



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

RE: ADULT FOSTER CARE APPLICATION – SPECIAL CERTIFICATION

Dear Applicant:

The following is information regarding application for a special certification.

Instructions and additional materials are included which will assist you in completing the application.

Please return all of the completed and required application materials to your local field office.

For additional information, please contact the Licensing Unit at (866) 685-0006 or Fax at (517) 284-9709.

Thank you.

Michigan Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems
Licensing Unit

**CERTIFICATION OF SPECIALIZED PROGRAMS
OFFERED IN ADULT FOSTER CARE HOMES
TO CLIENTS WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY**

Enclosed is an application for Certification of a Specialized Program Offered to Persons with Mental Illness or Developmental Disability (BCAL-1609). Before a recommendation for regular certification can be made, all requirements related to the regulation of Certification of Specialized Programs as contained in [1974 PA 258](#), as amended, and the applicable administrative rules must be met. A copy of relevant portions of the Act and Administrative Rules are enclosed for your review.

Compliance with the Act and the Administrative Rules is the responsibility of the applicant. These instructions are to assist you in completing the application as well as having the appropriate and complete information available for the on-site inspection.

I. Minimum Requirements to Begin the Certification Process

- A. A facility must be licensed as an Adult Foster Care Home (AFC) in accordance with [1979 PA 218](#), as amended, to be eligible for certification. [\[R 330.1801\]](#)

Note: Facilities licensed to provide services to children are not eligible for participation in this program.

- B. The AFC license must authorize programs for the mentally ill and/or developmentally disabled.
- C. A licensee/facility requesting certification shall submit a completed application to the agency. [R330.1802(1)]
- D. The enclosed application must be completed, the original form signed and returned to the address noted in the cover letter.

II. Completing the Application

- A. The 10/05 edition of the application (BCAL-1609) must be used; previous editions are obsolete and will not be processed.
- B. All items on the application must be completed; incomplete applications will be returned to the applicant.
- C. The application must be signed by the licensee or designee.
- D. Only original applications will be accepted. Fax copies will not be processed.

III. Documentation to be Made Available in the Facility at the Time of Inspection

- A. Complete case records for persons receiving specialized programs including the individual plan of service (IPOS) which specifies the specialized program to be provided by the AFC facility. (Rule 330.1806(1); MCL 330.1712)

- The IPOS is to contain the treatment plan and/or the support plan.

To achieve regular certification, a licensee must have residents in place who receive specialized programs and who have current individual plans of service (IPOS) in place.

The following may be included as part of the case record review:

- Assessments/evaluations
- Written program(s) and methodology
- Medical consultations
- Progress review(s)
- Data collection worksheets
- Medication(s) prescribed
- Notations in the health care chronological logs
- Accident/Incident Reports

- B. Documentation of the installation of an interconnected multistation smoke detection system by a licensed electrical contractor; documentation that the smoke detection system is inspected annually. Required for AFC facilities with a licensed capacity of 4-6 clients (Rule 330.1803(1)).
- C. Evacuation assessment scores (EAS/E-scores) using forms and methods from Appendix F of the 1985 Life Safety Code for all persons residing in the home (including those not receiving specialized services) and documentation that the results have been forwarded to the responsible agency (Rule 330.1803(5)(6a)(6b); Appendix F, 1985 Life Safety Code).

Note: A copy of Appendix F of the 1985 Life Safety Code can be accessed on the Agency's website.

- D. Fire drill records for the past 12 months; facility emergency protection plan, fire route exit diagram (Rule 330.1803(3)(4); Appendix F, 1985 Life Safety Code).
1. For facilities with a licensed capacity of 4 or more, documentation that fire drills have been conducted at least once during daytime, evening, and sleeping hours during every 3 month period;
 2. For facilities with a licensed capacity of 3 or fewer, documentation that fire drills have been conducted 4 times per year of which 2 drills were conducted during sleeping hours

- E. Documentation of staff work schedules, staff training records; approved curriculum and maintenance of training records. (Rule 330.1806(1)(2a-2h)(3)(4))
 - F. Policies and procedures for protecting recipient rights.
- IV. The agency must receive a statement from the Office of Recipient Rights indicating compliance with Recipient Rights Rules before a regular or renewal certification will be recommended.
- V. Reminder

Failure to Cooperate (Rule 330.1804(4): Failure of the licensee to fully cooperate with the agency in connection with inspections and investigations is a ground for denial, suspension, revocation of, or refusing to renew a facility's certification.

