



# SENATE BILL No. 968

January 18, 1994 Introduced by Senators Dingell and  
Berryman and referred to the Committee on Family Law,  
Mental Health, and Corrections

A bill to amend section 153 of Act No 258 of the Public  
Acts of 1974, entitled as amended

"Mental health code,"

as added by Act No 256 of the Public Acts of 1986, being section  
330 1153 of the Michigan Compiled Laws and to add section 209c

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 153 of Act No 258 of the Public Acts of  
2 1974, as added by Act No 256 of the Public Acts of 1986, being  
3 section 330 1153 of the Michigan Compiled Laws, is amended and  
4 section 209c is added to read as follows

5 Sec 153 (1) The department shall promulgate rules for the  
6 placement of mentally ill and developmentally disabled adults  
7 into community based dependent living settings by department  
8 agencies, county community mental health boards, and by agencies  
9 under contract to the department or to a county community mental

1 health board The rules shall include, but not be limited to,  
2 the criteria to be used to determine a suitable placement and the  
3 specific agencies responsible for making decisions regarding a  
4 placement

5 (2) The department shall promulgate rules for the certifica-  
6 tion of specialized programs offered in an adult foster care  
7 facility to a mentally ill or developmentally disabled resident  
8 The rules shall provide for an appeal of a denial or limitation  
9 of the terms of certification to the department pursuant to chap-  
10 ter 4 of the administrative procedures act of 1969, Act No 306  
11 of the Public Acts of 1969, being sections 24 271 to 24 287 of  
12 the Michigan Compiled Laws

13 (3) Upon receipt of a request from an adult foster care  
14 facility for certification of a specialized program, the depart-  
15 ment shall inspect the facility to determine whether the proposed  
16 specialized program conforms with the requirements of this sec-  
17 tion and rules promulgated under this section The department  
18 shall provide the department of social services with an inspec-  
19 tion report and a certification, denial of certification, or cer-  
20 tification with limited terms for the proposed specialized  
21 program The department shall reinspect a certified specialized  
22 program not less than once biennially and notify the department  
23 of social services in the same manner as for the initial  
24 certification In carrying out this subsection, the department  
25 may contract with a community mental health board or any other  
26 agency

1 (4) As used in this section

2 (a) "Dependent living setting" means any of the following

3 (1) An adult foster care facility licensed under the adult  
4 foster care facility licensing act, Act No 218 of the Public  
5 Acts of 1979, being sections 400 701 to 400 737 of the Michigan  
6 Compiled Laws

7 (11) A nursing home licensed under article 17 of the public  
8 health code, Act No 368 of the Public Acts of 1978, being sec-  
9 tions 333 20101 to ~~333 22181~~ 333 22260 of the Michigan Compiled  
10 Laws

11 (111) A home for the aged licensed under article 17 of Act  
12 No 368 of the Public Acts of 1978

13 (b) "Specialized program" means a program of services or  
14 treatment provided in an adult foster care facility licensed  
15 under Act 218 of the Public Acts of 1979 to meet the unique pro-  
16 grammatic needs of the mentally ill or developmentally disabled  
17 residents of that home as set forth in the treatment plan for the  
18 resident and for which the facility receives special  
19 compensation

20 (c) "Special compensation" means payment to an adult foster  
21 care facility to ensure the provision of a specialized program in  
22 addition to the basic payment for adult foster care Special  
23 compensation does not include payment received directly from the  
24 medicaid program for personal care services for a resident, or  
25 payment received under the supplemental security income program  
26 under title XVI of the social security act, CHAPTER 531,  
27 49 STAT 620, 42 U S C 1381 to ~~1383e~~ 1382 AND 1383 TO 1383d

1 (d) "Treatment plan" means an individualized written plan of  
2 services developed for a resident as required by section 712, or  
3 an assessment plan as defined in section 3 of the adult foster  
4 care facility licensing act, Act No 218 of the Public Acts of  
5 1979, being section 400 703 of the Michigan Compiled Laws

6 (5) This section does not prevent licensure of an adult  
7 foster care facility or the placement of mentally ill or develop-  
8 mentally disabled persons into community based dependent living  
9 settings pending the promulgation by the department of rules  
10 under subsection (1) or (2)

11 (6) IF THE DEPARTMENT OR AN AGENCY UNDER CONTRACT WITH THE  
12 DEPARTMENT ENTERS INTO, RENEWS, OR AMENDS A CONTRACT WITH AN  
13 ADULT FOSTER CARE FACILITY FOR PLACEMENT OF A MENTALLY ILL OR  
14 DEVELOPMENTALLY DISABLED PERSON IN THE FACILITY, THE DEPARTMENT  
15 SHALL REQUIRE AS A CONDITION OF THE CONTRACT THAT THE ADULT  
16 FOSTER CARE FACILITY PERMIT INSPECTIONS OF THE FACILITY BY REPRESENTATIVES OF ADVOCACY ORGANIZATIONS DESIGNATED BY THE COUNTY  
17 COMMUNITY MENTAL HEALTH BOARD PURSUANT TO SECTION 209C THE CONTRACT SHALL SPECIFY THAT THE INSPECTIONS ARE TO BE MADE WITHOUT  
18 PRIOR NOTICE TO THE FACILITY

21 SEC 209C (1) IF A COUNTY COMMUNITY MENTAL HEALTH BOARD  
22 ENTERS INTO, RENEWS, OR AMENDS A CONTRACT WITH AN ADULT FOSTER  
23 CARE FACILITY FOR PLACEMENT OF A MENTALLY ILL OR DEVELOPMENTALLY  
24 DISABLED PERSON IN THE FACILITY, THE BOARD SHALL REQUIRE AS A  
25 CONDITION OF THE CONTRACT THAT THE ADULT FOSTER CARE FACILITY  
26 PERMIT INSPECTIONS OF THE FACILITY BY REPRESENTATIVES OF ADVOCACY  
27 ORGANIZATIONS DESIGNATED BY THE BOARD PURSUANT TO SUBSECTION

1 (2) THE CONTRACT SHALL SPECIFY THAT THE INSPECTIONS ARE TO BE  
2 MADE WITHOUT PRIOR NOTICE TO THE FACILITY

3 (2) THE BOARD OF EACH COUNTY PROGRAM SHALL DESIGNATE ADVO-  
4 CACY ORGANIZATIONS TO MAKE INSPECTIONS OF ADULT FOSTER CARE  
5 FACILITIES LOCATED WITHIN THE COUNTY TO ENSURE QUALITY OF CARE IN  
6 THE FACILITIES THE BOARD SHALL NOT DESIGNATE MORE THAN 1 ADVO-  
7 CACY ORGANIZATION TO INSPECT A PARTICULAR FACILITY