

DRAFT 1  
**SUBSTITUTE FOR**  
**HOUSE BILL NO. 4841**

A bill to amend 1979 PA 218, entitled  
"Adult foster care facility licensing act,"  
by amending sections 6, 7, 13, and 24 (MCL 400.706, 400.707,  
400.713, and 400.724), section 6 as amended by 2017 PA 156,  
sections 7 and 13 as amended by 2018 PA 557, and section 24 as  
amended by 2018 PA 558, and by adding sections 9a, 28, 28a, 28b,  
28c, and 28d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 6. (1) "Personal care" means personal assistance provided  
2 by a licensee or an agent or employee of a licensee to a resident  
3 who requires assistance with dressing, personal hygiene, grooming,  
4 ~~maintenance of~~ **maintaining** a medication schedule as directed and  
5 supervised by the resident's physician, or ~~the development of~~



1 **developing** those personal and social skills required to live in the  
2 least restrictive environment.

3 (2) "Physical disability" means a determinable physical  
4 characteristic of an individual that may result from disease,  
5 injury, congenital condition of birth, or functional disorder.

6 (3) "Physical plant" means the structure in which a facility  
7 is located and all physical appurtenances to the facility.

8 (4) "Physician orders for scope of treatment form" or "POST  
9 form" means that term as defined in section 5674 of the public  
10 health code, 1978 PA 368, MCL 333.5674.

11 (5) "Protection", subject to ~~section 26a(2)~~, **section 26a(3)**,  
12 means the continual responsibility of the licensee to take  
13 reasonable action to ensure the health, safety, and well-being of a  
14 resident, including protection from physical harm, **emotional harm**,  
15 **mental harm**, humiliation, intimidation, and social, moral,  
16 financial, and personal exploitation while on the premises, while  
17 under the supervision of the licensee or an agent or employee of  
18 the licensee, or when the resident's assessment plan states that  
19 the resident needs continuous supervision.

20 (6) "Provisional license" means a license issued to a facility  
21 that has previously been licensed under this act or an act repealed  
22 by this act but is temporarily unable to conform to the  
23 requirements of a regular license prescribed in this act or rules  
24 promulgated under this act.

25 (7) "Quality of care" means the foster care of residents of a  
26 facility and other similar items not related to the physical plant  
27 that address themselves to the general physical and mental health,  
28 welfare, and well-being of residents.

29



1       Sec. 7. (1) "Regular license" means a license issued to an  
2 adult foster care facility that is in compliance with this act and  
3 the rules promulgated under this act.

4       (2) "Related" means any of the following relationships by  
5 marriage, blood, or adoption: spouse, child, parent, brother,  
6 sister, grandparent, grandchild, aunt, uncle, stepparent,  
7 stepbrother, stepsister, or cousin.

8       (3) "Resident's designee" means the person designated by the  
9 resident in writing or by a court order with legal authority to act  
10 on the resident's behalf.

11       (4) "Self-administration of medication" means the removal and  
12 understanding of the correct dosage from the pharmaceutical  
13 container, understanding the reason for medication, and self-  
14 injecting, self-ingesting, or self-applying the medication by the  
15 resident with no assistance. Qualified personnel of the facility  
16 may assist with providing reminders of frequency, opening  
17 containers, pouring medication, and physically bringing medication  
18 to the resident.

19       (5) ~~(3)~~—"Short-term operation" means an adult foster care  
20 facility that operates for a period of time less than 6 months  
21 within a calendar year.

22       (6) "Special compensation" means payment to an adult foster  
23 care facility to ensure the provision of a specialized program in  
24 addition to the basic payment for adult foster care. Special  
25 compensation does not include payment received by the adult foster  
26 care facility directly from the Medicaid program for personal care  
27 services for a resident, or payment received under the supplemental  
28 security income program under title XVI of the social security act,  
29 42 USC 1381 to 1383f.



(7) ~~(4)~~ "Special license" means a license issued for the duration of the operation of an adult foster care facility if the licensee is a short-term operation.

(8) ~~(5)~~ "Specialized program" means a program of services or treatment provided in an adult foster care facility licensed under this act that is designed to meet the unique programmatic needs of the residents of that home as set forth in the assessment plan for each resident and for which the facility receives special compensation.

