

# SENATE BILL No. 1141

October 20, 2016, Introduced by Senators KNOLLENBERG, MACGREGOR and  
MARLEAU 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~~ **ACCORDING** to  
5 section 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

1 is a facility located in a natural or rural environment.

2 (3) "Adult foster care congregate facility" means an adult  
3 foster care facility with the approved capacity to receive more  
4 than 20 adults to be provided with foster care.

5 (4) "Adult foster care facility" means a governmental or  
6 nongovernmental establishment ~~that provides foster care to adults.~~

7 **IN WHICH A SINGLE ENTITY OR COMMONLY OWNED AND CONTROLLED ENTITIES**  
8 **PROVIDE FOSTER CARE TO ADULTS, EXCEPT AS PROVIDED UNDER SECTION 17**  
9 **OF THE CONTINUING CARE COMMUNITY DISCLOSURE ACT, 2014 PA 448, MCL**

10 **554.917.** Subject to section 26a(1), adult foster care facility  
11 includes facilities and foster care family homes for adults who are  
12 aged, mentally ill, developmentally disabled, or physically  
13 disabled who require supervision on an ongoing basis but who do not  
14 require continuous nursing care. Adult foster care facility does  
15 not include any of the following:

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

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

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

22 (d) A hospital for the mentally ill or a facility for the  
23 developmentally disabled operated by the department of ~~community~~  
24 health **AND HUMAN SERVICES** under the mental health code, 1974 PA  
25 258, MCL 330.1001 to 330.2106.

26 (e) A county infirmary operated by a county department of  
27 ~~social~~ **HEALTH AND HUMAN** services ~~or family independence agency~~

1 under section 55 of the social welfare act, 1939 PA 280, MCL  
2 400.55.

3 (f) A child caring institution, children's camp, foster family  
4 home, or foster family group home licensed or approved under 1973  
5 PA 116, MCL 722.111 to 722.128, if the number of residents who  
6 become 18 years of age while residing in the institution, camp, or  
7 home does not exceed the following:

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

9 (ii) Three, if the total number of residents is not less than  
10 11 and not more than 14.

11 (iii) Four, if the total number of residents is not less than  
12 15 and not more than 20.

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

14 (g) A foster family home licensed or approved under 1973 PA  
15 116, MCL 722.111 to 722.128, that has a person who is 18 years of  
16 age or older placed in the foster family home under section 5(7) of  
17 1973 PA 116, MCL 722.115.

18 (h) An establishment commonly described as an alcohol, ~~or a~~  
19 substance abuse, **OR SUBSTANCE ABUSE DISORDER** rehabilitation center,  
20 a residential facility for persons released from or assigned to  
21 adult correctional institutions, a maternity home, or a hotel or  
22 rooming house that does not provide or offer to provide foster  
23 care.

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

25 (j) An area excluded from the definition of adult foster care  
26 facility under section 17(3) of the continuing care community  
27 disclosure act, MCL 554.917.

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

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

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

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

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

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