

HOUSE BILL No. 4335

February 19, 1991, Introduced by Reps. Joe Young, Sr., DeMars, Perry Bullard, Clack, Hunter, Stallworth, Harrison, Dobronski and Joe Young, Jr. and referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 218 of the Public Acts of 1979, entitled

"Adult foster care facility licensing act,"

as amended by Act No. 262 of the Public Acts of 1990, being section 400.703 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 218 of the Public Acts of
2 1979, as amended by Act No. 262 of the Public Acts of 1990, being
3 section 400.703 of the Michigan Compiled Laws, is amended to read
4 as follows:

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

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

7 (b) A person who is placed in an adult foster care family
8 home or an adult foster care small group home pursuant to section

1 5(6) of Act No. 116 of the Public Acts of 1973, as amended, being
2 section 722.115 of the Michigan Compiled Laws.

3 (2) "Adult foster care camp" or "adult camp" means an adult
4 foster care facility with the approved capacity to receive more
5 than 4 adults to be provided foster care. An adult foster care
6 camp is a facility located in a natural or rural environment.

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

10 (4) "Adult foster care facility" means a governmental or
11 nongovernmental establishment that provides foster care to
12 adults. ~~It~~ ADULT FOSTER CARE FACILITY includes facilities and
13 foster care family homes for adults who are aged, mentally ill,
14 developmentally disabled, or physically handicapped who require
15 supervision on an ongoing basis but who do not require continuous
16 nursing care. Adult foster care facility does not include any of
17 the following:

18 (a) A nursing home licensed under article 17 of the public
19 health code, Act No. 368 of the Public Acts of 1978, as amended,
20 being sections 333.20101 to 333.22260 of the Michigan Compiled
21 Laws.

22 (b) A home for the aged licensed under article 17 of the
23 public health code, Act No. 368 of the Public Acts of 1978, as
24 amended.

25 (c) A hospital licensed under article 17 of the public
26 health code, Act No. 368 of the Public Acts of 1978, as amended.

1 (d) A hospital for the mentally ill or a facility for the
2 developmentally disabled operated by the department of mental
3 health under the mental health code, Act No. 258 of the Public
4 Acts of 1974, as amended, being sections 330.1001 to 330.2106 of
5 the Michigan Compiled Laws.

6 (e) A county infirmary operated by a county department of
7 social services under section 55 of the social welfare act, Act
8 No. 280 of the Public Acts of 1939, as amended, being section
9 400.55 of the Michigan Compiled Laws.

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

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

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

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

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

22 (G) A FOSTER FAMILY HOME LICENSED OR APPROVED UNDER ACT
23 NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SECTIONS 722.111 TO
24 722.128 OF THE MICHIGAN COMPILED LAWS, THAT HAS A PERSON WHO IS
25 18 YEARS OF AGE OR OLDER PLACED IN THE FOSTER FAMILY HOME UNDER
26 SECTION 5(7) OF ACT NO. 116 OF THE PUBLIC ACTS OF 1973, BEING
27 SECTION 722.115 OF THE MICHIGAN COMPILED LAWS.

1 (H) ~~(g)~~ An establishment commonly described as an alcohol
2 or a substance abuse rehabilitation center, a residential facil-
3 ity for persons released from or assigned to adult correctional
4 institutions, a maternity home, or a hotel or rooming house
5 ~~which~~ THAT does not provide or offer to provide foster care.

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

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 ~~who shall~~ 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 Section 2. This amendatory act shall not take effect unless
6 Senate Bill No. _____ or House Bill No. 4329 (request
7 no. 01827'91) of the 86th Legislature is enacted into law.