

HOUSE BILL No. 4128

February 2, 1999, Introduced by Rep. Scranton and referred to the Committee on Senior Health, Security and Retirement.

A bill to provide for standards for contracts involving certain residential and care services; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "housing-with-services contract act".

3 Sec. 2. As used in this act:

4 (a) "Health-related services" means 1 or more of the
5 following:

6 (i) Professional nursing services.

7 (ii) Nursing services delegated to aides including, but not
8 limited to, escort services, reminders, and standby assistance
9 related to dressing or grooming.

10 (iii) Home aide care tasks.

11 (b) "Housing-with-services establishment" means a facility
12 regularly providing or offering to provide sleeping

1 accommodations to 1 or more adult residents, at least 80% of whom
2 are 55 years of age or older, and providing or offering to pro-
3 vide for a fee either 1 or more regularly scheduled
4 health-related services or 2 or more regularly scheduled support-
5 ive services, whether offered directly by the facility or by
6 another person by arrangement of the facility.

7 Housing-with-services establishment does not include an adult
8 foster care facility licensed under the adult foster care facil-
9 ity licensing act, 1979 PA 218, MCL 400.701 to 400.737, or a
10 health facility or agency licensed under article 17 of the public
11 health code, 1978 PA 368, MCL 333.20101 to 333.22260.

12 (c) "Resident" means an individual living in a
13 housing-with-services establishment.

14 (d) "Supportive services" means helping with personal laun-
15 dry, handling or assisting with a resident's money, arranging for
16 medical services, health-related services, social services, or
17 transportation to medical or social services appointments, or
18 providing for at least 1 individual awake and alert in the
19 housing-with-services establishment to contact a service provider
20 in an emergency. Supportive services do not include making
21 referrals or assisting a resident in contacting a service pro-
22 vider of the resident's choice.

23 Sec. 3. (1) A facility shall not function as a
24 housing-for-services establishment for an individual except pur-
25 suant to a written contract complying with this act.

1 (2) A contract between a housing-with-services establishment
2 and a resident must be in writing and shall include at least all
3 of the following:

4 (a) The name, street address, and mailing address of the
5 housing-with-services establishment.

6 (b) The owner's name and mailing address. If the ownership
7 of the housing-with-services establishment is other than by indi-
8 viduals, the contract shall identify the type of ownership, along
9 with the primary officers and directors.

10 (c) The name and address of the managing agent, whether an
11 owner of a management firm or agency.

12 (d) The name and address of at least 1 individual authorized
13 to accept service of process on behalf of the owner and managing
14 agent.

15 (e) A statement describing whether the housing-with-services
16 establishment or a provider of services is regulated by a local,
17 state, or federal agency and the status of an applicable license,
18 registration, certification, or permit.

19 (f) The term of the contract described in months or years.

20 (g) A description of the services the establishment will
21 provide to the resident for the base-rate paid by the resident.

22 (h) A description of additional services available for an
23 additional fee from the housing-with-services establishment
24 directly or through arrangements with the housing-with-services
25 establishment.

26 (i) Fee schedules outlining the cost of additional
27 services.

1 (j) A description of the process through which the contract
2 may be modified, amended, or terminated.

3 (k) A description of the housing-with-services
4 establishment's complaint resolution process.

5 (l) The resident's designated representative, if any.

6 (m) The establishment's referral procedure in the event the
7 contract is terminated.

8 (n) The criteria used by the establishment to determine who
9 may continue to reside in the establishment.

10 (o) Billing and payment procedures and requirements.

11 (p) A statement regarding the availability of public funds
12 for payment for residence or services, or both, in the
13 establishment.

14 (3) The housing-with-services establishment shall keep the
15 contracts and related documents executed by the establishment and
16 residents for at least 3 years after the date of termination of
17 the contract. Contracts for current residents shall be kept at
18 the establishment.

19 Sec. 4. (1) A housing-with-services establishment shall
20 comply with this act.

21 (2) This act does not mandate a housing-with-services estab-
22 lishment to provide any of the following:

23 (a) A minimum core of services.

24 (b) A specific number of residents so long as at least 7
25 residents are regularly served.

1 (c) Physical plant or facility specifications so long as the
2 housing-with-services establishment is in compliance with
3 applicable state and local codes.

4 Sec. 5. (1) A contract executed in violation of this act is
5 voidable at the option of the resident.

6 (2) A resident may bring an action in a court of competent
7 jurisdiction for recovery of damages arising out of a violation
8 of or noncompliance with this act. If the violation is deter-
9 mined to be willful, the court may award treble damages.

10 (3) A housing-with-services establishment shall not bring,
11 maintain, or defend an action to collect compensation for the
12 performance of a contract determined by the court to be in will-
13 ful violation of or noncompliance with this act.