

HOUSE BILL No. 4989

June 26, 2001, Introduced by Reps. Hardman and McConico and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) The director, the director's agent, or person-
2 nel of another department or agency, acting at the request of the
3 director, may enter upon the premises of an applicant or licensee
4 at a reasonable time to make ~~inspections~~ AN INSPECTION, as per-
5 mitted by applicable law, to determine whether the applicant or
6 licensee is complying with this act and the rules promulgated
7 under this act. ~~On-site inspections~~ AN ON-SITE INSPECTION may
8 be conducted without prior notice to the adult foster care
9 facility. A health and sanitation inspection of an adult foster
10 care facility shall be conducted upon the request of the
11 department by 1 of the following:

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1 (a) Department staff.

2 (b) The department of ~~public health~~ CONSUMER AND INDUSTRY
3 SERVICES.

4 (c) A local health department.

5 (2) The OFFICE OF FIRE SAFETY OF THE department of ~~public~~
6 ~~health, the fire marshal division of the department of state~~
7 ~~police~~ CONSUMER AND INDUSTRY SERVICES, or local authorities, in
8 carrying out this act, may visit an adult foster care facility
9 more often than annually to advise in matters affecting health or
10 fire protection. ~~Inspections~~ AN INSPECTION shall be made as
11 permitted by law.

12 (3) An adult foster care facility shall be inspected for
13 fire safety by 1 of the following:

14 (a) Department staff, if the facility is licensed or pro-
15 posed to be licensed for 6 or fewer adults. The department may
16 request that a fire safety inspection be completed or caused to
17 be completed by the ~~state fire marshal~~ OFFICE OF FIRE SAFETY,
18 for a facility licensed or proposed to be licensed for 6 or fewer
19 adults, ~~when such an~~ IF THE inspection would result in the
20 efficient administration of this act.

21 (b) The ~~state fire marshal~~ OFFICE OF FIRE SAFETY or the
22 designated representative of the ~~state fire marshal~~ OFFICE OF
23 FIRE SAFETY, if the facility is licensed or proposed to be
24 licensed for more than 6 adults. The ~~state fire marshal~~ OFFICE
25 OF FIRE SAFETY shall inspect or cause to be inspected for fire
26 safety an adult foster care facility licensed or proposed to be
27 licensed for 6 or fewer adults upon request by the department.

1 The ~~state fire marshal~~ OFFICE OF FIRE SAFETY may contract with
2 the fire marshal of a city having a population of not less than
3 ~~1,000,000~~ 750,000 to inspect AN adult foster care ~~facilities~~
4 FACILITY licensed or proposed to be licensed for more than 6
5 adults if the facility is located within that city. The fire
6 marshal of a city shall conduct an inspection in compliance with
7 procedures established and on forms provided by the ~~state fire~~
8 ~~marshal~~ OFFICE OF FIRE SAFETY.

9 (4) Except as provided in subsection (3)(b) and section
10 10(2), the inspector shall administer and enforce the rules
11 promulgated by the department.

12 (5) Upon receipt of a request from an adult foster care
13 facility for certification of a specialized program for develop-
14 mentally disabled or mentally ill adults, the department of
15 ~~mental~~ COMMUNITY health shall inspect the facility to determine
16 whether the proposed specialized program conforms with the
17 requirements of applicable law and rules. The department of
18 ~~mental~~ COMMUNITY health shall provide the department with an
19 inspection report and a certification, denial of certification,
20 or certification with limited terms for the proposed specialized
21 program. The department of ~~mental~~ COMMUNITY health shall rein-
22 spect a certified specialized program not less than once bienni-
23 ally and notify the department ~~of social services~~ in the same
24 manner as for the initial certification. In carrying out this
25 subsection, the department of ~~mental~~ COMMUNITY health may con-
26 tract with a county community mental health board or any other
27 agency for services.

1 (6) ~~Inspection reports~~ AN INSPECTION REPORT required by
2 this section shall be furnished to the department and shall be
3 used in the evaluation for licensing of an adult foster care
4 facility. The department shall consider the ~~reports~~ REPORT
5 carefully and may make A special ~~consultations~~ CONSULTATION if
6 necessary. The department ~~shall be~~ IS responsible for the
7 final determination of the issuance, denial, or revocation and
8 the temporary or provisional nature of a license issued to an
9 adult foster care facility. A report of the department's find-
10 ings shall be furnished to the licensee or applicant.

11 (7) The inspection reports required by this section shall be
12 available for public inspection during reasonable business
13 hours.