

DEPARTMENT OF COMMUNITY HEALTH

MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

(By authority conferred on the department of mental health by sections 1 to 4 of Act No. 80 of the Public Acts of 1905, as amended, section 33 of Act No. 306 of the Public Acts of 1969, as amended, and sections 114, 130, 136, 157, 206, 244, 498n, 498r, 842, 844, 908, and 1002a of Act No. 258 of the Public Acts of 1974, as amended, being sections 19.141 to 19.144, 24.233, 330.1114, 330.1130, 330.1136, 330.1206, 330.1244, 330.1498n, 330.1498r, 330.1842, 330.1844, 330.1908, and 330.2002a of the Michigan Compiled Laws)

SUBPART 8. CERTIFICATION OF SPECIALIZED PROGRAMS

OFFERED IN ADULT FOSTER CARE HOME TO CLIENTS

WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY

R 330.1801 Definitions.

Rule 1801. As used in this subpart:

(a) "Certification" means the authorization by the department for a facility to offer a specialized program to clients as defined under R 330.1701(a).

(b) "Facility" means an adult foster care facility licensed pursuant to Act No. 218 of the Public Acts of 1979, as amended, being §400.701 et seq. of the Michigan Compiled Laws.

(c) "Regular certification" means a certification issued by the department to a facility which is in full compliance with these rules and Michigan's statutes and rules for protecting recipient's rights or which is in substantial compliance with these rules and operating under an approved plan of corrective action or a report of progress, or both, in correcting items of noncompliance. A regular certification may be granted for a period of up to 2 years.

(d) "Provisional certification" means a certification issued by the department to a facility that is operating under an approved plan of correction to address items of noncompliance which, by nature or degree, have been determined to seriously compromise program operations or performance. A provisional certification may be issued for a period of up to 3 months and may be renewed for 1 additional 3 month period.

(e) "Temporary certification" means a certification issued by the department to a facility which has submitted an application and which has not been previously certified under these rules. A temporary certification may be granted for a period of up to 6 months and may not be renewed.

History: 1996 AACCS.

R 330.1802 Application process.

Rule 1802. (1) A facility seeking certification of its specialized program shall request certification by submitting a completed application to the department.

(2) The application shall include all of the following information:

(a) The facility's license number.

(b) The facility's proposed or actual licensed capacity.

(c) The type of certification being requested by the facility.

(d) The minimum ratio of direct care staff to clients that the provider assures will be employed and present on each shift when the clients are under the licensee's supervision. The ratios shall ensure the provision of all services delineated in each client's individual plan of service that are the licensee's responsibility.

(e) A description of the specialized program that the facility seeks certification to provide.

(3) Temporary certification of a specialized program may be granted for a period of up to 6 months based on a review of the facility's application.

(4) The department shall conduct an on-site review of a facility's specialized program, including a review of its policies and procedures for protecting recipient rights, before issuing a provisional or regular certification.

History: 1996 AACCS.

R 330.1803 Facility environment; fire safety.

Rule 1803. (1) A facility that has a capacity of 4 to 6 clients shall be equipped with an interconnected multistation smoke detection system which is powered by the household electrical service and which, when activated, initiates an alarm that is audible in all areas of the home. The smoke detection system shall be installed on all levels, including basements, common activity areas, and outside each sleeping area, but excluding crawl spaces and unfinished attics, so as to provide full coverage of the home. The system shall include a battery backup to assure that the system is operable if there is an electrical power failure and accommodate the sensory impairments of clients living in the facility, if needed. A fire safety system shall be installed in accordance with the manufacturer's instructions by a licensed electrical contractor and inspected annually. A record of the inspections shall be maintained at the facility.

(2) A facility that has a capacity of 3 or fewer clients shall be equipped with an assured alarm that has detectors located at least on each level of the home, including basements, but excluding crawl spaces and unfinished attics, and in each common use area and outside each sleeping area. To be assured, the alarm shall be easily heard in all locations of the home, including during times where there is background noise that may detract from hearing the alarm, for example, laundry equipment operation or vacuuming. The assured alarm is not required to be interconnected.

(3) A facility that has a capacity of 4 or more clients shall conduct and document fire drills at least once during daytime, evening, and sleeping hours during every 3-month period.

(4) A facility that has a capacity of 3 or fewer clients shall conduct and document fire drills 4 times a year. Two of the 4 fire drills shall be conducted during sleeping hours.

(5) The capability of the clients to evacuate a facility in the event of a fire shall be assessed using methods described in appendix f of the 1985 life safety code of the national fire protection association. Appendix f of the 1985 life safety code of the national fire protection association is adopted by reference as part of these rules. A copy of the adopted appendix f is available from the Department of Mental Health, Lewis Cass Building, Lansing,

MI 48913, at cost. A copy of appendix f may also be obtained from the National Fire Protection Association Library, Battermarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, 1-800-344-3555. A prepaid fee may be required by the national fire protection association for a copy of appendix f. A price quote for copying of these pages may be obtained from the national fire protection association.

