

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Community and Health Systems

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Adult Foster Care Congregate Facilities Licensing Rules

5. Rule numbers or rule set range of numbers:

R 400.2401 - R 400.2475

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The Adult Foster Care Congregate Facilities administrative rules provide for the licensing regulation of adult foster care congregated facilities, including establishing incident and accident reporting and corrective action procedures.

The proposed changes are to provide regulatory relief and simplification to licensees while still ensuring the health, safety, and welfare of residents.

The specific rules proposed for revision are:

R 400.2404 Illness and accidents

R 400.2404a Incident notification, incident records (New)

R 400.2454 Accident records and incident reports

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Section 10 of 1979, PA 218, MCL 400.710, the Adult Foster Care Facility Licensing Act, authorizes the Department of Licensing and Regulatory Affairs to promulgate the rules.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the department of licensing and regulatory affairs by section 9 of the Executive organization act of 1965, 1965 PA 380, MCL 16.109, and sections 10 and 13 of 1979 PA 218, MCL 400.710 and MCL 400.713 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-18, and 2015-4, MCL 330.3101, 445.2001, and 400.227

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

Section 10 of 1979, PA 218, MCL 400.710, the Adult Foster Care Facility Licensing Act, authorizes the Department of Licensing and Regulatory Affairs to promulgate the rules

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The department is not aware of any rules, compliance requirements, or other standards adopted at the state, regional, or federal level that the proposed rules conflict with or duplicate.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter is not currently contained in any guidance, handbook, manual, instruction bulletin, form with instructions, or operational memorandum.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes, the rules are listed on the Annual Regulatory Plan.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

This rule set does not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The proposed rules incorporate recommendations received from licensed providers and provider associations related to existing requirements and their compliance with R 400.2404 and R. 400.2454 as well as a new requirement in 2404a.

The proposed rules will reduce the licensee's reporting burden to the state, while still maintaining a provider review process to protect residents.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The specific rules proposed for revision are:

R 400.2404 Illness and accidents - last revised 1979

R 400.2454 Accident records and incident reports - last revised 1979

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There are no changes or developments that demonstrate there is no continued need for the rules or any portion of the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No