DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF COMMUNITY AND HEALTH SYSTEMS

ADULT FOSTER CARE FAMILY HOMES

(By authority conferred on the department of licensing and regulatory affairs by section 9 of the Executive organization act of 1965, 1965 PA 380, MCL 16.109, and sections 10 and 13 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.710 and 400.713, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 400.227)

R 400.1401 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

(b) "Capacity" means the maximum number of residents for which a home is licensed.

(c) "Chemical restraint" means the use of any drug or chemical in an emergency situation to limit activity or aggressiveness of a resident if the activity or aggressiveness would be harmful to the resident, other individuals, or property.

(d) "Department" means department of licensing and regulatory affairs.

(e) "Designated representative" means the individual or agency that has been granted the authority to act on behalf of the resident by the resident or the legal guardian of that resident.

(f) "Elopement" means a resident that has a service plan that requires notice or arranged supervision to leave the facility and is absent without notice or supervision.

(g) "Healthcare appraisal" means a licensed physician's or registered nurse's statement that provides an assessment of the general physical condition of a resident.

(h) "Home" means an adult foster care family home.

(i) "House guidelines" means those guidelines established by the licensee that set expectations for resident conduct.

(j) "Incident" means an intentional or unintentional event where a resident sustains physical or emotional harm, an unexpected or unnatural death, is displaced by a natural disaster, or elopes.

(k) "Members of the household" means all individuals living in the home, exclusive of residents.

(l) "Occupants" means all individuals living in the home.

(m) "Physical restraint" means the bodily holding of a resident with no more force than is necessary to limit the resident's movement.

(n) "Premises" means the facility, grounds, and all other appurtenances.

(o) "Resident" means an adult, as that term is defined in section 3 of the act, MCL 400.703, who, because of mental illness, developmental disability, physical handicap, or

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aged condition, requires and receives foster care in an adult foster care family home and does not require continuous nursing care.

(p) "Responsible agency" means a public or private organization which, after written agreement with a resident or the resident's designated representative, provides 1 or more of the following:

(i) Preplacement and placement services.

(ii) Assessment planning or the establishment of an individual plan of service.

(iii) Maintenance of ongoing follow-up services while the resident is in the home.

(q) "Responsible individual " means the licensee or adult designated by the licensee to provide foster care to residents.

(r) "Street floor" means any story or floor level that is accessible from the street or from outside the building at grade and at the main entrance, is not more than 21 inches above nor more than 12 inches below street or grade level, or a floor that is arranged and used as the main floor.

(s) "Substantial risk" means that a resident's behavior poses a serious imminent threat of bodily harm to the resident or others or the destruction of property and that the resident is capable of carrying out the harm or destruction.

(t) "Time-out" means a behavior management technique employed to reduce undesired behavior by separating a resident from their surroundings if the undesired behavior occurs.

(u) "Trust fund" means money or property set aside as a trust for a resident for the benefit of a resident and held for safekeeping by the licensee.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1984 AACS; 2023 MR 11, Eff. June 8, 2023.

R 400.1402 License application fee.

Rule 2. A $15.00 license application fee shall accompany an original license application and a license renewal application for an adult foster care family home. The fee shall be nonrefundable.

History: 1984 AACS.

R 400.1403 Licensee and applicant rights.

Rule 3. (1) A licensee or an applicant shall have the right to be treated with courtesy, dignity, and fairness by the adult foster care licensing division staff of the department and shall not be discriminated against on the basis of race, religion, color, national origin, sex, age, handicap, marital status, or source of funding.

(2) The department shall provide a licensee or an applicant with written notice regarding appeal rights as provided by Act No. 306 of the Public Acts of 1969, as amended, being S24.201 et seq. of the Michigan Compiled Laws, and the act, when there is official notification of the intent to take an adverse action against an applicant or a licensee.

(3) A licensee or an applicant shall be informed of, and shall have the right to bring to the attention of the supervisor of the licensing representative, any alleged

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misapplication of enforcement of regulations by a licensing representative or any substantial differences of opinion as may occur between the licensee or the applicant and any licensing representative concerning the proper application of the act or these rules. A meeting with the supervisor shall be afforded upon request. This subrule notwithstanding, the licensee or the applicant may contact any other official of the department regarding issues relating to the licensing activities of the department. Any contact with the supervisor or any other departmental official shall not result in any retaliation by the licensing representative.

(4) All written communications, scheduled and unscheduled visits, routine licensing investigations and complaint investigations shall be conducted according to department policy and the provisions of the act.

(5) A licensee or an applicant may request, under the provisions of Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws, copies of department policies or other documents governing the licensing activities of the department.

(6) A licensee or an applicant shall be afforded the opportunity to have a conference with the licensing representative before the conclusion of a routine licensing investigation or complaint investigation and, as soon as practicable thereafter, shall receive a written response indicating the findings of the licensing representative or any other licensing official.

(7) A licensee or an applicant shall have the right to review a licensing study report in which refusal to renew, revocation, or denial of license issuance is being recommended, before that report is finalized, except in situations where the department finds cause to invoke a summary suspension action. The licensee or the applicant shall have the right to submit a written response within 15 calendar days to the licensing study report. The final licensing study report shall include the licensee's or the applicant's written response, and the response shall be considered a part of the official record and shall be subject to disclosure under the provisions of Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws.

