



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING

MARIANNE UDOW
DIRECTOR

September 15, 2005

The Honorable [Bill Hardiman](#), Chair
Senate Appropriations Subcommittee on FIA
Michigan State Senate
State Capitol
Lansing, Michigan 48933

The Honorable [Rick Shaffer](#), Chair
House Appropriations Subcommittee on FIA
Michigan House of Representatives
State Capitol
Lansing, Michigan 48933

Dear [Senator Hardiman and Representative Shaffer](#):

Section [273\(3\) of 2004 Public Act 344](#) (Enrolled [House Bill No. 5516](#)) requires the department to report to the Legislature on the annual regulatory plan submitted to the Office of Regulatory Reform pursuant to Section 53 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.253. That report is attached.

If you have any questions, please contact John Sorbet, Chief Administrative Officer, at (517)-373-7914.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marianne Udow".

Marianne Udow

cc: Senate Appropriations Subcommittee on FIA
House Appropriations Subcommittee on FIA
Senate and House Fiscal Agencies
Republican and Democrat Policy Offices
State Budget Office

**Department of Human Services
Annual Regulatory Plan for 7/1/05—6/30/06**

Bureau of Community Action and Economic Opportunity

Rule(s) to be processed between July 1, 2005 and June 30, 2006. [Give brief description.]	None.
Rules to be rescinded between July 1, 2005 and June 30, 2006 [Give brief description]	<ul style="list-style-type: none"> ▪ [R125.601--R125.615] Neighborhood Assistance and Participation Program: This was a one-time program, funded only in FY82 in Bureau of Community Services (then Dept. of Labor). DHS would like to rescind these rules using the process under 44(1) of 1969 PA 306 (Act 306), MCL 24.244(1).
Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.	The administration has exercised all of its statutory rulemaking authority.

Family Independence Services Administration:

Rule(s) to be processed between July 1, 2005 and June 30, 2006. [Give brief description.]	<ul style="list-style-type: none"> ▪ [R 400.3101—R 400.3131] Family Independence Program: These rules stipulate eligibility and benefit issuance requirements for the Family Independence Program. ▪ [R 400.3601—R 400.3613] Employment and Training: These rules update definitions, increase program flexibility and eliminate outdated standards. These rules will allow DHS and MDLEG the flexibility to change policies and/or procedures when laws change. ▪ [R 400.5001—R 400.5015] Child Day Care Program: These rules stipulate requirements for child care providers and child care subsidy recipients.
Rules to be rescinded between July 1, 2005 and June 30, 2006 [Give brief description]	<ul style="list-style-type: none"> ▪ [R 400.3601—R 400.3613] Employment and Training: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set
Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.	The administration has exercised all of its statutory rulemaking authority.

Office of Children and Adult Licensing:

Rule(s) to be **processed** between July 1, 2005 and June 30, 2006. [Give brief description.]

- [R 400.1901—R 400.1971] **Family and Group Child Care Home Rules:**

This rule set was promulgated in 1989. The existing rules do not adequately address the current needs of children in out of home settings. These rules provide greater clarity for licensees and assistant caregivers regarding licensee responsibilities, child supervision, and home maintenance requirements. These rules also set minimum annual training requirements for family and group licensees and assistant caregivers.
- [R 400.5101—R 400.5940] **Child Care Center Rules:**

In 1996, an ad hoc committee spent three years developing model child care center rules, which were eventually set aside by the department in 1999. Only small portions of the model draft rules were incorporated into a rule set, which became effective in July 2000. A new advisory committee was convened to review the model draft rules created by the 1996 ad hoc committee. The new committee recommended further modifications to update the rules in accordance with industry and national model standards. The goal of the committee is to improve and clarify child care center standards and provide rules that are cost-effective and affordable.
- [R 400.9306(3) - Bedrooms] **Licensing Rules for Foster Family Homes and Foster Family Group Homes for Children:**

R400.9306 (3) currently defines how beds shall be equipped. The proposal is to add the conditions for safe bedding and sleeping equipment for infants.

