

# **LICENSING RULES FOR HOMES FOR THE AGED**

Effective 8/1/2004

## **BUREAU OF COMMUNITY AND HEALTH SYSTEMS**

### **ADULT FOSTER CARE AND CAMP LICENSING DIVISION**



**STATE OF MICHIGAN  
Department of Licensing and Regulatory Affairs**

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## DEPARTMENT OF LICENSING AND REGULATOR AFFAIRS

### HOMES FOR THE AGED

Effective August 1, 2004

(By authority conferred on the Department of Human Services by Section 427 of 1965 PA 380, Section 2233 of 1978 PA 368, Executive Reorganization Order Nos. 1996-1, 1996-2 and 2003-18, MCL 16.527, 333.2233, 330.3101, 445.2001 and 445.2011.)

R 325.1801, R 325.1811, R 325.1812, R 325.1813, R 325.1815, R 325.1816, R 325.1819, R 325.1821, R 325.1825, R 325.1827, R 325.1829, R 325.1831, R 325.1833, R 325.1835, R 325.1836, R 325.1837, R 325.1839, R 325.1841, R 325.1843, R 325.1845, R 325.1847, R 325.1851, R 325.1853, R 325.1855, R 325.1857, R 325.1859, R 325.1861, R 325.1863, R 325.1865, R 325.1867, R 325.1871, R 325.1872, R 325.1873, R 325.1874, R 325.1875, R 325.1876, R 325.1877, R 325.1878, R 325.1879, R 325.1880, R 325.1881, R 325.1882, R 325.1883, R 325.1884, R 325.1885, R 325.1886, R 325.1887, R 325.1888, R 325.1889, R 325.1890, and R 325.1891 of the Michigan Administrative Code are rescinded, and R 325.1901, R 325.1911, R 325.1912, R 325.1913, R 325.1914, R 325.1915, R 325.1916, R 325.1917, R 325.1921, R 325.1922, R 325.1923, R 325.1924, R 325.1931, R 325.1932, R 325.1933, R 325.1934, R 325.1935, R 325.1941, R 325.1942, R 325.1943, R 325.1944, R 325.1951, R 325.1952, R 325.1953, R 325.1954, R 325.1961, R 325.1962, R 325.1963, R 325.1964, R 325.1965, R 325.1966, R 325.1967, R 325.1968, R 325.1969, R 325.1970, R 325.1971, R 325.1972, R 325.1973, R 325.1974, R 325.1975, R 325.1976, R 325.1977, R 325.1978, R 325.1979, R 325.1980, and R 325.1981 are added to the Code as follows:

### PART 1. GENERAL PROVISIONS

#### R 325.1901 Definitions.

- Rule 1. (1) "Act" means 1978 PA 368, MCL 333.1101 et seq.
- (2) "Activities of daily living" means activities associated with eating, toileting, bathing, grooming, dressing, transferring, mobility, and medication management.
- (3) "Admission policy" means a home's program statement of its purpose, eligibility requirements, and application procedures for admission.
- (4) "Assistance" means help provided by a home or an agent or employee of a home to a resident who requires help with activities of daily living.
- (5) "Authorized representative" means that person or agency which has been granted written legal authority by a resident to act on behalf of the resident or is the legal guardian of a resident.
- (6) "Department" means the Family Independence Agency.
- (7) "Director" means the director of the Family Independence Agency.
- (8) "Discharge policy" means a home's written statement of the criteria and procedures by which a resident is discharged from the home.
- (9) "Distinct part" means, for purposes of MCL 333.20106(3), a clearly identifiable area or section within a licensed home consisting of at least a resident unit, wing, floor, or building containing contiguous rooms providing room and board and supervised

personal care and protection to individuals 60 years of age or older. Appropriate personnel are regularly assigned and work in the distinct part under qualified direction. The distinct part may share services, such as management services, building maintenance, food preparation services, and laundry with a licensed nursing home or other entity.

(10) "Elopement" means a resident is absent without notice for more than a 12 hour period unless otherwise indicated in the resident's service plan.

(11) "Home" means a home for the aged.

(12) "Licensed health care professional" means a professional, such as a medical doctor, doctor of osteopathy, nurse practitioner, physician's assistant, registered nurse, licensed practical nurse, or podiatrist, who is operating within the scope of his or her license as defined in MCL 333.16101 et seq.

(13) "Major building modification" means an alteration of walls that creates a new architectural configuration or revision to the mechanical or electrical systems that significantly revise the design of the system or systems. Normal building maintenance, repair, or replacement with equivalent components are not considered major building modifications. A change in room function shall not cause a conflict with these rules.

(14) "Medication management" means assistance with the administration of a resident's medication as prescribed by a licensed health care professional.

(15) "Program statement" means a written description of the home's overall philosophy and mission reflecting the needs of residents and services provided to residents. A home that represents to the public that it provides residential care or services, or both, to persons with Alzheimer's or a related condition shall include in its program statement the information required by MCL 333.20178.

(16) "Protection" means the continual responsibility of the home to take reasonable action to ensure the health, safety, and well-being of a resident as indicated in the resident's service plan, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation while on the premises, while under the supervision of the home or an agent or employee of the home, or when the resident's service plan states that the resident needs continuous supervision.

(17) "Reportable incident/accident" means an intentional or unintentional event in which a resident suffers harm or is at risk of more than minimal harm, such as, but not limited to, abuse, neglect, exploitation, or unnatural death.

(18) "Resident" means a person who is 60 years of age or older, or a person under the age of 60 who has been admitted through a waiver of the director pursuant to MCL 333.21311(3).

(19) "Resident admission contract" means a written agreement between the home and the resident and/or the resident's authorized representative that specifies the services to be provided, the fees to be charged, including all fees related to admission such as deposits, admission fees, advance care payments, application fees and all other additional fees, and the home's policies related to the admission and retention of a resident.

(20) "Room and board" means the provision of housing and meals to meet the needs of the resident.

(21) "Service plan" means a written statement prepared by the home in cooperation with a resident and/or the resident's authorized representative or agency responsible for a resident's placement, if any, and that identifies the specific care and maintenance,

services, and resident activities appropriate for each individual resident's physical, social, and behavioral needs and well-being and the methods of providing the care and services while taking into account the preferences and competency of the resident.

(22) "Supervised personal care" means guidance of or assistance with activities of daily living provided to the resident by a home or an agent or employee of a home.

(23) "Supervision" means guidance of a resident in the activities of daily living, and includes all of the following:

(a) Reminding a resident to maintain his or her medication schedule in accordance with the instructions of the resident's licensed health care professional as authorized by MCL 333.17708.

(b) Reminding a resident of important activities to be carried out.

(c) Assisting a resident in keeping appointments.

(d) Being aware of a resident's general whereabouts as indicated in the resident's service plan, even though the resident may travel independently about the community.

(e) Supporting a resident's personal and social skills.

## **PART 2. STATE ADMINISTRATION**

### **R 325.1911 License applications; authorized representatives; notices.**

Rule 11. (1) An application for a license for a home shall be made on forms authorized and provided by the director and shall be completed in full.

(2) An application for a license for a home shall be made and signed by the individual desiring to establish, conduct, or maintain a licensed home, or by the authorized representative of any individual, copartnership, corporation, or association including any receiver, trustee, assignee, or similar representative desiring to establish, conduct, or maintain a licensed home.

(3) An authorized representative shall be authorized by the applicant to do all of the following:

(a) Make application and amendments to the application

(b) Provide the director with all information necessary to make a determination in connection with the issuance of a license.

(c) Enter into agreements with the director in connection with the issuance of a license.

(4) A certificate of appointment or other written evidence of the authority vested in the authorized representative shall be attached to the application.

(5) In matters relating to the licensing of the home, the director may continue to deal with the authorized representative until the director is notified in writing that a new authorized representative has been appointed with equal power and the former authorized representative is no longer authorized to act.

(6) The director may use any appropriate means of notice and may direct notices of any administrative action pursuant to licensing of the home to the applicant or the authorized representative, either personally or by certified mail at the address of the establishment or institution.

### **R 325.1912 Licenses and permits; issuance.**

Rule 12. (1) Upon determination that the home complies with the act and these rules, the department shall issue a license.

(2) The department may issue a nonrenewable temporary permit for not more than 6 months in accordance with MCL 333.20162(2).

(3) The department may issue a provisional license for not more than 3 consecutive years in accordance with MCL 333.20162(3).

(4) The maximum number of resident beds authorized for occupancy shall be endorsed on the license, provisional license, or nonrenewable temporary permit.

### **R 325.1913 Licenses and permits; general provisions.**

Rule 13. (1) A license, provisional license, or temporary nonrenewable permit is not transferable between owners, or from one location to another, or from one part of an institution to another.

(2) The applicant or the authorized representative shall give written notice to the department within 5 business days of any changes in information as submitted in the application pursuant to which a license, provisional license, or temporary nonrenewable permit has been issued.

(3) The number of residents cared for in a home and the complement of resident beds shall not exceed the number authorized by the license, provisional license, or temporary nonrenewable permit.

(4) The current license, provisional license, or temporary nonrenewable permit shall be posted in a conspicuous public area of the home.

### **R 325.1914 Administrative actions.**

Rule 14. (1) Orders and notices of intended action regarding licensure that are issued by the department against a home or applicant shall be in writing, and shall include all of the following:

(a) The nature of the action or intended action by the department.

(b) A brief statement of the facts on which the department action or intended action is based.

(c) The legal authority and jurisdiction for the action or intended action.

(d) A reference to the applicable sections of the act and rules.

(e) A statement regarding any rights to a hearing that are provided by the act or R 325.1915.

(f) Any written requirement and deadline for response from the home or applicant to the administrative action.

(2) Orders and notices of intended action shall be served on the home or applicant personally or by certified mail.

(3) Failure of the home or applicant to respond to an order or a notice within 30 days shall constitute a default.

### **R 325.1915 Hearing procedures.**

Rule 15. (1) This rule applies to hearings that are required by MCL 333.20162, 333.20165, 333.20166, and 333.20168.

(2) Unless otherwise provided by the act, the procedures for hearing shall comply with sections 71 to 92 of 1969 PA 306, MCL 24.271 to 24.292.

(3) If a hearing is required, then the home or applicant shall be notified in writing of the date, hour, place, and nature of the hearing. Unless otherwise specified in the notice, the hearing shall be held at the offices of the department in Lansing, Michigan.

(4) A hearing date shall be scheduled in accordance with the timeframes set out in MCL 333.20162, 333.20165, 333.20166, and 333.20168 as follows:

(a) Under MCL 333.20162 and 333.20168, an opportunity for a hearing on a compliance order or on an emergency order limiting, suspending, or revoking the license of the home shall be provided to the home within 5 working days of issuance of the department's order.

(b) Under MCL 333.20165 and 333.20166, the date set for an opportunity for a hearing on a notice of intent to deny, limit, suspend, or revoke a license shall be at least 30 days from the date of service of the action on the home or applicant.

(c) The date set for an opportunity for a hearing on a department order imposing an administrative fine on a home under MCL 333.20165(1) shall be at least 30 days from the date of service of the order on the home.

(5) The presiding officer may grant a request for an adjournment of a hearing for good cause. Unless provided otherwise by the act or these rules, an adjournment does not suspend the effective date of the department's order, including the effective date of a compliance order issued under MCL 333.20168, or an emergency order issued under MCL 333.20168 to limit, suspend, or revoke a home's license.

(6) Absent an adjournment, a home or applicant that fails to appear at a contested case hearing after proper service of notice waives the right to an administrative hearing on the department's order and any other review to which the home or applicant may be entitled. In such case, a default shall be entered, and the department's order or notice of intended action shall become final.

**R 325.1916 Prohibited use of "state approved" and "hospital."**

Rule 16. (1) The home shall not use "state approved" or words having a similar meaning unless the home is operating under a current license.

(2) The home shall not use "hospital" or words having a similar meaning.

(3) The home shall not use "nursing home" or words having a similar meaning.

**R 325.1917 Compliance with other laws, codes, and ordinances.**

Rule 17. (1) A home shall comply with all applicable laws and shall furnish such evidence as the director shall require to show compliance with all local laws, codes, and ordinances.

(2) A home shall comply with the department's health care facility fire safety rules being R 29.1801 to R 29.1861 of the Michigan Administrative Code.

**PART 3. ADMINISTRATIVE MANAGEMENT OF HOMES**

**R 325.1921 Governing bodies, administrators, and supervisors.**

Rule 21. (1) The owner, operator, and governing body of a home shall do all of the following:

(a) Assume full legal responsibility for the overall conduct and operation of the home.

(b) Assure that the home maintains an organized program to provide room and board, protection, supervision, assistance, and supervised personal care for its residents.

(c) Assure the availability of emergency medical care required by a resident.

(d) Appoint a competent administrator who is responsible for operating the home in accordance with the established policies of the home.



- (2) An administrator shall meet all of the following requirements:
  - (a) Be at least 18 years old.
  - (b) Have education, training, and/or experience related to the population served by the home.
  - (c) Be capable of assuring program planning, development, and implementation of services to residents consistent with the home's program statement and in accordance with the residents' service plan and agreements.
- (3) A licensee who meets the qualifications of an administrator may serve as an administrator.

**R 325.1922 Admission and retention of residents.**

Rule 22. (1) A home shall have a written resident admission contract, program statement, admission and discharge policy and a resident's service plan for each resident.

- (2) The admission policy shall specify all of the following:
  - (a) That at the time of admission, the home shall document the needs of each individual seeking admission. The documented needs shall be used to develop the resident's service plan.
  - (b) That a home shall not accept an individual seeking admission unless the individual's needs can be adequately and appropriately met within the scope of the home's program statement.
  - (c) That the individual seeking admission and his or her authorized representative, if any, shall participate in the development of the individual's service plan.
  - (d) The home's policy governing the annual screening of residents for tuberculosis.
- (3) At the time of an individual's admission, a home or the home's designee shall complete a written resident admission contract between the resident and/or the resident's authorized representative, if any, and the home. The resident admission contract shall, at a minimum, specify all of the following:
  - (a) That the home shall provide room, board, protection, supervision, assistance, and supervised personal care consistent with the resident's service plan.
  - (b) The services to be provided and the fees for the services.
  - (c) The notice to be provided by the home to the resident and/or the resident's authorized representative, if any, upon any change in fees.
  - (d) The transportation services that are provided, if any, and the fees for those services.
  - (e) The home's admission and discharge policy.
  - (f) The home's refund policy.
  - (g) The resident's rights and responsibilities, which shall include those rights and responsibilities specified in MCL 333.20201(2) and (3) and MCL 333.20202.
- (4) If there is a change in a term or condition in the written resident admission contract, then the home or home's designee shall review the change with the resident and the resident's authorized representative, if any.
- (5) A home shall update each resident's service plan at least annually or if there is a significant change in the resident's care needs. Changes shall be communicated to the resident and his or her authorized representative, if any.

(6) A home shall require an individual who, at the time of admission, is under the care of a licensed health care professional for ongoing treatments or prescription medications that require the home's intervention or oversight, to provide a written statement from that licensed health care professional completed within the 90-day period before the individual's admission to the home. The statement shall list those treatments or medications for the purpose of developing and implementing the resident's service plan. If this statement is not available at the time of an emergency admission, then the home shall require that the statement be obtained not later than 30 days after admission.

(7) An individual admitted to residence in the home shall have evidence of tuberculosis screening on record in the home which consists of an intradermal skin test, chest x-ray, or other methods recommended by the local health authority performed within 12 months before admission.

(8) A home shall not retain a resident if the resident has harmed himself or herself or others, or has demonstrated behaviors that pose a risk of serious harm to himself or herself or others, unless the home has the capacity to manage the resident's behavior.

(9) A home shall not admit a resident who requires continuous nursing care services of the kind normally provided in a nursing home as specified in MCL 333.21711(3) and MCL 333.21715(2).

(10) A home shall not retain a resident who requires continuous nursing care services of any kind normally provided in a nursing home as specified in MCL 333.21711(3) and MCL 333.21715(2) unless the home meets the provisions of MCL 333.21325, or the individual is enrolled in and receiving services from a licensed hospice program or a home health agency.

(11) In accordance with MCL 333.20201(3)(e), a home's discharge policy shall specify that a home for the aged resident may be transferred or discharged for any of the following reasons:

- (a) Medical reasons.
- (b) His or her welfare or that of other residents.
- (c) For nonpayment of his or her stay.
- (d) Transfer or discharge sought by resident or authorized representative.

(12) The reason for transfer or discharge shall be documented in the resident record.

(13) A home shall provide a resident and his or her authorized representative, if any, and the agency responsible for the resident's placement, if any, with a 30-day written notice before discharge from the home. The written notice shall consist of all of the following:

- (a) The reasons for discharge.
- (b) The effective date of the discharge.
- (c) A statement notifying the resident of the right to file a complaint with the department. The provisions of this subrule do not preclude a home from providing other legal notice as required by law.

(14) If the department finds that the resident was discharged in violation of these rules or the home's discharge policy, then the resident may return to the first available bed in the home that can meet the resident's needs as identified in the resident's service plan.

(15) A home may discharge a resident before the 30-day notice if the home has determined and documented that either, or both, of the following exist:

(a) Substantial risk to the resident due to the inability of the home to meet the resident's needs or due to the inability of the home to assure the safety and well-being of the resident, other residents, visitors, or staff of the home.

(b) A substantial risk or an occurrence of the destruction of property.

(16) A home that proposes to discharge a resident for any of the reasons listed in subrule (15) of this rule shall take all of the following steps before discharging the resident:

(a) The home shall notify the resident, the resident's authorized representative, if any, and the agency responsible for the resident's placement, if any, not less than 24 hours before discharge. The notice shall be verbal and issued in writing. The notice of discharge shall include all of the following information:

(i) The reason for the proposed discharge, including the specific nature of the substantial risk.

(ii) The alternatives to discharge that have been attempted by the home, if any.

(iii) The location to which the resident will be discharged.

(iv) The right of the resident to file a complaint with the department.

(b) The department and adult protective services shall be notified not less than 24 hours before discharge in the event of either of the following:

(i) A resident does not have an authorized representative or an agency responsible for the residents placement.

(ii) The resident does not have a subsequent placement.

(c) The notice to the department and adult protective services shall include all of the following information:

(i) The reason for the proposed discharge, including the specific nature of the substantial risk.

(ii) The alternatives to discharge that have been attempted by the home, if any.

(iii) The location to which the resident will be discharged, if known.

(d) If the department finds that the resident was improperly discharged, then the resident may return to the first available bed in the home that can meet the resident's needs as identified in the resident's service plan.

(e) The resident shall not be discharged until a subsequent setting that meets the resident's immediate needs is located.

### **R 325.1923 Employee's health.**

Rule 23. (1) A person on duty in the home shall be in good health. Files shall be maintained containing evidence of adequate health, such as results of examinations by a qualified health care professional and tuberculosis screening which consists of an intradermal skin test or chest x-rays, or other methods recommended by the local health authority. Records of accidents or illnesses occurring while on duty that place others at risk shall be maintained in the employee's file.

(2) A home shall provide annual tuberculosis screening at no cost for its employees. New employees shall be screened within 10 days of hire and before occupational exposure. The screening shall consist of intradermal skin test, chest x-ray, or other methods as recommended by the local health authority.

(3) Employees with past documented positive tuberculosis skin test results or who have received treatment for tuberculosis are exempt from the tuberculosis skin test,

but shall be screened annually for active symptoms of tuberculosis and the need for evaluation by a qualified health care professional to determine if symptoms of tuberculosis have developed.

(4) Tuberculosis skin tests, as well as post-exposure follow-up and treatment evaluations, shall be offered at no cost to the employees at times and locations convenient to the employees. A qualified health care professional shall perform the reading and interpretation of the tuberculosis skin test.

### **R 325.1924 Reporting of incidents, accidents, elopement.**

Rule 24. (1) The home shall complete a report of all reportable incidents, accidents, and elopements. The incident/accident report shall contain all of the following information:

- (a) The name of the person or persons involved in the incident/accident.
  - (b) The date, hour, location, and a narrative description of the facts about the incident/accident which indicates its cause, if known.
  - (c) The effect of the incident/accident on the person who was involved, the extent of the injuries, if known, and if medical treatment was sought from a qualified health care professional.
  - (d) Written documentation of the individuals notified of the incident/accident, along with the time and date.
  - (e) The corrective measures taken to prevent future incidents/accidents from occurring.
- (2) The original incident/accident report shall be maintained in the home for not less than 2 years.
- (3) The home shall report an incident/accident to the department within 48 hours of the occurrence. The incident or accident shall be immediately reported verbally or in writing to the resident's authorized representative, if any, and the resident's physician.
- (4) If an elopement occurs, then the home shall make a reasonable attempt to locate the resident and contact the resident's authorized representative, if any. If the resident is not located, the home shall do both of the following:
- (a) Contact the local police authority.
  - (b) Notify the department within 24 hours of the elopement.

## **PART 4. RESIDENT CARE**

### **R 325.1931 Employees; general provisions.**

Rule 31. (1) Personal care and services that are provided to a resident by the home shall be designed to encourage residents to function physically and intellectually with independence at the highest practical level.

(2) A home shall treat a resident with dignity and his or her personal needs, including protection and safety, shall be attended to consistent with the resident's service plan.

(3) The home shall designate 1 person on each shift to be supervisor of resident care during that shift. The supervisor of resident care shall be fully dressed, awake, and on the premises when on duty.

- (4) The supervisor of resident care on each shift shall do all of the following:
- (a) Assure that residents are treated with kindness and respect.
  - (b) Protect residents from accidents and injuries.

- (c) Be responsible for safety of residents in case of emergency.
- (5) The home shall have adequate and sufficient staff on duty at all times who are awake, fully dressed, and capable of providing for resident needs consistent with the resident service plans.
- (6) The home shall establish and implement a staff training program based on the home's program statement, the residents service plans, and the needs of employees, such as any of the following:
  - (a) Reporting requirements and documentation.
  - (b) First aid and/or medication, if any.
  - (c) Personal care.
  - (d) Resident rights and responsibilities.
  - (e) Safety and fire prevention.
  - (f) Containment of infectious disease and standard precautions.
  - (g) Medication administration, if applicable.
- (7) The home's administrator or its designees are responsible for evaluating employee competencies.

**R 325.1932 Resident medications.**

Rule 32. (1) Medication shall be given, taken, or applied pursuant to labeling instructions or orders by the prescribing licensed health care professional.

(2) The giving, taking, or applying of prescription medications shall be supervised by the home in accordance with the resident's service plan.

(3) If a home or the home's administrator or direct care staff member supervises the taking of medication by a resident, then the home shall comply with all of the following provisions:

- (a) Be trained in the proper handling and administration of medication.
- (b) Complete an individual medication log that contains all of the following information:
  - (i) The medication.
  - (ii) The dosage.
  - (iii) Label instructions for use.
  - (iv) Time to be administered.
  - (v) The initials of the person who administered the medication, which shall be entered at the time the medication is given.
  - (vi) A resident's refusal to accept prescribed medication or procedures.
- (c) Record the reason for each administration of medication that is prescribed on an as needed basis.
- (d) Initiate a review process to evaluate a resident's condition if a resident requires the repeated and prolonged use of a medication that is prescribed on an as needed basis. The review process shall include the resident's prescribing licensed health care professional, the resident's authorized representative, if any, and the agency responsible for the resident's placement, if any.
- (e) Adjust or modify a resident's prescription medication with instructions from a prescribing licensed health care professional who has knowledge of the medical needs of the resident. A home shall record, in writing, any instructions regarding a resident's prescription medication.

(f) Contact the appropriate licensed health care professional if a resident repeatedly refuses prescribed medication or treatment. The home shall follow and record the instructions given.

(g) Upon discovery, contact the resident's licensed health care professional if a medication error occurs. A medication error occurs when a medication has not been given as prescribed.

(4) If a resident requires medication while out of the home, then the home shall assure that the resident, or the person who assumes responsibility for the resident, has all of the appropriate information, medication, and instructions.

(5) A home shall take reasonable precautions to ensure or assure that prescription medication is not used by a person other than the resident for whom the medication is prescribed.

(6) Prescription medication that is no longer required by a resident shall be properly disposed of after consultation with a licensed health care professional or a pharmacist.

### **R 325.1933 Personal care of residents.**

Rule 33. (1) A home shall provide a resident with necessary assistance with personal care such as, but not limited to, care of the skin, mouth and teeth, hands and feet, and the shampooing and grooming of the hair as specified in the resident's service plan.

(2) A home shall afford a resident the opportunity and instructions when necessary for daily bathing, oral and personal hygiene, daily shaving, and hand washing before meals. A home shall ensure that a resident bathes at least weekly and more often if necessary.

### **R 325.1934 Furniture.**

Rule 34. (1) A home shall provide an individual bed at least 36 inches wide, with comfortable springs in good condition and a clean protected mattress not less than 5 inches thick, or 4 inches thick if of synthetic construction.

(2) A cot or rollaway cot shall not be used as a resident bed.

(3) A bedside stand or its equivalent shall be available for a resident for the storage of small personal articles.

(4) A resident may use his or her own personal bed, mattress, and bedside stand or its equivalent, and may bring in personal furniture and possessions as space permits. Furniture and other possessions shall fit comfortably within the resident's own or shared living quarters, be safe and in reasonable condition, and be in compliance with R 29.1801 to R 29.1861 of the health facility fire safety rules.

### **R 325.1935 Bedding, linens, and clothing.**

Rule 35. (1) Bedding shall be washable, in good condition, and clean, and shall be changed at least weekly or more often as required.

(2) The home shall assure the availability of clean linens, towels, and washcloths. The supply shall be sufficient to meet the needs of the residents in the home. Individually designated space for individual towels and washcloths shall be provided.

(3) The home shall make adequate provision for the laundering of a resident's personal laundry.

(4) Rooms and all items in them shall be completely cleaned following the discharge of each resident.

## PART 5. RECORDS

### **R 325.1941 Records; general.**

Rule 41. A resident register, resident records, accident records and incident reports, and employee records and work schedules shall be kept in the home and shall be available to the director or the director's authorized representative.

### **R 325.1942 Resident records.**

Rule 42. (1) A home shall provide a resident record for each resident.

(2) A home shall assure that a current resident record is maintained and that all entries are dated and signed.

(3) The resident record shall include at least all of the following:

(a) Identifying information, including name, marital status, date of birth, and gender.

(b) Name, address, and telephone number of next of kin or authorized representative, if any.

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

(d) Date of admission.

(e) Date of discharge, reason for discharge, and place to which resident was discharged, if known.

(f) Health information, as required by MCL 333.20175(1), and other health information needed to meet the resident's service plan.

(g) Name, address, and telephone number of resident's licensed health care professional.

(h) The resident's service plan.

(4) A home shall keep a resident's record in the home for at least 2 years after the date of a resident's discharge from the home.

### **R 325.1943 Resident registers.**

Rule 43. (1) A home shall maintain a current register of residents which shall include all of the following information for each resident:

(a) Name, date of birth, gender, and room.

(b) Name, address, and telephone number of next of kin or authorized representative, if any.

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

(d) Date of admission, date of discharge, reason for discharge, and place to which resident was discharged, if known.

(e) Name, address, and telephone number of resident's licensed health care professional, if known.

(2) A register of all residents shall be maintained at all times for the previous 2 years.

### **R 325.1944 Employee records and work schedules.**

Rule 44. (1) A home shall maintain a record for each employee which shall include all of the following:

(a) Name, address, telephone number, and social security number.

(b) License or registration number, if applicable.

- (c) Date of birth.
  - (d) Summary of experience, education, and training.
  - (e) Beginning date of employment and position for which employed.
  - (f) References, if provided.
  - (g) Results of annual tuberculosis screening as required by R 325.1923(2).
  - (h) Date employment ceases and reason or reasons for leaving, if known.
  - (i) Criminal background information, consistent with MCL 333.20173.
- (2) The home shall prepare a work schedule showing the number and type of personnel scheduled to be on duty on a daily basis. The home shall make changes to the planned work schedule to show the staff who actually worked.
- (3) The home shall retain the work schedules for the preceding 3 months.

## **PART 6. FOOD SERVICE**

### **R 325.1951 Nutritional need of residents.**

Rule 51. A home shall meet the food and nutritional needs of a resident in accordance with the recommended daily dietary allowances of the food and nutrition board of the national research council of the national academy of sciences, adjusted for age, gender, and activity, or other national authority acceptable to the department, except as ordered by a licensed health care professional.

### **R 325.1952 Meals and special diets.**

Rule 52. (1) A home shall offer 3 meals daily to be served to a resident at regular meal times. A home shall make snacks and beverages available to residents.

(2) A home shall work with residents when feasible to accommodate individual preferences.

(3) A home shall assure that the temporary needs for meals delivered to a resident's room are met.

(4) Medical nutrition therapy, as prescribed by a licensed health care professional and which may include therapeutic diets or special diets, supplemental nourishments or fluids to meet the resident's nutritional and hydration needs, shall be provided in accordance with the resident's service plan unless waived in writing by a resident or a resident's authorized representative.

(5) A home shall prepare and serve meals in an appetizing manner.

(6) A home shall provide a table or individual freestanding tray of table height for a resident who does not go to a dining room.

### **R 325.1953 Menus.**

Rule 53. (1) A home shall prepare and post the menu for regular and therapeutic or special diets for the current week. Changes shall be written on the planned menu to show the menu as actually served.

(2) A home shall maintain a copy of all menus as actually served to residents for the preceding 3 months.

### **R 325.1954 Meal and food records.**

Rule 54. The home shall maintain a record of the meal census, to include residents, personnel, and visitors, and a record of the kind and amount of food used for the preceding 3-month period.



## **PART 7. BUILDINGS AND GROUNDS**

### **R 325.1961 Plans and specifications.**

Rule 61. (1) A floor plan of the home, with a description of rooms showing size, use, door locations, window area, and number of beds, shall be on file in the home.

(2) Complete plans, specifications, and an operational narrative for new buildings, additions, major building changes, and conversion of existing facilities to use as a home shall be submitted to the department for review to assure compliance with the law and these rules.

(3) An operational narrative shall describe the operational characteristics and special needs of the home that dictate the design of renovation, construction, or conversion needed to support the home's program statement as defined by R 325.1901(15). An operational narrative may include any of the following:

- (a) Each function to be performed in the home.
- (b) Functional space requirements.
- (c) Number of staff or other occupants anticipated for the various functional units.
- (d) Type of equipment to be required and utilized.
- (e) Interrelationship of functional spaces.
- (f) Services and equipment to be brought into the home from outside the home and not requiring duplication in the home.

(4) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department.

(5) Construction of new buildings, additions, major building changes, and conversion of existing facilities to use as a home shall not begin until the plans and specifications are approved by the department and written approval to begin construction is issued.

### **R 325.1962 Exteriors.**

Rule 62. (1) The home shall be located in an area free from hazards to the health and safety of residents, personnel, and visitors.

(2) The premises shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(3) Sufficient light for an exterior ramp, step, and porch shall be provided for the safety of persons using the facilities.

(4) Exterior steps shall have a handrail on both sides. An above grade porch shall have a railing on open sides.

### **R 325.1963 Accessibility.**

Rule 63. (1) A new construction or a home undergoing addition, major building modification, or conversion shall comply with all of the following:

- (a) Applicable statutory accessibility requirements.
- (b) Applicable accessibility requirements for common and shared facilities.
- (c) Accessibility requirements for 10% of all resident sleeping rooms and the connecting bathing or toilet rooms.

### **R 325.1964 Interiors.**

Rule 64. (1) A building shall be of safe construction and shall be free from hazards to residents, personnel, and visitors.