~~(6) "Special compensation" means payment to an adult foster care facility to ensure the provision of a specialized program in addition to the basic payment for adult foster care. Special compensation does not include payment received by the adult foster care facility directly from the Medicaid program for personal care services for a resident, or payment received under the supplemental security income program under title XVI of the social security act, 42 USC 1381 to 1383f.~~

(9) ~~(7)~~ "Supervision" means guidance of a resident in the activities of daily living, including 1 or more of the following:

(a) Reminding a resident to maintain ~~his or her~~ **the resident's** medication schedule, as directed by the resident's physician.

(b) Reminding a resident of important activities to be carried out.

(c) Assisting a resident in keeping appointments.

(d) Being aware of a resident's general whereabouts even though the resident may travel independently about the community.

(10) ~~(8)~~ "Temporary license" means a license issued to a facility that has not previously been licensed under this act or under former 1972 PA 287.



1       Sec. 9a. (1) The department shall provide the following  
2 information to the public in compliance with the freedom of  
3 information act, 1976 PA 442, MCL 15.231 to 15.246:

4       (a) Facility ownership information, including the owner's  
5 name, address, telephone number, and whether the facility is profit  
6 or nonprofit.

7       (b) The adult foster care facility's name, address, and  
8 telephone number, and the administrator's name.

9       (c) The minimum staff-to-resident ratio.

10       (d) The total capacity in a facility.

11       (e) A list of services and specialty services provided by the  
12 adult foster care facility.

13       (f) A link to a detailed report of the adult foster care  
14 facility's violations or a special investigation report regarding  
15 the adult foster care facility.

16       (g) A link to the education requirements of the staff.

17       (2) The department must post the information listed in  
18 subsection (1) online to be accessed as part of the adult foster  
19 care facility search tool.

20       Sec. 13. (1) A person, partnership, corporation, association,  
21 or a department or agency of the state, county, city, or other  
22 political subdivision shall not establish or maintain an adult  
23 foster care facility unless licensed by the department.

24       (2) Application for a license ~~shall~~**must** be made on forms  
25 provided and in the manner prescribed by the department. The  
26 application ~~shall~~**must** be accompanied by the fee prescribed in  
27 section 13a.

28       (3) Before issuing or renewing a license, the department ~~shall~~  
29 **must** investigate the activities and standards of care of the



1 applicant and ~~shall~~ make an on-site evaluation of the facility. On-  
2 site inspections conducted in response to the application may be  
3 conducted without prior notice to the applicant. On-site  
4 inspections conducted for renewing a license may be conducted  
5 within 12 months before the expiration date of the current license  
6 without impact on the license renewal date or the license fee.  
7 Subject to subsections (9), (10), and (11), the department shall  
8 issue or renew a license if satisfied as to all of the following:

9 (a) The financial stability of the facility.

10 (b) The applicant's compliance with this act and rules  
11 promulgated under this act.

12 (c) The good moral character of the applicant, or owners,  
13 partners, or directors of the facility, if other than an  
14 individual. Each of these persons ~~shall~~**must** be not less than 18  
15 years of age.

16 (d) The physical and emotional ability of the applicant, and  
17 the person responsible for the daily operation of the facility to  
18 operate an adult foster care facility.

19 (e) The good moral character of the licensee or licensee  
20 designee, owner, partner, director, and person responsible for the  
21 daily operation of the facility. The applicant is responsible for  
22 assessing the good moral character of the employees of the  
23 facility. The person responsible for the daily operation of the  
24 facility ~~shall~~**must** be not less than 18 years of age.

25 (4) The department shall require an applicant or a licensee to  
26 disclose the names, addresses, and official positions of all  
27 persons who have an ownership interest in the adult foster care  
28 facility. If the adult foster care facility is located on or in  
29 real estate that is leased, the applicant or licensee ~~shall~~**must**



1 disclose the name of the lessor of the real estate and any direct  
2 or indirect interest that the applicant or licensee has in the  
3 lease other than as lessee.

4 (5) Each license ~~shall~~**must** state the maximum number of  
5 ~~persons~~**individuals** to be received for foster care at 1 time.

6 (6) If applicable, a license ~~shall~~**must** state the type of  
7 specialized program for which certification has been received from  
8 the department.

9 (7) A license shall be issued to a specific person for a  
10 facility at a specific location and is nontransferable.