Following receipt of your application and review for completeness and verification of licensure, you may be issued a Temporary Certification. You then will be contacted to schedule an on-site inspection which will be conducted to determine compliance with the Administrative Rules for Regular Certification of Specialized Programs.

**CERTIFICATION OF SPECIALIZED PROGRAMS
APPLICATION FOR CERTIFICATION**

Department of Licensing and Regulatory Affairs
Bureau of Community and Health Systems

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SECTION I – FACILITY INFORMATION

1. Type of Application: <input type="checkbox"/> INITIAL <input type="checkbox"/> MODIFICATION: Specify Change _____ Effective Date of Change _____			
2. Certificate Type (Population served must be mentally ill and/or developmentally disable as authorized by AFC License.) <input type="checkbox"/> MENTAL ILLNESS <input type="checkbox"/> DEVELOPMENTAL DISABILITY <input type="checkbox"/> MENTAL ILLNESS & DEVELOPMENTAL DISABILITY			
3. Facility Name		4. Facility Street Address	
5. Facility City, State, Zip			
6. Area Code/Telephone Number		7. Area Code/Fax Number	8. Email Address (if applicable)
9. Facility Mailing Address (if different than #4)		10. County	11. Township
12. AFC License Number	13. AFC Expiration Date	14. Licensed Capacity	15. Current Occupancy
16. Number of individuals residing in the facility for whom you receive specialized compensation.			
_____ Persons with Mental Illness	_____ Persons with Developmental Disability(ies)	_____ Persons with Mental Illness and Developmental Disability(ies)	

SECTION II – ADULT FOSTER CARE LICENSEE INFORMATION

17. Name of Licensee		18. Licensee Designee (if applicable)	
19. Street Address	20. City, State, Zip Code	21. Mailing Address (if different than #19)	
22. Area Code/Telephone Number	23. Area Code/Fax Number	24. Email Address	

SECTION III – PLACING AGENCY INFORMATION (Attach additional sheets as necessary)

25. Agency Name		26. Contact Person	
27. Street Address	28. City, State, Zip Code	29. Mailing Address (if different than #27)	
30. Area Code/Telephone Number	31. Area Code/Fax Number	32. Email Address	

SECTION IV – STAFFING INFORMATION

33. Staff-to-resident ratio on each shift: A.M. Shift: _____ P.M. Shift: _____ MIDNIGHT Shift: _____		
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SECTION V – DESCRIPTION OF SPECIALIZED PROGRAM(S) PROVIDED

34. Specialized Program Description (Attach additional sheets if necessary)

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SECTION VI – CERTIFICATION AND SIGNATURE

The applicant certifies that the relevant provisions of 1974 PA 258, as amended (Mental Health Code), the Administrative Rules (330.1801 through 330.1809), and relevant portions of the 1985 Life Safety Code, Appendix F, which regulate the operation of Specialized Programs Offered to Persons with Mental Illness or Developmental Disability(ies) have been read.

The applicant certifies that the information contained in this application is true, complete and accurate to the best of the applicant's knowledge.

35. Adult Foster Care Licensee Name (print or type)	36. Licensee or Licensee Designee Signature	37. Date Signed
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Authority:	1979 PA 218 1974 PA 258
Completion:	Mandatory
Penalty:	Certification will not be issued.

LARA is an equal opportunity employer/program.

Statutory Authority

Adult Foster Care Facility Licensing Act P.A. 218 of 1979, as amended MCL 400.710 Sec. 10.(3)

MCL 400.710 Sec. 10. (3) The department of mental health shall promulgate rules for the certification of specialized programs offered in an adult foster care facility to a mentally ill or developmentally disabled resident. The rules shall include provision for an appeal of a denial or limitation of the terms of certification to the department pursuant to chapter 4 of the administrative procedures act of 1969, being sections 24.271 to 24.287 of the Michigan Compiled Laws.

MENTAL HEALTH CODE P.A. 258 of 1974, as amended

330.1153 Rules for placement of mentally ill or developmentally disabled adults into community based dependent living settings or programs; rules for certification of specialized programs; inspection of facility; inspection report and certification, denial of certification, revocation, or certification with limited terms; reinspection; notice; contracts; licensure or placement pending promulgation of rules. [M.S.A. 14.800(153)]

Sec. 153.(2) Subject to section 114a, the department shall promulgate rules for the certification of specialized programs offered in an adult foster care facility to individuals with serious mental illness or developmental disability. The rules shall provide for an administrative appeal to the department of a denial or limitation of the terms of certification under chapter 4 of the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.271 to 24.287 of the Michigan Compiled Laws.

