

**SUBSTITUTE FOR
HOUSE BILL NO. 5660**

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending section 11 (MCL 400.711), as amended by 2016 PA 525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) The director, the director's agent, or personnel
2 of another department or agency, acting at the request of the
3 director, may enter upon the premises of an applicant or licensee
4 at a reasonable time to make inspections, as permitted by
5 applicable law, to determine whether the applicant or licensee is
6 complying with this act and the rules promulgated under this act.
7 On-site inspections may be conducted without prior notice to the
8 adult foster care facility. A health and sanitation inspection of
9 an adult foster care facility shall be conducted upon the request

1 of the department by 1 of the following:

2 (a) Department staff.

3 (b) The department of health and human services.

4 (c) A local health department.

5 (2) The bureau of fire services created in section 1b of the
6 fire prevention code, 1941 PA 207, MCL 29.1b, or local authorities,
7 in carrying out this act, may visit an adult foster care facility
8 more often than annually to advise in matters affecting health or
9 fire protection. Inspections ~~shall~~**must** be made as permitted by
10 law.

11 (3) An adult foster care facility ~~shall~~**must** be inspected for
12 fire safety by 1 of the following:

13 (a) Department staff, if the facility is licensed or proposed
14 to be licensed for 6 or fewer adults. The department may request
15 that a fire safety inspection be performed by or at the direction
16 of the bureau of fire services, for a facility licensed or proposed
17 to be licensed for 6 or fewer adults, if ~~such an~~**that** inspection
18 would result in the efficient administration of this act.

19 (b) The bureau of fire services or the designated
20 representative of the bureau of fire services, if the facility is
21 licensed or proposed to be licensed for more than 6 adults. The
22 bureau of fire services ~~shall~~**must** inspect or have inspected for
23 fire safety an adult foster care facility licensed or proposed to
24 be licensed for 6 or fewer adults upon request by the department.
25 The bureau of fire services may contract with the fire marshal of a
26 city having a population of not less than 600,000 to inspect adult
27 foster care facilities licensed or proposed to be licensed for more
28 than 6 adults if the facility is located within that city. The fire
29 marshal of a city ~~shall~~**must** conduct an inspection in compliance

1 with procedures established and on forms provided by the bureau of
2 fire services.

3 (4) Except as provided in subsection (3)(b) and section 10(2),
4 the inspector ~~shall~~**must** administer and enforce the rules
5 promulgated by the department.

6 (5) Upon receipt of a request from an adult foster care
7 facility for certification of a specialized program for
8 developmentally disabled or mentally ill adults, the department
9 ~~shall~~**must** inspect the facility to determine whether the proposed
10 specialized program conforms with the requirements of applicable
11 law and rules. The department ~~shall~~**must** provide the department of
12 health and human services with an inspection report and a
13 certification, denial of certification, or certification with
14 limited terms for the proposed specialized program. The department
15 ~~shall~~**must** reinspect a certified specialized program not less than
16 once biennially. In carrying out this subsection, the department
17 may contract with a county community mental health board or any
18 other agency for services.

19 (6) Inspection reports required by this section ~~shall~~**must** be
20 furnished to the department and shall be used in the evaluation for
21 licensing of an adult foster care facility. The department ~~shall~~
22 **must** consider the reports carefully and may make special
23 consultations if necessary. The department ~~shall be~~**is** responsible
24 for the final determination of the issuance, denial, or revocation
25 and the temporary or provisional nature of a license issued to an
26 adult foster care facility. A report of the department's findings
27 ~~shall~~**must** be furnished to the licensee or applicant.

28 (7) The inspection reports required by this section shall be
29 available for public inspection during reasonable business hours.

1 (8) The department shall submit biannual reports to the
2 appropriation subcommittees for the department, the senate and
3 house fiscal agencies, and the state budget director containing a
4 summary of input from individuals who perform inspections for
5 entities regulated by the bureau of community and health systems,
6 or a successor agency within the department. The feedback and input
7 must be regarding the adequacy of federal and state guidelines
8 pertaining to the areas that the individual inspects for the
9 entities described in this section. The summary must include
10 details of the feedback excluding information that identifies the
11 inspectors providing the feedback. The summary may be cumulative in
12 nature, but must be understandable to the general public.