11 (8) An applicant or licensee proposing a sale of an adult  
12 foster care facility or home to another owner ~~shall~~**must** provide  
13 the department with advance notice of the proposed sale in writing.  
14 The applicant or licensee and other parties to the sale ~~shall~~**must**  
15 arrange to meet with specified department representatives and ~~shall~~  
16 obtain before the sale a determination of the items of  
17 noncompliance with applicable law and rules that ~~shall~~**must** be  
18 corrected. The department ~~shall~~**must** notify the respective parties  
19 of the items of noncompliance before the change of ownership, ~~shall~~  
20 **must** indicate that the items of noncompliance ~~shall~~**must** be  
21 corrected as a condition of issuance of a license to the new owner,  
22 and ~~shall~~**must** notify the prospective purchaser of all licensure  
23 requirements.

24 (9) The department shall not issue a license to or renew the  
25 license of an owner, partner, or director of the applicant, who has  
26 regular direct access to residents or who has on-site facility  
27 operational responsibilities, or an applicant or the licensee  
28 designee, if any of those individuals have been convicted of 1 or  
29 more of the following:



1 (a) A felony under this act or under chapter XXA of the  
2 Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r.

3 (b) A misdemeanor under this act or under chapter XXA of the  
4 Michigan penal code, 1931 PA 328, MCL 750.145m to 750.145r, within  
5 the 10 years immediately preceding the **date of the** application.

6 (c) A misdemeanor involving abuse, neglect, assault, battery,  
7 or criminal sexual conduct or involving fraud or theft against a  
8 vulnerable adult as that term is defined in section 145m of the  
9 Michigan penal code, 1931 PA 328, MCL 750.145m, or a state or  
10 federal crime that is substantially similar to a misdemeanor  
11 described in this subdivision within the 10 years immediately  
12 preceding the **date of the** application.

13 (10) If the department has revoked, suspended, or refused to  
14 renew a person's license, or denied an application for a license,  
15 for an adult foster care facility according to section 22, the  
16 department may refuse to issue a license to or renew a license of  
17 that person for a period of 5 years after the suspension,  
18 revocation, or nonrenewal of the license, or denial of the  
19 application.

20 (11) The department may refuse to issue a license to or renew  
21 the license of an applicant if the department determines that the  
22 applicant has a relationship with a former licensee whose license  
23 under this act has been suspended, revoked, or nonrenewed under  
24 subsection (9) or section 22, ~~or~~ a convicted person to whom a  
25 license has been denied under subsection (9), **or a person whose**  
26 **license was not renewed due to not meeting the requirements of**  
27 **subsection (27).** This subsection applies for 5 years after the  
28 suspension, revocation, or nonrenewal of the former licensee's  
29 license or the denial of the convicted person's license. For





1 purposes of this subsection, an applicant has a relationship with a  
2 former licensee or convicted person if the former licensee or  
3 convicted person is involved with the facility in 1 or more of the  
4 following ways:

5 (a) Participates in the administration or operation of the  
6 facility.

7 (b) Has a financial interest in the operation of the facility.

8 (c) Provides care to residents of the facility.

9 (d) Has contact with residents or staff on the premises of the  
10 facility.

11 (e) Is employed by the facility.

12 (f) Resides in the facility.

13 (12) If the department determines that an unlicensed facility  
14 is an adult foster care facility, the department ~~shall~~**must** notify  
15 the owner or operator of the facility that it is required to be  
16 licensed under this act. A person receiving the notification  
17 required under this section who does not apply for a license within  
18 30 days is subject to the penalties described in subsection (13).

19 (13) Subject to subsection (12), a person who violates  
20 subsection (1) is guilty of a misdemeanor, punishable by  
21 imprisonment for not more than 2 years or a fine of not more than  
22 \$50,000.00, or both. A person who has been convicted of a violation  
23 of subsection (1) who commits a second or subsequent violation is  
24 guilty of a felony, punishable by imprisonment for not more than 5  
25 years or a fine of not more than \$75,000.00, or both.

26 (14) The department ~~shall~~**must** issue an initial or renewal  
27 license not later than 6 months after the applicant files a  
28 completed application. Receipt of the application is considered the  
29 date the application is received by an agency or department of this



1 state. If the application is considered incomplete by the  
 2 department, the department ~~shall~~**must** notify the applicant in  
 3 writing or make notice electronically available within 30 days  
 4 after receipt of the incomplete application, describing the  
 5 deficiency and requesting additional information. If the department  
 6 identifies a deficiency or requires the fulfillment of a corrective  
 7 action plan, the 6-month period is tolled until either of the  
 8 following occurs:

9 (a) Upon notification by the department of a deficiency, until  
 10 the date the requested information is received by the department.