Note: For transfer of powers and duties of Certification of Specialized Programs from the Department of Community Health (formerly Mental Health) to the director of the Michigan Family Independence Agency (formerly Department of Consumer and Industry Services), see [E.R.O. No. 1996-1](#), compiled at § 330.3101 of the Michigan Compiled Laws.

For transfer of powers and duties of Certification of Specialized Programs from the Michigan Family Independence Agency to the Department of Human Services, see [E.R.O. No. 2004-38](#), compiled at §400.226 of the Michigan Compiled Laws.

By Executive Order No. 2015-04, effective April 10, 2014, the references to the Michigan Department of Human Services within Act No. 218 are now assigned to the Department of Licensing and Regulatory Affairs and references to Michigan Department of Community Health are assigned to the Michigan Department of Health and Human Services.

STATUTE DEFINITIONS
MENTAL HEALTH CODE
Act 258 of 1974, as amended

Individualized Plan of Service

(1) The responsible mental health agency for each recipient shall ensure that a person-centered planning process is used to develop a written individual plan of services in partnership with the recipient. A preliminary plan shall be developed within 7 days of the commencement of services or, if an individual is hospitalized for less than 7 days, before discharge or release. The individual plan of services shall consist of a treatment plan, a support plan, or both. A treatment plan shall establish meaningful and measurable goals with the recipient. The individual plan of services shall address, as either desired or required by the recipient, the recipient's need for food, shelter, clothing, health care, employment opportunities, educational opportunities, legal services, transportation, and recreation. The plan shall be kept current and shall be modified when indicated. The individual in charge of implementing the plan of services shall be designated in the plan.

MCL 330.1712 Individualized written plan of services.

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.

“Special compensation” means payment to an adult foster care facility to ensure the provision of a specialized program in addition to the basic payment for adult foster care. Special compensation does not include payment received directly from the Medicaid program for personal care services for a resident, or payment received under the supplemental security income program.

330.1100d Definitions; S to W. [M.S.A. 14.800(100d)] Sec. 100d., P.A. 258 of 1974

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.

“Specialized program” means a program of services, supports, or treatment that are provided in an adult foster care facility to meet the unique programmatic needs of individuals with serious mental illness or developmental disability as set forth in the resident's individual plan of services and for which the adult foster care facility receives special compensation.

330.1100d Definitions; S to W. [M.S.A. 14.800(100d)] Sec. 100d., P.A. 258 of 1974

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.

“Support Plan” means a written plan that specifies the personal support services or any other supports that are to be developed with and provided for a recipient.

330.1700 Definitions; k, P.A. 258 of 1974

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.

“Treatment Plan” means a written plan that specifies the goal-oriented treatment or training services, including rehabilitation or habilitation services, that are to be developed with and provided for a recipient.

300.1700 Definitions; l, P.A. 258 of 1974

History: Add. 1995, Act 290, Eff. Mar. 28, 1996.

**DEPARTMENT OF COMMUNITY HEALTH
MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

(By authority conferred on the department of mental health by sections 1 to 4 of [Act No. 80 of the Public Acts of 1905](#), as amended, section 33 of [Act No. 306 of the Public Acts of 1969](#), as amended, and sections 114, 130, 136, 157, 206, 244, 498n, 498r, 842, 844, 908, and 1002a of Act No. 258 of the Public Acts of 1974, as amended, being sections 19.141 to 19.144, 24.233, 330.1114, 330.1130, 330.1136, 330.1206, 330.1244, 330.1498n, 330.1498r, 330.1842, 330.1844, 330.1908, and 330.2002a of the Michigan Compiled Laws)

**SUBPART 8. CERTIFICATION OF SPECIALIZED PROGRAMS
OFFERED IN ADULT FOSTER CARE HOME TO CLIENTS
WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY**

R 330.1801 Definitions.

Rule 1801. As used in this subpart:

(a) "Certification" means the authorization by the agency for a facility to offer a specialized program to clients as defined under R 330.1701(a).

(b) "Facility" means an adult foster care facility licensed pursuant to Act No. 218 of the Public Acts of 1979, as amended, being §400.701 et seq. of the Michigan Compiled Laws.

