

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 Small Group Homes

5. Rule numbers or rule set range of numbers:

R 400.14101 - R 400.14601

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 Small Group Homes administrative rules provide for the licensing regulation of adult foster care small group homes.

The current rule set will be rescinded and recodified into a single new rule set for licensing Adult Foster Facilities that will comport with today's practice standards, harmonize them with current federal law and regulations, and to reflect the current organization of state licensing functions.

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 18 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.710 and MCL 400.718, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, 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, mandates 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?

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.

Yes, the rules revisions are a result of the bureau's project to review, update and improve all rules for licensing health facilities. The project involves internal and external stakeholders that include bureau leadership, subject matter experts, Michigan LeadingAge, Michigan Center for Assisted Living (MCAL), and Michigan Assisted Living Association (MALA) and other stakeholders.

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.

A few rules were revised on June 9, 2023. However, most rules have not been updated since 1994. Technology, economic conditions, or other factors have not changed the regulatory activity covered by the rules since the last evaluation.

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.

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

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.