

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

ARTICLE 6
SUBSTANCE ABUSE

PART 61
GENERAL PROVISIONS (Repealed by 2012 PA 500)

333.6101-333.6141 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Popular name: Act 368

PART 62
SUBSTANCE ABUSE SERVICES

333.6201 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to creation of office of substance abuse services.

Popular name: Act 368

333.6203 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to duties of office of substance abuse services.

Popular name: Act 368

333.6205 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to additional duties of office of substance abuse services.

Popular name: Act 368

333.6207 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to additional duties of office of substance abuse services.

Popular name: Act 368

333.6209 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to review of office of substance abuse services.

Popular name: Act 368

333.6211 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to formula recommendation for distribution of funds.

Popular name: Act 368

333.6213 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to powers of administrator.

Popular name: Act 368

333.6215 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to creation of state interdepartmental substance abuse services coordinating commission.

Popular name: Act 368

333.6217 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to duties of state interdepartmental substance abuse services coordinating commission.

Popular name: Act 368

333.6221 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to creation of advisory commission on substance abuse services.

Popular name: Act 368

333.6222 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to officers, meetings, and report of advisory commission on substance abuse services.

Popular name: Act 368

333.6223 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to duties of advisory commission on substance abuse services.

Popular name: Act 368

333.6226 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to city, county, or regional coordinating agency.

Popular name: Act 368

333.6228 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to duties of city, county, or regional coordinating agency.

Popular name: Act 368

333.6230 Definitions.

Sec. 6230. As used in this part:

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

(b) "Director" means the director of the department or his or her designee.

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

History: Add. 2012, Act 501, Eff. Jan. 1, 2013.

Popular name: Act 368

333.6231 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Popular name: Act 368

Compiler's note: The repealed section pertained to promulgation of administrative rules.

333.6232 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Compiler's note: The repealed section pertained to waiting list for services.

Popular name: Act 368

333.6233 License required; licensing unit; exceptions.

Sec. 6233. (1) A person not otherwise licensed to provide psychological, medical, or social services shall not establish, conduct, or maintain a substance use disorder services program unless it is licensed under this part.

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

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

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6234 Rules.

Sec. 6234. The department may promulgate rules under the administrative procedures act of 1969 for the administration of this part and the licensing of substance use disorder services programs under this part. Rules promulgated under former section 6231 relating to the licensing of substance use disorder services programs remain effective and applicable on and after the effective date of this section until rules are promulgated by the department under this section.

History: Add. 2012, Act 501, Eff. Jan. 1, 2013.

Popular name: Act 368

333.6235 Application for license; form; authorization to obtain information; evidence of notice to churches, schools, and incorporated nonprofit civic organizations.

Sec. 6235. (1) An application for a license shall be in a form prescribed by the department and shall

authorize the director to obtain from any source information as to the ability of the applicant to comply with this part and rules promulgated under this part.

(2) An applicant for an initial license shall include evidence of notice to churches, schools, and incorporated nonprofit civic organizations in the applicant's service delivery area of its intent to provide substance use disorder services.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6236 License; comments by individuals in applicant's service delivery area; basis of issuing or denying license; explanation of denial.

Sec. 6236. The department shall provide an opportunity for individuals in the applicant's service delivery area to comment before the issuance of a license to the applicant. The department shall make the decision to issue or deny a license based on the applicant's ability to comply with the requirements of this part and rules promulgated under this part. If the administrative decision is the denial of a license, the department shall describe the reasons for the denial in writing to the applicant at the time the decision is rendered.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6237 License; annual fee; compliance; display.

Sec. 6237. Until October 1, 2027, the department shall assess a \$500.00 fee for licenses on an annual basis upon determining that the applicant has complied with this part and rules promulgated under this part. A licensee shall prominently display the license while it is in effect.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013;—Am. 2015, Act 104, Eff. Oct. 1, 2015;—Am. 2019, Act 75, Imd. Eff. Sept. 30, 2019;—Am. 2023, Act 138, Imd. Eff. Sept. 29, 2023.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6238 Duration of standard or provisional license; renewal or extension of provisional license; duration and purpose of temporary, nonrenewable permit; visit to licensed substance use disorder program; waiver; confidentiality of accreditation information; complaint.