(c) "Regular certification" means a certification issued by the agency to a facility which is in full compliance with these rules and Michigan's statutes and rules for protecting recipient's rights or which is in substantial compliance with these rules and operating under an approved plan of corrective action or a report of progress, or both, in correcting items of noncompliance. A regular certification may be granted for a period of up to 2 years.

(d) "Provisional certification" means a certification issued by the agency to a facility that is operating under an approved plan of correction to address items of noncompliance which, by nature or degree, have been determined to seriously compromise program operations or performance. A provisional certification may be issued for a period of up to 3 months and may be renewed for 1 additional 3 month period.

(e) "Temporary certification" means a certification issued by the agency to a facility which has submitted an application and which has not been previously certified under these rules. A temporary certification may be granted for a period of up to 6 months and may not be renewed.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1802 Application process.

Rule 1802. (1) A facility seeking certification of its specialized program shall request certification by submitting a completed application to the agency.

(2) The application shall include all of the following information:

(a) The facility's license number.

(b) The facility's proposed or actual licensed capacity.

(c) The type of certification being requested by the facility.

(d) The minimum ratio of direct care staff to clients that the provider assures will be employed and present on each shift when the clients are under the licensee's supervision. The ratios shall ensure the provision of all services delineated in each client's individual plan of service that are the licensee's responsibility.

(e) A description of the specialized program that the facility seeks certification to provide.

(3) Temporary certification of a specialized program may be granted for a period of up to 6 months based on a review of the facility's application.

(4) The agency shall conduct an on-site review of a facility's specialized program, including a review of its policies and procedures for protecting recipient rights, before issuing a provisional or regular certification.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1803 Facility environment; fire safety.

Rule 1803. (1) A facility that has a capacity of 4 to 6 clients shall be equipped with an interconnected multistation smoke detection system which is powered by the household electrical service and which, when activated, initiates an alarm that is audible in all areas of the home. The smoke detection system shall be installed on all levels, including basements, common activity areas, and outside each sleeping area, but excluding crawl spaces and unfinished attics, so as to provide full coverage of the home. The system shall include a battery backup to assure that the system is operable if there is an electrical power failure and accommodate the sensory impairments of clients living in the facility, if needed. A fire safety system shall be installed in accordance with the manufacturer's instructions by a licensed electrical contractor and inspected annually. A record of the inspections shall be maintained at the facility.

(2) A facility that has a capacity of 3 or fewer clients shall be equipped with an assured alarm that has detectors located at least on each level of the home, including basements, but excluding crawl spaces and unfinished attics, and in each common use area and outside each sleeping area. To be assured, the alarm shall be easily heard in all locations of the home, including during times where there is background noise that may detract from hearing the alarm, for example, laundry equipment operation or vacuuming. The assured alarm is not required to be interconnected.

(3) A facility that has a capacity of 4 or more clients shall conduct and document fire drills at least once during daytime, evening, and sleeping hours during every 3 month period.

(4) A facility that has a capacity of 3 or fewer clients shall conduct and document fire drills 4 times a year. Two of the 4 fire drills shall be conducted during sleeping hours.

(5) The capability of the clients to evacuate a facility in the event of a fire shall be assessed using methods described in appendix f of the 1985 life safety code of the national fire protection association. Appendix f of the 1985 life safety code of the national fire protection association is adopted by reference as part of these rules. A copy of the adopted appendix f is available from the Department of Mental Health, Lewis Cass Building, Lansing, MI 48913, at cost. A copy of appendix f may also be obtained from the National Fire Protection Association Library, Battermarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, 1-800-344-3555. A prepaid fee may be required by the national fire protection association for a copy of appendix f. A price quote for copying of these pages may be obtained from the national fire protection association.

(6) Evacuation assessments shall be conducted within 30 days after the admission of each new client and at least annually thereafter. The specialized program shall forward a copy of each completed assessment to the responsible agency and retain a copy in the home for inspection. A home that is assessed as having an evacuation difficulty index of "impractical" using appendix f of the life safety code of the national fire protection association shall have a period of 6 months from the date of the finding to do either of the following:

(a) Improve the score to at least the "slow" category.

