

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES LICENSING~~  
AND REGULATORY AFFAIRS

~~DIVISION OF ADULT FOSTER CARE LICENSING~~  
BUREAU OF COMMUNITY AND HEALTH SYSTEMS

ADULT FOSTER CARE SMALL GROUP HOMES

Filed with the secretary of state on

These rules ~~take effect~~ **become effective** immediately ~~upon~~ **after** filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

~~(By authority conferred on the department of social services by section 9 of Act No. 380 of the Public Acts of 1965, as amended, and sections 10 and 13 of Act No. 218 of the Public Acts of 1979, as amended, being SS16.109, 400.710, and 400.713 of the Michigan Compiled Laws)~~ **(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 the adult foster care facility licensing act, 1979 PA 218, MCL 400.710 and MCL 400.713, 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)**

R 400.14102 and R 400.14311 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 400.14102 Definitions.

Rule 102. (1) As used in these rules:

(a) "Act" means **the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737**~~Act No. 218 of the Public Acts of 1979, as amended, being S400.701 et seq. of the Michigan Compiled Laws.~~

(b) "Administrator" means the ~~person~~**individual** ~~who~~ **that** is designated by the licensee to be responsible for the daily operation and management of the adult foster care small group home. The administrator may be the licensee.

(c) "Admission policy" means a home's public statement of its purpose, eligibility requirements for admission, and application procedures for admission.

(d) "Assessment plan" means a written statement ~~which~~ **that** is prepared in cooperation with a responsible agency or ~~person~~**individual** ~~and which~~ **that** identifies the specific care and maintenance, services, and resident activities appropriate for each individual

resident's physical and behavioral needs and well-being and the methods of providing the care and services, taking into account the preferences and competency of the individual.

(e) "Assistive device" means the use of an item such as a pillow, ~~or~~ pad, or medically supplied therapeutic support that is intended to achieve or maintain the proper position, posture, or balance of a resident. An assistive device may also be an item that is intended to promote, achieve, or maintain the resident's independence. Anything that is used with the intent to restrain a resident and that does not permit the resident to remove the device by himself or herself is a restraint and is not an assistive device.

(f) "Capacity" means the maximum number of residents ~~for which~~ **that** a home is licensed **for**.

**(g) "Department" means the department of licensing and regulatory affairs.**

~~(gh)~~ "Designated representative" means ~~that the person~~ **individual** or agency ~~which~~ **that** has been granted written authority, by a resident, to act on behalf of the resident or ~~which~~ **that** is the legal guardian of a resident.

~~(hi)~~ "Direct care staff" means the adult ~~who~~ **that** is designated by the licensee to provide personal care, protection, and supervision to residents.

~~(ij)~~ "Discharge policy" means a home's written statement of the conditions and procedures ~~by which~~ **that** a resident is discharged from the home **by**.

**(k) "Elopement" means a resident that has a service plan that requires notice or arranged supervision to leave the facility and is absent without notice or supervision.**

~~(jl)~~ "Health care appraisal" means a licensed physician's, licensed physician's assistant's, or registered nurse's statement that provides an assessment of the general physical condition of a resident.

~~(km)~~ "Home" means an adult foster care small group home.

~~(ln)~~ "House rules" means those rules ~~which~~ **that** are established by the licensee and ~~which constitute~~ **that set** expectations for resident conduct.

**(o) "Incident" means an intentional or unintentional event where a resident sustains physical or emotional harm, unexpected or unnatural death, is displaced by a natural disaster, or elopes as defined in these rules.**

~~(mp)~~ "Isolation" means the complete and unattended separation of a resident from staff and other residents.

~~(nq)~~ "Members of the household" means all ~~persons who~~ **individuals that** live in the home, exclusive of residents.

~~(or)~~ "Occupants" means all ~~persons who~~ **individuals that** live in the home.

~~(ps)~~ "Physical restraint" means the bodily holding of a resident with no more force than is necessary to limit the resident's movement.

~~(qt)~~ "Premises" means the home, grounds, and all other appurtenances.

~~(ru)~~ "Program statement" means a written description of the home's program, ~~which~~ **that must** ~~shall~~, at a minimum, include the following:

(i) The population to be served.

(ii) Program goals, services, in addition to those provided in the home, and community resources to meet the residents' needs.

(iii) Services to be provided in the home to the residents, including a description of the types of staff competencies that are necessary to carry out these services.

(iv) A description of any contract agreement ~~that through which~~ services and programs are provided **through**.

(~~sv~~) "Related" means any of the following relationships by marriage, blood, or adoption:

- (i) Spouse.
- (ii) Child.
- (iii) Parent.
- (iv) Brother.
- (v) Sister.
- (vi) Grandparent.
- (vii) Aunt.
- (viii) Uncle.
- (ix) Stepparent.
- (x) Stepbrother.
- (xi) Stepsister.
- (xii) Cousin.

(~~tw~~) "Resident" means an adult, as **that term is** defined in section 3 of the act, **MCL 400.703**.

