

SUBSTITUTE FOR

HOUSE BILL NO. 5895

(As amended, July 1, 2004)

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20162 (MCL 333.20162) and by adding section
20935.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20162. (1) ~~Upon~~ **Beginning on the effective date of**
2 **the amendatory act that added section 20935, upon** a determination
3 that a health facility or agency is in compliance with this
4 article and the rules promulgated under this article, the
5 department shall issue ~~a~~ **an initial << >>** license **within 6**
6 **months after the applicant files a completed application.**
7 **Receipt of the application is considered the date the application**
8 **is received by any agency or department of this state. If the**
9 **application is considered incomplete by the department, the**
10 **department shall notify the applicant in writing or make the**

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1 notice electronically available within 30 days after receipt of
2 the incomplete application, describing the deficiency and
3 requesting additional information. If the department identifies a
4 deficiency or requires the fulfillment of a corrective action
5 plan, the 6-month period is tolled until either of the following
6 occurs:

7 (a) Upon notification by the department of a deficiency,
8 until the date the requested information is received by the
9 department.

10 (b) Upon notification by the department that a corrective
11 action plan is required, until the date the department determines
12 the requirements of the corrective action plan have been met.

13 (2) The determination of the completeness of an application
14 does not operate as an approval of the application for the
15 license and does not confer eligibility of an applicant
16 determined otherwise ineligible for issuance of a license.

17 (3) ~~(2)~~ Except as otherwise provided in this subsection,
18 if the department fails to issue or deny a license within the
19 time period required by this section, the department shall return
20 the license fee and shall reduce the license fee for the
21 applicant's next licensure << >> application, if any, by
22 15%. Failure to issue or deny a license within the time period
23 required under this section does not allow the department to
24 otherwise delay processing an application. The completed
25 application shall be placed in sequence with other completed
26 applications received at that same time. The department shall
27 not discriminate against an applicant in the processing of the

1 application based upon the fact that the application fee was
2 refunded or discounted under this subsection. The department may
3 issue a nonrenewable temporary permit for not more than 6 months
4 if additional time is needed to make a proper investigation or to
5 permit the applicant to undertake remedial action related to
6 operational or procedural deficiencies or items of
7 noncompliance. A temporary permit shall not be issued to cover
8 deficiencies in physical plant requirements.

9 (4) ~~—(3)—~~ Except as provided in part 217, the department may
10 issue a provisional license for not more than 3 consecutive years
11 to an applicant who temporarily is unable to comply with the
12 rules as to the physical plant owned, maintained, or operated by
13 a health facility or agency except as otherwise provided in this
14 article. A provisional license shall not be issued to a new
15 health facility or agency or a facility or agency whose ownership
16 is transferred after ~~the effective date of this article~~
17 **September 30, 1978**, unless the facility or agency was licensed
18 and operating under this article or a prior law for not less than
19 5 years. Provisional licensure under acts repealed by this code
20 shall be counted against the 3-year maximum for licensure.

21 (5) ~~—(4)—~~ The department, in order to protect the people of
22 this state, shall provide a procedure for the orderly closing of
23 a facility if it is unable to maintain its license under this
24 section.

25 (6) ~~—(5)—~~ Except as provided in part 217, the department,
26 upon finding that a health facility or agency is not operating in
27 accord with the requirements of its license, may:

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1 (a) Issue an order directing the licensee to:

2 (i) Discontinue admissions.

3 (ii) Transfer selected patients out of the facility.

4 (iii) Reduce its licensed capacity.

5 (iv) Comply with specific requirements for licensure or
6 certification as appropriate.

7 (b) Through the office of the attorney general, initiate
8 misdemeanor proceedings against the licensee as provided in
9 section 20199(1).

10 (7) ~~-(6)-~~ An order issued under subsection ~~-(5)-~~ (6) shall
11 be governed by the notice and hearing requirements of section
12 20168(1) and the status requirements of section 20168(2).

13 (8) Beginning October 1, 2005, the director of the
14 department shall submit a report by December 1 of each year to
15 the standing committees and appropriations subcommittees of the
16 senate and house of representatives concerned with public health
17 issues. The director shall include all of the following
18 information in the report concerning the preceding fiscal year:

19 (a) The number of initial << >> applications the
20 department received and completed within the 6-month time period
21 required under subsection (1).

22 (b) The number of applications requiring a request for
23 additional information.

24 (c) The number of applications denied.

25 (d) The average processing time for initial << >>
26 licenses granted after the 6-month period.

27 (e) The number of temporary permits issued under subsection

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1 (3).

2 (f) The number of initial << >> license applications
3 not issued within the 6-month period and the amount of money
4 returned to applicants under subsection (3).

5 (9) As used in this section, "completed application" means
6 an application complete on its face and submitted with any
7 applicable licensing fees as well as any other information,
8 records, approval, security, or similar item required by law or
9 rule from a local unit of government, a federal agency, or a
10 private entity but not from another department or agency of this
11 state.

12 Sec. 20935. (1) Subject to subsection (3), beginning on the
13 effective date of the amendatory act that added this section, the
14 department shall approve or reject an initial << >> license
15 application for an ambulance operation, nontransport prehospital
16 life support operation, aircraft transport operation, or medical
17 first response service within 6 months after the applicant files
18 a completed application as required under this part. Receipt of
19 the application is considered the date the application is
20 received by any agency or department of this state.

21 (2) If an initial << >> license application for an
22 ambulance operation, nontransport prehospital life support
23 operation, aircraft transport operation, or medical first
24 response service is considered incomplete by the department, the
25 department shall notify the applicant in writing or make the
26 notice electronically available within 30 days after receipt of
27 the incomplete application, describing the deficiency and

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1 requesting additional information.

2 (3) If the department identifies a deficiency or requires
3 the fulfillment of a corrective action plan, the 6-month period
4 is tolled until either of the following occurs:

5 (a) Upon notification by the department of a deficiency,
6 until the date the requested information is received by the
7 department.

8 (b) Upon notification by the department that a corrective
9 action plan is required, until the date the department determines
10 the requirements of the corrective action plan have been met.

11 (4) The determination of the completeness of an application
12 does not operate as an approval of the application for the
13 license and does not confer eligibility of an applicant
14 determined otherwise ineligible for issuance of a license.

15 (5) If the department fails to approve or reject an initial
16 << >> license application within the time period required
17 under this section, the department shall return the license fee
18 and shall reduce the license fee for the applicant's next
19 licensure << >> application, if any, by 15%. Failure to
20 issue or deny a license within the time period required under
21 this section does not allow the department to otherwise delay
22 processing an application. The completed application shall be
23 placed in sequence with other completed applications received at
24 that same time. The department shall not discriminate against an
25 applicant in the processing of the application based upon the
26 fact that the application fee was refunded or discounted under
27 this subsection.

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2 department shall submit a report by December 1 of each year to
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10 (b) The number of applications requiring a request for
11 additional information.

12 (c) The number of applications denied.

13 (d) The average processing time for initial << >>
14 licenses granted after the 6-month period.

15 (e) The number of initial << >> license applications
16 not issued within the 6-month period and the amount of money
17 returned to applicants under subsection (5).

18 (7) As used in this section, "completed application" means
19 an application complete on its face and submitted with any
20 applicable licensing fees as well as any other information,
21 records, approval, security, or similar item required by law or
22 rule from a local unit of government, a federal agency, or a
23 private entity but not from another department or agency of this
24 state.