ADULT FOSTER CARE LICENSING ADVISORY COUNCIL
MEETING MINUTES
May 8, 2019
Ottawa Building
611 W. Ottawa Street
Upper Level Conference Room 4
Lansing, MI 48933

1. **Meeting Called to Order:** Bishop Ira Combs, Chair Person.

2. **Roll Call:** Roll call of council members completed, showing a quorum.
   
   a. **Members Present:** Bishop Ira Combs, Kathy Lentz, Cheryl Loveday, Laura Funsch, Deb Mock, Belinda Hawks, Danis Russell, Jennifer Warnos, and Salli Christenson.
   
   b. **Members Absent:** Robert Davis and Jessica Kross.
   
   c. **Adult Foster Care/Home for the Aged Licensing Staff Present:** Jay Calewarts, Director, Dawn Timm, AFC Area Manager and Ashley Harris, Executive Secretary.

3. **Approval of Agenda:** Bishop Ira Combs moved to approve the Agenda as reviewed, Salli Christenson supported, Agenda approved per common consensus.

4. **Public Comments:** N/A

5. **Council Business:**

   A. **Appointments: Introduction of new council members/re-appointments:** Members of the AFC Advisory Council introduced themselves and welcomed new council member Belinda Hawks. Jessica Kross and Kathy Lentz have been re-appointed to the Council. Kathy Lentz offered to provide a brief orientation to Belinda Hawks to get her up to speed. Robert Davis has resigned and there is currently one vacancy for the board.

   B. **Board Elections:** Bishop Ira Combs is retiring from Chair Person, motion for Kathy Lentz to be Chair Person and accepted unanimously and approved per common consensus. Kathy Lentz nominates Salli Christenson as Vice Chair Person, approved per common consensus.

   C. **Approval of Minutes:** Kathy Lentz moved to accept, Cheryl Loveday supported, Minutes approved per common consensus. August 8, 2018 Minutes will be changed to Discussion Notes; Kathy Lentz moved to accept notes from the discussion, Salli Christenson supports, approved per common consensus.
D. Discuss call in language in by-laws: Cheryl Loveday, Jay Calewarts and Kathy Lentz will work to draft some language to present at the next council meeting. Discussion was had about a time limit for each public comment and about what is deemed acceptable for calling in, in order to have a quorum.

E. Summary of PA 388 (SB 962), PA 557 (HB 5505), PA 558 (HB 5506) and PA 513 (HB 6400): A complete summary of these Public Acts are available on the website.

PA 388 (SB 962) Effective March 19, 2019:
- **400.703 (4)(h):** Revises the definition of an Adult Foster Care Facility to allow a facility to be dually licensed as an AFC and Substance Use Disorder (SUD) program if the facility is approved as a co-occurring enhanced crisis residential program by DHHS. Belinda will see if she can get a list of these to provide to Jay.
- **400.704 (1):** Added a definition for a “co-occurring enhanced crisis residential program”. A co-occurring enhanced crisis residential program means a program approved by the Department of Health and Human Services for providing short-term intensive mental health and substance use disorder services that is able to address the mental health needs, substance use disorder needs, or both of an individual through enhances programming and staffing patterns that are reviewed and approved by the Department of Health and Human Services.

PA 557 (HB 5505) Effective March 28, 2019:
- **400.703 (4)(k):** This is a new subsection which states that an Adult Foster Care License is not required for a private residence with a capacity of not more than 4 adults who all receive benefits from a community mental health services program and the local community mental health services program monitors the services being delivered in that residential setting. Note: If the home has a capacity of 3 or 4 and there is one resident that is not CMH, then an AFC license would be required.
- **400.703 (5):** Revises the definition of an Adult Foster Care Family Home capacity to at least 3 but not more than 6 residents. After March 28, 2019, we can no longer accept new applications with a capacity of 1 or 2 residents. Note: Existing homes previously approved for 1 or 2 can be renewed.
- **400.703 (7):** Revises the definition of an Adult Foster Care Small Group Home capacity to at least 3 but not more than 12 residents. After March 28, 2019, we can no longer accept new applications with a capacity of 1 or 2 residents. Note: Existing homes previously approved for 1 or 2 can be renewed. This change does not allow applicants to admit 1 or 2 residents while their application is being processed as the applicant’s intention is to have a capacity of more than 2 residents.
- **400.705 (4):** Revises the definition of the licensee designee to clarify the licensee designee must meet all the qualification requirements of the licensee throughout the act and rules promulgated under the act.

