

SENATE BILL No. 745

January 10, 2018, Introduced by Senators MARLEAU, MACGREGOR, JONES,
KNOLLENBERG, NOFS, STAMAS, KOWALL, GREGORY and SCHMIDT and
referred to the Committee on Health Policy.

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending section 3 (MCL 400.703), as amended by 2016 PA 525.

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 according to section 5(6)
- 5 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 Subject to section 26a(1), adult foster care facility includes
8 facilities and foster care family homes for adults who are aged,
9 mentally ill, developmentally disabled, or physically disabled who
10 require supervision on an ongoing basis but who do not require
11 continuous nursing care. Adult foster care facility does not
12 include any of the following:

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

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

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

19 (d) A hospital for the mentally ill or a facility for the
20 developmentally disabled operated by the department of health and
21 human services under the mental health code, 1974 PA 258, MCL
22 330.1001 to 330.2106.

23 (e) A county infirmary operated by a county department of
24 health and human services under section 55 of the social welfare
25 act, 1939 PA 280, MCL 400.55.

26 (f) A child caring institution, children's camp, foster family
27 home, or foster family group home licensed or approved under 1973

1 PA 116, MCL 722.111 to 722.128, if the number of residents who
2 become 18 years of age while residing in the institution, camp, or
3 home does not exceed the following:

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

5 (ii) Three, if the total number of residents is not less than
6 11 and not more than 14.

7 (iii) Four, if the total number of residents is not less than
8 15 and not more than 20.

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

10 (g) A foster family home licensed or approved under 1973 PA
11 116, MCL 722.111 to 722.128, that has a person who is 18 years of
12 age or older placed in the foster family home under section 5(7) of
13 1973 PA 116, MCL 722.115.

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

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

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

23 **(K) A FACILITY THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:**

24 **(i) ALL OF THE RESIDENTS IN THE FACILITY ARE ADULTS WHO**
25 **RECEIVE COMMUNITY LIVING SUPPORTS OR PERSONAL CARE, OR BOTH, AS**
26 **DEFINED BY THE MICHIGAN MEDICAID PROVIDER MANUAL, AND A COMMUNITY**
27 **MENTAL HEALTH SERVICES PROGRAM MONITORS THE SERVICES PROVIDED IN**

1 THE FACILITY DIRECTLY OR THROUGH A SUBCONTRACTOR.

2 (ii) THE NUMBER OF RESIDENTS RECEIVING COMMUNITY LIVING
3 SUPPORTS OR PERSONAL CARE, OR BOTH, IS 6 OR LESS.

4 (iii) THE PERSON OR ENTITY THAT PROVIDES ROOM AND THE PERSON
5 OR ENTITY THAT PROVIDES PERSONAL CARE, SUPERVISION, OR PROTECTION
6 ARE NOT RELATED.

7 (iv) THE PERSON OR ENTITY THAT PROVIDES BOARD AND THE PERSON
8 OR ENTITY THAT PROVIDES ROOM, PERSONAL CARE, SUPERVISION, OR
9 PROTECTION ARE NOT RELATED.

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

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

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

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

25 (9) "Assessment plan" means a written statement prepared in
26 cooperation with a responsible agency or person that identifies the
27 specific care and maintenance, services, and resident activities

1 appropriate for each individual resident's physical and behavioral
2 needs and well-being and the methods of providing the care and
3 services taking into account the preferences and competency of the
4 individual.

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