

Act No. 371
Public Acts of 2020
Approved by the Governor
January 4, 2021
Filed with the Secretary of State
January 4, 2021
EFFECTIVE DATE: April 4, 2021

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Griffin, Iden, Warren, LaGrand, Leutheuser, Chirkun, Gay-Dagnogo and Sowerby

ENROLLED HOUSE BILL No. 4491

AN ACT to amend 1978 PA 368, entitled “An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to provide for the levy of taxes against certain health facilities or agencies; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to provide for an appropriation and supplements; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates,” by amending sections 16104 and 21755 (MCL 333.16104 and 333.21755), section 16104 as amended by 2011 PA 210.

The People of the State of Michigan enact:

Sec. 16104. (1) “DEA registration number” means the number associated with a certificate of registration issued to a practitioner to prescribe, dispense, or administer controlled substances by the United States Department of Justice Drug Enforcement Administration.

(2) “Delegation” means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.

(3) “Department” means the department of licensing and regulatory affairs.

(4) “Director” means the director of the department or the director’s designee.

(5) “Disciplinary subcommittee” means a disciplinary subcommittee appointed under section 16216.

(6) “Good moral character” means good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

Sec. 21755. The department may refuse to issue a license to establish or maintain and operate, or both, a nursing home to an applicant if any of the following are met:

(a) An occupational, professional, or health agency license held by the applicant was revoked during the 5 years before the date of application.

(b) The department finds that the applicant is not suitable to operate a nursing home because of financial incapacity or a lack of good moral character or appropriate business or professional experience. As used in this subdivision, "good moral character" means good moral character as defined in, and determined under, 1974 PA 381, MCL 338.41 to 338.47.

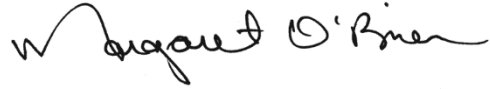
Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 4488 of the 100th Legislature is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor

Compiler's note: House Bill No. 4488, referred to in enacting section 2, was filed with the Secretary of State January 4, 2021, and became 2020 PA 368, Eff. Apr. 4, 2021.