

SENATE BILL No. 1365

June 3, 2008, Introduced by Senators GEORGE, VAN WOERKOM and BIRKHOLZ and referred to the Committee on Families and Human Services.

A bill to amend 1973 PA 116, 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 prescribe powers and duties of certain departments of this state and adoption facilitators; to provide penalties; and to repeal acts and parts of acts,"

by amending section 11 (MCL 722.121), as amended by 1980 PA 232.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) An original license shall not be granted under
2 this act if the issuance of the license would substantially
3 contribute to an excessive concentration of community residential
4 facilities within a city, village, township, or county of this
5 state.

6 (2) The department may deny, revoke, or refuse to renew a
7 license or certificate of registration of a child care organization

1 when the licensee, registrant, or applicant falsifies information
2 on the application or wilfully and substantially violates this act,
3 the rules promulgated under this act, or the terms of the license
4 or certificate of registration. The department may modify to a
5 provisional status a license of a child care organization when the
6 licensee wilfully and substantially violates this act, the rules
7 promulgated under this act, or the terms of the license. A license
8 or a certificate of registration shall not be revoked, a renewal of
9 a license or certificate of registration shall not be refused, an
10 application for a license or a certificate of registration shall
11 not be denied, or a regular license shall not be modified to a
12 provisional status unless the licensee, registrant, or applicant is
13 given notice in writing of the grounds of the proposed revocation,
14 denial, modification, or refusal. If revocation, denial,
15 modification, or refusal is appealed within 30 days after receipt
16 of the notice by writing addressed to the director of the
17 department, the director or a designated representative of the
18 director shall conduct a hearing at which the licensee, registrant,
19 or applicant may present testimony and confront witnesses. Notice
20 of the hearing shall be given to the licensee, registrant, or
21 applicant by personal service or delivery to the proper address by
22 certified mail not less than 2 weeks before the date of the
23 hearing. The decision of the director shall be made not more than
24 30 days after the hearing, and forwarded to the protesting party by
25 certified mail not more than 10 days thereafter. If the proposed
26 revocation, denial, modification, or refusal is not protested, the
27 license or certificate of registration may be revoked or the

1 application or the renewal of the license or certificate of
2 registration refused.

3 ~~— (3) The department shall deny a license to a child caring~~
4 ~~institution or foster family group home which does not comply with~~
5 ~~section 16a of Act No. 183 of the Public Acts of 1943, as amended,~~
6 ~~being section 125.216a of the Michigan Compiled Laws, section 16a~~
7 ~~of Act No. 184 of the Public Acts of 1943, as amended, being~~
8 ~~section 125.286a of the Michigan Compiled Laws, and section 3b of~~
9 ~~Act No. 207 of the Public Acts of 1921, as amended, being section~~
10 ~~125.583b of the Michigan Compiled Laws.~~

11 (3) ~~(4)~~—The legislative body of a city, village, or township
12 in which a child caring institution or foster family group home is
13 located may file a complaint with the department to have the
14 organization's license suspended, denied, or revoked pursuant to
15 the procedures outlined in this act and the rules promulgated under
16 this act. The director of the department shall resolve the issues
17 of the complaint within 45 days after the receipt of the complaint.
18 Notice of the resolution of the issues shall be mailed by certified
19 mail to the complainant and the licensee. Failure of the director
20 of the department to resolve the issues of the complaint within 45
21 days after receipt of the complaint shall serve as a decision by
22 the director to suspend, deny, or revoke the organization's
23 license. If the decision to suspend, deny, or revoke the license or
24 the resolution of the issues is protested by written objection of
25 the complainant or licensee to the director of the department
26 within 30 days after the suspension, denial, or revocation of the
27 license or the receipt of the notice of resolution, the director of

1 the department or a designated representative of the director shall
2 conduct a hearing ~~pursuant to Act No. 306 of the Public Acts of~~
3 ~~1969, as amended, being sections 24.201 to 24.315 of the Michigan~~
4 ~~Compiled Laws~~ **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969**
5 **PA 306, MCL 24.201 TO 24.328**, at which the complainant and licensee
6 may present testimony and cross-examine witnesses. The decision of
7 the director of the department shall be mailed by certified mail to
8 the complainant and the licensee. If the resolution of the issues
9 by the director of the department is not protested within 30 days
10 after receipt of the notice of the resolution, the resolution by
11 the director of the department is final.

12 **(4) THE DEPARTMENT MAY PERMANENTLY REVOKE THE LICENSE OR**
13 **REGISTRATION OF A CHILD CARE CENTER, DAY CARE CENTER, FAMILY CHILD**
14 **CARE HOME, OR GROUP CHILD CARE HOME IF A CHILD DIES IN THE CARE OF**
15 **THE LICENSEE OR REGISTRANT AND IT IS DETERMINED THAT THE CHILD'S**
16 **DEATH WAS A RESULT OF THE LICENSING VIOLATION, NEGLECT, OR CHILD**
17 **ENDANGERMENT ON THE PART OF THE LICENSEE OR REGISTRANT OR HIS OR**
18 **HER AGENT. AN APPEAL FROM A DECISION TO REVOKE A LICENSE OR**
19 **CERTIFICATE OF REGISTRATION UNDER THIS SUBSECTION SHALL BE HANDLED**
20 **IN THE MANNER DESCRIBED FOR APPEALS IN SUBSECTION (2).**