

**DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**

**BUREAU OF COMMUNITY AND HEALTH SYSTEMS**

**ADULT FOSTER CARE CONGREGATE FACILITIES**

(By authority conferred on the department of licensing and regulatory affairs by section 9 of the Executive organization act of 1965, 1965 PA 380, MCL 16.109, and sections 10 and 13 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.710 and 400.713, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2015-1, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 400.227)

**PART 4. CONGREGATE FACILITIES**

**R 400.2401 Scope.**

Rule 401. This part applies only to congregate facilities.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2402 Licensees and administrators.**

Rule 402. (1) Care provided by a congregate facility shall be based on a foster care agreement between the congregate facility and the responsible agency or person requesting care. The agreement shall specify that it is the responsibility of the agency or person requesting care to provide all necessary intake information; to provide other required information; to provide initial and ongoing and discharge assessment planning; preparation for discharge; social services assistance in obtaining all necessary care which may be needed by the resident. A copy of the agreement shall be maintained in the congregate facility. Where the agreement is not with the department, a copy shall be filed with the department for its review and approval.

(2) A licensee or a governing body may appoint an administrator to operate a congregate facility.

(3) An administrator, all staff participating in resident care and staff who are designated as responsible persons or acting in such capacity shall be at least 18 years of age, be of good moral character and reputation, be in good health and by training and experience be capable of meeting the demands of the position.

(4) A licensee or an administrator shall designate in writing a responsible person to carry out his responsibilities and duties in his absence.

(5) A licensee or an administrator shall be willing to cooperate fully with the resident, his own family and responsible relatives and the supervising agency.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2403 Admission and discharge.**

Rule 403. (1) A congregate facility shall have a written admission policy which shall be posted in a conspicuous public area of the facility. The department's assistance in establishing the policy is available upon request of a licensee.

(2) A prospective resident or his guardian, if the prospective resident is legally incompetent, shall exercise free choice in the selection of a foster care congregate facility. The department shall determine if the congregate facility is capable of meeting an individual's needs.

(3) A person shall not be denied admission to or discharged from a congregate facility because of race, religion, color, or national origin.

(4) In administering or managing a congregate facility, an licensee or an administrator shall not accept or keep a person whose behavior requires isolation or restraint. A person shall not be admitted to a congregate facility whose present care requirements and service needs are incompatible with those of other residents in the facility. This subrule shall not be used to circumvent subrule (3).

(5) An admission prerequisite for persons transferring from another residential setting, nursing home, or medical institution is a current written assessment plan outlining the specific service appropriate to the resident's needs and the method of providing the service. With a resident's consent, an individual not having a responsible agency shall have an assessment plan completed by department workers and filed in the resident's record at the congregate facility within 30 days after admission to the congregate facility.

(6) Upon admission a resident's record shall contain information obtained from the resident, his next of kin or legal guardian, or responsible agency indicating persons to be notified of an emergency, including the preferred physician or hospital and instructions for emergency care.

(7) An individual admitted shall have had a health appraisal completed within the previous 90 days or in emergency admissions shall obtain the appraisal within 30 days of admission.

(8) A congregate facility licensee shall report all new admissions and discharges to the department in a manner prescribed by the department.

(9) A resident shall not be discharged from a congregate facility without adequate preparation, including a determination that a move is in a resident's best interest. At the time of discharge the responsible agency or the department of social services shall update the assessment plan to provide for continuity in achieving objectives. A congregate facility shall record the date of discharge, the reason for discharge, the disposition of money and valuables held for safekeeping, and a forwarding address of the resident, or a relative, guardian or other adult. The foregoing does not restrict the resident's ability to make his own living arrangements.

(10) The express wishes of the resident shall be considered in all movements to and from a congregate facility.

(11) A bedfast person or one requiring continuous and constant professional nursing care shall not be accommodated in a congregate facility. This does not preclude the accommodation of a resident who is temporarily ill and bedfast but who does not require professional nursing.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2404 Change in health and accidents.**

Rule 404. (1) If an accident or sudden adverse change in a resident's physical condition or adjustment occurs, a congregate facility shall obtain needed care immediately and notify the responsible relative and the individual or agency responsible for placing and maintaining the resident in the congregate facility.