11 (b) Upon notification by the department that a corrective  
 12 action plan is required, until the date the department determines  
 13 the requirements of the corrective action plan have been met.

14 (15) The determination of the completeness of an application  
 15 does not operate as an approval of the application for the license  
 16 and does not confer eligibility of an applicant determined  
 17 otherwise ineligible for issuance of a license.

18 (16) If the department fails to issue or deny a license within  
 19 the time required by this section, the department ~~shall~~**must** return  
 20 the license fee and ~~shall~~**must** reduce the license fee for the  
 21 applicant's next renewal application, if any, by 15%. Failure to  
 22 issue or deny a license within the time period required under this  
 23 section does not allow the department to otherwise delay processing  
 24 an application. The completed application ~~shall~~**must** be placed in  
 25 sequence with other completed applications received at that same  
 26 time. The department shall not discriminate against an applicant in  
 27 the processing of an application based on the fact that the  
 28 application fee was refunded or discounted under this subsection.

29 (17) If, on a continual basis, inspections performed by a



1 local health department delay the department in issuing or denying  
2 licenses under this act within the 6-month period, the department  
3 may use department staff to complete the inspections instead of the  
4 local health department causing the delays.

5 (18) The department director ~~shall~~**must** submit a report by  
6 December 1 of each year to the standing committees and  
7 appropriations subcommittees of the senate and house of  
8 representatives concerned with human services issues. The  
9 department director ~~shall~~**must** include all of the following  
10 information in the report concerning the preceding fiscal year:

11 (a) The number of initial and renewal applications the  
12 department received and completed within the 6-month time period  
13 described in subsection (14).

14 (b) The number of applications requiring a request for  
15 additional information.

16 (c) The number of applications rejected.

17 (d) The number of licenses not issued within the 6-month  
18 period.

19 (e) The average processing time for initial and renewal  
20 licenses granted after the 6-month period.

21 (19) An applicant, if an individual, or an owner, partner, or  
22 director of the applicant who has regular direct access to  
23 residents or who has on-site facility operational responsibilities  
24 ~~shall~~**must** give written consent at the time of original license  
25 application and a licensee designee ~~shall~~**must** give written consent  
26 at the time of appointment for the department of state police to  
27 conduct both of the following:

28 (a) A criminal history check.

29 (b) A criminal records check through the Federal Bureau of



1 Investigation.

2 (20) An owner, partner, or director of the applicant who has  
3 regular direct access to residents or who has on-site facility  
4 operational responsibilities is exempt from the requirements of  
5 subsection (19) if he or she has already submitted consent  
6 described in subsection (19) and were continuously affiliated with  
7 a licensed adult foster care facility as an applicant, owner,  
8 partner, or director.

9 (21) The department shall require the applicant, if an  
10 individual, the licensee designee, owner, partner, or director of  
11 the applicant who has regular direct access to residents or who has  
12 on-site facility operational responsibilities to submit ~~his or her~~  
13 **the applicant's** fingerprints to the department of state police for  
14 the criminal history check and criminal records check described in  
15 subsection (19).

16 (22) The department shall request a criminal history check and  
17 criminal records check required under this section in the manner  
18 prescribed by the department of state police. The department of  
19 state police ~~shall~~**must** conduct the criminal history check and  
20 provide a report of the results to the licensing or regulatory  
21 bureau of the department. The report ~~shall~~**must** contain any  
22 criminal history information on the person maintained by the  
23 department of state police and the results of the criminal records  
24 check from the Federal Bureau of Investigation. The department of  
25 state police may charge the person on whom the criminal history  
26 check and criminal records check are performed under this section a  
27 fee that does not exceed the actual and reasonable cost of  
28 conducting the checks.

29 (23) ~~Beginning March 13, 2012, if~~ **If** an applicant or licensee



1 designee or person described in subsection (20) applies for a  
 2 license or to renew a license to operate an adult foster care  
 3 facility and he or she or the licensee designee previously  
 4 underwent a criminal history check and criminal records check  
 5 required under subsection (19) or under section 134a of the mental  
 6 health code, 1974 PA 258, MCL 330.1134a, and has remained  
 7 continuously licensed or continuously employed under section 34b or  
 8 under section 20173a of the public health code, 1978 PA 368, MCL  
 9 333.20173a, after the criminal history check and criminal records  
 10 check have been performed, that person is not required to submit to  
 11 another criminal history check or criminal records check upon  
 12 renewal of the license obtained under subsection (3).