(8) A licensee or an applicant shall have the right to provide a written response to the findings of the licensing representative or other department official in the event of a licensing investigation report or a complaint investigation report. Unless otherwise requested by the licensee or the applicant, in writing, the written response shall become a part of the department's official licensing record and shall be public information according to the provisions of Act No. 442 of the Public Acts of 1976, as amended, being S15.231 et seq. of the Michigan Compiled Laws and the act.

(9) A licensee or an applicant may request, in writing, a declaratory ruling as to the applicability of a rule as provided in section 63 of Act No. 306 of the Public Acts of 1969, as amended, being S24.263 et seq. of the Michigan Compiled Laws and the act.

(10) The department shall provide advice and technical assistance to the licensee or the applicant to assist the licensee in meeting the requirements of the act and these rules. The department shall offer consultation upon request in developing methods for the improvement of service.

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(11) The department shall provide a licensee or an applicant with a written copy of the rights outlined in subrules (1) to (10) of this rule at the time of license application or license renewal.

History: 1984 AACS.

R 400.1404 Licensee, responsible person, and member of the household; qualifications.

Rule 4. (1) A licensee and responsible person shall not be less than 18 years of age.

(2) A responsible person shall be other than a resident.

(3) A licensee or responsible person shall possess all of the following qualifications:

(a) Be of good moral character to provide for the care and welfare of the residents.

(b) Be suitable to meet the physical, emotional, social, and intellectual needs of each resident.

(c) Be capable of appropriately handling emergency situations.

(4) A licensee shall have sufficient financial resources to provide for the adequate care of the family and residents.

(5) All responsible persons and members of the household shall be of good moral character and suitable temperament to assure the welfare of residents.

(6) A licensee shall provide the department with the name of any person providing care for a resident or member of the household who is on a court-supervised probation or parole or who has been convicted of a felony within the 5-year period before providing resident care.

(7) A licensee shall require all members of the household and responsible persons who have been released from a public or private psychiatric hospital for less than 1 year to provide a written statement verifying the person's personal fitness to care for or be associated with a resident. The statement shall be obtained from the medical or administrative director of the public or private psychiatric hospital and shall be made available to the department.

(8) A licensee shall have an arrangement with a responsible person who is available to provide care in an emergency situation for up to 72 hours.

(9) A licensee, responsible person, or member of the household shall not be the legal guardian of a resident living in the home, except where a person is a relative or where the guardianship relationship existed before the promulgation of these rules.

History: 1984 AACS.

R 400.1405 Health of a licensee, responsible person, and member of the household.

Rule 5. (1) A licensee, responsible person, and a member of the household shall be in such physical and mental health so as not to negatively affect either the health of the resident or the quality of his or her care.

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(2) A licensee shall have on file with the department a statement signed by a licensed physician or his or her designee with regard to his or her knowledge of the physical health of the licensee and each responsible person. The statement shall be signed within 6 months before the issuance of a license and at any other time requested by the department.

(3) A licensee shall provide the department with written evidence that he or she and each responsible person in the home is free from communicable tuberculosis. Verification shall be within the 3-year period before employment and verification shall occur every 3 years thereafter.

History: 1984 AACS.

R 400.1406 Ratio of responsible persons to residents.

Rule 6. (1) The ratio of responsible persons to residents shall not be less than 1 responsible person to 6 residents and 2 children under the age of 12 years or ratio thereof.

(2) The number of occupants in a home, other than the licensee and the licensee's spouse, shall not exceed 10 persons.

(3) This rule does not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

History: 1984 AACS.

R 400.1407 Resident admission and discharge criteria; resident assessment plan; resident care agreement; house guidelines; fee schedule; physician's instructions; health care appraisal.

Rule 7. (1) A licensee shall not accept, retain, or care for a resident who, in accordance with a licensed physician's medical diagnosis and opinion, requires continuous nursing care. This does not preclude the accommodation of a resident who becomes temporarily ill while in the home, but who does not require continuous nursing care.

(2) A licensee shall not accept or retain a resident for care unless and until a resident assessment plan is made and it is determined that the resident is suitable pursuant to the following provisions:

(a) The amount of personal care, supervision, and protection required by the resident is available in the home.

(b) The kinds of services and skills required of the home to meet the resident's needs are available in the home.

(c) The resident appears to be compatible with other residents and members of the household.

(3) In situations where a resident is referred for admission, the resident assessment plan shall be conducted in conjunction with the resident or the resident's designated representative, the responsible agency, and the licensee. A licensee shall maintain a copy of the resident's written assessment plan on file in the home.

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(4) In situations where a resident is referred for emergency admission and the licensee agrees to accept the admission, a resident assessment plan shall be conducted within 15 calendar days following the emergency admission. The resident assessment plan shall be conducted in accordance to the provisions outlined in subrules (2) and (3) of this rule.

(5) At the time of a resident's admission, a licensee shall complete a written resident care agreement which shall be established between the resident or the resident's designated representative, the responsible agency, and the licensee. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department. A resident shall be provided the care and services as stated in the written resident care agreement.

(6) A licensee shall review the written resident care agreement with the resident or the resident's designated representative and responsible agency at least annually or more often if necessary.

(7) A licensee shall contact a resident's physician for instructions as to the care of the resident under the following conditions:

(a) If the resident is under the care of a physician at the time of the resident's admission to the home.

(b) If the resident requires the care of a physician while living in the home.

