

SENATE BILL No. 1089

January 26, 2010, Introduced by Senators GEORGE and ANDERSON 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 **DIRECTOR**, the director or a designated representative of
18 the director shall conduct a hearing at which the licensee,
19 registrant, or applicant may present testimony and confront
20 witnesses. Notice of the hearing shall be given to the licensee,
21 registrant, or applicant by personal service or delivery to the
22 proper address by certified mail not less than 2 weeks before the
23 date of the hearing. The decision of the director shall be made not
24 more than 30 days after the hearing, and forwarded to the
25 protesting party by certified mail not more than 10 days
26 thereafter. If the proposed revocation, denial, modification, or
27 refusal is not protested, the license or certificate of

1 registration may be revoked or the application or the renewal of
2 the license or certificate of 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
15 **ACCORDING** to the procedures outlined in this act and the rules
16 promulgated under this act. The director of the department shall
17 resolve the issues of the complaint within 45 days after the
18 receipt of the complaint. Notice of the resolution of the issues
19 shall be mailed by certified mail to the complainant and the
20 licensee. Failure of the director of the department to resolve the
21 issues of the complaint within 45 days after receipt of the
22 complaint shall serve as a decision by the director to suspend,
23 deny, or revoke the organization's license. If the decision to
24 suspend, deny, or revoke the license or the resolution of the
25 issues is protested by written objection of the complainant or
26 licensee to the director of the department within 30 days after the
27 suspension, denial, or revocation of the license or the receipt of

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

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