13 (24) The department of state police ~~shall~~**must** store and  
 14 maintain all fingerprints submitted under this act in an automated  
 15 fingerprint identification system database that provides for an  
 16 automatic notification at the time of a subsequent criminal arrest  
 17 fingerprint card submitted into the system that matches a set of  
 18 fingerprints previously submitted in accordance with this act. Upon  
 19 notification, the department of state police shall immediately  
 20 notify the department and the department shall take the appropriate  
 21 action.

22 (25) A licensee, licensee designee, owner, partner, or  
 23 director of the licensee shall not be permitted on the premises of  
 24 an adult foster care facility or have direct access to residents or  
 25 resident records if he or she has been convicted of any of the  
 26 following: adult abuse, neglect, or financial exploitation; or  
 27 listed offenses as defined in section 2 of the sex offenders  
 28 registration act, 1994 PA 295, MCL 28.722.

29 (26) An adult foster **care** family ~~care~~**home, an adult foster**



1 care large group home, or an adult foster care small group home  
2 shall not be concurrently licensed as a group child care home or a  
3 family child care home.

4 (27) In addition to the license renewal requirements under  
5 this section, the department must also consider the following when  
6 a licensee applies for renewal:

7 (a) The licensee's training plan for direct care staff and  
8 direct care staff's completion of that training and completion of  
9 mandated continuing education core classes as required in section  
10 28c(1) and yearly competency tests.

11 (b) Successful completion of annual training and educational  
12 assessments by each of the direct care staff.

13 (c) Posting in a conspicuous area of the adult foster care  
14 facility accessible to residents, employees, and visitors, the  
15 information listed in section 28(2).

16 (d) The number of new and repeated established violations  
17 since the last license renewal.

18 (e) Any incomplete corrective action plan past the completion  
19 date. If so, the license may be renewed for a 3-month period, at  
20 which time the corrective action plan must be completed in order  
21 for the license to be renewed. If the corrective action plan is  
22 still incomplete at the end of the 3-month period, the license  
23 shall not be renewed.

24 (f) Resident satisfaction survey results from residents or a  
25 resident's designee.

26 (g) Interviews with residents and family councils where  
27 applicable.

28 (28) For the owner or licensee of 1 adult foster care group  
29 home or family home, the department may waive certain requirements



1 if the department determines those requirements will cause the  
2 facility financial hardship.

3 (29) ~~(27)~~ As used in this section, "completed application"  
4 means an application complete on its face with all requested  
5 information provided and answers to all questions provided and  
6 submitted with any applicable licensing fees as well as any other  
7 information, records, approval, security, or similar item required  
8 by law or rule from a local unit of government, a federal agency,  
9 or a private entity but not from another department or agency of  
10 this state. A completed application does not include a health  
11 inspection performed by a local health department.

12 Sec. 24. (1) A person who believes that this act or a rule  
13 promulgated under this act may have been violated may request an  
14 investigation of an adult foster care facility. The request ~~shall~~  
15 **must** be submitted to the department in writing or the department  
16 ~~shall~~ **must** assist the person in reducing an oral complaint to  
17 writing within 7 days after the oral request is made.

18 (2) The substance of the complaint ~~shall~~ **must** be provided to  
19 the licensee not earlier than at the commencement of the on-site  
20 inspection of the adult foster care facility that takes place  
21 according to the complaint.

22 (3) The complaint, a copy of the complaint, or a record  
23 published, released, or otherwise disclosed to the adult foster  
24 care facility shall not disclose the name of the complainant or an  
25 adult resident named in the complaint unless the complainant or an  
26 adult resident consents in writing to the disclosure or the  
27 investigation results in an administrative hearing or a judicial  
28 proceeding, or unless disclosure is considered essential to the  
29 investigation by the department. If disclosure is considered



1 essential to the investigation, the complainant ~~shall~~**must** be given  
2 the opportunity to withdraw the complaint before disclosure.

3 (4) Upon receipt of a complaint, the department shall  
4 determine, based on the allegations presented, whether this act or  
5 a rule promulgated under this act has been, is, or is in danger of  
6 being violated. The department shall investigate the complaint  
7 according to the urgency determined by the department. The  
8 initiation of a complaint investigation ~~shall~~**must** commence within  
9 15 days after receipt of the written complaint by the department.

