

# What Operations require a license?

There is no legal definition for the term “assisted living” in Michigan. Instead, these types of facilities are called **Adult Foster Care Homes (AFC)** and **Homes for Aged (HFA)**. AFC and HFA are statutorily defined in MCL 400.703(4), 400.704(6) and 333.20106(3) respectively.



An operation needs to be licensed by the State of Michigan as an **AFC** home if it provides personal care, supervision, and protection in addition to room and board to 20 or fewer unrelated persons who are aged, mentally ill, developmentally disabled, or physically disabled, for 24 hours a day, 5 or more days a week, for 2 or more consecutive weeks for compensation. *Note that an AFC license is not required when a home has a capacity of 4 or less residents/clients and that home only serves community mental health (CMH) residents/clients and the CMH monitors those residents/clients.*

An operation needs to be licensed by the State of Michigan as an **HFA** if it provides room and board and supervised personal care to 21 or more unrelated people who are 60 years of age or older; or if operated as a distinct part of a licensed nursing home, can be provided to fewer than 21 residents.

## Elements that Constitute AFC and HFA:



**Personal care:** assistance with dressing, personal hygiene, grooming, maintenance of a medication schedule, or the development of those personal and social skills required to live in the least restrictive environment.



**Protection:** actions taken to insure the health, safety, and well-being of a resident, including protection from physical harm, humiliation, intimidation, and social, moral, financial, and personal exploitation.



**Room and board:** the provision of housing and meals. Under this definition, a "room" could be a bedroom, an apartment, a suite, etc. Board generally means the provision of one or more meals/food as part of a "package" that includes room or lodging.



**Supervised personal care:** guidance (cuing, prompting, reminding) or assistance with eating, toileting, bathing, grooming, dressing, transferring, mobility, medication management, reminding resident of important activities to be carried out, assisting a resident to keep appointments, supporting a resident's personal and social needs, and being aware of a resident's general whereabouts even if the resident is capable of independent travel about the community.

**Supervision:** guidance of a resident in the activities of daily living, including reminding a resident of important activities and appointments and to take medication, and being aware of a resident's general whereabouts even if the resident may travel independently in the community.



Personal care, supervised personal care, supervision, and protection are all defined in rule and statute: MCL 400.706(1)(4), 400.707(7) and 325.1901 (2)(16)(20)(22)(23).

## How BCHS Determines What Must Be Licensed:

An investigation to determine if an operation requires licensure focuses on whether or not the above elements of AFC or HFA are being offered or provided.

- Is housing being offered or provided?
- Are meals (food/board) being offered or provided?
- Is personal care being offered or provided?
- Are supervision and/or protection being offered or provided?