(8) A licensee shall record in the resident's record the physician's instructions for the care of the resident as required in subrule (7) of this rule.

(9) If a resident is not under the care of a physician at the time of the resident's admission to the home, the licensee shall require that the resident or the resident's designated representative provide a written health care appraisal completed within the 90-day period before the resident's admission to the home. If a written health care appraisal is not available, a licensee shall require that the appraisal be obtained not later than 30 days after admission. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department.

(10) A licensee may establish house guidelines. House guidelines, if established, shall be provided in writing to the resident or the resident's designated representative and responsible agency upon admission to the home or, if established after a resident's admission to the home, immediately thereafter. House guidelines shall not conflict with these rules.

(11) A licensee shall provide a resident or his or her designated representative and responsible agency with a statement of the fee policy at the time of admission. A fee statement shall include all of the following:

(a) A description of services to be provided and the fee.

(b) A description of additional costs above the basic fee policy.

(c) A description of the transportation costs in the basic fee structure and the transportation which is provided at extra cost.

(12) A licensee shall provide a resident with a 30-day written notice before discharge from the home. The written notice shall state the reasons for discharge. A copy of the written notice shall be sent to the resident's designated representative and responsible agency.

(13) A licensee may discharge a resident before the 30-day notice when it has been determined that any of the following exists:

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(a) Substantial risk or an occurrence of self-destructive behavior.

(b) Substantial risk or an occurrence of serious physical assault.

(c) Substantial risk or an occurrence of destruction of property.

(14) A licensee who discharges a resident pursuant to subrule (13) of this rule shall notify the resident's designated representative and responsible agency within 24 hours before discharge. Such notification shall be followed by a written notice to the resident's designated representative and responsible agency stating the reasons for discharge.

(15) A licensee shall not change the residency of a resident from one home to another without the written approval of the resident or the resident's designated representative and responsible agency.

(16) A licensee shall not establish any policies that restrict the resident's ability to make his or her own living arrangements.

(17) At the time of discharge, a licensee shall provide copies of resident records to the resident and his or her designated representative when requested and as determined appropriate by the resident or his or her designated representative. A fee charged for copies of resident records shall not exceed the cost to the licensee for making the copies available.

History: 1984 AACS.

Editor's Note: An obvious error in R 400.1407 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Annual Administrative Code Supplement 1984. The memorandum requesting the correction was published in Michigan Register, 2009 MR 6.

R 400.1408 Resident care; licensee responsibilities.

Rule 8. (1) A licensee shall provide basic self-care and habilitation training in accordance with the resident's written assessment plan.

(2) A licensee shall assure the availability of transportation services.

(3) A licensee shall provide the following when specified in the resident's written assessment plan:

(a) Direction and opportunity for the growth and development of a resident which are achieved through activities which foster independent functioning, such as dressing, grooming, manners, shopping, cooking, money management, and use of public transportation.

(b) Opportunity for involvement in educational, employment, and day program opportunities.

(4) A licensee shall provide all of the following:

(a) Opportunity for the resident to develop positive social skills.

(b) Opportunity for the resident to have contact with relatives and friends.

(c) Opportunity for community-based recreational activities.

(d) Opportunity for privacy and leisure time.

(e) Opportunity for religious education and attendance at religious services of the resident's religious faith.

History: 1984 AACS.

Courtesy of Michigan Administrative Rules

R 400.1409 Resident rights; licensee responsibilities.

Rule 9. (1) Upon a resident's admission to the home, the licensee shall inform and explain to the resident or the resident's designated representative all of the following resident rights:

(a) The right to be free from discrimination against the provision of services on the basis of race, religion, color, national origin, sex, age, handicap, marital status, or source of payment.

(b) The right to exercise his or her constitutional rights, including the right to vote, the right to practice the religion of his or her choice, the right to freedom of movement, and the right of freedom of association.

(c) The right to refuse participation in religious practices.

(d) The right to write, send, and receive uncensored and unopened mail at his or her own expense.

(e) The right of reasonable access to a telephone for private communications. A licensee may charge a resident for long distance telephone calls. A pay telephone shall not be considered as meeting this requirement.

(f) The right to voice grievances and present recommendations pertaining to the policies and services of the home without fear of retaliation. A resident shall be informed of the home's complaint process.

(g) The right to associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice.

(h) The right to participate in the activities of social, religious, and community groups at his or her own discretion.

(i) The right to use the services of advocacy agencies and to attend other community services of his or her choice.

(j) The right of reasonable access to and use of his or her personal clothing and belongings.

(k) The right to have contact with relatives and friends and receive visitors in the home at a reasonable time.

(l) The right to employ the services of a physician, psychiatrist, or dentist of his or her choice for obtaining medical, psychiatric, or dental services.

(m) The right to refuse treatment and services, including the taking of medication, and to be made aware of the consequences of that refusal.

(n) The right to request and receive assistance from the responsible agency in relocating to another living situation.

(o) The right to be treated with consideration and respect, with due recognition of personal dignity, individuality, and the need for privacy.

(p) The right of access to his or her room at his or her own discretion.

(2) A licensee shall provide the resident and the resident's designated representative with a written copy of the rights outlined in subrule (1) of this rule upon a resident's admission to the home.

History: 1984 AACS.

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R 400.1410 Resident protection.

Rule 10. A licensee or responsible person shall always be on the premises when a resident is in the home.