(~~ux~~) "Resident funds" means any ~~monies~~**money**, securities, bonds, or stocks that are received by a licensee from, or on behalf of, a resident. ~~Monies include~~ **Resident funds includes** all of the following:

- (i) Payment for adult foster care services.
- (ii) Personal allowance.
- (iii) ~~Monies~~ **Money** held as a trust obligation.
- (iv) ~~Monies~~**Money** in accounts with financial institutions.

(~~vy~~) "Responsible agency" means a public or private organization that, ~~upon~~ **after** written agreement with a resident or the resident's designated representative, provides either or both of the following:

- (i) Assessment planning and the establishment of an individual plan of service.
- (ii) Maintenance of ongoing follow-up services while the resident is in the home.

(~~wz~~) "Street floor" means any story or floor level that is accessible from the street or from outside the building at grade and, at the main entrance, is not more than 21 inches above, nor more than 12 inches below, street or grade level at those points.

(~~xaa~~) "Substantial risk" means that a resident's behavior poses a serious imminent threat of bodily harm to himself or herself or others or the threat of the destruction of property, and ~~that~~ the resident is capable of carrying out such harm or destruction.

(~~ybb~~) "Transportation services" means vehicle travel by public or private carrier and related cost to and from program resources in the community, including consultation, medical, and other services.

(~~zcc~~) "Valuables" means personal property of a resident, which includes jewelry, furniture, electronic equipment, appliances, and clothing items that have a value of more than \$25.00.

(2) Terms defined in the act have the same meanings when used in these rules.

R 400.14311 ~~Investigation and reporting of incidents, accidents, illnesses, absences, and death.~~ **Incident notification, incident records.**

Rule 311. (1) ~~A licensee shall make a reasonable attempt to contact the resident's designated representative and responsible agency by telephone and shall follow the attempt with a written report to the resident's designated representative, responsible agency, and the adult foster care licensing division within 48 hours of any of the following:~~

- ~~-(a) The death of a resident.~~
- ~~-(b) Any accident or illness that requires hospitalization.~~
- ~~-(c) Incidents that involve any of the following:~~
  - ~~-(i) Displays of serious hostility.~~
  - ~~-(ii) Hospitalization.~~
  - ~~-(iii) Attempts at self-inflicted harm or harm to others.~~
  - ~~-(iv) Instances of destruction to property.~~

~~-(d) Incidents that involve the arrest or conviction of a resident as required pursuant to the provisions of section 1403 of Act No. 322 of the Public Acts of 1988.~~

~~-(2) An immediate investigation of the cause of an accident or incident that involves a resident, employee, or visitor shall be initiated by a group home licensee or administrator and an appropriate accident record or incident report shall be completed and maintained.~~

~~-(3) If a resident is absent without notice, the licensee or direct care staff shall do both of the following:~~

~~-(a) Make a reasonable attempt to contact the resident's designated representative and responsible agency.~~

~~-(b) Contact the local police authority.~~

~~-(4) A licensee shall make a reasonable attempt to locate the resident through means other than those specified in subrule (3) of this rule.~~

~~-(5) A licensee shall submit a written report to the resident's designated representative and responsible agency in all instances where a resident is absent without notice. The report shall be submitted within 24 hours of each occurrence.~~

~~-(6) An accident record or incident report shall be prepared for each accident or incident that involves a resident, staff member, or visitor. "Incident" means a seizure or a highly unusual behavior episode, including a period of absence without prior notice. An accident record or incident report shall include all of the following information:~~

~~-(a) The name of the person who was involved in the accident or incident.~~

~~-(b) The date, hour, place, and cause of the accident or incident.~~

~~-(c) The effect of the accident or incident on the person who was involved and the care given.~~

~~-(d) The name of the individuals who were notified and the time of notification.~~

~~-(e) A statement regarding the extent of the injuries, the treatment ordered, and the disposition of the person who was involved.~~

~~-(f) The corrective measures that were taken to prevent the accident or incident from happening again.~~

~~-(7) A copy of the written report that is required pursuant to subrules (1) and (6) of this rule shall be maintained in the home for a period of not less than 2 years. A department form shall be used unless prior authorization for a substitute form has been~~

~~granted, in writing, by the department.~~ **If a resident has a representative identified in writing on the resident's care agreement, a licensee shall report to the resident's representative within 48 hours after any of the following:**

- (a) Unexpected or unnatural death of a resident.**
  - (b) Unexpected and preventable inpatient hospital admission.**
  - (c) Physical hostility or self-inflicted harm or harm to others resulting in injury that requires outside medical attention or law enforcement involvement.**
  - (d) Natural disaster or fire that results in evacuation of residents or discontinuation of services greater than 24 hours.**
  - (e) Elopement from the home if the resident's whereabouts is unknown.**
- (2) If an elopement occurs, staff shall conduct an immediate search to locate the resident. If the resident is not located within 30 minutes after the elopement occurred, staff shall contact law enforcement.**
- (3) An incident must be recorded on a department-approved form and kept in the home for a period of not less than 2 years.**
- (4) The department may review incident reports during a renewal inspection or special investigation. This does not prohibit the department from requesting an incident report if determined necessary by the department. If the department does request an incident report, the licensee shall provide the report in electronic form within 24 hours after the request. The department shall maintain and protect these documents in accordance with state and federal laws, including privacy laws.**