- **400.713 (3):** Additional language was added to allow licensing to conduct a renewal inspection within 12 months before the expiration of the current license without impact on the license renewal date or the license fee. This language was added so that licensing staff can more efficiently complete renewal inspections, possibly conduct to renewals in the same town on the same day to decrease travel time. A courtesy contact to the licensee up to 24 hours before the renewal inspection will be attempted by licensing staff.

- **400.713 (10):** Additional language to include denying an application of a license where the department may refuse to issue a license for a period of 5 years (like when the department has revoked, suspended or refused to renew). This language was added to help prevent someone from immediately reapplying for a license after their application was denied.

- **400.713a (1):** Adjusts fees which have not been modified since 1992.

Beginning January 1, 2020 applications and renewal fees will be changed as follows:

- Family Home (3-6) $85.00
- Small Group Home (3-6) $130.00
- Small Group Home (7-12) (AM) $170.00
- Large Group Home (13-20) $320.00
- Congregate Facility (renewal Only) $360.00
- Camp $120.00

Beginning January 1, 2022 applications and renewal fees will be changed as follows:

- Family Home (3-6) $100.00
- Small Group Home (3-6) $150.00
- Small Group Home (7-12) (AM) $200.00
- Large Group Home (13-20) $500.00
- Congregate Facility (renewal Only) $500.00
- Camp $200.00

- **400.722 (3):** New language that allows the department to deny an application for licensure based on a prior settlement agreement.

- **400.722a:** New language that allows the department to settle a case without notice of intent and 30-day appeal right if the licensee agrees to the proposed action.

- **400.722c:** New language that allows the department to appoint a temporary administrative advisor and/or a temporary clinical advisor to assist and oversee the facility during a summary suspension for a more orderly closure. Previously all the residents would have to be moved the same day the summary suspension order was issued.
causing residents, their family and guardians a lot of unnecessary stress to find a new placement on short notice. Note it is rare that the department would issue a summary suspension and would likely only be used a couple time a year (if at all).

PA 558 (HB 5506) Effective March 28, 2019:

- **400.724:** Revised language that changes process for review of a complainant’s disagreement with the initial findings of a department investigation from a hearing in front of the Michigan Administrative Hearing System to a department administrative review. The administrative review will be based on pertinent documentation or a verifiable statement submitted in writing by the complainant and not the complainant stating that they are dissatisfied with the results of the investigation. This change conserve resources for conducting a review and expedites the process for the complainant. A complainant is not a party to licensure action.

- **400.725:** Revised language. The licensee can continue to appeal Department Director’s decision following a contested case hearing to circuit court. The standard of review for circuit court has been changed to a judicial review (meaning that circuit court will review the contestant case file from the Michigan Administrative Hearings System instead of retrying the case). This standardizes the appeal of a contested case hearing result to the administrative procedure act requirements, and potentially reduces court litigation costs for all parties.

- **400.734b (4):** Revised language. Starting July 1, 2020 this change requires adult foster care facility, the staffing agency or the individual employee to pay for the AFC employees or independent contractors (who regularly have direct access to AFC residents) applicable background check. These background checks are currently paid by the department. This change aligns AFC providers with all other provider types that are required to pay for their own background checks.

- **400.734b (11):** This subsection was revised to allow an employee that has a criminal history check, was continuously working at an AFC and resided in Michigan for the previous 12 months to be able to use that criminal history check at other AFC homes for a period of up to 24 months. Currently you could only use a previous criminal history check for up to 12 months.

- **400.734c:** Revised language which changes background check appeal by an individual to an administrative review by the department with a final decision by the director.
PA 513 (HB 6400) Effective March 28, 2019:

- **125.3206(1):** An addition to the Zoning Enabling Act was made to require local zoning authorities to classify homes with 4 or less residents which are all receiving CMH benefits as defined in MCL 400.703(4)(k) and are not licensed by the State of Michigan to be zoned as residential. This type of setting would be zoned residential just like a licensed AFC with a capacity of 6 or less residents.

6. **Division/Bureau Updates – Jay Calewarts**
   - **Bureau Statistics:** Jay Calewarts provided a copy of the AFC quarterly statistics that was reviewed by the Council members.

7. **ADJOURNMENT:** Kathy Lentz Moved for Adjournment of the meeting, it was supported by Salli Christenson, common consent, meeting adjourned per common consensus.

The next meeting will be scheduled for August 7, 2019 at 10:00am; Upper Level (UL) Conference Room 3; 611 W. Ottawa Street, Lansing, MI 48933.