

HOUSE BILL NO. 5660

December 29, 2021, Introduced by Reps. Yaroch, Bezotte, Beson and Markkanen and referred to the Committee on Oversight.

A bill to amend 1979 PA 218, entitled
"Adult foster care facility licensing act,"
by amending section 11 (MCL 400.711), as amended by 2016 PA 525.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) The director, the director's agent, or personnel
2 of another department or agency, acting at the request of the
3 director, may enter upon the premises of an applicant or licensee
4 at a reasonable time to make inspections, as permitted by
5 applicable law, to determine whether the applicant or licensee is

1 complying with this act and the rules promulgated under this act.
 2 On-site inspections may be conducted without prior notice to the
 3 adult foster care facility. A health and sanitation inspection of
 4 an adult foster care facility shall be conducted upon the request
 5 of the department by 1 of the following:

- 6 (a) Department staff.
- 7 (b) The department of health and human services.
- 8 (c) A local health department.

9 (2) The bureau of fire services created in section 1b of the
 10 fire prevention code, 1941 PA 207, MCL 29.1b, or local authorities,
 11 in carrying out this act, may visit an adult foster care facility
 12 more often than annually to advise in matters affecting health or
 13 fire protection. Inspections ~~shall~~**must** be made as permitted by
 14 law.

15 (3) An adult foster care facility ~~shall~~**must** be inspected for
 16 fire safety by 1 of the following:

17 (a) Department staff, if the facility is licensed or proposed
 18 to be licensed for 6 or fewer adults. The department may request
 19 that a fire safety inspection be performed by or at the direction
 20 of the bureau of fire services, for a facility licensed or proposed
 21 to be licensed for 6 or fewer adults, if ~~such an~~**that** inspection
 22 would result in the efficient administration of this act.

23 (b) The bureau of fire services or the designated
 24 representative of the bureau of fire services, if the facility is
 25 licensed or proposed to be licensed for more than 6 adults. The
 26 bureau of fire services ~~shall~~**must** inspect or have inspected for
 27 fire safety an adult foster care facility licensed or proposed to
 28 be licensed for 6 or fewer adults upon request by the department.
 29 The bureau of fire services may contract with the fire marshal of a

1 city having a population of not less than 600,000 **based on the 2010**
2 **federal decennial census** to inspect adult foster care facilities
3 licensed or proposed to be licensed for more than 6 adults if the
4 facility is located within that city. The fire marshal of a city
5 ~~shall~~**must** conduct an inspection in compliance with procedures
6 established and on forms provided by the bureau of fire services.

7 (4) Except as provided in subsection (3)(b) and section 10(2),
8 the inspector ~~shall~~**must** administer and enforce the rules
9 promulgated by the department.

10 (5) Upon receipt of a request from an adult foster care
11 facility for certification of a specialized program for
12 developmentally disabled or mentally ill adults, the department
13 ~~shall~~**must** inspect the facility to determine whether the proposed
14 specialized program conforms with the requirements of applicable
15 law and rules. The department ~~shall~~**must** provide the department of
16 health and human services with an inspection report and a
17 certification, denial of certification, or certification with
18 limited terms for the proposed specialized program. The department
19 ~~shall~~**must** reinspect a certified specialized program not less than
20 once biennially. In carrying out this subsection, the department
21 may contract with a county community mental health board or any
22 other agency for services.

23 (6) Inspection reports required by this section ~~shall~~**must** be
24 furnished to the department and shall be used in the evaluation for
25 licensing of an adult foster care facility. The department ~~shall~~
26 **must** consider the reports carefully and may make special
27 consultations if necessary. The department ~~shall be~~**is** responsible
28 for the final determination of the issuance, denial, or revocation
29 and the temporary or provisional nature of a license issued to an

1 adult foster care facility. A report of the department's findings
2 ~~shall~~**must** be furnished to the licensee or applicant.

3 (7) The inspection reports required by this section shall be
4 available for public inspection during reasonable business hours.

5 (8) **The department shall submit biannual reports to the**
6 **appropriation subcommittees for the department, the senate and**
7 **house fiscal agencies, and the state budget director containing**
8 **inspector feedback and input from inspectors within the bureau of**
9 **community and health systems regarding the adequacy of federal and**
10 **state guidelines pertaining to entities regulated by the bureau of**
11 **community and health systems.**