

# SENATE BILL No. 1163

March 4, 2008, Introduced by Senator GARCIA and referred to the Committee on Families and Human Services.

A bill to amend 1979 PA 218, entitled  
"Adult foster care facility licensing act,"  
by amending section 3 (MCL 400.703), as amended by 1998 PA 442.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) "Adult" means:

2       (a) A person 18 years of age or older.

3       (b) A person who is placed in an adult foster care family home  
4 or an adult foster care small group home ~~pursuant~~ **ACCORDING** to  
5 section 5(6) or (8) of 1973 PA 116, MCL 722.115.

6       (2) "Adult foster care camp" or "adult camp" means an adult  
7 foster care facility with the approved capacity to receive more  
8 than 4 adults to be provided foster care. An adult foster care camp  
9 is a facility located in a natural or rural environment.

10       (3) "Adult foster care congregate facility" means an adult

1 foster care facility with the approved capacity to receive more  
2 than 20 adults to be provided with foster care.

3 (4) "Adult foster care facility" means a governmental or  
4 nongovernmental establishment that provides foster care to adults.  
5 Subject to section 26a(1), adult foster care facility includes  
6 facilities and foster care family homes for adults who are aged,  
7 mentally ill, developmentally disabled, or physically disabled who  
8 require supervision on an ongoing basis but who do not require  
9 continuous nursing care. Adult foster care facility does not  
10 include any of the following:

11 (a) A nursing home licensed under article 17 of the public  
12 health code, 1978 PA 368, MCL 333.20101 to 333.22260.

13 (b) A home for the aged licensed under article 17 of the  
14 public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

15 (c) A hospital licensed under article 17 of the public health  
16 code, 1978 PA 368, MCL 333.20101 to 333.22260.

17 (d) A hospital for the mentally ill or a facility for the  
18 developmentally disabled operated by the department of community  
19 health under the mental health code, 1974 PA 258, MCL 330.1001 to  
20 330.2106.

21 (e) A county infirmary operated by **THE DEPARTMENT OR** a county  
22 ~~department of social services or family independence agency~~ under  
23 section 55 of the social welfare act, 1939 PA 280, MCL 400.55.

24 (f) A child caring institution, children's camp, foster family  
25 home, or foster family group home licensed or approved under 1973  
26 PA 116, MCL 722.111 to 722.128, if the number of residents who  
27 become 18 years of age while residing in the institution, camp, or

1 home does not exceed the following:

2 (i) Two, if the total number of residents is 10 or fewer.

3 (ii) Three, if the total number of residents is not less than  
4 11 and not more than 14.

5 (iii) Four, if the total number of residents is not less than 15  
6 and not more than 20.

7 (iv) Five, if the total number of residents is 21 or more.

8 (g) A foster family home licensed or approved under 1973 PA  
9 116, MCL 722.111 to 722.128, that has a person who is 18 years of  
10 age or older placed in the foster family home under section 5(7) of  
11 1973 PA 116, MCL 722.115.

12 (h) An establishment commonly described as an alcohol or a  
13 substance abuse rehabilitation center, a residential facility for  
14 persons released from or assigned to adult correctional  
15 institutions, a maternity home, or a hotel or rooming house that  
16 does not provide or offer to provide foster care.

17 (i) A facility created by 1885 PA 152, MCL 36.1 to 36.12.

18 **(J) A PRIVATE RESIDENCE THAT PROVIDES FOSTER CARE TO NOT MORE**  
19 **THAN 1 ADULT UNDER A PERSONAL CARE PLAN DEVELOPED BY THE COMMUNITY**  
20 **MENTAL HEALTH SERVICES PROGRAM OR THE DEPARTMENT SERVING THE COUNTY**  
21 **IN WHICH THE ADULT RECEIVING FOSTER CARE RESIDES THAT DOES NOT**  
22 **PROVIDE ROOM AND BOARD SERVICES TO ANY OTHER INDIVIDUAL IN THE**  
23 **HOME. THE PERSONAL CARE PLAN MUST BE REVIEWED EVERY 6 MONTHS BY**  
24 **THAT RESPONSIBLE AGENCY ON-SITE WHERE THE ADULT IS RECEIVING THE**  
25 **FOSTER CARE. THE PERSONAL CARE PLAN MUST MINIMALLY INCLUDE THE**  
26 **PERSON RECEIVING THE PERSONAL CARE, THE CAREGIVER, AND THE**  
27 **COMMUNITY MENTAL HEALTH SERVICES PROGRAM OR DEPARTMENT**

1 REPRESENTATIVE THAT IS RESPONSIBLE FOR ENSURING THAT THE LIVING  
2 ARRANGEMENT CONTINUES TO MEET THE NEEDS OF THE ADULT RECEIVING CARE  
3 AND THAT THE HOME ENVIRONMENT IS CLEAN AND SAFE.

4 (5) "Adult foster care family home" means a private residence  
5 with the approved capacity to receive 6 or fewer adults to be  
6 provided with foster care for 5 or more days a week and for 2 or  
7 more consecutive weeks. The adult foster care family home licensee  
8 shall be a member of the household, and an occupant of the  
9 residence.

10 (6) "Adult foster care large group home" means an adult foster  
11 care facility with the approved capacity to receive at least 13 but  
12 not more than 20 adults to be provided with foster care.

13 (7) "Adult foster care small group home" means an adult foster  
14 care facility with the approved capacity to receive 12 or fewer  
15 adults to be provided with foster care.

16 (8) "Aged" means an adult whose chronological age is 60 years  
17 of age or older or whose biological age, as determined by a  
18 physician, is 60 years of age or older.

19 (9) "Assessment plan" means a written statement prepared in  
20 cooperation with a responsible agency or person that identifies the  
21 specific care and maintenance, services, and resident activities  
22 appropriate for each individual resident's physical and behavioral  
23 needs and well-being and the methods of providing the care and  
24 services taking into account the preferences and competency of the  
25 individual.