History: 1984 AACS.

R 400.1411 Resident behavior management; general requirements.

Rule 11. (1) A licensee shall ensure that methods of behavior management are positive and relevant to the needs of the resident.

(2) Methods of behavior management shall encourage cooperation, self-esteem, self-direction, and independence, and shall be administered in accordance with a resident's written assessment plan.

History: 1984 AACS.

R 400.1412 Resident behavior management; prohibitions.

Rule 12. (1) A licensee shall not mistreat or permit the mistreatment of a resident by responsible persons or other occupants of the home.Mistreatment includes any intentional action or omission which exposes a resident to a serious risk of physical or emotional harm.

(2) A licensee, responsible person, or any person living in the home shall not use any of the following methods of handling a resident for discipline purposes:

(a) Any form of severe punishment or physical force.

(b) Restricting a resident's movement by binding or tying.

(c) Confining a resident in an area such as a closet, locked room, box, or similar cubicle.

(d) Withholding necessary food, rest, or toilet use.

(e) Mental or emotional cruelty, including subjecting a resident to verbal abuse, making derogatory remarks about the resident or members of his or her family or making malicious threats.

(f) Refusing the resident entrance to the home.

History: 1984 AACS.

R 400.1413 Resident behavior management; time-out restriction; time-out reporting.

Rule 13. (1) A licensee shall not use time-out unless authorized, in writing, in the resident's written assessment plan, by the resident's designated representative and responsible agency.

(2) A licensee shall not use time-out until he or she has successfully completed time-out training as required by the responsible agency.

(3) A licensee shall maintain a written record of each occurrence of time-out. The record shall include all of the following information:

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(a) The nature of the time-out.
(b) The reason for time-out.
(c) The types of less restrictive alternatives which were tried.
(d) The name of the person authorizing the use of time-out.
(e) The times and dates time-out was used.
(4) A licensee shall make available reports of all uses of time-out when requested by the resident's designated representative, responsible agency, or the department.

History: 1984 AACS.

R 400.1414 Resident behavior management; use of physical restraint, physical restraint report.

Rule 14. (1) Excluding those forms of behavior management prohibited in R 400.1412, physical restraint may be used when it has been determined that any of the following exists:
(a) Substantial risk or an occurrence of self-destructive behavior.
(b) Substantial risk or an occurrence of serious physical assault.
(c) Substantial risk or an occurrence of destruction of property.
(2) Physical restraint shall be used to the minimum extent and the minimum duration necessary, and then only after less restrictive means of protection have failed.
(3) Physical restraint shall be employed to allow the resident the greatest possible comfort and to avoid physical injury and mental distress.
(4) If a resident requires the repeated and prolonged use of physical restraint or time-out within a 24-hour period, the licensee shall initiate a review process which includes all responsible persons and the resident's designated representative and responsible agency to evaluate the need for a more intensive treatment setting.
(5) All uses of physical restraint shall be noted in the resident's record. This notation shall include all of the following information:
(a) The nature of the physical restraint used.
(b) The reason for the use of physical restraint.
(c) The types of less restrictive alternatives which were tried.
(d) The person authorizing the physical restraint.
(e) The times and dates physical restraint was administered.
(6) A licensee shall make available reports of all uses of physical restraint when requested by the resident's designated representative, responsible agency, or the department.

History: 1984 AACS.

R 400.1415 Resident behavior management; chemical restraint restriction; chemical restraint report.

Rule 15. (1) The use of a chemical restraint shall only be prescribed and authorized by a licensed physician.

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(2) When a chemical restraint is administered by the licensee or responsible person, the licensee or responsible person shall contact the resident's physician within a reasonable period of time following the administration of the chemical restraint.

(3) A licensee shall initiate a review process as stated in R 400.1414 when a resident requires the repeated and prolonged use of a chemical restraint.

(4) All uses of a chemical restraint shall be noted in the resident's record. This notation shall include all of the following information:

(a) The type of chemical restraint used.

(b) The reason for the use of the chemical restraint.

(c) The types of less restrictive alternatives which were tried.

(d) The name of the physician who prescribed and authorized the chemical restraint.

(e) The time and date the chemical restraint was administered.

(5) A licensee shall make available reports of all uses of a chemical restraint when requested by the resident's designated representative, responsible agency, or the department.

History: 1984 AACS.

R 400.1416 Resident healthcare.

Rule 16. (1) A licensee, in conjunction with a resident's cooperation, shall follow the instructions and recommendations of a resident's physician regarding medications, special diets, and other resident healthcare needs that can be provided in the home.

(2) A licensee shall maintain a healthcare appraisal on file for not less than 2 years after the resident's admission to the home.

(3) A licensee shall record the weight of a resident on admission and then monthly after that. Weight records must be maintained for 2 years.

History: 1984 AACS; 2023 MR 11, Eff. June 8, 2023.

R 400.1416a Incident notification, incident records.

Rule 16a. (1) If a resident has a representative identified in writing on the resident’s care agreement, a licensee shall report to the resident's representative within 48 hours after any of the following:

(a) Unexpected or unnatural death of a resident.

(b) Unexpected and preventable inpatient hospital admission.

(c) Physical hostility or self-inflicted harm or harm to others resulting in injury that requires outside medical attention or law enforcement involvement.

(d) Natural disaster or fire that results in evacuation of residents or discontinuation of services greater than 24 hours.