10 (5) The department ~~shall~~**must** inform the complainant of its  
11 findings. Within 30 days after the receipt of **a** complaint, the  
12 department ~~shall~~**must** provide the complainant a copy, if any, of  
13 the written determination or a status report indicating when these  
14 documents may be expected. The final report ~~shall~~**must** include a  
15 copy of the original complaint. The complainant may request  
16 additional copies of the documents listed in this subsection and  
17 ~~shall~~**must** reimburse the department for the copies according to the  
18 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (6) The department ~~shall~~**must** inform the licensee of the  
20 department's findings at the same time that the department informs  
21 the complainant under subsection (5).

22 (7) A written determination concerning a complaint shall be  
23 available for public inspection, but the name of the complainant or  
24 adult resident shall not be disclosed without the complainant's or  
25 adult resident's **or the resident's designee's** consent.

26 (8) A complainant who is dissatisfied with the determination  
27 or investigation by the department may request an administrative  
28 review by the department. A request ~~shall~~**must** be submitted in  
29 writing to the director within 30 days after the mailing of the





1 department's findings as described in subsection (5). The  
2 administrative review shall be conducted based on pertinent  
3 documentation or a verifiable statement submitted in writing by the  
4 complainant. The department shall send the results of the  
5 administrative review to the complainant. If the administrative  
6 review results in reconsideration of a complaint against the adult  
7 foster care facility, the department ~~shall~~**must** reopen the  
8 complaint investigation.

9 (9) Notwithstanding subsection (3) and sections 5 and 7(2) of  
10 the child protection law, 1975 PA 238, MCL 722.625 and 722.627,  
11 information or records in the possession of the department of  
12 health and human services or the department may be shared to the  
13 extent necessary for the proper functioning of the department of  
14 health and human services or the department in administering adult  
15 welfare or adult foster care licensing under this act or in an  
16 investigation conducted under section 43b of the social welfare  
17 act, 1939 PA 280, MCL 400.43b. Information or records shared under  
18 this subsection shall not be released by the department of health  
19 and human services or the department unless otherwise permitted  
20 under this act or other state or federal law.

21 **(10) The department must post online a clear and concise**  
22 **overview of the complaint process, including how to file a**  
23 **complaint, the steps in the process, information on how the**  
24 **complainant shall be kept informed on every step of the process,**  
25 **and the appeal process for a dissatisfied complainant to appeal the**  
26 **outcome of an investigation.**

27 **Sec. 28. (1) A licensee must do both of the following:**

28 **(a) Prominently state in the licensee's marketing materials**  
29 **and on the licensee's website, if applicable, that the facility is**



1 an adult foster care facility licensed by the department.

2 (b) Post all of the following in a conspicuous area of the  
3 facility that is accessible to residents, employees, and visitors:

4 (i) A statement indicating that the facility is an adult foster  
5 care facility licensed by the department.

6 (ii) A description of the department's complaint procedures  
7 under this act, including the name, address, and telephone number  
8 of the person authorized by the department to receive complaints.

9 (iii) A description of the facility's internal complaint  
10 process.

11 (iv) The contact information for adult protective services and  
12 the local long-term care ombudsman.

13 (2) Before a resident is admitted to an adult foster care  
14 facility, the licensee must inform the resident or the resident's  
15 designee, verbally and in a written notice that is signed by both  
16 the licensee and resident or the resident's designee, of all of the  
17 following:

18 (a) The facility's designation as an adult foster care  
19 facility governed by the adult foster care facility licensing act,  
20 1979 PA 218, MCL 400.701 to 400.737, the facility is not a nursing  
21 home, and the facility does not retain an individual who requires  
22 continuous nursing home care, unless provided by an authorized  
23 third party.

24 (b) The scope and purpose of a resident assessment plan, the  
25 process for updating the assessment plan, and the process to follow  
26 if there are concerns with the implementation of the assessment  
27 plan.

28 (c) The resident's rights under this act and the rules  
29 promulgated under this act.



1 (d) The right to file a complaint without intimidation,  
2 retaliation, or threat of retaliation.

3 (e) The facility's internal complaint policy and process.

4 (f) Instructions on when and how to contact all of the  
5 following entities:

6 (i) The adult foster care facility's internal complaint  
7 department.