(6) Evacuation assessments shall be conducted within 30 days after the admission of each new client and at least annually thereafter. The specialized program shall forward a copy of each completed assessment to the responsible agency and retain a copy in the home for inspection. A home that is assessed as having an evacuation difficulty index of "impractical" using appendix f of the life safety code of the national fire protection association shall have a period of 6 months from the date of the finding to do either of the following:

(a) Improve the score to at least the "slow" category.

(b) Bring the home into compliance with the physical plant standards for "impractical" homes contained in chapter 21 of the 1985 life safety code of the national fire protection association, which are adopted by reference in these rules and which may be obtained from the Department of Mental Health, Lewis Cass Building, Lansing, MI 48913, at cost, or from the National Fire Protection Association Library, Battermarch Park, P.O.Box 9101, Quincy, Massachusetts 02269-9101, 1-800-344-3555. A prepaid fee may be required by the national fire protection association for a copy of the chapter 21 standards. A price quote for copying of these pages may be obtained from the national fire protection association.

History: 1996 AACs.

R 330.1804 Certification inspections and investigations.

Rule 1804. (1) A newly opened facility that has a temporary certification shall notify the department when the number of residents of the facility reaches 50% of the licensed capacity. Upon notice, the department will schedule and conduct an on-site review of the facility's specialized program.

A written report of the review shall be provided to the department of social services, the licensee, and the placing agency. Based upon the review, the department may issue a provisional or regular certification. This rule does not apply to facilities certified through the intermediate care facilities for the mentally retarded (ICF/MR) program.

(2) Upon receipt of a complaint regarding the provision of specialized program services, the department shall conduct a review within 30 days to determine whether these rules have been violated. The department shall issue a written report of its findings and provide a copy to the department of social services, the complainant, the facility, and the placing agency.

(3) The department shall issue a complaint against a facility if rule violations warrant.

(4) Failure of the licensee to fully cooperate with the department in connection with inspections and investigations is a ground for the denial, suspension, or revocation of, or refusing to renew, a facility's certification.

(5) If a certified facility voluntarily relinquishes its license or has its license revoked, suspended, or not renewed, and if all administrative appeals are exhausted, the facility is decertified as a matter of law.

History: 1996 AACCS.

R 330.1805 Accessibility.

Rule 1805. Common use areas of the facility are accessible to all clients in residence or an individual plan of service addresses the removal of imposed restrictions. The facility shall be capable of meeting the transportation needs of all clients the facility accepts for service.

History: 1996 AACCS.

R 330.1806 Staffing levels and qualifications.

Rule 1806. (1) Staffing levels shall be sufficient to implement the individual plans of service and plans of service shall be implemented for individuals residing in the facility.

(2) All staff who work independently and staff who function as lead workers with clients shall have successfully completed a course of training which imparts basic concepts required in providing specialized dependent care and which measures staff comprehension and competencies to deliver each client's individual plan of service as written. Basic training shall address all the following areas:

(a) An introduction to community residential services and the role of direct care staff.

(b) An introduction to the special needs of clients who have developmental disabilities or have been diagnosed as having a mental illness. Training shall be specific to the needs of clients to be served by the home.

(c) Basic interventions for maintaining and caring for a client's health, for example, personal hygiene, infection control, food preparation, nutrition and special diets, and recognizing signs of illness.

(d) Basic first aid and cardiopulmonary resuscitation.

(e) Proper precautions and procedures for administering prescriptive and nonprescriptive medications.

(f) Preventing, preparing for, and responding to, environmental emergencies, for example, power failures, fires, and tornados.

(g) Protecting and respecting the rights of clients, including providing client orientation with respect to the written policies and procedures of the licensed facility.

(h) Nonaversive techniques for the prevention and treatment of challenging behavior of clients.

(3) Training shall be obtained from individuals or training organizations that use a curriculum that has been reviewed and approved by the department.

(4) Written documentation of compliance with this rule shall be kept on file at the facility for not less than 3 years.

History: 1996 AACCS.

R 330.1807 Transferability of certification.

Rule 1807. Certification shall be issued to a specific facility at a specific location, specific licensee and shall be nontransferable and remain the property of the department.

History: 1996 AACCS.

R 330.1808 Suspension, denial, or revocation of certification.

Rule 1808. The director, after notice to the applicant or licensee, may suspend, deny, revoke, or reduce to provisional status, a certification if he or she finds that there is substantial failure to comply with these rules. The notice shall be sent by certified mail or by personal service. The notice shall set forth the particular reasons for the proposed action and fix a date, not less than 30 days from the date of service, on which the applicant or licensee shall be afforded a hearing in accordance with R 330.1809.

History: 1996 AACCS.

R 330.1809 Appeals.

Rule 1809. A facility which has its application for certification denied, a facility which is issued a provisional certification, a facility which has its certification proposed for suspension, revocation, or reduction to provisional, or a facility which is denied renewal shall be provided an opportunity for a hearing in accordance with chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws.

History: 1996 AACCS.