(2) An occurrence of a reportable communicable disease as defined by the laws of this state or the rules implementing the laws must be reported immediately to the local health department and the department.

(3) Immediate investigation of the cause of an accident involving a resident must be initiated by a congregate facility licensee or administrator and an appropriate accident record must be completed and maintained.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 2023 MR 11, Eff. June 8, 2023.

**R 400.2404a Incident notification, incident records.**

Rule 404a. (1) As used in these rules:

(a) "Department" means the department of licensing and regulatory affairs.

(b) "Elopement" means a resident that has a service plan that requires notice or arranged supervision to leave the facility and is absent without notice or supervision.

(c) "Incident" means, consistent with the incident recordkeeping requirement in this rule, an intentional or unintentional event where a resident sustains physical or emotional harm, an unexpected or unnatural death, is displaced by a natural disaster, or elopes.

(2) If a resident has a representative identified in writing on the resident's care agreement, the licensee shall report to the resident's representative within 48 hours after any of the following:

(a) Unexpected or unnatural death of a resident.

(b) Unexpected and preventable inpatient hospital admission.

(c) Physical hostility or self-inflicted harm or harm to others resulting in injury that requires outside medical attention or law enforcement involvement.

(d) Natural disaster or fire that results in evacuation of residents or discontinuation of services greater than 24 hours.

(e) Elopement from the home if the resident's whereabouts is unknown.

(3) If an elopement occurs, staff shall conduct an immediate search to locate the resident. If the resident is not located within 30 minutes after the elopement occurred, staff shall contact law enforcement.

(4) An incident must be recorded on a department-approved form and maintained in the home for a period of not less than 2 years.

(5) The department may review incident reports during a renewal inspection or special investigation. This does not prohibit the department from requesting an incident report if determined necessary by the department. If the department does request an incident report, the licensee shall provide the report in electronic form within 24 hours after the request. The department shall maintain and protect these documents in accordance with state and federal laws, including privacy laws.

History: 2023 MR 11, Eff. June 8, 2023.

**R 400.2405 Deaths of residents.**

Rule 405. When a resident dies, a congregate facility licensee or administrator shall notify immediately the resident's physician, the next of kin or legal guardian and the person or agency responsible for placing and maintaining the resident in the congregate facility. Statutes applicable to the reporting of sudden or unexpected death shall be observed. The death shall be reported to the department within 72 hours.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2406 Personnel policies and health supervision.**

Rule 406. (1) Written personnel policies, practices, job descriptions, and procedures shall be made available to all employees and volunteers. Work assignments shall be consistent with job descriptions and the level of training and experience of the employee or volunteers.

(2) An employee involved in food preparation or kitchen cleanup activities or who comes in contact with residents, as a preemployment requirement, shall be certified by a physician to be free from communicable diseases required to be reported by the laws of this state or by the rules promulgated under such laws. Periodically, the licensee or administrator shall review with each employee his present state of health.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2407 Staffing.**

Rule 407. (1) The ratio of staff to residents shall be adequate to carry out responsibilities defined in the act and in these rules and staff ratios shall conform with requirements set by the department following study by the department and advice from the council.

(2) Congregate facilities operating other than a general habilitative and activities program shall employ a program director and other personnel, as necessary, with special and appropriate skills; or have formal agreements with other agencies or persons whereby services are made available to the congregate facility according to resident need.

(3) A responsible person, capable of immediately responding to emergencies, shall be on the premises of each living unit of a congregate facility during sleeping hours although the person need not be awake and dressed.

(4) Personnel shall wear clean garments, maintain a high degree of personal cleanliness, and conform to acceptable hygienic practices while on duty.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2411 Services for residents.**

Rule 411. A congregate facility shall provide services for the habilitation of its residents. In addition to transportation and basic self-care and habilitation training, congregate facilities shall provide or cause to be provided all of the following program elements which are essential for the habilitation of their residents. Without department approval a program element other than basic self-care and habilitation training shall not be provided on the premises when it is available in the community:

(a) Basic self-care and habilitation training means a service to teach and reinforce skills in dressing, grooming, eating, bathing, toileting, and following of simple directions.

(b) Social education training means a service which covers areas of training inclusive of recreational participation such as group programs, community entertainment and recreational facilities utilization. Social graces and acceptable public behavior are covered in this area as are leisure time use and skills.

(c) Tutorial and special skills training is a service typically providing 1-to-1 training in an area. Services include basic self-care training, mobility training, or advanced skills.

(d) Adult activity, day care or day training, is an activity and training service including basic self-care skills, activities of daily living, utilization of community resources, hazard training, individual and group programs of therapy and education, recreational programs, field trips, skills maintenance, and special training. Objectives range from the maintenance of a participant in the community to the development of prevocational skills to permit placement in a sheltered workshop setting.

(e) Work activity is a work activity service provided in a protective setting in a day program to serve a retarded or mentally ill adult. Activities are divided between development of prevocational skills by producing a product in a structured work setting and providing basic social activities of daily living training. The major focus shall be on work skills for which reimbursement from products sold or from contracts may be provided.

(f) Sheltered workshop is a service in a certified protective workshop setting which includes special vocational training, job evaluation, and rehabilitation planning with a definite objective of placement in gainful employment, sheltered or independent. Certification includes proper wage deviation permits from the department of labor and approvals as appropriate from the division of vocational rehabilitation.

(g) Personal adjustment is a service for a person with psychiatric, emotional, behavioral, or developmental problems and includes counseling and individual or group therapy as well as diagnostic evaluation. It also includes utilization of appropriate batteries of psychological testing material and related counseling to assist in classification and determination of readiness for movement or maintenance in the community.

(h) Transportation means vehicle travel by public or private carrier and related cost to and from program resources in the community including consultation, medical, and other services. This includes escort between screening and entry programs.

(i) Health services include pharmaceutical, medical, or dental services provided directly or through contractual agreement.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2412 Care of residents.**

Rule 412. (1) A staff member or a responsible person shall always be present when a resident is in the congregate facility or a living unit.

(2) Residents shall be assured privacy and protection from moral, social, and financial exploitation.

(3) All work performed by a resident shall be in accordance with the assessment plan.

(4) A resident shall be treated with dignity, and his personal needs, including protection and safety, shall be attended to at all times.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2413 Residents; personal care.**

Rule 413. (1) A congregate facility shall provide care and maintenance to its residents including either or both personal care and supervision as appropriate. Supervision means guidance of an individual as he carries out activities of daily living, including reminding a resident to maintain his medication schedule as directed by his physician, reminding him of important activities to be carried out, assisting him in keeping appointments and being aware of his general whereabouts even though he may travel independently about the community. Personal care means continuous attendance by a responsible person to render personal assistance with dressing, personal hygiene, grooming, and maintenance of medication schedule as directed and supervised by the individual's physician and being aware of the individual's specific whereabouts at all times, including his presence in outside activities. Specifically, personal care shall include, as required, care of the skin, mouth, teeth, hands, feet, eyes, and hair.

(2) A resident shall receive a bath or shower weekly and be afforded the opportunity for daily bathing.

(3) A resident shall be offered facilities for shaving daily.

(4) A resident shall be afforded opportunities to obtain haircuts, hairsets, or other hair grooming processes.

(5) A resident shall be afforded the opportunity, encouraged, and instructed to dress as fashion, cleanliness, and the season warrants.

(6) A resident shall be given assistance or trained in the use of prosthesis as appropriate.

(7) A resident's dignity and privacy shall be respected in all areas. Female residents requiring assistance in activities such as dressing, bathing, and personal hygiene shall be assisted by or in the presence of another female.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2414 Complaints.**

Rule 414. A resident shall be afforded a means of presenting grievances to the congregate facility licensee or administrator. If the area of concern is with the responsible agency, refer to R 400.2119.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2415 Health care of residents.**

Rule 415. (1) A resident shall have a health appraisal at least annually which contains specific recommendations for care, maintenance, treatment, or special programs and shall reflect the resident's progress in meeting scheduled objectives.

(2) A resident who in the recent past has been a patient in an institution shall have on file in his individual record a statement of his medical history and his medical and health needs.

(3) The weight of each resident shall be recorded upon admission and a monthly record of the weight of each resident shall be maintained.

(4) All prescription medication shall be prescribed by a licensed physician. Medication shall be administered and safeguarded in accordance with the instructions of a resident's physician.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2416 Prohibited practices.**

Rule 416. Licensees or administrators shall not establish or practice policies of physical restraint, isolation, corporal punishment, personal humiliation, or withholding of food, water, or clothing.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2417 Assessment plan.**

Rule 417. Care, maintenance, and services shall be provided according to an assessment plan. Components of a plan shall include at least:

(a) Specific objectives of maximum self-care and independence appropriate for each resident.

(b) Health appraisal, including medical-dental and, where appropriate, other evaluations by health professionals and prescribed treatment.

(c) Care and maintenance requirements.

(d) Specific services and planning needed to obtain objectives.

(e) Work activities.

(f) Religious activities.

(g) Restrictions or exceptions to the requirements of resident care which are individually set and allowable under licensing rule.

(h) Payment planning related to the care and services to be obtained by the resident.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2418 Resident activities.**

Rule 418. (1) A resident shall have access to the use of the United States mails; he may write and send mail at his own expense without censorship and receive mail addressed to him unopened.

(2) A resident shall have daily, private access to and use of a telephone for local calls. Similar access is to be granted for long distance calls which are made collect or for which charges are otherwise met by the resident. When pay telephones are provided in congregate facilities, a reasonable amount of change shall be available in the congregate facility to enable residents to make change for telephoning purposes.

(3) A resident shall have immediate access to and use of his personal clothing and personal belongings which he usually or habitually carries on his person or uses as a matter of identification, grooming, toilet, prosthesis, hygiene, communication, religious observance, personal adornment, personal entertainment, study, or personal enhancement.

(4) A resident shall be provided with storage space for his immediate and private use.

(5) A congregate facility shall facilitate family relationships by its routine and personnel attitude. Restrictive visiting hours shall not be maintained and residents shall be allowed to receive reasonable numbers of visitors at any reasonable time. Exceptions shall be covered in the assessment plan. Special consideration shall be given to visitors coming from out of town or whose hours of employment warrant deviation from usual visiting hours.

(6) A resident who is capable shall have the opportunity of doing his own shopping for his personal needs in the nearest community.

(7) A resident shall be afforded appropriate recreational experiences and opportunities within and outside the congregate facility.

(8) A resident shall be permitted to practice the religious belief of his choice free of any coercion, and be allowed religious ministrations at reasonable hours. Religious practice shall not be required of any resident.

(9) An adult shall not be denied admission to, or be discharged from, a congregate facility because of race, religion, color, or national origin. The individual, or in the case of the legally incompetent his guardian, shall exercise free choice in the selection of a congregate facility if it is capable of meeting the individual's needs.

(10) Any exception to resident activities shall be noted in the assessment plan.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2421 Residents' funds; access; safekeeping.**

Rule 421. (1) A resident shall have access to and use of personal funds belonging to him in reasonable amounts, including immediate access to at least 5.00 of his personal funds. Exceptions shall be subject to provisions of the assessment plan.

(2) The maximum value of money and valuables a congregate facility shall accept for safekeeping shall not exceed the amount of 400.00 per resident.



(3) Residents' funds shall be kept separate and apart from all funds and monies of the licensee and treated as a trust obligation of the licensee.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2422 Accounting of residents' funds.**

Rule 422. (1) A resident's funds are subject at all times to a full and prompt accounting to the resident. Funds shall be considered promptly accounted for when the following conditions have been observed:

(a) A resident receives on request an itemized monthly statement of all charges against funds held in trust which shall be in such form as reasonably to inform the resident of the nature of the charge for goods or services and the amount thereof. A copy of the itemized statement shall be filed in the resident's record.

(b) A resident receives up to his full amount of personal funds at a time designated by the resident but in no event later than 5 days following the request subject to limitations in the resident's assessment plan.

(c) The charges against the resident's fund account bear a reasonable relationship to value or agreed price for the services rendered and goods furnished or made available to the resident.