(b) Bring the home into compliance with the physical plant standards for "impractical" homes contained in chapter 21 of the 1985 life safety code of the national fire protection association, which are adopted by reference in these rules and which may be obtained from the Department of Mental Health, Lewis Cass Building, Lansing, MI 48913, at cost, or from the National Fire Protection Association Library, Battermarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, 1-800-344-3555. A prepaid fee may be required by the national fire protection association for a copy of the chapter 21 standards. A price quote for copying of these pages may be obtained from the national fire protection association.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1804 Certification inspections and investigations.

Rule 1804. (1) A newly opened facility that has a temporary certification shall notify the agency when the number of residents of the facility reaches 50% of the licensed capacity. Upon notice, the department will schedule and conduct an on-site review of the facility's specialized program. A written report of the review shall be provided to the department of social services, the licensee, and the placing agency. Based upon the review, the agency may issue a provisional or regular certification. This rule does not apply to facilities certified through the intermediate care facilities for the mentally retarded (ICF/MR) program.

(2) Upon receipt of a complaint regarding the provision of specialized program services, the agency shall conduct a review within 30 days to determine whether these rules have been violated. The agency shall issue a written report of its findings and provide a copy to the department of social services, the complainant, the facility, and the placing agency.

(3) The agency shall issue a complaint against a facility if rule violations warrant.

(4) Failure of the licensee to fully cooperate with the department in connection with inspections and investigations is a ground for the denial, suspension, or revocation of, or refusing to renew, a facility's certification.

(5) If a certified facility voluntarily relinquishes its license or has its license revoked, suspended, or not renewed, and if all administrative appeals are exhausted, the facility is decertified as a matter of law.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1805 Accessibility.

Rule 1805. Common use areas of the facility are accessible to all clients in residence or an individual plan of service addresses the removal of imposed restrictions. The facility shall be capable of meeting the transportation needs of all clients the facility accepts for service.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1806 Staffing levels and qualifications.

Rule 1806. (1) Staffing levels shall be sufficient to implement the individual plans of service and plans of service shall be implemented for individuals residing in the facility.

(2) All staff who work independently and staff who function as lead workers with clients shall have successfully completed a course of training which imparts basic concepts required in providing specialized dependent care and which measures staff comprehension and competencies to deliver each client's individual plan of service as written. Basic training shall address all the following areas:

- (a) An introduction to community residential services and the role of direct care staff.
- (b) An introduction to the special needs of clients who have developmental disabilities or have been diagnosed as having a mental illness. Training shall be specific to the needs of clients to be served by the home.
- (c) Basic interventions for maintaining and caring for a client's health, for example, personal hygiene, infection control, food preparation, nutrition and special diets, and recognizing signs of illness.
- (d) Basic first aid and cardiopulmonary resuscitation.
- (e) Proper precautions and procedures for administering prescriptive and nonprescriptive medications.

(f) Preventing, preparing for, and responding to, environmental emergencies, for example, power failures, fires, and tornadoes.

(g) Protecting and respecting the rights of clients, including providing client orientation with respect to the written policies and procedures of the licensed facility.

(h) Nonaversive techniques for the prevention and treatment of challenging behavior of clients.

(3) Training shall be obtained from individuals or training organizations that use a curriculum that has been reviewed and approved by the department.

(4) Written documentation of compliance with this rule shall be kept on file at the facility for not less than 3 years.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1807 Transferability of certification.

Rule 1807. Certification shall be issued to a specific facility at a specific location, specific licensee and shall be nontransferable and remain the property of the department.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1808 Suspension, denial, or revocation of certification.

Rule 1808. The director, after notice to the applicant or licensee, may suspend, deny, revoke, or reduce to provisional status, a certification if he or she finds that there is substantial failure to comply with these rules. The notice shall be sent by certified mail or by personal service. The notice shall set forth the particular reasons for the proposed action and fix a date, not less than 30 days from the date of service, on which the applicant or licensee shall be afforded a hearing in accordance with R 330.1809.

History: 1996 MR 2, Eff. Mar. 9, 1996.

R 330.1809 Appeals.

Rule 1809. A facility which has its application for certification denied, a facility which is issued a provisional certification, a facility which has its certification proposed for suspension, revocation, or reduction to provisional, or a facility which is denied renewal shall be provided an opportunity for a hearing in accordance with chapter 4 of Act No. 306 of the Public Acts of 1969, as amended, being §§24.271 to 24.287 of the Michigan Compiled Laws.

History: 1996 MR 2, Eff. Mar. 9, 1996.