene, grooming, maintenance of a medication schedule as directed and supervised by the resident’s physician, or the development of those personal and social skills required to live in the least restrictive environment.

(2) “Physical disability” means a determinable physical characteristic of an individual that may result from disease, injury, congenital condition of birth, or functional disorder.

(3) “Physical plant” means the structure in which a facility is located and all physical appurtenances to the facility.

(4) “Physician orders for scope of treatment form” or “POST form” means that term as defined in section 5674 of the public health code, 1978 PA 368, MCL 333.5674.

(5) “Protection”, subject to section 26a(2), means the continual responsibility of the licensee to take reasonable action to ensure the health, safety, and well-being of a resident, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation while on the premises, while under the supervision of the licensee or an agent or employee of the licensee, or when the resident’s assessment plan states that the resident needs continuous supervision.

(6) “Provisional license” means a license issued to a facility that has previously been licensed under this act or an act repealed by this act but is temporarily unable to conform to the requirements of a regular license prescribed in this act or rules promulgated under this act.

(7) “Quality of care” means the foster care of residents of a facility and other similar items not related to the physical plant that address themselves to the general physical and mental health, welfare, and well-being of residents.

Sec. 26a. (1) A resident of an adult foster care facility who is enrolled in a licensed hospice program is not considered to require continuous nursing care for purposes of section 3(4).

(2) A licensee providing foster care to a resident who is enrolled in a licensed hospice program and whose assessment plan includes a do-not-resuscitate order or a validly executed POST form under part 56B of the public health code, 1978 PA 368, MCL 333.5671 to 333.5685, is considered to be providing protection to the resident for purposes of section 6(5) and the rules promulgated under this act if, in the event the resident suffers cessation of both spontaneous respiration and circulation, the licensee contacts the licensed hospice program.

Sec. 26c. (1) An adult foster care facility shall comply with medical orders provided on a validly executed POST form as required under the provisions of part 56B of the public health code, 1978 PA 368, MCL 333.5671 to 333.5685.

(2) If an adult foster care facility is unwilling to comply with the medical orders provided on a validly executed form because of a policy, religious belief, or moral conviction, the adult foster care facility shall take all reasonable steps to refer or transfer the patient to another adult foster care facility.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4170 of the 99th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor