

REVISED

MEMORANDUM OF AGREEMENT

between the

MICHIGAN DEPARTMENT OF SOCIAL SERVICES

and the

MICHIGAN DEPARTMENT OF PUBLIC HEALTH

and

MICHIGAN DEPARTMENT OF MENTAL HEALTH

* In recognition of the positive effect that a normative environment has on developmentally disabled, emotionally disturbed and physically handicapped individuals, the Departments of Social Services, Public Health and Mental Health support the development and placement of individuals into licensed community-based residential care facilities.

To facilitate program development and assure that this is carried out in compliance with the intent of Act 116, P.A. of 1973, as amended, and Act 218, P.A. of 1979, as amended, the Departments of Social Services, Public Health and Mental Health agree to the following principles and practices:

THE DEPARTMENT OF SOCIAL SERVICES, as the licensing agent, agrees to:

- o License adult foster care facilities, foster homes for children and child caring institutions in accordance with Michigan's licensing statutes and corresponding administrative rules.
- o Define and apply the term "continuous nursing care" in accordance with Attachment A of this Agreement.
- o Develop and implement policy and procedures which outline the manner in which the terms of the Agreement are to be implemented.
- o Provide its licensing staff with a copy of this Agreement and Attachment A and to provide orientation and training for its licensing staff as to the application of this Agreement.

THE DEPARTMENT OF PUBLIC HEALTH, as the certifying agent, agrees to:

- o Certify adult foster care facilities and homes which are in compliance with the federal ICF/MR regulations for AIS/MR programs.
- o Inform the Departments of Social Services and Mental Health of those individuals who have been determined by the Department of Public Health to be in need of "continuous nursing care" as defined in Attachment A of this Agreement.
- o Develop and implement policy and procedures for Public Health staff which outline the manner in which the terms of this Agreement are to be implemented.

- o Provide Department of Public Health certification staff with copy of this Agreement and Attachment A and to provide orientation and training for its certification staff as to the application of this Agreement.

THE DEPARTMENT OF MENTAL HEALTH, as the operating agent, agrees to:

- o Place individuals into licensed AIS/MR homes, adult foster care facilities and child caring institutions in conformance with Attachment A of this Agreement.
- o Develop and implement policy and procedures which outline the manner in which the terms of this Agreement are to be implemented.
- o Provide Department of Mental Health and Community Mental Health staff with a copy of this Agreement and Attachment A and to provide orientation and training for its staff as to the application of this Agreement.

IN WITNESS WHEREOF, THE MICHIGAN DEPARTMENT OF SOCIAL SERVICES, THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH, AND THE MICHIGAN DEPARTMENT OF MENTAL HEALTH HAVE CAUSED THIS AGREEMENT TO BE EXECUTED BY THEIR RESPECTIVE OFFICERS DULY AUTHORIZED TO DO SO.

Dated at Lansing, Michigan

MICHIGAN DEPARTMENT OF
SOCIAL SERVICES

This 10 day of May, 1984

By: Agnes M. Mansour
Agnes M. Mansour, Ph.D., Director

[Signature]
witness

Dated at _____, Michigan

MICHIGAN DEPARTMENT OF
PUBLIC HEALTH

This _____ day of _____, 1984

By: [Signature]
Gloria R. Smith, Ph.D., Director

[Signature]
witness

Dated at Lansing, Michigan

MICHIGAN DEPARTMENT OF
MENTAL HEALTH

This 9th day of May, 1984

By: C. Patrick Babcock
C. Patrick Babcock, Director

Therrell H. Horman
witness

**ATTACHMENT A TO THE REVISED
AGREEMENT BETWEEN THE
DEPARTMENTS OF SOCIAL SERVICES,
PUBLIC HEALTH AND MENTAL HEALTH**

PART I: PURPOSE OF THE AGREEMENT

Section 3(4) of Act 218, Public Acts of 1979, as amended, prohibits the admission of individuals into adult foster care facilities who require "continuous nursing care".

Section 1 of Act 116, Public Acts of 1973, as amended, defines child caring organizations as excluding a nursing home. For purposes of this Agreement this applies to child caring institutions which are prohibited from receiving for care or maintaining in care children who are in need of continuous nursing care as defined within this document.

The purpose of this Attachment is to establish criteria to assist the Departments of Social Services, Public Health and Mental Health in carrying out their respective missions and goals. The criteria are to be applied in a manner which facilitates the placement of developmentally disabled, emotionally disturbed and physically handicapped individuals into normative environments and assures their health, safety and well-being.

This Attachment is to equally apply to the existing placement of, as well as to the future placement of, individuals into adult foster care facilities and child caring institutions.

PART II: ASSUMPTIONS

- A. Nursing care functions can be delegated to individuals who are qualified by education, training or experience and who have been provided with the necessary knowledge and skills to safely and properly carry out these functions, under the supervision of a nurse.
- B. An individual who has delegated nursing care functions to another is responsible for the supervision of that individual and remains accountable, liable and ultimately responsible for the outcomes of the delegated nursing care functions.

PART III: DEFINITIONS

A. Professional Nursing Care

Professional nursing care is defined as those nursing care activities which supplement an individual's knowledge, will, or strength with the objective of maintaining existing health, and moving an individual from dependence to independence, and from needing acute care to self care. Those nursing care activities which are viewed as facilitating the above are:

- o Assessments of biological, psychological, social and developmental needs.
- o Planning for appropriate nursing care intervention.

- o Implementation of the individual plan of service.
- o Periodic reevaluation of the individual plan of service.
- o Appropriate revision to the individual plan of service.

B. Continuous Nursing Care

Continuous nursing care is defined as the ongoing (at least daily) interaction between a patient's (client/resident) response and a nurse's (provider) judgment based on observation, assessment and identification of patient risk.

PART IV: CRITERIA WHICH ARE TO GOVERN THE PLACEMENT OF INDIVIDUALS INTO ADULT FOSTER CARE HOMES AND CHILD CARING INSTITUTIONS

Category A:

The following are those health care conditions which require continuous nursing care as defined above. Residents having any of these clinical conditions shall be prohibited from existing or future placement:

1. Intravenous fluids.*
2. Nonemergent oxygen administration.
3. Mechanical life supports, i.e., respirator.
4. An infectious disease (or diseases) which requires isolation in a separate health care facility.
5. An unstable or uncontrolled medical condition which requires ongoing (at least daily) medication dispensation, evaluation, and intervention by a health care professional.

*This does not include occasional or future anticipated need for intravenous injections when such injections are performed by health care professionals not directly employed by the licensee.

Category B:

Individuals with the following patterns of behavior such as pica, self-abuse and physical aggression may be prohibited from existing or future placement. The critical factors governing the placement decision in these situations are:

1. The ability to assure the health, safety and well-being of other residents in care.
2. The ability to assure the health, safety and well-being of the resident exhibiting these patterns of behavior, especially if health care intervention may be required.
3. The ability of staff to appropriately and competently handle residents who exhibit behavior such as pica, self-abuse and physical aggression.