

HOUSE BILL No. 4173

February 7, 2017, Introduced by Reps. Vaupel, Lucido, Canfield, Cox, Tedder, Webber, Kahle and Glenn and referred to the Committee on Health Policy.

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," 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:

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

8 (2) "Physical disability" means a determinable physical
9 characteristic of an individual that may result from disease,

1 injury, congenital condition of birth, or functional disorder.

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

4 (4) "PHYSICIAN ORDERS FOR SCOPE OF TREATMENT FORM" OR "POST
5 FORM" MEANS THAT TERM AS DEFINED IN SECTION 5674 OF THE PUBLIC
6 HEALTH CODE, 1978 PA 368, MCL 333.5674.

7 (5) ~~(4)~~"Protection", subject to section 26a(2), means the
8 continual responsibility of the licensee to take reasonable action
9 to ~~insure~~**ENSURE** the health, safety, and well-being of a resident,
10 including protection from physical harm, humiliation, intimidation,
11 and social, moral, financial, and personal exploitation while on
12 the premises, while under the supervision of the licensee or an
13 agent or employee of the licensee, or when the resident's
14 assessment plan states that the resident needs continuous
15 supervision.

16 (6) ~~(5)~~"Provisional license" means a license issued to a
17 facility that has previously been licensed under this act or an act
18 repealed by this act but is temporarily unable to conform to the
19 requirements of a regular license prescribed in this act or rules
20 promulgated under this act.

21 (7) ~~(6)~~"Quality of care" means the foster care of residents
22 of a facility and other similar items not related to the physical
23 plant that address themselves to the general physical and mental
24 health, welfare, and well-being of residents.

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

1 (2) A licensee providing foster care to a resident who is
2 enrolled in a licensed hospice program and whose assessment plan
3 includes a do-not-resuscitate order **OR A VALIDLY EXECUTED POST FORM**
4 **UNDER PART 56B OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.5671**
5 **TO 333.5685**, is considered to be providing protection to the
6 resident for purposes of section ~~6(4)~~**6(5)** and the rules
7 promulgated under this act if, in the event the resident suffers
8 cessation of both spontaneous respiration and circulation, the
9 licensee contacts the licensed hospice program.

10 **SEC. 26C. (1) AN ADULT FOSTER CARE FACILITY SHALL COMPLY WITH**
11 **MEDICAL ORDERS PROVIDED ON A VALIDLY EXECUTED POST FORM AS REQUIRED**
12 **UNDER THE PROVISIONS OF PART 56B OF THE PUBLIC HEALTH CODE, 1978 PA**
13 **368, MCL 333.5671 TO 333.5685.**

14 **(2) IF AN ADULT FOSTER CARE FACILITY IS UNWILLING TO COMPLY**
15 **WITH THE MEDICAL ORDERS PROVIDED ON A VALIDLY EXECUTED FORM BECAUSE**
16 **OF A POLICY, RELIGIOUS BELIEF, OR MORAL CONVICTION, THE ADULT**
17 **FOSTER CARE FACILITY SHALL TAKE ALL REASONABLE STEPS TO REFER OR**
18 **TRANSFER THE PATIENT TO ANOTHER ADULT FOSTER CARE FACILITY.**

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

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 4170 (request no.
23 00360'17) of the 99th Legislature is enacted into law.