

# HOUSE BILL No. 4989

June 26, 2001, Introduced by Reps. Hardman and McConico and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1979 PA 218, entitled  
"Adult foster care facility licensing act,"  
by amending section 11 (MCL 400.711), as amended by 1992 PA 176.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 11. (1) The director, the director's agent, or person-  
2 nel 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~~ AN INSPECTION, as per-  
5 mitted by applicable law, to determine whether the applicant or  
6 licensee is complying with this act and the rules promulgated  
7 under this act. ~~On-site inspections~~ AN ON-SITE INSPECTION may  
8 be conducted without prior notice to the adult foster care  
9 facility. A health and sanitation inspection of an adult foster  
10 care facility shall be conducted upon the request of the  
11 department by 1 of the following:

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1 (a) Department staff.

2 (b) The department of ~~public health~~ CONSUMER AND INDUSTRY  
3 SERVICES.

4 (c) A local health department.

5 (2) The OFFICE OF FIRE SAFETY OF THE department of ~~public~~  
6 ~~health, the fire marshal division of the department of state~~  
7 ~~police~~ CONSUMER AND INDUSTRY SERVICES, or local authorities, in  
8 carrying out this act, may visit an adult foster care facility  
9 more often than annually to advise in matters affecting health or  
10 fire protection. ~~Inspections~~ AN INSPECTION shall be made as  
11 permitted by law.

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

14 (a) Department staff, if the facility is licensed or pro-  
15 posed to be licensed for 6 or fewer adults. The department may  
16 request that a fire safety inspection be completed or caused to  
17 be completed by the ~~state fire marshal~~ OFFICE OF FIRE SAFETY,  
18 for a facility licensed or proposed to be licensed for 6 or fewer  
19 adults, ~~when such an~~ IF THE inspection would result in the  
20 efficient administration of this act.

21 (b) The ~~state fire marshal~~ OFFICE OF FIRE SAFETY or the  
22 designated representative of the ~~state fire marshal~~ OFFICE OF  
23 FIRE SAFETY, if the facility is licensed or proposed to be  
24 licensed for more than 6 adults. The ~~state fire marshal~~ OFFICE  
25 OF FIRE SAFETY shall inspect or cause to be inspected for fire  
26 safety an adult foster care facility licensed or proposed to be  
27 licensed for 6 or fewer adults upon request by the department.

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1 The ~~state fire marshal~~ OFFICE OF FIRE SAFETY may contract with  
2 the fire marshal of a city having a population of not less than  
3 ~~1,000,000~~ 750,000 to inspect AN adult foster care ~~facilities~~  
4 FACILITY licensed or proposed to be licensed for more than 6  
5 adults if the facility is located within that city. The fire  
6 marshal of a city shall conduct an inspection in compliance with  
7 procedures established and on forms provided by the ~~state fire~~  
8 ~~marshal~~ OFFICE OF FIRE SAFETY.

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

12 (5) Upon receipt of a request from an adult foster care  
13 facility for certification of a specialized program for develop-  
14 mentally disabled or mentally ill adults, the department of  
15 ~~mental~~ COMMUNITY health shall inspect the facility to determine  
16 whether the proposed specialized program conforms with the  
17 requirements of applicable law and rules. The department of  
18 ~~mental~~ COMMUNITY health shall provide the department with an  
19 inspection report and a certification, denial of certification,  
20 or certification with limited terms for the proposed specialized  
21 program. The department of ~~mental~~ COMMUNITY health shall rein-  
22 spect a certified specialized program not less than once bienni-  
23 ally and notify the department ~~of social services~~ in the same  
24 manner as for the initial certification. In carrying out this  
25 subsection, the department of ~~mental~~ COMMUNITY health may con-  
26 tract with a county community mental health board or any other  
27 agency for services.

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1       (6) ~~Inspection reports~~ AN INSPECTION REPORT required by  
2 this section shall be furnished to the department and shall be  
3 used in the evaluation for licensing of an adult foster care  
4 facility. The department shall consider the ~~reports~~ REPORT  
5 carefully and may make A special ~~consultations~~ CONSULTATION if  
6 necessary. The department ~~shall be~~ IS responsible for the  
7 final determination of the issuance, denial, or revocation and  
8 the temporary or provisional nature of a license issued to an  
9 adult foster care facility. A report of the department's find-  
10 ings shall be furnished to the licensee or applicant.

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