

HOUSE BILL NO. 5532

February 20, 2020, Introduced by Rep. Reilly and referred to the Committee on Health Policy.

A bill to amend 2014 PA 448, entitled
"Continuing care community disclosure act,"
by amending section 17 (MCL 554.917).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 17. (1) A continuing care community that is licensed in
2 whole or part under article 17 of the public health code, 1978 PA
3 368, MCL 333.20101 to ~~333.22260~~, **333.21925**, or the adult foster
4 care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737,
5 is exempt from any rules promulgated under article 17 of the public
6 health code, 1978 PA 368, MCL 333.20101 to ~~333.22260~~, **333.21925**, or



1 the adult foster care facility licensing act, 1979 PA 218, MCL
2 400.701 to 400.737, that would interfere with a resident's access
3 to a common area, subject to the resident's need for care and
4 supervision.

5 (2) A continuing care community may request a variance from
6 the application of a rule promulgated under article 17 of the
7 public health code, 1978 PA 368, MCL 333.20101 to ~~333.22260,~~
8 **333.21925**, or promulgated under the adult foster care facility
9 licensing act, 1979 PA 218, MCL 400.701 to 400.737, and applicable
10 to a home for the aged or adult foster care facility, respectively,
11 that is part of the continuing care community. The department of
12 **health and** human services shall grant the variance upon a finding
13 of both of the following:

14 (a) That the rule unnecessarily segregates members of the
15 continuing care community who reside in the home for the aged or
16 adult foster care facility from other members of the continuing
17 care community.

18 (b) That the variance will not result in a risk to human
19 health or safety.

20 (3) An area where room and board together with personal care,
21 protection and supervision, or supervised personal care are
22 provided to a member is not a home for the aged as defined in
23 section 20106 of the public health code, 1978 PA 368, MCL
24 333.20106, or an adult foster care facility as defined in section 3
25 of the adult foster care facility licensing act, 1979 PA 218, MCL
26 400.703, if the services are only provided on a temporary basis
27 under any of the following circumstances:

28 (a) While the member is recovering from an illness or
29 accident.



1 (b) Until a living unit in an appropriate licensed area of the
2 continuing care community becomes available.

3 (4) The relationship between a continuing care community and a
4 member or prospective member is not subject to laws regulating the
5 relationship between a landlord and a current or prospective
6 tenant.

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

9 Enacting section 2. This amendatory act does not take effect
10 unless Senate Bill No. _____ or House Bill No. 5510 (request no.
11 04667'19) of the 100th Legislature is enacted into law.