(2) A resident who is discharged from a congregate facility shall receive an itemized statement of his personal funds and prompt and reasonable payment of funds remaining in his account at the time of discharge, but no later than 5 banking days after discharge.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2423 Charges against residents' funds.**

Rule 423. A resident, or in the case of a mentally handicapped resident, the responsible agency, legal guardian, person, or relative responsible for maintaining him, shall be given prior written notice and approval obtained before charges are made against his account. A copy of the authorization shall be maintained in the resident's record.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2424 Transactions prohibited; review.**

Rule 424. (1) A congregate facility licensee or a member of his family, or congregate facility staff shall not borrow money or valuables from a resident with or without his consent.

(2) Transactions between a resident and a congregate facility shall be subject to review by the department where it is alleged by a resident or his representative that the congregate facility did not comply with any rule pertaining to trust funds. Department review does not preclude any other legal remedy a resident or his representative may have.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2431 Home environment.**

Rule 431. (1) A congregate facility shall be so constructed, arranged, and maintained as to provide adequately for the health, safety, and well-being of occupants.

(2) Furnishings and housekeeping standards shall be such that a congregate facility presents a comfortable, clean, and orderly appearance.

(3) All occupied rooms shall be of standard lath and plaster construction or equivalent.

(4) The atmosphere and routine of the congregate facility shall be such that a resident may spend the majority of his nonsleeping hours out of the bedroom.

(5) Dining, bath, sitting, living, and recreation rooms shall be maintained by an adequate central heating system or its equivalent at a temperature range of 68-72 degrees Fahrenheit during nonsleeping hours.

(6) A congregate facility shall make adequate provision for laundering personal laundry.

(7) A congregate facility shall be equipped to provide an adequate amount of hot water for a resident's use between the temperature range of 110-120 degrees Fahrenheit at the fixture.

(8) A toilet, lavatory, and bathing or showering facility shall be provided for each 8 adults in a congregate facility including live-in staff and residents. At least 1 toilet and lavatory shall be provided on each floor having resident bedrooms.

(9) Bathrooms and toilet facilities without windows shall have forced ventilation to the outside. Bathroom windows used for ventilation shall open easily.

(10) Toilets, bathtubs, and showers shall provide for individual privacy.

(11) Floors, walls, and ceilings shall be finished so as to be easily cleanable, and shall be kept clean and in good repair.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2432 Living and sleeping areas.**

Rule 432. (1) A congregate facility shall provide distinct living and sleeping areas. All areas shall be well lighted, heated, and ventilated.

(2) A congregate facility shall provide 1 or more attractively furnished multipurpose areas of adequate size for training, recreational, family-style dining and other diversional and social activities.

(3) The living and sleeping areas for a given resident shall not be in noncontiguous wings, units, or buildings.

(4) A living room, dining room, or other room not ordinarily used for sleeping shall not be used for sleeping by residents or family or staff members.

(5) Traffic to and from any room shall not be through a resident's bedroom.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

### **R 400.2433 Bedrooms.**

Rule 433. (1) A room shall not be used as a bedroom where more than 1/2 the room height is below grade, except where the ceiling of such portion of a building is located 5 feet or more above grade for more than 25% of the perimeter measurement of the building.

(2) Bedrooms for residents shall be separated from halls, corridors, and other rooms by floor-to-ceiling walls containing no openings except doorways.

(3) Interior doorways of bedrooms occupied by residents shall be equipped with a side-hinged, permanently mounted door equipped with positively latching hardware which will insure opening of the door by a single motion, such as turning a knob or by pressing with normal strength on a latch.

(4) Residents of opposite sex shall not occupy the same bedroom unless they are husband and wife.

(5) Residents having impaired mobility shall not sleep in or be assigned bedrooms located above the first or main floor.

(6) Bedrooms shall have at least 1 window. Bedrooms shall be well ventilated and maintained at a comfortable temperature.

(7) A single occupancy bedroom shall have at least 80 square feet of usable floor space (70 square feet for existing facilities). Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(8) A multi-occupancy bedroom shall have at least 70 square feet of usable floor space per bed (65 square feet for existing facilities) with a maximum of 4 beds per bedroom. Usable floor space is defined as that floor space under a ceiling at least 6 feet 6 inches in height.