- (2) A part of a building in use as a home shall not be used for any purpose which interferes with the care, well-being, and safety of residents, personnel, and visitors.
- (3) An occupied room shall have a minimum ceiling height of 7 feet, 6 inches, except as otherwise provided in R 325.1964(4) and (5).
- (4) Floor area under a part of a drop or slant ceiling which is less than 6 1/2 feet from the floor shall not be used in computing the usable floor space or maximum number of beds allowed in any sleeping room.
- (5) A bed and the working space around a bed shall not be directly under a part of a drop or slant ceiling that is less than 6 1/2 feet from the floor.
- (6) Each area of the home shall be provided with lighting commensurate with the use made of each area and in accordance with generally recognized standards.
- (7) A stairway or ramp shall have a handrail on both sides.
- (8) A room used for living or sleeping purposes shall have a minimum total window glass area on outside walls equal to 10% of the required floor area of the room. Forty-five percent of the window glass area shall be operable unless the room is artificially ventilated.
- (9) Ventilation shall be provided throughout the facility in the following manner:
- (a) A room shall be provided with a type and amount of ventilation that will control odors and contribute to the comfort of occupants.
- (b) Bathing rooms, beauty shops, toilet rooms, soiled linen rooms, janitor closets, and trash holding rooms shall be provided with a minimum of 10 air changes per hour of continuously operated exhaust ventilation that provide discernable air flow into each of these rooms.
- (10) A resident room shall open to a corridor, lobby, or day room. Traffic to and from any room shall not be through a sleeping room, kitchen, bathroom, toilet room, or storage room, except where a toilet room, bathroom, or storage room opens directly off the room or rooms which it serves.
- (11) A doorway, passageway, corridor, hallway, or stairwell shall be kept free from obstructions at all times.
- (12) A floor, wall, or ceiling shall be covered and finished in a manner that will permit maintenance of a sanitary environment.
- (13) A basement shall be of such construction that it can be maintained in a dry and sanitary condition.
- (14) A minimum of 15 square feet of floor space per licensed bed shall be provided for day room, dining, recreation, and activity purposes.
- (15) A basement or cellar shall not be used for sleeping or living quarters, except that recreation and activity space may be provided in a basement in addition to the 15 square feet per licensed bed required in subrule (14) of this rule.
- (16) A room or compartment housing a water closet shall have a minimum width of 3 feet.
- (17) Emergency electrical service shall provide, at a minimum, battery-operated lighting units sufficient to light corridors and exits.
- (18) A home shall provide functionally separate living, sleeping, dining, handwashing, toilet, and bathing facilities for employees and members of their families who live on the premises.

**R 325.1965 Elevators and space requirements for certain homes.**

Rule 65. (1) A new construction, addition, major building change, or conversion after November 14, 1969 shall provide all of the following:

(a) An elevator if resident bedrooms are situated upon more than 1 floor level. An elevator shall have a minimum cab size of 5 feet by 7 feet, 6 inches.

(b) A sleeping, day, dining, recreation, and activity room with a minimum ceiling height of 8 feet.

(c) In a room requiring windows, a clear unobstructed horizontal view of 20 feet from the windows. One additional foot shall be added to the minimum distance of 20 feet for each 2-foot rise above the first story up to a maximum of 40 feet of required unobstructed view.

(d) A minimum of 30 square feet of floor space per licensed bed for day room, dining, recreation, and activity purposes.

**R 325.1966 Public and employee areas.**

Rule 66. (1) A lobby or waiting area for visitors shall be separate from resident rooms.

(2) Employees shall have adequate toilet facilities that are separate from resident living quarters.

**R 325.1967 Resident rooms.**

Rule 67. (1) A resident bedroom shall have the floor surface at or above grade level along exterior walls with windows.

(2) A single resident room shall have at least 80 square feet of usable floor space.

(3) A multi-bed resident room shall have at least 70 square feet of usable floor space per licensed bed.

(4) A toilet room or closet shall not be included in usable floor space.

(5) A multi-bed resident room shall be designed to allow for a 3-foot clearance between beds.

(6) Residents may have their own rooms arranged in a manner that is comfortable and reflects their preferences, provided that the arrangement does not create an unreasonable fire safety risk or unsanitary conditions.

(7) A resident room shall have at least 2 duplex electrical receptacles.

(8) Each resident occupied floor shall have a janitor's closet.

**R 325.1968 Toilet and bathing facilities.**

Rule 68. (1) Resident toilet facilities shall be located in separate rooms or stalls and shall be provided in the ratio of 1 handwashing facility and water closet for every 8 resident beds per floor.

(2) A bathing facility shall be provided for every 15 resident beds.

(3) All water closets and bathing facilities shall have substantially secured grab bars at least 1 foot long.

(4) A resident toilet room or bathroom shall not be used for storage or housekeeping functions.

**R 325.1969 Additional resident area requirements in certain homes.**

Rule 69. (1) A new construction, addition, major building change, or conversion after November 14, 1969 shall provide all of the following:

- (a) A resident room with not more than 4 beds.
- (b) A minimum of 100 square feet of usable floor space in single resident rooms.
- (c) A minimum of 80 square feet of usable floor space per licensed bed in multi-bed resident rooms.
- (d) A resident room with a minimum of 5 square feet of floor space per licensed bed for wardrobe and closet in addition to other requirements for usable floor space per licensed bed. A bathing or toilet room or vestibule shall not be included in usable floor space.

**R 325.1970 Water supply systems.**

Rule 70. (1) A home located in an area served by a public water system shall connect to and use that system.

(2) If a public water system is not available, then the location and construction of a well and the operation of the private water system shall comply with the Safe Drinking Water Act, 1976 PA 399, MCL 325.1001 et seq.

(3) A physical cross-connection shall not exist between water systems that are safe for human consumption and those that are, or may at any time, become unsafe for human consumption.

(4) Minimum water pressure available to each plumbing fixture shall exceed 20 pounds per square inch.

(5) The plumbing system shall be designed and maintained so that the possibility of back flow or back siphonage is eliminated.

(6) The plumbing system shall supply an adequate amount of hot water at all times to meet the needs of each resident and the functioning of the various service areas.

(7) The temperature of hot water at plumbing fixtures used by residents shall be regulated to provide tempered water at a range of 105 to 120 degrees Fahrenheit.

