

Can the AFC evict or discharge a resident in less than 30 days?

The home may make an **emergency discharge** (less than 30 days written notice) when the home has determined and documented that any of the following exists:

- Substantial risk to the resident due to the inability of the home to meet the resident's needs or assure the safety and well-being of other residents; or
- Substantial risk or an occurrence of self-destructive behavior, serious physical assault, or destruction of property.

In an emergency discharge, the home must give written notification to the resident, the resident's authorized representative (if any), the responsible agency, and the AFC licensing consultant not less than 24 hours before discharge. The written notice shall include:

- The reason for the proposed discharge, including the specific nature of the substantial risk;
- The alternatives to discharge that have been attempted by the home; and
- The location to which the resident will be discharged, if known.

If the responsible agency or adult protective services (APS) **does not** agree with the emergency discharge, the resident shall not be discharged from the home. If the responsible agency or APS agrees with the emergency discharge, then both of the following requirements must be met:

- The resident shall not be discharged until an appropriate setting that meets the resident's immediate needs is located.
- The resident shall have the right to file a complaint with the State.

Michigan Long Term Care Ombudsman Program

Free and Confidential Help

1-866-485-9393

Email: MLTCOP@meji.org

Website: MLTCOP.org



Fact Sheet: Adult Foster Care

What is an Adult Foster Care home?

In Michigan, Adult Foster Care (AFC) homes are licensed facilities that provide supervision, personal care, and protection as well as room and board. Services are provided 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for payment.

Are all AFCs the same?

There are three types of AFC homes in Michigan:

- **Family Homes**, which have 6 or fewer residents and the owner lives on-site.
- **Small Group Homes**, which have 12 or fewer residents.
- **Large Group Homes**, which have 13-20 residents.

Each type of AFC has slightly different state rules. Every AFC home must have a set of house rules, which it must provide to each resident before admission or when the rules are updated. Resident rights are the same in each type of AFC.

Are AFCs licensed in Michigan?

Yes, Adult Foster Care homes are licensed and inspected by the State of Michigan. Homes are inspected every year and during the investigation of a complaint.

Does Medicaid pay for room and board in an AFC?

No. Medicaid does not pay for room and board in an AFC. If a resident qualifies, the State can pay a supplement to the AFC to help cover the cost of personal care. Room and board is covered by the resident's personal income. The resident is allowed to keep a small amount of income for personal needs each month.

What rights do residents have in an AFC home?

Residents in an Adult Foster Care home have the following rights:

- The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, disability, marital status, or source of payment.
- The right to exercise his or her constitutional rights, including:
 - the right to vote;
 - the right to practice the religion of his or her choice;
 - the right to come and go from the home freely; and
 - the right to spend time with chosen friends and family.
- The right to refuse to participate in religious practices or services.
- The right to write, send, and receive uncensored and unopened mail at his or her own expense.
- The right of reasonable access to private use of a telephone. (A home may charge a resident for long distance telephone fees, but cannot charge for the use of the phone).
- The right to make grievances (complaints) and present recommendations about the home without fear of retaliation.
- The right to consult privately with his or her physician, attorney, or any other person.
- The right to participate in chosen social, religious, and community activities.
- The right to use the services of advocacy agencies and to use other chosen community services.
- The right to access and use personal clothing and belongings.
- The right to have contact with relatives and friends and receive visitors in the home.
- The right to obtain medical, psychiatric, or dental services from his or her chosen physician, psychiatrist, or dentist.
- The right to refuse treatment and services, including the taking of medication, and to be made aware of the consequences of that refusal.

- The right to request and receive assistance from the responsible agency in relocating to another home or living situation.
- The right to be treated with dignity and respect and be recognized as an individual with the need for privacy.
- The right of access to his or her room at any time.

Upon a resident's admission to the AFC home, the home shall inform the resident and the resident's authorized representative (if any) of these rights and explain them. The home shall also explain the home's complaint process.

What guides the care provided in an AFC?

At the time of admission, a **Resident Care Agreement** between the resident and the home must be signed. This agreement guides the care and services provided to the resident. This agreement must be reviewed annually, but can be reviewed anytime there is a concern about the level or quality of care.

What if there is a concern about care?

The home should have a complaint process for addressing concerns. If you have a concern, document the steps taken to resolve the concern in writing and put all complaints in writing.

If the issue cannot be resolved with the AFC home, contact the Long Term Care Ombudsman program for help by calling **1-866-485-9393**. Ombudsman services are free and confidential.

A complaint can be filed with the State by calling **1-866-856-0126**. If the home is not in compliance with the AFC rules, the State can:

- require the home to prepare a plan of correction;
- fine the home; or
- suspend, modify, or revoke a home's license.

Can the AFC evict (or discharge) a resident?

Yes, but the home must provide the resident and his or her authorized representative (if any) with a 30-day written notice before discharge from the home. The written notice shall state the reasons for discharge.