

HOUSE BILL No. 5809

September 7, 2016, Introduced by Rep. Lucido and referred to the Committee on Regulatory Reform.

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 sections 3 and 11b (MCL 722.113 and 722.121b), section 3 as amended by 2006 PA 206 and section 11b as amended by 2010 PA 86.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The rules promulgated by the department **OR THE**
2 **DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS** under this act shall
3 be used by the department, ~~of community health,~~ **THE DEPARTMENT OF**
4 **LICENSING AND REGULATORY AFFAIRS**, the bureau of fire services, and
5 local authorities in the inspection of and reporting on child care
6 organizations covered by this act. The inspection of the health and

1 fire safety of child care organizations shall be completed by
2 department staff or by the department of ~~community health,~~
3 **LICENSING AND REGULATORY AFFAIRS**, the bureau of fire services, or
4 local authorities upon request of the department ~~or pursuant~~
5 **ACCORDING** to subsection (2).

6 (2) If an inspection is not conducted ~~pursuant~~**ACCORDING** to
7 subsection (1), a person owning or operating or who proposes to own
8 or operate a child care organization may enter a contract with a
9 local authority or other person qualified to conduct an inspection
10 ~~pursuant~~**ACCORDING** to subsection (1) and pay for that inspection
11 after an inspection is completed ~~pursuant to~~**UNDER** this subsection.
12 A person may receive a provisional license if the proposed child
13 care organization passes the inspection, and the other requirements
14 of this act are met.

15 (3) The rules promulgated by the department for foster family
16 homes and foster family group homes shall be used by a licensed
17 child placing agency or an approved governmental unit when
18 investigating and certifying a foster family home or a foster
19 family group home.

20 (4) Inspection reports completed by state agencies, local
21 authorities, and child placing agencies shall be furnished to the
22 department **AND THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS**
23 and shall become a part of its evaluation for licensing of
24 organizations covered by this act. After careful consideration of
25 the reports and consultation where necessary, the department **OR THE**
26 **DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS** shall assume
27 responsibility for the final determination of the issuance, denial,

1 revocation, or provisional nature of licenses issued to
 2 nongovernmental organizations. A report of findings shall be
 3 furnished to the licensee. A license shall be issued to a specific
 4 person or organization at a specific location, ~~shall be~~ **IS**
 5 nontransferable, and ~~shall remain~~ **REMAINS** the property of the
 6 department **OR THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS.**

7 **(5) THE DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS MAY USE**
 8 **THE INFORMATION OBTAINED IN SUBSECTION (4) FOR THE PURPOSE OF**
 9 **MAINTAINING AND UPDATING THE DATABASE ESTABLISHED IN SECTION 11B.**

10 Sec. 11b. (1) The department **OF LICENSING AND REGULATORY**
 11 **AFFAIRS** shall establish and maintain a database of child care
 12 centers, family child care homes, and group child care homes as a
 13 central clearinghouse for persons seeking information on child care
 14 options. The database shall include, at a minimum, all of the
 15 following information:

16 (a) The name, address, and telephone number of the child care
 17 center, family child care home, or group child care home.

18 (b) The days and general hours of operation of the child care
 19 center, family child care home, or group child care home.

20 (c) The license or registration number, effective date, and
 21 expiration date of the child care center, family child care home,
 22 or group child care home.

23 **(D) A LIST OF ANY AND ALL OF THE CHILD CARE CENTER'S, FAMILY**
 24 **CHILD CARE HOME'S, OR GROUP CHILD CARE HOME'S VIOLATIONS OF THIS**
 25 **ACT, THE RULES PROMULGATED UNDER THIS ACT, OR THE TERMS OF A**
 26 **LICENSE.**

27 **(E)** ~~(d)~~—The number and nature of any adverse action taken

1 against the child care center, family child care home, or group
2 child care home by the department.

3 **(F)** ~~(e)~~—The number and nature of any special investigations
4 regarding the child care center, family child care home, or group
5 child care home conducted by the department that the department
6 classifies as high risk. This information shall remain in the
7 database as long as the licensee or registrant is licensed or
8 registered under this act. For the purpose of this subdivision,
9 "special investigation that the department classifies as high risk"
10 means an investigation in which the department becomes aware that 1
11 or more of the conditions listed in section 8(3)(a) to (c) of the
12 child protection law, 1975 PA 238, MCL 722.628, exist.

13 **(G)** ~~(f)~~—Information that, upon completion of a special
14 investigation as described in subdivision ~~(e)~~, **(F)**, the department
15 made a determination that there were no substantiated rule
16 violations. This information may be included in the same manner as
17 information provided under section 3f(5).

18 (2) The department **OF LICENSING AND REGULATORY AFFAIRS** shall
19 make the database available to the public on the internet, without
20 charge, through that department's website.

21 (3) The department **OF LICENSING AND REGULATORY AFFAIRS** shall
22 inform the public, through press releases or other media avenues,
23 of the information available in the database established under
24 subsection (1) and how to access that database.

25 Enacting section 1. This amendatory act takes effect 90 days
26 after the date it is enacted into law.