

Administrative Rule Analysis



CHILD CARING INSTITUTIONS

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Rule Set No.: 2020-39 HS
Submitted to JCAR on:

Analysis available at
<http://www.legislature.mi.gov>

Department: Health and Human Services
Agency: Children's Services Agency
Enabling Statute: Child Care Organizations Act, 1973 PA 116, MCLs 722.112, 722.115, 722.120, and 722.124.

Analysis Complete to: 01/05/2022

BACKGROUND AND SUMMARY OF PROPOSED RULES

Rule Set 2020-39 HS would make amendments, rescissions, and additions to rules regarding child caring institutions which are regulated in the Michigan Department of Health and Human Services (DHHS). Specific changes accomplished by the rule set would include the following:

- Revision of definitions.
- Inclusion of rules and definitions regarding treatment of LGBTQ youth and gender expression. Inclusion of rule that youth are to be given placements that are consistent with their gender identity that also prioritizes their safety.
- Revision of rules regarding the practice of chemical and physical restraints, including specific language on the maximum length of time youth can be restrained.
- Inclusion of guidelines for staff monitoring youth in seclusion, including maximum length of time youth can be secluded.
- Revision of rules regarding administering medication to youth.
- Inclusion of sexual harassment and sexual assault prohibition language, including specific guidelines for reporting and investigating cases of harassment and abuse of youth by employees.
- Inclusion of crisis prevention, intervention, and de-escalation techniques as a means of behavior management.
- Revision of fire safety guidelines.

FISCAL IMPACT OF PROPOSED RULES

2020-39 HS may increase expenditures for DHHS by an indeterminate but likely moderate amount. The fiscal impact of 2020-39 HS would be dependent upon the cost of hiring additional staff needed to care for and monitor youth in child caring institutions. The revision and inclusion of seclusion, intervention, and de-escalation guidelines may require DHHS to increase staff in child caring institutions. Any additional costs of 2020-39 HS would be dependent upon programming and contract costs, as well as changes in state and federal reimbursement rates. The fiscal impact of 2020-3 HS on local units of government would be dependent on any changes in state and federal reimbursement rates as well as any staffing increases to local child caring facilities.

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