

HOUSE BILL No. 4349

March 17, 2015, Introduced by Reps. Yanez, Hovey-Wright, Greig, Darany, Cochran, Plawecki, Geiss, Sarah Roberts, Derek Miller, Liberati, Brunner, Pagan and Robinson and referred to the Committee on Regulatory Reform.

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending section 3 (MCL 400.703), as amended by 2014 PA 450.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) "Adult" means:

2 (a) A person 18 years of age or older.

3 (b) A person who is placed in an adult foster care family home
4 or an adult foster care small group home ~~pursuant to~~ **UNDER** section
5 5(6) or (8) of 1973 PA 116, MCL 722.115.

6 (2) "Adult foster care camp" or "adult camp" means an adult
7 foster care facility with the approved capacity to receive more
8 than 4 adults to be provided foster care. An adult foster care camp
9 is a facility located in a natural or rural environment.

10 (3) "Adult foster care congregate facility" means an adult
11 foster care facility with the approved capacity to receive more

1 than 20 adults to be provided with foster care.

2 (4) "Adult foster care facility" means a governmental or
 3 nongovernmental establishment that provides foster care to adults.
 4 Subject to section 26a(1), adult foster care facility includes
 5 facilities and foster care family homes ~~for~~ **THAT PROVIDE 1 OR MORE**
 6 **ELEMENTS OF FOSTER CARE TO** adults who are aged, mentally ill,
 7 developmentally disabled, or physically disabled who require
 8 supervision on an ongoing basis but who do not require continuous
 9 nursing care. Adult foster care facility does not include any of
 10 the following:

11 (a) A nursing home licensed under article 17 of the public
 12 health code, 1978 PA 368, MCL 333.20101 to 333.22260.

13 (b) A home for the aged licensed under article 17 of the
 14 public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

15 (c) A hospital licensed under article 17 of the public health
 16 code, 1978 PA 368, MCL 333.20101 to 333.22260.

17 (d) A hospital for the mentally ill or a facility for the
 18 developmentally disabled operated by the department of ~~community~~
 19 health **AND HUMAN SERVICES** under the mental health code, 1974 PA
 20 258, MCL 330.1001 to 330.2106.

21 (e) A county infirmary operated by a county department of
 22 ~~social services or family independence agency~~ **HEALTH AND HUMAN**
 23 **SERVICES** under section 55 of the social welfare act, 1939 PA 280,
 24 MCL 400.55.

25 (f) A child caring institution, children's camp, foster family
 26 home, or foster family group home licensed or approved under 1973
 27 PA 116, MCL 722.111 to 722.128, if the number of residents who

1 become 18 years of age while residing in the institution, camp, or
2 home does not exceed the following:

3 (i) Two, if the total number of residents is 10 or fewer.

4 (ii) Three, if the total number of residents is not less than
5 11 and not more than 14.

6 (iii) Four, if the total number of residents is not less than 15
7 and not more than 20.

8 (iv) Five, if the total number of residents is 21 or more.

9 (g) A foster family home licensed or approved under 1973 PA
10 116, MCL 722.111 to 722.128, that has a person who is 18 years of
11 age or older placed in the foster family home under section 5(7) of
12 1973 PA 116, MCL 722.115.

13 (h) An establishment commonly described as an alcohol or a
14 substance ~~abuse~~ **USE DISORDER** rehabilitation center, a residential
15 facility for persons released from or assigned to adult
16 correctional institutions, a maternity home, or a hotel or rooming
17 house that does not provide or offer to provide foster care.

18 (i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

19 (j) An area excluded from the definition of adult foster care
20 facility under section 17(3) of the continuing care community
21 disclosure act, **2014 PA 448**, MCL 554.917.

22 (5) "Adult foster care family home" means a private residence
23 with the approved capacity to receive 6 or fewer adults to be
24 provided with foster care for 5 or more days a week and for 2 or
25 more consecutive weeks. The adult foster care family home licensee
26 shall be a member of the household, and an occupant of the
27 residence.

1 (6) "Adult foster care large group home" means an adult foster
2 care facility with the approved capacity to receive at least 13 but
3 not more than 20 adults to be provided with foster care.

4 (7) "Adult foster care small group home" means an adult foster
5 care facility with the approved capacity to receive 12 or fewer
6 adults to be provided with foster care.

7 (8) "Aged" means an adult whose chronological age is 60 years
8 of age or older or whose biological age, as determined by a
9 physician, is 60 years of age or older.

10 (9) "Assessment plan" means a written statement prepared in
11 cooperation with a responsible agency or person that identifies the
12 specific care and maintenance, services, and resident activities
13 appropriate for each individual resident's physical and behavioral
14 needs and well-being and the methods of providing the care and
15 services taking into account the preferences and competency of the
16 individual.

17 Enacting section 1. This amendatory act takes effect 90 days
18 after the date it is enacted into law.