8 (ii) The local long-term care ombudsman.

9 (iii) The department's bureau of community and health systems.

10 (iv) The local law enforcement agency.

11 (v) The adult protective services.

12 (g) The licensee's medication administration policy and  
13 standards.

14 (h) The minimum staff-to-resident ratio.

15 (i) Information regarding staff training, education, and  
16 certification.

17 (3) Each adult foster care facility must establish and  
18 maintain a structured and documented internal complaint policy and  
19 process. This internal complaint policy and process must include  
20 all of the following:

21 (a) Designating a staff person who is responsible for  
22 receiving complaints and determining resolution of complaints.

23 (b) The process of receiving, investigating, resolving, and  
24 responding to, without retaliation or threat of retaliation, an  
25 oral or written complaint.

26 (c) Responding in writing to a complainant within 7 business  
27 days after receiving the complaint.

28 (d) Maintaining a log of all complaints and resolutions of  
29 complaints. The log maintained under this subdivision must be made



1 available to the department at the time of its review of the adult  
2 foster care facility's next licensing renewal application.

3 Sec. 28a. (1) An adult foster care facility must meet all of  
4 the following staffing requirements:

5 (a) The facility administrator must be competent in the  
6 following areas:

7 (i) Knowledge of the physical, emotional, and mental health  
8 needs of the facility's residents being housed and cared for.

9 (ii) Knowledge of residents' rights.

10 (b) Maintain a staff member on duty on the premises 24 hours  
11 per day, 7 days per week who holds a valid certification in  
12 cardiopulmonary resuscitation issued by the American Heart  
13 Association, American Red Cross, or a similar nationally recognized  
14 association.

15 (2) Only a staff member who has successfully completed a  
16 department-approved diabetic continuing education course may  
17 administer an insulin injection.

18 Sec. 28b. (1) In addition to the rights, benefits, and  
19 privileges guaranteed by other provisions of law, the state  
20 constitution of 1963, and the Constitution of the United States, a  
21 resident has the rights guaranteed under this act and the rules  
22 promulgated under this act unless otherwise restricted by law.

23 (2) A resident or a resident's designee has the right to  
24 request meals be delivered to the resident's room. A resident  
25 cannot be forced to accept or eat a meal in a dining room.

26 (3) A resident or a resident's designee must be given notice  
27 of a new rule or update to a rule.

28 (4) A resident must not be deprived of the resident's rights  
29 under this act or the rules promulgated under this act. A waiver of



1 a resident's rights is void and unenforceable. A resident's rights  
2 must not be used as a reward or sanction.

3 (5) An adult foster care facility must ensure all of the  
4 following:

5 (a) That a resident's physical, emotional, and mental health  
6 needs are met and that the resident is protected from neglect and  
7 abuse, including physical abuse, mental abuse, verbal abuse, and  
8 sexual abuse.

9 (b) That a resident is treated with dignity and respect.

10 (c) That a resident's rights are protected.

11 (6) This section does not affect any right of a resident to  
12 damages under any other law.

13 Sec. 28c. (1) In addition to in-service training or on-the-job  
14 training, a direct care staff member must be educated to understand  
15 the physical and emotional needs of the population the direct care  
16 staff member is hired to serve by completing the following  
17 continuing education core classes within 90 days after the date of  
18 hire:

19 (a) Empathy and simulation of the aging process. The course  
20 must provide staff members with the experience of sensory  
21 challenges related to aging and the emotional challenges that come  
22 with the loss of independence, home, and relationships with family  
23 and friends. The preferred method of delivery for this course is in  
24 person. A direct care staff member must demonstrate comprehension  
25 by passing an examination related to the course content.

26 (b) Dignity and sensitivity. The course must include basic  
27 techniques for effectively and compassionately communicating with  
28 the elderly, including those experiencing hearing loss, dementia,  
29 or other issues that impair communication for the population being



1 served, and how to handle and defuse difficult situations in a  
2 respectful manner. The preferred method of delivery for this course  
3 is in person. A direct care staff member must demonstrate  
4 comprehension by passing an examination related to the course  
5 content.

6 (c) Death and dying. The course must provide basic  
7 understanding of end-of-life issues and the impact on the resident,  
8 including appropriate behavior and communication with the resident  
9 and resident's family. The preferred method of delivery for this  
10 course is in person. A direct care staff member must demonstrate  
11 comprehension by passing an examination related to the course  
12 content.

