

HOUSE BILL No. 5731

April 2, 1998, Introduced by Reps. Schermesser, DeHart, Hale, Cherry, Schauer, Kelly, Martinez, Mans, Harder, Kilpatrick, Goschka, Scott and Parks and referred to the Committee on Constitutional and Civil Rights.

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending sections 3 and 6 (MCL 400.703 and 400.706), as amended by 1996 PA 194.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Adult" means:

2 (a) A person 18 years of age or older.

3 (b) A person who is placed in an adult foster care family
4 home or an adult foster care small group home pursuant to section
5 5(6) or (8) of ~~Act No. 116 of the Public Acts of 1973, being~~
6 ~~section 722.115 of the Michigan Compiled Laws~~ 1973 PA 116, MCL
7 722.115.

8 (2) "Adult foster care camp" or "adult camp" means an adult
9 foster care facility with the approved capacity to receive more

1 than 4 adults to be provided foster care. An adult foster care
2 camp is a facility located in a natural or rural environment.

3 (3) "Adult foster care congregate facility" means an adult
4 foster care facility with the approved capacity to receive more
5 than 20 adults to be provided with foster care.

6 (4) "Adult foster care facility" means a governmental or
7 nongovernmental establishment that provides foster care to
8 adults. Subject to section 26a(1), adult foster care facility
9 includes facilities and foster care family homes for adults who
10 are aged, mentally ill, developmentally disabled, or physically
11 ~~handicapped~~ DISABLED who require supervision on an ongoing
12 basis but who do not require continuous nursing care. Adult
13 foster care facility does not include any of the following:

14 (a) A nursing home licensed under article 17 of the public
15 health code, ~~Act No. 368 of the Public Acts of 1978, being sec-~~
16 ~~tions 333.20101 to 333.22260 of the Michigan Compiled Laws~~ 1978
17 PA 368, MCL 333.20101 TO 333.22260.

18 (b) A home for the aged licensed under article 17 of the
19 public health code, ~~Act No. 368 of the Public Acts of 1978~~ 1978
20 PA 368, MCL 333.20101 TO 333.22260.

21 (c) A hospital licensed under article 17 of the public
22 health code, ~~Act No. 368 of the Public Acts of 1978~~ 1978 PA
23 368, MCL 333.20101 TO 333.22260.

24 (d) A hospital for the mentally ill or a facility for the
25 developmentally disabled operated by the department of ~~mental~~
26 COMMUNITY health under the mental health code, ~~Act No. 258 of~~
27 ~~the Public Acts of 1974, being sections 330.1001 to 330.2106 of~~

1 ~~the Michigan Compiled Laws~~ 1974 PA 258, MCL 330.1001 TO
2 330.2106.

3 (e) A county infirmary operated by a county department of
4 social services OR FAMILY INDEPENDENCE AGENCY under section 55 of
5 the social welfare act, ~~Act No. 280 of the Public Acts of 1939,~~
6 ~~being section 400.55 of the Michigan Compiled Laws~~ 1939 PA 280,
7 MCL 400.55.

8 (f) A child caring institution, children's camp, foster
9 family home, or foster family group home licensed or approved
10 under ~~Act No. 116 of the Public Acts of 1973, being sections~~
11 ~~722.111 to 722.127 of the Michigan Compiled Laws~~ 1973 PA 116,
12 MCL 722.111 TO 722.128, if the number of residents who become 18
13 years of age while residing in the institution, camp, or home
14 does not exceed the following:

15 (i) Two, if the total number of residents is 10 or fewer.

16 (ii) Three, if the total number of residents is not less
17 than 11 and not more than 14.

18 (iii) Four, if the total number of residents is not less
19 than 15 and not more than 20.

20 (iv) Five, if the total number of residents is 21 or more.

21 (g) A foster family home licensed or approved under ~~Act~~
22 ~~No. 116 of the Public Acts of 1973, being sections 722.111 to~~
23 ~~722.127 of the Michigan Compiled Laws~~ 1973 PA 116, MCL 722.111
24 TO 722.128, that has a person who is 18 years of age or older
25 placed in the foster family home under section 5(7) of ~~Act~~
26 ~~No. 116 of the Public Acts of 1973, being section 722.115 of the~~
27 ~~Michigan Compiled Laws~~ 1973 PA 116, MCL 722.115.

1 (h) An establishment commonly described as an alcohol or a
2 substance abuse rehabilitation center, a residential facility for
3 persons released from or assigned to adult correctional institu-
4 tions, a maternity home, or a hotel or rooming house that does
5 not provide or offer to provide foster care.

6 (i) A facility created by ~~Act No. 152 of the Public Acts of~~
7 ~~1885, as amended, being sections 36.1 to 36.12 of the Michigan~~
8 ~~Compiled Laws~~ 1885 PA 152, MCL 36.1 TO 36.12.

9 (5) "Adult foster care family home" means a private resi-
10 dence with the approved capacity to receive 6 or fewer adults to
11 be provided with foster care for 5 or more days a week and for 2
12 or more consecutive weeks. The adult foster care family home
13 licensee shall be a member of the household, and an occupant of
14 the residence.

15 (6) "Adult foster care large group home" means an adult
16 foster care facility with the approved capacity to receive at
17 least 13 but not more than 20 adults to be provided with foster
18 care.

19 (7) "Adult foster care small group home" means an adult
20 foster care facility with the approved capacity to receive 12 or
21 fewer adults to be provided with foster care.

22 (8) "Aged" means an adult whose chronological age is 60
23 years of age or older or whose biological age, as determined by a
24 physician, is 60 years of age or older.

25 (9) "Assessment plan" means a written statement prepared in
26 cooperation with a responsible agency or person that identifies
27 the specific care and maintenance, services, and resident

1 activities appropriate for each individual resident's physical
2 and behavioral needs and well-being and the methods of providing
3 the care and services taking into account the preferences and
4 competency of the individual.

5 Sec. 6. (1) "Personal care" means personal assistance pro-
6 vided by a licensee or an agent or employee of a licensee to a
7 resident who requires assistance with dressing, personal hygiene,
8 grooming, maintenance of a medication schedule as directed and
9 supervised by the resident's physician, or the development of
10 those personal and social skills required to live in the least
11 restrictive environment.

12 (2) "Physical ~~handicap~~ DISABILITY" means a determinable
13 physical characteristic of an individual ~~which~~ THAT may result
14 from disease, injury, congenital condition of birth, or func-
15 tional disorder.

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

18 (4) "Protection", subject to section 26a(2), means the con-
19 tinual responsibility of the licensee to take reasonable action
20 to insure the health, safety, and well-being of a resident,
21 including protection from physical harm, humiliation, intimidat-
22 ion, and social, moral, financial, and personal exploitation
23 while on the premises, while under the supervision of the
24 licensee or an agent or employee of the licensee, or when the
25 resident's assessment plan states that the resident needs contin-
26 uous supervision.

1 (5) "Provisional license" means a license issued to a
2 facility that has previously been licensed under this act or an
3 act repealed by this act but is temporarily unable to conform to
4 the requirements of a regular license prescribed in this act or
5 rules promulgated under this act.

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