

**SUBSTITUTE FOR
HOUSE BILL NO. 4833**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 6230, 6233, 6234, 6235, 6236, and 6251 (MCL
333.6230, 333.6233, 333.6234, 333.6235, 333.6236, and 333.6251),
sections 6230 and 6234 as added and sections 6233, 6235, 6236, and
6251 as amended by 2012 PA 501.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6230. As used in this part:

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

4 (b) "Director" means the director of the department or ~~his or~~
5 ~~her~~ **the director's** designee.

6 (c) **"Substance use disorder prevention services"** means that

1 term as defined in section 100d of the mental health code, 1974 PA
2 258, MCL 330.1100d.

3 (d) ~~(e)~~ "Substance use disorder services" means substance use
4 disorder prevention services or substance use disorder treatment
5 and rehabilitation services, or both. ~~, as those terms are defined~~
6 ~~in section 100d of the mental health code, 1974 PA 258, MCL~~
7 ~~330.1100d.~~

8 (e) "Substance use disorder treatment and rehabilitation
9 services" means that term as defined in section 100d of the mental
10 health code, 1974 PA 258, MCL 330.1100d.

11 Sec. 6233. (1) ~~A~~ **Except as provided under subsection (4), a**
12 ~~person not otherwise licensed to provide psychological, medical, or~~
13 ~~social services shall not establish, conduct, or maintain a~~
14 substance use disorder services program **that offers any service**
15 **that is a substance use disorder treatment and rehabilitation**
16 **service** unless it is licensed under this part.

17 (2) The department shall establish a licensing unit to
18 administer the licensing functions of this part.

19 ~~(3) This section does not apply to a private, nonprofit~~
20 ~~organization exempt under section 501(c)(3) of the internal revenue~~
21 ~~code, 26 USC 501, that has been in existence since before September~~
22 ~~30, 1965 and whose major purpose is to provide residential services~~
23 ~~for the redirection and improvement of drug abusers and other~~
24 ~~character disordered individuals.~~

25 (3) **A license under this part is not required to provide**
26 **substance use disorder prevention services.**

27 (4) **A license under this part is not required by any of the**
28 **following:**

29 (a) **A person that is otherwise licensed to provide**

1 **psychological, medical, or social services.**

2 (b) **A hospital licensed under article 17.**

3 (c) **A psychiatric hospital or psychiatric unit licensed under**
4 **section 134 of the mental health code, 1974 PA 258, MCL 330.1134.**

5 Sec. 6234. The department may promulgate rules under the
6 administrative procedures act of 1969 for the administration of
7 this part and the licensing of substance use disorder **treatment and**
8 **rehabilitation** services ~~programs~~ under this part. Rules promulgated
9 under former section 6231 relating to the licensing of substance
10 use disorder services programs remain effective and applicable on
11 and after ~~the effective date of this section~~ **January 1, 2013**, until
12 rules are **first** promulgated by the department under this section.

13 Sec. 6235. (1) An application for a license ~~shall~~ **must** be in a
14 form prescribed by the department and ~~shall~~ authorize the director
15 to obtain from any source information as to the ability of the
16 applicant to comply with this part and rules promulgated under this
17 part.

18 (2) An applicant for an initial license ~~shall~~ **must** include
19 evidence of notice to churches, schools, and incorporated nonprofit
20 civic organizations in the applicant's service delivery area of its
21 intent to provide substance use disorder **treatment and**
22 **rehabilitation** services.

23 Sec. 6236. ~~The department shall provide an opportunity for~~
24 ~~individuals in the applicant's service delivery area to comment~~
25 ~~before the issuance of a license to the applicant.~~ The department
26 shall make the decision to issue or deny a license based on the
27 applicant's ability to comply with the requirements of this part
28 and rules promulgated under this part. If the administrative
29 decision is the denial of a license, the department shall describe

1 the reasons for the denial in writing to the applicant at the time
2 the decision is rendered.

3 Sec. 6251. Notwithstanding ~~the existence of~~ any other remedy,
4 the department may maintain an action in the name of this state for
5 an injunction or other process against a person to restrain or
6 prevent the establishment, conduct, management, or operation of a
7 substance use disorder services program **offering substance use**
8 **disorder treatment and rehabilitation services** without a license or
9 ~~where~~ **if** operation of the licensee's program is likely to result in
10 serious harm to recipients of the substance use disorder **treatment**
11 **and rehabilitation** services.