(e) Elopement from the home if the resident’s whereabouts is unknown.

(2) If an elopement occurs, staff shall conduct an immediate search to locate the resident. If the resident is not located within 30 minutes after the elopement occurred, staff shall contact law enforcement.

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(3) An incident must be recorded on a department-approved form and kept in the home for a period of not less than 2 years.

(4) The department may review incident reports during a renewal inspection or special investigation. This does not prohibit the department from requesting an incident report if determined necessary by the department. If the department does request an incident report, the licensee shall provide the report in electronic form within 24 hours after the request. The department shall maintain and protect these documents in accordance with state and federal laws, including privacy laws.

History: 2023 MR 11, Eff. June 8, 2023.

R 400.1417 Rescinded.

History: 1984 AACS; 2023 MR 11, Eff. June 8, 2023.

R 400.1418 Resident medications.

Rule 18. (1) Prescription medication, including tranquilizers, sedatives, dietary supplements, or individual special medical procedures, shall be given or applied only as prescribed by a licensed physician or dentist. Prescription medication shall be kept in the original pharmacy container which shall be labeled for the specific resident in accordance with the requirements of Act No. 368 of the Public Acts of 1978, as amended, being S333.1101 et seq. of the Michigan Compiled Laws.

(2) Medication shall be given pursuant to label instructions.

(3) Unless a resident's physician specifically states otherwise, all the giving, taking, or application of prescription medications shall be supervised by the licensee or responsible person.

(4) When a licensee or responsible person supervises the taking of medication by a resident, the licensee or responsible person shall comply with the following provisions:

(a) Maintain a record as to the time and amount of any prescription medication given or applied. Records of prescription medication shall be maintained on file in the home for a period of not less than 2 years.

(b) Not adjust or modify a resident's prescription medication without agreement and instructions from a physician or a pharmacist who has knowledge of the medical needs of the resident. A licensee shall record in writing any adjustments or modifications of a resident's prescription medication.

(5) Prescription medication shall be kept in the original pharmacy-supplied and pharmacy-labeled container, stored in a locked cabinet or drawer, refrigerated if required, and labeled for the specific resident.

(6) A licensee shall take reasonable precautions to insure that prescription medication is not used by a person other than the resident for whom the medication was prescribed.

(7) Prescription medication which is no longer required by a resident shall be destroyed after consultation with a physician or a pharmacist.

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History: 1984 AACS.

R 400.1419 Resident nutrition.

Rule 19. (1) A licensee shall provide a minimum of 3 regular nutritious meals daily. Not more than 14 hours shall elapse between the evening and morning meal.

(2) A licensee shall assure proper food preparation, serving, sanitation, and safety.

(3) Meals shall meet the nutritional allowances recommended under the "Suggested Daily Eating Guide" section, which is adapted from the "United States Department of Agriculture's Daily Food Guide (1979)," and based upon the "Recommended Dietary Allowances (1980)," and contained in the publication entitled "Basic Nutrition Facts," pages 28 and 29, Michigan department of public health publication no. H-808, 1980. This publication may be obtained without charge from Nutrition Services, Bureau of Personal Health Services, Michigan Department of Public Health, P.O. Box 30035, Lansing, Michigan 48909.

(4) Special diets shall be prescribed only by a physician. A resident who has a special diet prescribed by a physician shall be provided such a diet.

(5) The department may require menus to be written when there is substantial noncompliance with this rule. If menus are required, they shall be kept until substantial compliance with subrules (1) to (4) of this rule has been determined by the department.

History: 1984 AACS.

R 400.1420 Resident hygiene.

Rule 20. (1) A licensee shall afford a resident the opportunity for daily bathing.

(2) A licensee shall afford a resident facilities for daily shaving.

(3) A licensee shall afford a resident opportunities to obtain haircuts, hairsets, or other grooming processes.

(4) A licensee shall afford a resident opportunities, and instruction when necessary, to dress as fashion and season warrant.

(5) A licensee shall afford a resident who is capable, opportunities or instructions when necessary, to routinely launder clothing. Clean clothing shall be available at all times.

(6) A licensee shall afford a resident the opportunity to receive assistance in bathing, dressing, or personal hygiene from a member of the same sex, unless otherwise stated in the home's admission policy and written resident care agreement.

History: 1984 AACS.

R 400.1421 Handling of resident funds and valuables.

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Rule 21. (1) A licensee may accept a resident's funds and valuables for safekeeping, to be held in trust with the licensee, upon request from a resident or the resident's designated representative.

(2) All resident funds and valuables which have been accepted by a licensee for safekeeping shall be treated by the licensee as a trust obligation.

(3) A licensee shall have a resident's funds and valuables transaction form completed and on file for each resident. A department form shall be used unless prior authorization for a substitute form has been granted in writing by the department.

(4) All resident funds and trust fund accounts shall be kept separate and apart from all funds and monies of the licensee.

(5) Except for trust fund accounts, a licensee shall not accept for safekeeping money and valuables exceeding a value of $200.00 for any resident in the home. Trust fund accounts between the licensee and the resident are subject to a $1,500.00 limitation.

(6) All trust fund account transactions shall require the signature of the resident or the resident's designated representative and the licensee or prior written approval from the resident or resident's designated representative.

(7) A resident's account shall be individual to the resident. A licensee shall be prohibited from having any ownership interest in a resident's account and shall verify such in a written statement to the resident or the resident's designated representative.