(9) There shall be at least a 3-foot clearance between beds in a multiresident bedroom.

(10) Rollaways, cots, double deck, stacked bunks, hide-a-beds, daybeds, and studio couches are prohibited.

(11) Provision shall be made for a resident to mount or hang pictures on bedroom walls.

(12) A resident bedroom shall be equipped with a mirror appropriate for grooming.

(13) Bedroom furnishings shall include an adequate closet or wardrobe, lighting sufficient for reading and other resident activities, bureau or dresser or equivalent, and at least 1 chair with arms in each bedroom for every 2 residents.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

### **R 400.2434 Bedding and linen.**

Rule 434. (1) A congregate facility shall provide an individual bed at least 36 inches wide and 72 inches long with comfortable springs in good condition, a clean protected mattress not less than 5 inches thick or 4 inches if of a synthetic construction, and a pillow.

(2) A congregate facility shall provide bedding which includes 2 sheets, a pillow case, a minimum of 1 blanket, and a bedspread. A congregate facility shall maintain a

linen supply for twice the number of beds in it. A congregate facility shall provide towels and washcloths which shall be changed at least twice weekly and more often if soiled. Bed linen shall be changed at least weekly and more often if soiled.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2447 Safety generally.**

Rule 447. (1) Scatter or throw rugs on hard finished floors shall have a nonskid backing.

(2) Handrails and nonskid surfacing or strips shall be installed in showers and bath areas.

(3) Sidewalks, fire escape routes and entrances shall be kept free of any hazards such as ice, snow, and debris.

(4) A yard area shall be kept free from all hazards, nuisances, refuse and litter.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2448 Water and sanitation.**

Rule 448. (1) Private water systems shall meet the department of public health rules, "Regulations for Certain Water Supplies in Michigan," available from the Department of Public Health, 3500 North Martin Luther King, Jr. Blvd., Lansing, MI 48915. A bacteriological report confirming water quality shall be required during initial inspection and every 2 years thereafter. Congregate facilities using a community-approved water system need not comply with this requirement.

(2) Sewage disposal systems shall meet the requirements of the state department of public health.

(3) Kitchen and bathroom areas shall be maintained to insure cleanliness and sanitation so as to protect health.

(4) Waste which is not disposed of by mechanical means shall be kept in a leakproof, nonabsorbent container with close-fitting covers for garbage, refuse, and other solid waste. Waste shall be removed from the kitchen daily and from the premises at least weekly.

(5) Hand-washing facilities provided in both kitchen and bathroom areas shall include hot and cold water, soap and individual towels, preferably of paper.

(6) An insect, rodent or pest-control program shall be maintained as necessary, and carried out in a manner which continually protects the health of residents. Poisons, caustics, and other dangerous materials shall be stored and safeguarded in nonresident areas and in nonfood preparation and storage areas.

(7) Open windows shall be screened May through October.

(8) When a resident is discharged, his room and its contents shall be thoroughly cleaned. Blankets and spreads shall be sanitized.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2451 Records generally.**

Rule 451. Resident records, a resident register, accident records and incident reports, residents' grievances and complaints, employee records, employee work schedules and record of resident funds and valuables shall be kept in the congregate facility and shall be available to the director or his authorized representative.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2452 Resident records.**

Rule 452. (1) An individual resident record shall be provided for each resident in the congregate facility.

(2) It shall be the shared responsibility of the congregate facility licensee and the responsible agency to assure that a current resident record is maintained and that all entries are dated and signed.

(3) The resident record shall include all of the following information:

(a) Identifying information including all of the following information:

(i) Name.

(ii) Social security number.

(iii) Agency case number.

(iv) Veteran status and number.

(v) Marital status.

(vi) Age.

(vii) Sex.

(viii) Home address.

(ix) Religious preference.

(x) Insurance information.

(xi) Burial provisions.

(b) Assessment plan.

(c) Name, address, and telephone number of next of kin or legal guardian.

(d) Name, address, and telephone number of person or placing agency responsible for resident's maintenance and care in the congregate facility.

(e) Date of admission.

(f) Date of discharge and place to which resident was discharged.

(g) Health information including all health appraisals and statements and instructions for administering prescribed medication.

