

HOUSE BILL No. 5245

October 31, 1989, Introduced by Reps. Hunter and Brown and referred to the Committee on Social Services and Youth.

A bill to amend sections 3 and 22 of Act No. 218 of the Public Acts of 1979, entitled "Adult foster care facility licensing act," section 3 as amended by Act No. 140 of the Public Acts of 1984, being sections 400.703 and 400.722 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3 and 22 of Act No. 218 of the Public
2 Acts of 1979, section 3 as amended by Act No. 140 of the Public
3 Acts of 1984, being sections 400.703 and 400.722 of the Michigan
4 Compiled Laws, are amended to read as follows:

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

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

7 (b) A person who is placed in an adult foster care family
8 home or an adult foster care small group home pursuant to section

1 5(6) of Act No. 116 of the Public Acts of 1973, as amended, being
2 section 722.115 of the Michigan Compiled Laws.

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

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

11 (4) "Adult foster care facility" means a governmental or
12 nongovernmental establishment ~~having as its principal function~~
13 ~~the receiving of adults for~~ THAT PROVIDES foster care TO
14 ADULTS. It includes facilities and foster care family homes for
15 adults who are aged, ~~emotionally disturbed~~ MENTALLY ILL, devel-
16 opmentally disabled, or physically handicapped who require super-
17 vision on an ongoing basis but who do not require continuous
18 nursing care. Adult foster care facility does not include any of
19 the following:

20 (a) A nursing home licensed under article 17 of the public
21 health code, Act No. 368 of the Public Acts of 1978, as amended,
22 being sections 333.20101 to ~~333.22181~~ 333.22260 of the Michigan
23 Compiled Laws.

24 (b) A home for the aged licensed under article 17 of the
25 public health code, Act No. 368 of the Public Acts of 1978, as
26 amended.

1 (c) A hospital licensed under article 17 of the public
2 health code, Act No. 368 of the Public Acts of 1978, as amended.

3 (d) A hospital for the mentally ill or a facility for the
4 developmentally disabled operated by the department of mental
5 health under the mental health code, Act No. 258 of the Public
6 Acts of 1974, as amended, being sections 330.1001 to 330.2106 of
7 the Michigan Compiled Laws.

8 (e) A county infirmary operated by a county department of
9 social services under section 55 of the social welfare act, Act
10 No. 280 of the Public Acts of 1939, as amended, being section
11 400.55 of the Michigan Compiled Laws.

12 (f) A child caring institution, children's camp, foster
13 family home, or foster family group home licensed or approved
14 under Act No. 116 of the Public Acts of 1973, as amended, being
15 sections 722.111 to 722.128 of the Michigan Compiled Laws, if the
16 number of residents who become 18 years of age while residing in
17 the institution, camp, or home does not exceed the following:

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

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

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

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

24 (g) An establishment commonly described as an alcohol or a
25 substance abuse rehabilitation center, a residential facility for
26 persons released from or assigned to adult correctional

1 institutions, a maternity home, or a hotel or rooming house which
2 does not provide or offer to provide foster care.

3 (h) A facility created by Act No. 152 of the Public Acts of
4 1885, as amended, being sections 36.1 to 36.12 of the Michigan
5 Compiled Laws.

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

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

16 (7) "Adult foster care small group home" means an adult
17 foster care facility with the approved capacity to receive 12 or
18 fewer adults who shall be provided foster care.

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

22 (9) "Assessment plan" means a written statement prepared in
23 cooperation with a responsible agency or person ~~and which~~ THAT
24 identifies the specific care and maintenance, services, and resi-
25 dent activities appropriate for each individual resident's physi-
26 cal and behavioral needs and well-being and the methods of

1 providing the care and services taking into account the
2 preferences and competency of the individual.

3 Sec. 22. (1) The department may deny, ~~a license,~~ revoke,
4 ~~a license,~~ OR refuse to renew a license, or modify a regular
5 license to a provisional license, if the licensee falsifies
6 information on the application for license or ~~wilfully~~
7 WILLFULLY and substantially violates this act, the rules promul-
8 gated under this act, or the terms of the license.

9 (2) A license shall not be denied or revoked, a renewal
10 shall not be refused, and a regular license shall not be modified
11 to a provisional license unless the DEPARTMENT GIVES THE licensee
12 or applicant ~~is given~~ written notice of the grounds of the pro-
13 posed denial, revocation, refusal to renew, or modification. If
14 the LICENSEE OR APPLICANT APPEALS THE denial, revocation, refusal
15 to renew, or modification ~~is appealed~~ BY FILING A WRITTEN
16 APPEAL WITH THE DIRECTOR within 30 days after receipt of the
17 written notice, ~~addressed to the director,~~ the director or the
18 director's designated representative shall conduct a hearing at
19 which the licensee or applicant may present testimony and con-
20 front witnesses. Notice of the hearing shall be given to the
21 licensee or applicant by ~~a~~ personal service or delivery to the
22 proper address by registered mail not less than 2 weeks before
23 the date of the hearing. The decision of the director shall be
24 made and forwarded to the protesting party by registered mail not
25 more than 30 days after the hearing. If the proposed denial,
26 revocation, refusal to renew, or modification is not protested

1 within 30 days, the license shall be denied, revoked, refused, or
2 modified.

3 (3) IF THE DEPARTMENT HAS REVOKED, SUSPENDED, OR REFUSED TO
4 RENEW A LICENSE, THE FORMER LICENSEE SHALL NOT RECEIVE OR MAIN-
5 TAIN ADULTS IN NEED OF FOSTER CARE. A PERSON WHO VIOLATES THIS
6 SUBSECTION IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF
7 NOT MORE THAN \$1,000.00.

8 (4) IF THE DEPARTMENT HAS REVOKED, SUSPENDED, OR REFUSED TO
9 RENEW A LICENSE, IT SHALL PROVIDE RELOCATION SERVICES TO ADULTS
10 WHO WERE BEING SERVED BY THE FORMERLY LICENSED FACILITY.