(8) A licensee, responsible person, and members of the licensee's or responsible person's family shall not borrow money or valuables from a resident, with or without the consent of the resident. A licensee shall further take reasonable precautions to assure the prohibition of financial transactions between a resident and other occupants of the home.

(9) A licensee shall obtain prior written approval from a resident and his or her designated representative before charges are made to a resident's account.

(10) Charges against the resident's account shall not exceed the agreed price for the services rendered and goods furnished or made available by the home to the resident.

(11) A licensee shall provide a complete accounting of all resident funds and valuables held for safekeeping and in trust fund accounts or paid to the home to the resident or to his or her designated representative on a quarterly basis. A receipt for resident expenditures shall be maintained by the licensee and shall be provided to the resident or designated representative upon request. The accounting of a resident's funds and valuables held for safekeeping or paid to the home shall also be provided, upon the resident's or designated representative's request, not later than 5 banking days following the request and at the time of the resident's discharge from the home.

(12) A licensee shall return the full amount of funds and valuables remaining in the account to the resident or his or her designated representative not later than 5 banking days following the request or date of discharge.

(13) A licensee shall report the death of a resident in writing to the public administrator of the Michigan Department of Attorney General, 1800 Michigan Plaza Building, 1200 Sixth Street, Detroit, Michigan 48226, not later than 10 calendar days following the death of the resident.

Courtesy of Michigan Administrative Rules

History: 1984 AACS.

R 400.1422 Resident records.

Rule 22. (1) A licensee shall complete and maintain a separate record for each resident and shall provide record information as required by the department. A resident record shall include, at a minimum, all of the following information:

(a) Identifying information, including, at a minimum, all of the following:

(i) Name.

(ii) Social security number.

(iii) Home address.

(iv) Name, address, and telephone number of the next of kin or designated representative.

(v) Name, address, and telephone number of person or agency responsible for the resident's placement in the home.

(vi) Name, address, and telephone number of the preferred physician and hospital.

(b) Date of admission.

(c) Date of discharge and place to which resident was discharged.

(d) Health care information, including all of the following:

(i) Health care appraisals.

(ii) Medication logs.

(iii) Statements and instructions for supervising prescribed medication.

(iv) Instructions for emergency care.

(e) Resident care agreement.

(f) Assessment plan.

(g) Weight record.

(h) Incident and accident reports.

(i) Resident funds and valuables record.

(j) Resident grievances and complaint record.

(2) Resident records shall be kept on file in the home for 2 years after the date of a resident's discharge from a home.

History: 1984 AACS.

R 400.1423 Resident recreation.

Rule 23. (1) A licensee shall make reasonable provision for a varied supply of leisure and recreational equipment appropriate to the number, care, needs, and interests of the residents. Such leisure and recreational equipment shall be safe, clean, in good repair, and easily accessible.

(2) Equipment and materials shall encourage and reinforce all of the following:

(a) Social interaction.

(b) Further growth through first-hand experiences.

(c) Social graces.

(d) Productive utilization of leisure time.

Courtesy of Michigan Administrative Rules

History: 1984 AACS.

R 400.1424 Environmental health.

Rule 24. (1) The water supply shall be adequate, of a safe and sanitary quality, and from an approved source. Hot and cold running water under pressure shall be provided.

(2) All sewage shall be disposed of in a public sewer system or, in the absence thereof, in a manner approved by the health authority.

(3) All garbage and rubbish containing food wastes shall be kept in leakproof, nonabsorbent containers which shall be kept covered with tight-fitting lids and removed from the premises at least weekly.

(4) Effective measures shall be taken to protect against the entrance of vermin into the home and against the breeding or presence of vermin on the premises.

(5) Poisonous and toxic materials shall be identified and shall be used only in such manner and under such conditions as will not contaminate food or constitute a hazard to residents.

(6) Open windows shall be screened from May to October.

History: 1984 AACS.

R 400.1425 Food service.

Rule 25. (1) All food shall be from sources approved or considered satisfactory by the department and shall be clean; wholesome; free from spoilage, adulteration, and misbranding; and safe for human consumption.

(2) While being stored, prepared, or served, or during transportation to a home, all food shall be protected from contamination.

(3) All perishable food shall be stored at such temperature as will protect against spoilage. All potentially hazardous food shall be maintained at safe temperatures (40 degrees Fahrenheit or below or 140 degrees Fahrenheit or above), except during necessary periods of preparation and service.

(4) All equipment and utensils shall be so designed and of such material and workmanship as to be easily cleanable. All eating and drinking utensils shall be thoroughly cleaned after each usage.

History: 1984 AACS.

R 400.1426 Maintenance of premises.

Rule 26. (1) The premises shall be maintained in a clean and safe condition.

(2) All living, sleeping, and kitchen areas shall be well lighted and ventilated.

(3) A roof, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

(4) Floors, interior walls, and ceilings shall be sound, in good repair, and maintained in a clean condition.

Courtesy of Michigan Administrative Rules

(5) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

(6) All water closet compartments, bathrooms, and kitchen floor surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.

(7) Stairways shall have sturdy and securely fastened handrails which are not less than 30, nor more than 34 inches above the upper surface of the tread. Exterior and interior stairways shall have handrails on the open sides. Porches shall also have handrails on the open sides.

