

**DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES**

**DIVISION OF ADULT FOSTER CARE LICENSING**

**ADULT FOSTER CARE FACILITIES**

(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)

**R 400.2101 Scope.**

Rule 101. This part applies to all adult foster care small group homes, adult foster care large group homes, and adult foster care congregate facilities.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2101 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2102 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2103 Definitions; A to F.**

Rule 103. As used in these rules:

(a) "Act" means Act No. 218 of the Public Acts of 1979, as amended, being S400.701 et seq. of the Michigan Compiled Laws.

(b) "Department" means the department of social services.

(c) "Foster care agreement" means a written document executed by a facility and a responsible agency or person which spells out the basic responsibilities of each party.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2103 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2104 Definitions; H, I.**

Rule 104. As used in these rules:

(a) "Habitative and active programs" means that group of alternate care services beyond care and maintenance which a facility designates and provides directly or through contract to preserve or improve a resident's physical and

intellectual functioning and independence. Such services include all of the following:

(i) A general program, which is a program administered by staff without special prerequisite requirements or skills and which provides health, educational, vocational, or other services needed by a resident.

(ii) A developmentally disable program, which is a program primarily designed for the mentally handicapped with activities aimed at maintaining or improving levels of functioning for a resident with mental handicaps to achieve maximum independence and accepted participation in community life.

(iii) A social-emotional program, which is a program primarily designed for an individual with diagnosed problems in social or emotional functioning. Program activities shall aim at maintaining or improving levels of functioning for a resident to achieve maximum independence and accepted participation in community life.

(b) "Health appraisal" means an evaluation which is conducted as necessary by physicals, dentists, nurses, or other health professionals where appropriate and which has optimal individual health as its objective.

(c) "Isolation" means the complete and unattended separation of a resident from staff and other residents for purposes of discipline or training.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2104 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

#### **R 400.2105 Definitions; L, P.**

Rule 105. As used in these rules:

(a) "Living unit" means a section or distinct part of a facility which incorporates the arrangement of a family home and which at least contains a living room, bedrooms, and bathrooms for a group of residents. Central activity, food services, and dining areas are permitted.

(b) "Program elements" means those goal-directed service components which may be found in each program.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2105 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

#### **R 400.2106 Definitions; R, W.**

Rule 106. As used in these rules:

(a) "Responsible agency" means a public or private organization which arranges for the care of a resident in a facility, primarily through the purchase of services, and which maintains an ongoing responsibility to the resident in the facility.

(b) "Responsible person" means the licensee or administrator or an individual designated by the licensee or administrator in his or her absence who is not less than 18 years of age, is of good moral character, and is physically and emotionally capable of meeting the needs of residents during the period he or she is in charge. A responsible person shall be other than a resident.

(c) "Restraint" means the use of paraphernalia, contraptions, material, or equipment for the purpose of immobilizing a resident.

(d) "Written admissions policy" means a facility's public statement of all of the following:

(i) Objectives, eligibility, and application requirements for admission.

(ii) Items included in the facility's rate.

(iii) Other items and services available at a designated extra charge.

(iv) Services available.

(v) The facility's resident fund, visitation, and grievance policies and procedures.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2106 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

#### **R 400.2111 Licensing applications and renewals.**

Rule 211. (1) An applicant shall furnish the department with all of the following:

(a) A statement of the facility's purpose, objectives, and goals.

(b) Program designation and description of services to be provided with such endorsements or certifications as are required by the department to assure the performance of programs.

(c) A description of staff or contract means by which care and facilities are provided.

(d) A floor plan showing the interior layout of foster care areas and room descriptions, including use, number of beds, and dimensions of floor space.

(e) A financial statement and annual budget.

(f) An addendum composed or any existing foster care agreement between the facility and a responsible agency.

(2) A licensee fee shall accompany an original license application and a license renewal application. This fee is non-refundable and shall be based upon the following schedule:

(a) Adult foster care small group home \$25.00

(b) Adult foster care large group home \$50.00

(c) Adult foster care congregate facility \$75.00

(d) Adult foster care camp \$25.00

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2111 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2112 Inspections and investigations.**

Rule 112. (1) Before issuing a license, the department shall conduct an investigation of the facility and attempt to determine if the applicant, or owners, partners, or directors of the applicant if other than an individual, is of good moral character and is physically and emotionally capable of constructively assisting with programs for residents. The department shall also attempt to determine the applicant's financial and administrative capability to operate a facility providing the level of care and program stipulated in the application.

(2) A medical examination may be required at any time to establish the physical or mental health of persons involved in providing residential care and services.

(3) Failure of an applicant or licensee to cooperate with the department in connection with an inspection or investigation is grounds for denying, suspending, revoking, or refusing to renew a license.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2112 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2113 License limitation of numbers of residents and beds; posting of license; change of information provided in license application.**

Rule 113. (1) The number of residents cared for in a facility and the number of resident beds shall not exceed the capacity authorized by the license.

(2) The current license, whether regular, provisional, or temporary, shall be posted in a conspicuous public area of the facility and shall be available for public inspection.

(3) An applicant or an authorized representative shall give written notice to the department of any changes in information previously submitted in an application for license within 5 business days after the change occurs.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2113 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2114 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2115 Waiver of licensing rules.**

Rule 115. (1) The director may waive any rule for a stated period of time to permit experimentation and demonstration of new and innovative approaches to the

delivery of services on condition that an evaluation is planned. Results shall be submitted to the department as prescribed by the waiver.

(2) In the interest of efficient administration of the act, after notification to the council and after consideration of the council's advice, the director may waive any rule.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2115 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2116 Reports.**

Rule 116. Within 10 days of receipt, a licensee shall report to the department all receipts of property or interests in property by transfers from a resident or an applicant for admission conveyed to the licensee or others associated with the facility. A licensee shall make such other reports to the department as the department may request.

History: 1979 AC; 1984 AACS.

Editor's Note: R 400.2116 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2117 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2118 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2119 Grievance procedures.**

Rule 119. (1) A resident or licensee shall have access to the department hearings process for complaints regarding department administrative actions based upon these rules.

(2) A licensee shall require that grievance procedures for a licensee or a resident be included in any foster care agreement entered into with a responsible agency. Dispositions under such procedure shall be available to the department for inspection purposes.

History: 1954 ACS 82, Eff. Feb. 1, 1975.

Editor's Note: R 400.2116 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.

**R 400.2120 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2121 Rescinded.**

History: 1979 AC; 1984 AACS.

**R 400.2122 Staff training programs.**

Rule 122. A licensee shall have its staff participate in training programs which are available and designated by the department. The training sessions shall be provided on a basis which will allow licensees and administrators to maintain adequate facility staffing.

History: 1954 ACS 82, Eff. Feb. 1, 1975.

Editor's Note: R 400.2116 was rescinded with respect to adult foster care small and large group homes by 1994 MR 3, Eff. Apr. 8, 1994.