

# HOUSE BILL No. 5110

September 28, 1989, Introduced by Reps. Stabenow, Hollister, Wallace, Gubow, DeLange, Ciaramitaro and Leland and referred to the Committee on Mental Health.

A bill to amend section 11 of Act No. 116 of the Public Acts of 1973, entitled

"An act to provide for the protection of children through the licensing and regulation of child care organizations; to provide for the establishment of standards of care for child care organizations; to provide penalties; and to repeal certain acts and parts of acts,"

as amended by Act No. 232 of the Public Acts of 1980, being section 722.121 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 11 of Act No. 116 of the Public Acts of  
2 1973, as amended by Act No. 232 of the Public Acts of 1980, being  
3 section 722.121 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 11. ~~(1) An original license shall not be granted~~  
6 ~~under this act if the issuance of the license would substantially~~  
7 ~~contribute to an excessive concentration of community residential~~

~~1 facilities within a city, village, township, or county of this~~  
~~2 state.~~

3       (1) ~~(2)~~ The department may deny, revoke, or refuse to  
4 renew a license or certificate of registration of a child care  
5 organization ~~when~~ IF the licensee, registrant, or applicant  
6 falsifies information on the application or ~~wilfully~~ WILLFULLY  
7 and substantially violates this act, the rules promulgated under  
8 this act, or the terms of the license or certificate of  
9 registration. The department may modify to a provisional status  
10 a license of a child care organization ~~when~~ IF the licensee  
11 ~~wilfully~~ WILLFULLY and substantially violates this act, the  
12 rules promulgated under this act, or the terms of the license.  
13 ~~A license or a certificate of registration shall not be revoked,~~  
14 ~~a renewal of a license or certificate of registration shall not~~  
15 ~~be refused, an application for a license or a certificate of reg-~~  
16 ~~istration shall not be denied, or a regular license shall not be~~  
17 ~~modified~~ THE DEPARTMENT SHALL NOT DENY, REVOKE, OR REFUSE TO  
18 RENEW A LICENSE OR CERTIFICATE OF REGISTRATION, OR MODIFY A REGU-  
19 LAR LICENSE to a provisional status unless ~~the licensee, regis-~~  
20 ~~trant, or applicant is given~~ IT GIVES notice in writing of the  
21 grounds of the proposed revocation, denial, modification, or  
22 refusal TO THE LICENSEE, REGISTRANT, OR APPLICANT. ~~If revoca-~~  
23 ~~tion, denial, modification, or refusal is appealed within 30 days~~  
24 ~~after receipt of the notice by writing addressed to the director~~  
25 ~~of the department,~~ IF THE LICENSEE, REGISTRANT, OR APPLICANT  
26 APPEALS THE REVOCATION, DENIAL, MODIFICATION, OR REFUSAL WITHIN  
27 30 DAYS AFTER RECEIVING THE NOTICE, BY SENDING A WRITTEN NOTICE

1 OF APPEAL TO THE DIRECTOR OF THE DEPARTMENT, the director or a  
2 designated representative of the director shall conduct a hearing  
3 at which the licensee, registrant, or applicant may present tes-  
4 timony and confront witnesses. ~~Notice~~ THE DEPARTMENT SHALL  
5 GIVE NOTICE of the hearing ~~shall be given~~ to the licensee, reg-  
6 istrant, or applicant by personal service or delivery to the  
7 proper address by certified mail not less than 2 weeks before the  
8 date of the hearing. The decision of the director shall be made  
9 not more than 30 days after the hearing, and forwarded to the  
10 protesting party by certified mail ~~not more than~~ WITHIN 10 days  
11 ~~thereafter~~ AFTER THE DECISION IS MADE. If the LICENSEE, REGIS-  
12 TRANT, OR APPLICANT DOES NOT PROTEST THE proposed revocation,  
13 denial, modification, or refusal, ~~is not protested,~~ the  
14 ~~license or certificate of registration may be revoked or the~~  
15 ~~application or the renewal of the license or certificate of reg-~~  
16 ~~istration refused~~ DEPARTMENT MAY REVOKE, DENY, OR REFUSE TO  
17 RENEW THE LICENSE OR CERTIFICATE OF REGISTRATION.

18 ~~(3) The department shall deny a license to a child caring~~  
19 ~~institution or foster family group home which does not comply~~  
20 ~~with section 16a of Act No. 183 of the Public Acts of 1943, as~~  
21 ~~amended, being section 125.216a of the Michigan Compiled Laws,~~  
22 ~~section 16a of Act No. 184 of the Public Acts of 1943, as~~  
23 ~~amended, being section 125.286a of the Michigan Compiled Laws,~~  
24 ~~and section 3b of Act No. 207 of the Public Acts of 1921, as~~  
25 ~~amended, being section 125.583b of the Michigan Compiled Laws.~~

26 (2) ~~(4)~~ The legislative body of a city, village, or  
27 township in which a child caring institution or foster family

1 group home is located may file a complaint with the department to  
2 have the organization's license suspended, denied, or revoked  
3 pursuant to the procedures outlined in this act and the rules  
4 promulgated under this act. The director of the department shall  
5 resolve the issues of the complaint within 45 days after the  
6 receipt of the complaint. ~~Notice~~ THE DEPARTMENT SHALL SEND  
7 NOTICE of the resolution of the issues ~~shall be mailed~~ by cer-  
8 tified mail to the complainant and the licensee. Failure of the  
9 director of the department to resolve the issues of the complaint  
10 within 45 days after receipt of the complaint shall serve as a  
11 decision by the director to suspend, deny, or revoke the  
12 organization's license. If THE COMPLAINANT OR LICENSEE PROTESTS  
13 the decision to suspend, deny, or revoke the license or the reso-  
14 lution of the issues ~~is protested~~ by written objection ~~of the~~  
15 ~~complainant or licensee~~ MAILED to the director of the department  
16 within 30 days after the suspension, denial, or revocation of the  
17 license or the receipt of the notice of resolution, the director  
18 of the department or a designated representative of the director  
19 shall conduct a hearing pursuant to THE ADMINISTRATIVE PROCEDURES  
20 ACT OF 1969, Act No. 306 of the Public Acts of 1969, as amended,  
21 being sections 24.201 to ~~24.315~~ 24.328 of the Michigan Compiled  
22 Laws, at which the complainant and licensee may present testimony  
23 and cross-examine witnesses. The DEPARTMENT SHALL MAIL A COPY OF  
24 THE decision of the director of the department ~~shall be mailed~~  
25 ~~by certified mail~~ to the complainant and the licensee BY CERTI-  
26 FIED MAIL. If the COMPLAINANT OR LICENSEE DOES NOT PROTEST THE  
27 resolution of the issues by the director of the department ~~is~~

1 ~~not protested~~ within 30 days after receipt of the notice of the  
2 resolution, the resolution by the director of the department is  
3 final.

4 Section 2. This amendatory act shall not take effect unless  
5 all of the following bills of the 85th Legislature are enacted  
6 into law:

7 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5111 (request  
8 no. 03701'89).

9 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5109 (request  
10 no. 03702'89).

11 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5112 (request  
12 no. 03703'89).

13 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 5113 (request  
14 no. 03704'89).

15 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 5114 (request  
16 no. 03705'89 \*).