(8) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(9) Handrails and nonskid surfacing shall be installed in showers and bath areas.

(10) Sidewalks, fire escape routes, and entrances shall be kept reasonably free of hazards, such as ice, snow, and debris.

(11) A yard area shall be kept reasonably free from all hazards, nuisances, refuse, and litter.

(12) Cooking appliances shall be properly installed in accordance with the manufacturer's recommended safety practices. Where metal hoods or canopies are provided, they shall be equipped with filters which shall be maintained in an efficient condition and kept clean at all times.

(13) A written report shall be made to the adult foster care licensing division of the department, the resident's designated representative, and responsible agency within 48 hours, excluding holidays and weekends, of the occurrence of fire or severe weather conditions that result in bodily injury or property damage exceeding $100.00.

History: 1984 AACS.

R 400.1427 Living space.

Rule 27. (1) A licensee shall provide, per occupant, not less than 35 square feet of indoor living space, exclusive of bathrooms, storage areas, hallways, kitchen, and sleeping areas.

(2) A resident shall not be housed above a second floor of a 3-story single-family residence.

(3) Living and sleeping areas for a resident shall be contained within the home.

(4) Subrules (1) and (2) of this rule do not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

History: 1984 AACS.

R 400.1428 Dining space.

Rule 28. A family home shall have dining space which can accommodate all occupants in the home at the same time.

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History: 1984 AACS.

R 400.1429 Room temperature.

Rule 29. All occupied rooms of a home shall be heated at a temperature not less than 68 degrees Fahrenheit.

History: 1984 AACS.

R 400.1430 Bathrooms.

Rule 30. (1) Toilets, bathtubs, and showers shall provide for individual privacy.

(2) Bathroom doors may be equipped with positive latching, non-locking-against-egress hardware. Hooks and eyes, bolts, bars, and other similar devices shall not be used on bathroom doors.

(3) A home shall have a minimum of 1 toilet, 1 lavatory, and 1 bathing facility for each 8 occupants of the home.

(4) A home housing more than 8 occupants shall have a minimum of 2 toilets, 2 lavatories, and 2 bathing facilities.

(5) Subrule (4) of this rule does not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

History: 1984 AACS.

R 400.1431 Bedrooms generally.

Rule 31. (1) A living room, dining room, hallway, basement, or other room not ordinarily used for sleeping shall not be used for sleeping purposes by residents of the home.

(2) Bedrooms for residents shall be separated from halls, corridors, and other rooms by floor to ceiling walls.

(3) Interior doorways of bedrooms occupied by residents shall be equipped with a side-hinged, permanently mounted door equipped with positive-latching, non-locking-against-egress hardware.

(4) Traffic to and from any room shall not be through a resident bedroom.

(5) Bedrooms shall have at least 1 window.

(6) Residents of the opposite sex shall not occupy the same bedroom for sleeping purposes, unless they are husband and wife.

(7) A resident having impaired mobility, as determined by a licensed physician, shall not sleep in or be assigned a bedroom located above the street floor in a single-family residence.

(8) A resident shall be provided with reasonable storage space for storage of his or her personal belongings.

History: 1984 AACS.

Courtesy of Michigan Administrative Rules

R 400.1432 Bedroom space; "usable floor space" defined.

Rule 32. (1) As used in this rule, "usable floor space" means floor space that is under a ceiling which is not less than 6 feet 6 inches in height, excluding closets and space under a portable wardrobe.

(2) A bedroom shall have not less than 65 square feet of usable floor space per bed.

(3) A maximum of 4 beds shall be allowed in any multi-occupancy bedroom.

(4) There shall not be less than a 3-foot clearance between beds in a multi-occupancy bedroom.

History: 1984 AACS.

R 400.1433 Bedroom furnishings.

Rule 33. (1) Bedroom furnishings shall include an adequate closet, wardrobe, or a dresser.

(2) Rollaway beds, cots, double-deck beds, stacked bunks, hide-a-beds, and day beds shall not be used by residents for sleeping.

(3) A licensee shall provide a resident with a bed that is not less than 36 inches wide and 72 inches long, with comfortable springs in good condition, a clean protected mattress which is not less than 5 inches thick or 4 inches thick if of synthetic construction, and with a pillow.

History: 1984 AACS.

R 400.1434 Linens.

Rule 34. (1) A licensee shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket, and a bedspread. Bed linens shall be changed at least weekly or more often if soiled.

(2) A licensee shall provide towels and washcloths which shall be changed at least weekly or more often if soiled.

History: 1984 AACS.

R 400.1435 Interior finish of walls and ceilings; prohibited materials.

Rule 35. (1) Asphalt paper; cork; cardboard; carpeting, whether fire retardant treated or not; foam plastics; plastic materials; or other finish materials that will contribute to the rapid spread of fire or give off dense smoke or toxic gases shall not be permitted as interior finish of a home.

(2) This rule shall only apply to those adult foster care family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

Courtesy of Michigan Administrative Rules

R 400.1436 Interior finishes and materials.

Rule 36. (1) Interior finish materials shall be a minimum class C throughout the home.

(2) Interior finish materials shall be securely attached to, or furred out at least 1 inch from, dry wall, plaster, masonry wall, ceiling, or natural solid wood which is a minimum of 3/4 of an inch thick.

