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BILL



ANALYSIS

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House Bill 5774 (Substitute H-2 as passed by the House)
Sponsor: Representative Laura Cox
House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services

Date Completed: 12-6-16

CONTENT

The bill would amend the Adult Foster Care Facility Licensing Act to do the following:

- **Require the Department of Licensing and Regulatory Affairs (LARA) to take certain actions when ordering the closure of an adult foster care facility.**
- **Define "department" as LARA, rather than the former Department of Human Services.**
- **Revise a population reference regarding contracting with a local fire marshal for fire safety inspections of adult foster care facilities.**

The bill would take effect 90 days after its enactment.

Closure of Facility

The bill would require LARA to do all of the following when it issued a summary suspension order for closure of an adult foster care facility, or when a facility could not provide adequate resident care:

- Ensure that the Department of Health and Human Services was notified to make arrangements for the orderly and safe discharge and transfer of the residents to another facility or appropriate setting.
- Determine whether a LARA representative needed to be placed in the facility on a daily basis to monitor the delivery of services during the discharge of residents to other facilities or locations.
- Determine whether it was necessary to appoint a temporary administrative advisor or a temporary clinical advisor, or both, with authority and duties LARA specified to assist the facility management and staff to oversee the orderly closure of the facility.

The adult foster care facility would have to pay the expense of a person appointed as a temporary administrative advisor or a temporary clinical advisor.

In addition, LARA's Community and Health Systems Bureau would have to notify the clerk of the city, village, or township, and the Department's Fire Services Bureau would have to notify the local fire chief, of the emergency closure of an adult foster care facility at the time the summary suspension order was served.

Department Definition & References

The Act defines "department" as the Department of Human Services, but Executive Reorganization Order 2015-1 transferred responsibility for adult foster care facilities from that Department to the Department of Licensing and Regulatory Affairs. Under the bill, "department" would refer to LARA.

In addition, the bill would revise some references to the former Department of Human Services, the former Department of Social Services, the former Family Independence Agency, and the former Department of Community Health to refer to the current Department of Health and Human Services. (Executive Reorganization Order 2015-1 combined the Department of Community Health and the Department of Human Services into a single Department of Health and Human Services. The former Department of Human Services also used to be known as the Family Independence Agency and the Department of Social Services.)

Contracting with Detroit Fire Marshal

The Act requires that adult foster care facilities be inspected for fire safety. If the facility is licensed or proposed to be licensed for more than six adults, the inspection must be conducted by LARA's Bureau of Fire Services.

The Act allows the Bureau to contract with the fire marshal of a city having a population of at least 1.0 million to inspect an adult foster care facility licensed or proposed to be licensed for more than six adults, if the facility is located within that city. Under the bill, that provision would apply to a city with a population of not less than 600,000. (Detroit is the only Michigan city that has at least 600,000 residents, but it no longer has a population of 1.0 million or more.)

MCL 400.703 et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.