Sec. 6238. (1) A standard license issued under this part is effective for no longer than 1 year after the date of issuance. The department may issue a provisional license to an applicant temporarily unable to comply with this part or the rules promulgated under this part. The department may renew or extend a provisional license issued under this section for not more than 1 year. The department may issue a temporary, nonrenewable permit for not more than 90 days if additional time is needed for the department to properly investigate or for the applicant to undertake remedial action.

(2) The department shall make at least 1 visit to each licensed substance use disorder program every 3 years for survey and evaluation for the purpose of licensure.

(3) The department may waive the visit required by subsection (2) if the licensed program requests a waiver and submits the following:

(a) Evidence that it is currently fully accredited by an accrediting body with expertise in the health facility type and the accrediting organization is accepted by the department.

(b) A copy of the most recent accreditation executive summary submitted to the department at least 30 days from licensure renewal. Submission of an executive summary does not prevent or prohibit the department from requesting the entire accreditation report if the department considers it necessary.

(4) Accreditation information provided to the department under subsection (3) is confidential, is not a public record, and is not subject to court subpoena. The department shall use the accreditation information only as provided in this section. The department shall properly destroy the documentation after a decision on the waiver request is made.

(5) The department shall grant a waiver under subsection (3) if the accreditation report submitted is less than 3 years old and there is no indication of substantial noncompliance with licensure standards or of deficiencies that represent a threat to public safety or patient care in the accreditation report.

(6) Denial of waiver request by the department is not subject to appeal.

(7) This section does not prohibit the department from conducting an inspection or citing a violation of this part related to a complaint.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013;—Am. 2015, Act 104, Eff. Oct. 1, 2015.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6241 Premises of applicant; inspection; compliance; facility visit; health and sanitation matters; other matters; conduct.

Sec. 6241. The director or the personnel of another department or agency acting at the request of the director may enter the premises of an applicant for a license or a licensee at any reasonable time to make an inspection to determine whether the applicant or licensee is complying with this part and rules promulgated under this part. A local health department may visit a facility at the request of the director to advise as to matters affecting health and the sanitation of the buildings used or other matters designated by the director. The inspections shall be conducted in accordance with standards established in rules.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6243 License; denial, suspension, revocation, or refusal to renew; violation; hearing and appeal.

Sec. 6243. The department may deny, suspend, revoke, or refuse to renew a license of an applicant or licensee who is in violation of this part or rules promulgated under this part after opportunity for a hearing. A hearing and an appeal in a contested case shall be conducted by the director pursuant to the administrative procedures act of 1969.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

333.6249 Individual, agent, representative, or officer; subject to part; violation; misdemeanor; revocation.

Sec. 6249. (1) An individual or an agent, representative, or officer of a person subject to this part, which individual, agent, representative, or officer violates this part, is guilty of a misdemeanor.

(2) A conviction for a violation of this part is a sufficient ground for revocation of the license of the person subject to this part.

History: Add. 2012, Act 501, Eff. Jan. 1, 2013.

333.6251 Injunction or other process.

Sec. 6251. Notwithstanding the existence of any other remedy, the department may maintain an action in the name of this state for an injunction or other process against a person to restrain or prevent the establishment, conduct, management, or operation of a substance use disorder services program without a license or where operation of the licensee's program is likely to result in serious harm to recipients of the substance use disorder services.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 2012, Act 501, Eff. Jan. 1, 2013.

Compiler's note: For transfer of powers and duties of the Office of Substance Abuse Services as an autonomous entity within the Department of Public Health to the Department of Public Health, see E.R.O. No. 1991-3, as amended, compiled at MCL 333.26321 of the Michigan Compiled Laws.

Popular name: Act 368

PART 65

INCAPACITATED PERSONS (Repealed by 2012 PA 500)

333.6501-333.6523 Repealed. 2012, Act 500, Imd. Eff. Dec. 28, 2012.

Popular name: Act 368