**R 325.1971 Liquid wastes.**

Rule 71. (1) Liquid wastes shall be discharged into a public sanitary sewage system if such a system is available.

(2) Homes that use a private wastewater disposal system shall be approved by the department.

(3) A private wastewater disposal system shall consist of a stabilization lagoon or approved "package" treatment plant. Subsurface disposal systems such as septic tanks with tile fields are not allowed.

(4) The licensee shall obtain a discharge permit issued by the Michigan department of environmental quality pursuant to MCL 324.3101 et seq.

**R 325.1972 Solid wastes.**

Rule 72. All garbage and rubbish shall be kept in leakproof, nonabsorbent containers. The containers shall be kept covered with tight-fitting lids and shall be removed from the home daily and from the premises at least weekly.

**R 325.1973 Heating.**

Rule 73. (1) A home shall provide a safe heating system that is designed and maintained to provide a temperature of at least 72 degrees Fahrenheit measured at a level of 3 feet above the floor in rooms used by residents.

(2) A resident's own room or rooms in the home shall be maintained at a comfortable temperature.

**R 325.1974 Laundry and linen.**

Rule 74. (1) A home that processes its own linen shall provide a well ventilated laundry of sufficient size which shall be equipped to meet the needs of the home.

(2) A home that uses a commercial or other outside laundry facility shall have a soiled linen storage room and a separate clean linen storage room.

**R 325.1975 Laundry and linen requirements.**

Rule 75. (1) A new construction, addition, major building change, or conversion after November 14, 1969 shall provide all of the following:

- (a) A separate soiled linen storage room.
- (b) A separate clean linen storage room.
- (c) A separate laundry processing room with handwashing facilities in a home that processes its own linen.
- (d) Commercial laundry equipment with a capacity to meet the needs of residents in a home that processes its own linen.

**R 325.1976 Kitchen and dietary.**

Rule 76. (1) A home shall have a kitchen and dietary area of adequate size to meet food service needs of residents. It shall be arranged and equipped for the refrigeration, storage, preparation, and serving of food, as well as for dish and utensil cleaning and refuse storage and removal.

(2) The kitchen and dietary area shall be equipped with a lavatory for handwashing. Each lavatory shall have a goose neck inlet and wrist, knee, or foot control. Soap and single service towels shall be available for use at each lavatory.

(3) The kitchen and dietary area shall be restricted to kitchen and dietary activities.

(4) Separate personnel dining space shall be provided.

(5) The kitchen and dietary area, as well as all food being stored, prepared, served, or transported, shall be protected against potential contamination from dust, flies, insects, vermin, overhead sewer lines, and other sources.

(6) Food and drink used in the home shall be clean and wholesome and shall be manufactured, handled, stored, prepared, transported, and served so as to be safe for human consumption.

(7) Perishable foods shall be stored at temperatures which will protect against spoilage.

(8) A reliable thermometer shall be provided for each refrigerator and freezer.

(9) An individual portion of food which is served and not eaten shall be destroyed.

(10) A separate storage area for poisonous material shall be provided away from food service and food storage areas. Poisonous material shall be identified as such and shall be used only in a manner and under such conditions that it will not contaminate food or constitute a hazard to residents, personnel, or visitors.

(11) Food service equipment and multi-use utensils shall be of such design and material as to be smooth, easily cleanable, and durable.

(12) Food service equipment and work surfaces shall be installed in such a manner as to facilitate cleaning and be maintained in a clean and sanitary condition, and in good repair.

(13) A multi-use utensil used in food storage, preparation, transport, or serving shall be thoroughly cleaned and sanitized after each use and shall be handled and stored in a manner which will protect it from contamination.

(14) A single service eating or drinking article shall be stored, handled, and dispensed in a sanitary manner and shall be used only once.

(15) Ice used in the home for any purpose shall be manufactured, stored, transported, and handled in a sanitary manner.

(16) A storage area for housekeeping items and a janitor's closet shall be provided convenient to the kitchen and dietary area.

(17) If food service is provided from an outside service, then that service shall be licensed under the requirements of the citation.

**R325.1977 New construction, addition, major building modification, or conversion after effective date of these rules.**

Rule 77. (1) Exhaust ventilation shall be designed as central systems with the fan at the building exterior and at least 10 feet from all doors, operable windows, and domestic outside air intakes.

(2) Facilities for dispensing of medications shall be designed to be under the control of responsible residents or designated staff. Central dispensing locations shall keep medications locked and equipped with handwashing, work counter, and storage facilities.

(3) Bathing facilities shall have access to handwashing, toilet, and bathing supply storage facilities without entering a common corridor.

**R 325.1978 Insect and vermin control.**

Rule 78. (1) A home shall be kept free from insects and vermin.

(2) Pest control procedures shall comply with MCL 324.8301 et seq.

**R 325.1979 General maintenance and storage.**

Rule 79. (1) The building, equipment, and furniture shall be kept clean and in good repair.

(2) A room shall be provided in the home or on the premises for equipment and furniture maintenance and repair and storage of maintenance equipment and supplies.

(3) Hazardous and toxic materials shall be stored in a safe manner.

**R 325.1980 Soap and towels.**

Rule 80. Soap and single use towels shall be available for the use of employees and visitors. Use of the common towel is prohibited.

**PART 8. EMERGENCY PROCEDURES**

**R 325.1981 Disaster plans.**

Rule 81. (1) A home shall have a written plan and procedure to be followed in case of fire, explosion, loss of heat, loss of power, loss of water, or other emergency.

(2) A disaster plan shall be available to all employees working in the home.

(3) Personnel shall be trained to perform assigned tasks in accordance with the disaster plan.

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