

**Department of licensing &  
Regulatory Affairs  
Bureau of Community & Health Systems  
AFC Division**

**AFC Draft Single Ruleset Townhall  
October 2, 2024**

# Proposed Single Set of Rules

Goal - Create a single administrative rule set for adult foster care facilities authorized under the Adult Foster Care Facility Licensing Act, Act 218 of 1979.

- Replace and rescind the following rule sets:
  - Congregate R 400.2401-2475 (1979)
  - Family R 400.1401-1442 (1984)
  - Large Group R 400.15101-15411 (1994)
  - Small Group R 400.14101-14601 (1994)
  - Certification of Specialized Programs R 330.180-330.1809 (1996)
  - Fire Safety Rules for AFC homes 6 or less R 400.2201-400.2376 (1994)

Objective – Create administrative rules to be uniformed between all AFC facility types, unless circumstances otherwise justify a distinction between them and to write the rule in clear language so that technical assistance can be eliminated as much as possible.

Current Rule Sets: 120 Pages, 206 Rules

Proposed Rule Set: 37 Pages, 72 Rules

TA Currently: Total of 191 pages that likely will be eliminated or drastically reduced.



# Information Gathered

- ✓ Provider Associations
  - ✓ Michigan Assisted Living Association
  - ✓ LeadingAge of Michigan
  - ✓ Health Care Association of Michigan
- ✓ Department managers and field staff
- ✓ AFC Advisory Council
  - ✓ Deb Mock, Hope Network Behavioral Health
  - ✓ Jessica Kross, Pine Rest Christian Mental Health Services
  - ✓ Jennifer Warnos, Guardian Finance and Advocacy services

# Notable Changes in Proposed Single Ruleset

- Increase resident valuable from \$25 to \$100. (609.1.ss)
- Adds requirement to maintain pet vaccination and license records. (617)
- Adds rule to allow department to issue a special license to licensee that must displace residents due to a disaster. (620)
- Allows minor staff that are 16 or 17 to count towards staff ratio if they have an adult staff onsite supervising them. (629.2)
  - Minor staff cannot pass meds or transport residents.

# Notable Changes in Proposed Single Ruleset

- Allows option for staff TB risk assessment in lieu of TB testing. (631.6)
- No longer must use department form for resident funds and valuables. (637)
- Increases the maximum money licensee can hold for resident from \$200 to \$400 and increases the amount that the licensee shall provide immediately to the resident from \$20 to \$40. (637.7)
- Added language about if cannot obtain a reference check then at least document the attempt. (639.1.f)

# Notable Changes in Proposed Single Ruleset

- Added timeframe for staff implementing crisis intervention to document that in the resident file within 48 hours. (643.6)
- Home with private well will now be required to test for nitrates and arsenic as part of the water test. (645.1)
- Added requirements for pool or spa if a home has one. (645.10)
- New language that clarifies that while AC is not required, the licensee shall take measures to prevent long exposure to high temperatures. (653)

# Notable Changes in Proposed Single Ruleset

- New rule that allows the bed to be removed if the resident requests and has their health professional approval for sleeping on an alternative and it is documented in the resident's assessment plan. (661.1.a)
- Allows exception for resident room windows not to be openable if certain criteria is met. (657.7)
- Licensee can allow residents to use their own furniture if they choose. (661.2)
- New language requiring labeling food once it is removed from the original packaging and being stored. (665.7)

# Notable Changes in Proposed Single Ruleset

- New rule that requires the home to have a minimum of 2 times the licensed capacity of bed linens. (669.3)
- New requirement that the hospice service plan, DNR, and any other advance directives be kept with the resident's assessment plan. (671.4)
- New rule to clarify what resident hygiene product must be available to the residents. (675.4.f)
- Added "gender identity" in resident rights which the licensee can not discriminate. (681.3)



# Notable Changes in Proposed Single Ruleset

- Assessment plan must be completed in 7 calendar days after emergency admission (previously 14 days). (685.5)
- New language about how the resident care agreement does not have to be signed by all parties annually if nothing changed and certain criteria is met. (685.9)
- New rule about overnight visitors if allowed. (687.3)
- Allow space heaters if certain criteria is met. (729.4)

# Notable Changes in Proposed Single Ruleset

- Creates a licensing retention of 2 years for most things and 90 days for menus and staff schedules.
- Modified physician to qualified health professional (to allow for physician assistant, nurse practitioner, etc.).

# Division

# UPDATES



## Rulemaking Incident/Accident Reporting & Combining AFC Rule Sets

### Rulemaking Process Summary

Governed by the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

### Steps

- Request for Rulemaking (RFR)
- Drafting Rules
- Regulatory Impact Statement & Cost-Benefit Analysis (RIS) & internal reviews
- Public Hearing
  - Review of Public Comments by the Department
- Joint Committee on Administrative Rules (JCAR)
  - JCAR Report of Final Rules
  - Must be before JCAR for 15 session days
- Certificate of Adoption
  - Filing with Office of the Great Seal

# Next Steps

Will review comments/questions submitted after this town hall meeting and make edits to draft, as needed.

Will submit draft rules with a Regulatory Impact Statement.

Tentatively looking to schedule a public hearing by March 2025.

Hoping for promulgation of new ruleset in the late second quarter or 3<sup>rd</sup> quarter of 2025.



# AFC Draft Single Ruleset

Send questions, concerns or suggested edits to  
[LARA-BCHS-Training@michigan.gov](mailto:LARA-BCHS-Training@michigan.gov) by COB  
Wednesday, October 16, 2024.