There are no federal or state statutory requirements nor any regulatory requirements. The US Consumer Product Safety Commission has published guidelines on bedding, safe equipment and safe practices related to sleeping for infants.

The current foster home rule does not address the conditions for safe sleeping environment for infants in foster care. The foster home rule is not consistent with the proposed rules for safe sleep in child-care settings. The proposed rule would educate foster parents and provide enforceable standards for safe infant sleep in foster homes.
- [R400.12201, to be amended and R400.12214 to be added to the administrative code.] **Compliance with Act No. 238 of Public Acts of 1975.**

Child placing agencies will be required to have specific policy for complying with the provisions of the child protection law.

Act No. 238 of the Public Acts of 1975, as amended; MCL 722.621 et seq. (Child Protection Law).

Previous Child Placing Agency Rules had a rule requiring a written plan to comply with the Child Protection Law. When the current Child Placing Agency Rules were promulgated, a rule requiring a plan to comply with the Child Protection Law was inadvertently left out of the rule set. All other rules promulgated under Act No. 116 of the Public Acts of 1973, known as the Child Care Organization Act, have a rule requiring compliance with the Child Protection Law.

- [R400.4101 – R 400.4666] **Child Caring Institution Rules:**

This rule set was promulgated in 1983 with no additions, deletions or amendments since that date. Due to their age, the existing rules do not adequately address the current needs and interests of children in residential care. Private and public licensees, other governmental entities, involved advocacy groups and other stakeholders have expressed a desire for clearer, more detailed regulations in critical programming/treatment topic areas, such as peer restraint, staff restraint, resident seclusion, staff qualifications and others.

- [R 325.1901—R 325.1981] **Homes for the Aged:**

These rules would update usage of terms, correct naming of the department and statutory references; add requirements to improve the quality and consistency of care provided in long-term care settings to assure protection, health, and safety of residents.

- [R 400.2101—R 400.2122 & R 400.2401—R 400.2475] **Congregate Facilities (21 or more):**

These rules would update usage of terms, correct naming of the department and statutory references; add requirements to improve the quality and consistency of care provided in long-term care settings to assure protection, health, and safety of residents.

	<ul style="list-style-type: none"> ▪ [R 400.1401—R 400.1443] Adult Foster Care Family Homes: These rules would update usage of terms, correct naming of the department and statutory references; add requirements to improve the quality and consistency of care provided in long-term care settings to assure protection, health, and safety of residents. ▪ [R 400.15101—R 400.15411] Adult Foster Care Large Group Homes for 13-20: These rules would update usage of terms, correct naming of the department and statutory references; add requirements to improve the quality and consistency of care provided in long-term care settings to assure protection, health and safety of residents. ▪ [R 400.14101—R 400.14601] Adult Foster Care Small Group Homes for 1-12: These rules would update usage of terms, correct naming of the department and statutory references; add requirements to improve the quality and consistency of care provided in long-term care settings to assure protection, health, and safety of residents.
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<p>Rules to be rescinded between July 1, 2005 and June 30, 2006 [Give brief description]</p>	<ul style="list-style-type: none"> ▪ [R400.4101 – R 400.4666] Child Caring Institution Rules: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set. ▪ [R 325.1901—R 325.1981] Homes for the Aged: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set. ▪ [R 400.2101—R 400.2122; R 400.2401—R 400.2475 & R 400.2501—R400.2567] Congregate Facilities (21 or more): Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set. ▪ [R 400.1401—R 400.1443 & R 400.2201—R 400.2261] Adult Foster Care Family Homes: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.
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	<ul style="list-style-type: none"> ▪ [R 400.15101—R 400.15411] Adult Foster Care Large Group Homes for 13 – 20: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set. ▪ [R 400.14101—R 400.14601 & R 400.2231—R 400.2261] Adult Foster Care Small Group Homes for 1 – 12: Current rules would be rescinded to reflect deletions, and additions, and allow for the re-numbering of the rule set.
<p>Has the department failed to exercise any mandatory/statutory rulemaking authority? Explain.</p>	<p>The administration has exercised all of its statutory rulemaking authority.</p>