13 (d) Resident rights. The course must instruct staff members on  
14 all rights granted to the resident. The preferred method of  
15 delivery for this course is in person. The staff member must  
16 demonstrate comprehension by passing an examination related to the  
17 course content.

18 (e) Basic medication training for staff assisting with self-  
19 administration. The course must be provided by a registered nurse  
20 to an unlicensed direct care worker employed by the adult foster  
21 care facility who will be assisting in self-administration of  
22 medication. The course must include appropriate medication  
23 handling.

24 (f) Understanding dementia. The course must instruct the staff  
25 member on the fundamentals of dementia, including how to recognize  
26 signs of dementia, effects on the resident, effective  
27 communication, and proper care standards of a resident with  
28 dementia. The preferred method of delivery for this course is in  
29 person. The staff member must demonstrate comprehension by passing



1 an examination related to the course content.

2 (g) Identifying and reporting abuse, neglect, and  
3 exploitation. The preferred method of delivery for this course is  
4 in person.

5 (2) An adult foster care facility must conduct training  
6 assessments annually, separate from examinations given upon  
7 completion of a training or educational course to ensure that staff  
8 members recall what they learned during training and educational  
9 programs and are implementing this knowledge appropriately while  
10 providing care.

11 (3) A staff member shall not have unsupervised contact with a  
12 resident before completing the training and educational course  
13 requirements.

14 (4) A licensee must maintain a written training plan for all  
15 staff members and a record of all training and educational  
16 requirements that must be retained for a period of 3 years that  
17 includes all of the following information:

18 (a) The staff member's name and title.

19 (b) The date the course was taken and completed.

20 (c) Documentation of successful completion of the course.

21 (5) Acceptable sponsors of the training required in this  
22 section include any of the following:

23 (a) Training offered by a nationally recognized or state-  
24 recognized health-related organization.

25 (b) Training offered by, or in conjunction with, a state or  
26 federal agency.

27 (c) Training obtained in an educational program that has been  
28 approved by any board created under article 15 of the public health  
29 code, 1978 PA 368, MCL 333.16101 to 333.18838, except under part



1 188 of the public health code, 1978 PA 368, MCL 333.18801 to  
 2 333.18838, for initial licensure or registration or for the  
 3 accumulation of continuing education credits.

4 (d) Training offered by an accredited college or university.

5 (e) Training offered by an organization specializing in  
 6 diversity, equity, and inclusion issues.

7 (6) Acceptable modalities of the training required in this  
 8 section include any of the following:

9 (a) A teleconference or webinar that allows live synchronous  
 10 interaction that provides for the opportunity for participants to  
 11 interact with the instructor and other participants.

12 (b) A live presentation that provides for the opportunity for  
 13 participants to interact with the instructor and other  
 14 participants.

15 (c) An asynchronous teleconference or webinar.

16 (7) After 1 year of employment at a facility, a direct care  
 17 worker, who is not a certified nurse assistant, must annually  
 18 complete an additional 8 hours of continuing education. The subject  
 19 matter of the continuing education must address the unique needs of  
 20 residents in an adult foster care facility.

21 Sec. 28d. (1) The department must create resident satisfaction  
 22 surveys to be presented to residents of an adult foster care  
 23 facility.

24 (2) The resident satisfaction surveys described in subsection  
 25 (1) must measure the following:

26 (a) Satisfaction with the facility's physical environment,  
 27 including, but not limited to, the resident's room, dining  
 28 facilities, and social gathering places.

29 (b) The staff's competency, kindness, and empathy.





1 (c) Whether the facility and staff are meeting the resident's  
2 physical and emotional needs.

3 (d) If the resident feels safe and cared for in the facility.

4 (e) If the resident feels respected and honored in the  
5 facility.

6 (f) Satisfaction with the quality of the facility's meals and  
7 snacks provided to the resident.

8 (g) Satisfaction with the quality and quantity of activities  
9 available to the resident.

10 (3) An adult foster care facility must present the resident  
11 satisfaction surveys described in subsection (1) to each resident  
12 or resident's designee annually and upon discharge from the adult  
13 foster care facility. A resident or resident's designee must be  
14 able to complete the resident satisfaction survey anonymously.

15 (4) The adult foster care facility must maintain the resident  
16 satisfaction surveys described in subsection (1) for a period of 3  
17 years.