

New Home for the Aged Legislation Effective February 11, 2018

Public Act No. 167 was signed by Governor Snyder on November 9, 2017 and will take effect on February 11, 2018. The highlights of this new legislation are:

- The minimum age of a Home for the Aged resident has been reduced from 60 to 55 years old. Facilities may admit individuals 55 years of age or older beginning February 11, 2018. An age waiver [MCL 333.21311 (3)(4)], is required for any individual seeking admission that is 54 years of age or younger.
- Facilities that were in operation prior to the effective date of this act and continuously in operation up to application for licensure, may apply for a home for the aged license and choose to be reviewed and inspected to comply with the provisions of chapter 18 and 19 or chapter 32 or 33 of the National Fire Protection Association standard number 101.
- Sets a cap for the number of criminal history checks for Home for the Aged staff that the department will pay for in a year at 40 checks per year for Home for the Aged with fewer than 100 beds and 50 criminal history checks per year for Home for the Aged with 100 or more beds. The Home for the Aged is responsible to pay for any criminal history checks that exceed these limits outlined above.
- Some facilities may be eligible to be exempt from licensure if they meet the provisions of MCL 333.21311a (1) or (2). The facility will need to provide an attestation that it meets the requirements of MCL 333.21311a. The department is currently developing an exemption form which will be available soon. The department will begin processing exemption forms on February 11, 2018.
- Redefines Supervised personal care to mean: the direct guidance or hands-on assistance with activities of daily living offered by a facility to residents of the facility that include 2 or more of the following services provided by the facility to any resident for 30 or more consecutive days as documented in the resident's service plan:
 - (a) Direct and regular involvement by staff in assisting a resident with the administration of the resident's prescription medications, including direct supervision of the resident taking medication in accordance with the instructions of the resident's licensed health care professional.
 - (b) Hands-on assistance by staff in carrying out 2 or more of the following activities of daily living: eating, toileting, bathing, grooming, dressing, transferring, and mobility.
 - (c) Direct staff involvement in a resident's personal and social activities or the use of devices to enhance resident safety by controlling resident egress from the facility.

If interested in reading this legislation, please click on the following link. [http://www.legislature.mi.gov/\(S\(zpw45klhkfurhyldd0ahu0qi\)\)/mileg.aspx?page=getObject&objectName=2017-SB-0378](http://www.legislature.mi.gov/(S(zpw45klhkfurhyldd0ahu0qi))/mileg.aspx?page=getObject&objectName=2017-SB-0378) Once there, click on the "Public Act" link for the language that takes effect on February 11, 2018.

Updates for the exemption form will be forthcoming. The application for licensure will also be updated so applicants can choose what chapter of NFPA 101 they would like to be reviewed

under. These updates along with any other updates will be posted to our division website at www.michigan.gov/afchfa.