(3) The attaching of interior finish materials, other than dry wall, plaster, or natural solid wood, which is a minimum of 3/4 of an inch thick, directly to wall studs or to floor or ceiling joists, is prohibited.

(4) Class C materials shall be those interior finish materials which have the following minimum classifications:

(a) Flame spread -- 76-200.

(b) Smoke density -- 126-200.

(5) This rule does not apply to those adult foster care family home applicants or licensees who applied for a license or who were issued a license before the promulgation of these rules.

History: 1984 AACS.

R 400.1437 Smoke detection equipment.

Rule 37. (1) At least 1 single-station smoke detector shall be installed at the following locations:

(a) Between the sleeping areas and the rest of the home. In homes with more than 1 sleeping area, a smoke detector shall be installed to protect each separate sleeping area.

(b) On each occupied floor, in the basement, and in areas of the home which contain flame- or heat-producing equipment.

(2) If batteries are used as a source of energy, they shall be replaced in accordance with the recommendations of the smoke or heat detection equipment manufacturer.

(3) Detectors shall be tested and examined as recommended by the manufacturer.

(4) Approved heat detectors may be installed in the kitchen and in other areas of the home containing flame- or heat-producing equipment instead of smoke detectors.

(5) Detectors mounted on ceilings shall be spaced not less than 6 inches away from any walls. Detectors mounted on walls shall be spaced between 6 and 12 inches away from the ceiling. A smoke detector shall not be mounted where ventilation systems or other obstructions keep smoke away.

(6) This rule shall only apply to those adult foster care family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

R 400.1438 Emergency preparedness; evacuation plan; emergency transportation.

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Rule 38. (1) A licensee shall have an evacuation plan and written procedures to be followed in case of fire, medical emergency, or severe weather emergency. Residents who require special assistance shall be identified in the written procedure.

(2) The evacuation plan and emergency procedures shall be prominently posted in the home.

(3) A telephone shall be available and accessible in the home. Emergency telephone numbers, including fire, police, physician, health agency, and ambulance, shall be conspicuously posted immediately adjacent to the telephone.

(4) Fire drills shall be conducted 4 times a year. Two of the 4 required fire drills shall be conducted during sleeping hours. A record of the fire drills shall be incorporated with the evacuation plan.

(5) A licensee shall assure that residents and all occupants of the home are familiar, to the best of their ability, with the evacuation plan and emergency procedures.

(6) A licensee shall assure emergency transportation through the use of an ambulance service or a vehicle owned or in the possession of the licensee or responsible person.

(7) This rule shall only apply to those adult foster care family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

R 400.1439 Means of egress; wheelchairs.

Rule 39. (1) Family homes accommodating residents who regularly require wheelchairs shall minimally be equipped with 1 ramp located at a primary means of egress from the first floors.

(2) A ramp shall not exceed 1 foot of rise in 12 feet of run and shall terminate on a firm surface or solid unobstructed ground which will allow the wheelchair occupant to move a safe distance away from the building.

(3) This rule shall only apply to those adult foster care family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

R 400.1440 Heat-producing equipment.

Rule 40. (1) Heating shall be from an approved central heating plant or factory mutual and underwriters laboratories labeled or listed permanently installed, fixed-type electrical heating, such as a recognized panel or baseboard electrical heating system.

(2) A furnace, water heater, heating appliances, pipes, woodburning stoves and furnaces, and other flame- or heat-producing equipment shall be installed in a fixed and permanent manner and in accordance with a manufacturer's instructions and shall be maintained in a safe condition.

(3) Where conditions indicate a need for inspection, heat-producing equipment shall be inspected by a qualified inspection service. If there are violations, a copy of the inspection report shall be submitted to the department, together with a written

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corrective action plan. A copy of the certificate of approval from the qualified inspection service shall be maintained in the home and available for department review.

(4) Hot water pipes and steam radiators located in resident-occupied areas shall be shielded to protect against burns.

(5) Portable heating devices shall not be used.

(6) Heat-producing equipment located in a basement shall be separated from the remainder of the home by means of a floor separation. Standard building material shall be sufficient for the floor separation and shall include at least a 1 3/4-inch solid wood core door or equivalent which is installed in a substantially fully stopped wood or steel frame and which is so constructed to effectively stop the spread of smoke and fire. The door shall be equipped with an automatic self-closing device and positive-latching hardware.

(7) This rule shall only apply to those adult foster care family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

R 400.1441 Electrical service.

Rule 41. (1) The electrical service shall be maintained in a safe condition.

(2) Where conditions indicate a need for inspection, the electrical service shall be inspected by a qualified electrical inspection service.If there are violations, a copy of the inspection report shall be submitted to the department, together with a corrective action plan. A copy of the certificate of approval from the qualified electrical inspection service shall be maintained in the home and available for department review.

(3) This rule shall only apply to those adult foster family homes licensed or proposed to be licensed after March 27, 1980.

History: 1984 AACS.

R 400.1442 Exemption from rules.

Rule 42. (1) Upon written request of an applicant or licensee, the department may grant an exemption from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which exemption is sought.

(2) The decision of the department, including the conditions under which the exemption is granted, shall be entered upon the records of the department, and a signed copy shall be sent to the applicant or licensee.This exemption may be time-limited or may remain in effect for as long as the licensee continues to comply with the intent of the rule.

(3) An exemption granted pursuant to this rule is not transferrable from one applicant to another or from one licensee to another.

History: 1984 AACS.

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