

# SENATE BILL No. 888

March 20, 2014, Introduced by Senators HILDENBRAND, MOOLENAAR, SCHUITMAKER, GREGORY, WARREN, NOFS, MARLEAU, KAHN, MEEKHOF and KOWALL and referred to the Committee on Appropriations.

A bill to amend 1979 PA 218, entitled "Adult foster care facility licensing act," by amending section 10 (MCL 400.710), as amended by 2006 PA 201.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 10. (1) The department shall promulgate rules pursuant to  
2 the administrative procedures act of 1969, 1969 PA 306, MCL 24.201  
3 to 24.328, in the areas provided under subsection (4).

4           (2) The bureau of fire services created in section 1b of the  
5 fire prevention code, 1941 PA 207, MCL 29.1b, shall promulgate  
6 rules providing for adequate fire prevention and safety in an adult  
7 foster care facility licensed or proposed to be licensed for more

1 than 6 adults. The rules shall be promulgated in cooperation with  
2 the department and the state fire safety board and shall provide  
3 for the protection of the health, safety, and welfare of the adults  
4 residing in a facility. The bureau of fire services shall  
5 promulgate the rules pursuant to the administrative procedures act  
6 of 1969, 1969 PA 306, MCL 24.201 to 24.328. A person may request a  
7 variance from the application of a rule promulgated pursuant to  
8 this subsection by application to the state fire marshal. The state  
9 fire marshal may make a variance upon a finding that the variance  
10 does not result in a hazard to life or property. The finding shall  
11 be transmitted to the person requesting the variance and shall be  
12 entered into the records of the bureau of fire services. If the  
13 variance requested concerns a building, the finding shall also be  
14 transmitted to the governing body of the city, village, or township  
15 in which the building is located. The entire state fire safety  
16 board shall act as a hearing body in accordance with the  
17 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
18 24.328, to review and render decisions on a ruling of the state  
19 fire marshal interpreting or applying these rules. After a hearing,  
20 the state fire safety board may modify the ruling ~~or interpretation~~  
21 of the state fire marshal if the enforcement of the ruling ~~or~~  
22 ~~interpretation~~ would do manifest injustice and would be contrary to  
23 the spirit and purpose of the rules or the public interest. A  
24 decision of the state fire safety board to modify or change a  
25 ruling of the state fire marshal ~~—~~shall specify in what manner the  
26 modification or change is made, the conditions upon which it is  
27 made, and the reasons for the modification or change.

1           (3) The department of human services shall promulgate rules  
2 for the certification of specialized programs offered in an adult  
3 foster care facility to a mentally ill or developmentally disabled  
4 resident. The rules shall include provision for an appeal of a  
5 denial or limitation of the terms of certification to the  
6 department pursuant to chapter 4 of the administrative procedures  
7 act of 1969, 1969 PA 306, MCL 24.271 to 24.287.

8           (4) The rules promulgated by the department under this act  
9 shall be restricted to the following:

10           (a) The operation and conduct of adult foster care facilities.

11           (b) The character, suitability, training, and qualifications  
12 of applicants and other persons directly responsible for the care  
13 and welfare of adults served.

14           (c) The general financial ability and competence of applicants  
15 to provide necessary care for adults and to maintain prescribed  
16 standards.

17           (d) The number of individuals or staff required to ensure  
18 adequate supervision and care of the adults served.

19           (e) The appropriateness, safety, cleanliness, and general  
20 adequacy of the premises, including maintenance of adequate health  
21 standards to provide for the physical comfort, care, protection,  
22 and well-being of the adults received and maintenance of adequate  
23 fire protection for adult foster care facilities licensed to  
24 receive 6 or fewer adults. Rules promulgated in the areas provided  
25 by this subdivision shall be promulgated in cooperation with the  
26 state fire safety board.

27           (f) Provisions for food, clothing, educational opportunities,

1 equipment, and individual supplies to ~~assure~~**ENSURE** the healthy  
2 physical, emotional, and mental development of adults served.

3 (g) The type of programs and services necessary to provide  
4 appropriate care to each resident admitted.

5 (h) Provisions to safeguard the rights of adults served,  
6 including cooperation with rights protection systems established by  
7 law.

8 (i) Provisions to prescribe the rights of licensees.

9 (j) Maintenance of records pertaining to admission, progress,  
10 health, and discharge of adults. The rules promulgated under this  
11 subdivision shall include a method by which a licensee promptly  
12 shall notify the appropriate placement agency or responsible agent  
13 of any indication that a resident's assessment plan is not  
14 appropriate for that resident.

15 (k) Filing of reports with the department.

16 (l) Transportation safety.

17 (5) The rules shall be reviewed by the council not less than  
18 once every 5 years.

19 **(6) RULES PROMULGATED UNDER SUBSECTION (1) ARE SUBJECT TO THE**  
20 **EXEMPTION PROVIDED IN SECTION 17 OF THE CONTINUING CARE COMMUNITY**  
21 **ACT.**

22 Enacting section 1. This amendatory act does not take effect  
23 unless Senate Bill No. 886

24 of the 97th Legislature is enacted into law.