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**SFA****BILL ANALYSIS**

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House Bill 4217 (Substitute H-1 as passed by the House)  
Sponsor: Representative Judith Scranton  
House Committee: Senior Health, Security and Retirement  
Senate Committee: Health Policy

Date Completed: 5-14-02

### **CONTENT**

**The bill would create the "Housing-with-Services Contract Act" to require a housing-with-services establishment to have a written contract with each resident, that contained information specified in the bill.**

A "housing-with-services establishment" would be an establishment that regularly provided or offered to provide leased private unit residences accommodating one or more adults, and provided or offered to provide for a fee either one or more regularly scheduled "health-related services" or two or more regularly scheduled "supportive services", whether offered directly by the establishment or by another person by arrangement of the establishment. A housing-with-services establishment would not include an adult foster care facility licensed under the Adult Foster Care Facility Licensing Act, or a health facility or agency licensed under the Public Health Code. "Health-related services" would mean nursing services; nursing services delegated to aides or personal care services including escort services, reminders, and standby assistance related to dressing or grooming; or home aide care tasks. "Supportive services" would mean helping with personal laundry; arranging for medical services, health-related services, social services, or transportation to medical or social services appointments; or providing for at least one individual awake and alert in the housing-with-services establishment to contact a service provider in an emergency. Supportive services would not include making referrals or assisting a resident in contacting a service provider of the resident's choice.

A contract between a housing-with-services establishment and a resident would have to be in writing and include the following:

- The name, street address, and mailing address of the establishment; the owner's name and mailing address; the title and address of the managing agent, whether an owner of a management firm or agency; and the title and business address, if different from the establishment address, of at least one individual authorized to accept service of process on behalf of the owner and managing agent.
- A statement describing whether the establishment was licensed by a local, State, or Federal agency.
- The term of the contract described in months or years.
- A description of the services the establishment would provide to the resident for the base-rate paid by the resident and additional services available for an additional fee from the establishment directly or through arrangements with it.
- A statement describing the establishment's policy regarding the outside contracting of services by a resident.
- Fee schedules outlining the cost of additional services.
- Billing and payment procedures and requirements.

- A description of the process through which the contract could be modified, amended, or terminated, including conditions under which a contract could be terminated by the resident or the establishment.
- A description of the establishment's complaint resolution process.
- The resident's designated representative, if any.
- The establishment's referral procedure in the event the contract was terminated.

An establishment would have to keep the contracts and related documents executed by the establishment and residents for at least three years after the date of termination of each contract. Contracts, or copies of them, for current residents would have to be kept at the establishment.

A contract executed in violation of the bill would be voidable at the resident's option. The bill states that this provision could not be used as a means to avoid a resident's payment obligation if the contract were not executed in violation of the bill.

An establishment would have to comply with the bill and with any applicable State and local codes. The bill specifies that it would not require an establishment to provide a minimum core of services; a specific number of residents; or physical plant or establishment specifications so long as the establishment was in compliance with applicable State and local codes.

The bill specifies that it would not limit a person's rights or responsibilities under any other applicable State housing or renting act.

The bill also states that it would not limit a health facility's responsibilities or obligations to be licensed under the Adult Foster Care Facility Licensing Act or the Public Health Code.

Legislative Analyst: George Towne

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Maria Tyszkiewicz