(h) The name and address of the preferred physician and hospital and instructions for emergency care.

(i) Information available from the resident about insurance policies and prearranged funeral arrangements.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2453 Resident register.**

Rule 453. A chronological register of residents shall be maintained and include the following information for each resident: date of admission, date of discharge, and place to which resident was discharged, including date and location for temporary absences.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2454 Accident records.**

Rule 454. An accident record must be prepared for each accident involving a resident. An accident record must include the following information:

- (a) The name of the resident involved in the accident.
- (b) The date, hour, place, and cause of the accident.
- (c) The effect of the accident on the resident involved and the care given.
- (d) The name of the physician notified and the time of the notification.
- (e) The physician's statement regarding the extent of the injuries, the treatment ordered, and disposition of the resident involved.
- (f) Corrective measures taken to avoid repetition of the accident.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC; 2023 MR 11, Eff. June 8, 2023.

**R 400.2455 Employee records and schedules.**

Rule 455. (1) A record shall be maintained for permanent full-time and permanent part-time employees only and shall include the following:

- (a) Name, address, telephone number, and social security number.
- (b) License or registration number, if applicable.
- (c) Date of birth.
- (d) Summary of experience and education (resume).
- (e) References.
- (f) Beginning date of employment and position for which employed.
- (g) Performance evaluation.
- (h) Results of annual health certifications.
- (i) Periodic health review information.
- (j) Date employment ceased and reasons therefor.

(2) A daily work schedule shall be maintained to include the number and type of personnel on duty in the congregate facility. Work schedules shall be kept for 90 days.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2456 Resident's grievances and complaints record.**

Rule 456. A resident grievances and complaint record shall be maintained which shall include copies of all resident grievances or complaints filed in chronological order. The report shall include the nature of the complaint, the date of the complaint, and a statement indicating how the issue was resolved.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2457 Resident funds and valuables.**

Rule 457. The resident funds and valuables record shall indicate the date and receipt number of all deposits and dispersals, and the amount and description of monies or valuables or both given for safekeeping for each resident. It shall also include any written authorization by the resident for charges made by the congregate facility to the fund.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2461 Emergency preparedness.**

Rule 461. (1) A congregate facility shall have a telephone. A congregate facility shall have a written procedure to be followed in the case of fire, or medical emergency. Responsible employees and residents, to the best of their ability, shall be familiar with emergency planning and his or her responsibilities.

(2) An emergency plan shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating residents of limited mobility and visitors, and provide for at least 4 fire drills per year.

(3) The emergency plan, including appropriate telephone numbers, shall be prominently posted and made fully known to all residents, staff, and responsible persons and be reviewed annually.

(4) Staff shall be trained to perform assigned tasks and be familiar with all fire fighting equipment.

(5) Fire drills shall be conducted quarterly and a record of their performance shall be maintained. Evacuation planning shall include the possibility of nighttime movements of residents.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2471 Quality of meals.**

Rule 471. (1) A minimum of 3 regular, nutritious, attractively prepared meals shall be provided daily. No more than 15 hours shall elapse between the evening and morning meal. Meals shall be of proper form, consistency, and temperature. Meals shall meet the general requirements for nutrition published by the department or currently found in the recommended daily dietary allowances, food and nutrition board, national academy of science.

(2) Special diets shall be prescribed only by a physician.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2472 Food service.**

Rule 472. (1) All perishable foods shall be stored at such temperatures as will protect against spoilage.

(2) All foods while being stored, prepared, or served shall be protected against contamination and be safe for human consumption.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2473 Equipment.**

Rule 473. A congregate facility shall be equipped properly to prepare and serve adequate meals.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2474 Meal planning.**

Rule 474. (1) Menus shall be written 3 days prior to the serving of the meal. Any change or substitution shall be noted and considered as a part of the original menu.

(2) Records of menus as served shall be provided upon request by the department.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.

**R 400.2475 Staff.**

Rule 475. A minimum of 1 individual qualified by training, experience, and performance shall be responsible for food preparation. Such additional food service assistance, including relief persons, as necessary for regular and timely meals, shall be employed.

History: 1954 ACS 82, Eff. Feb. 1, 1975; 1979 AC.