



HOUSE BILL No. 4979

June 16, 1995, Introduced by Reps. Sikkema, Green, Hammerstrom, Gernaat, Lowe, Hanley, DeLange, Pitoniak, DeMars, Wetters, Bush, Baird, Dalman, Freeman, Byl and McBryde and referred to the Committee on Health Policy.

A bill to amend section 7 of Act No. 306 of the Public Acts of 1969, entitled as amended

"Administrative procedures act of 1969,"

as amended by Act No. 288 of the Public Acts of 1989, being section 24.207 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 306 of the Public Acts of
2 1969, as amended by Act No. 288 of the Public Acts of 1989, being
3 section 24.207 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 7. "Rule" means an agency regulation, statement, stan-
6 dard, policy, ruling, or instruction of general applicability
7 that implements or applies law enforced or administered by the
8 agency, or that prescribes the organization, procedure, or
9 practice of the agency, including the amendment, suspension, or

1 rescission thereof, but does not include ~~any~~ 1 OR MORE of the
2 following:

3 (a) A resolution or order of the state administrative
4 board.

5 (b) A formal opinion of the attorney general.

6 (c) A rule or order establishing or fixing rates or
7 tariffs.

8 (d) A rule or order pertaining to game and fish and promul-
9 gated under Act No. 230 of the Public Acts of 1925, as amended,
10 being sections 300.1 to 300.5 of the Michigan Compiled Laws, the
11 Michigan sports fishing law, Act No. 165 of the Public Acts of
12 1929, as amended, being sections 301.1 to 306.3 of the Michigan
13 Compiled Laws, and the wildlife conservation act, Act No. 256 of
14 the Public Acts of 1988, being sections 300.251 to 300.270 of the
15 Michigan Compiled Laws.

16 (e) A rule relating to the use of streets or highways, the
17 substance of which is indicated to the public by means of signs
18 or signals.

19 (f) A determination, decision, or order in a contested
20 case.

21 (g) An intergovernmental, interagency, or intra-agency memo-
22 randum, directive, or communication that does not affect the
23 rights of, or THE procedures and practices available to, the
24 public.

25 (h) A form with instructions, an interpretive statement, a
26 guideline, an informational pamphlet, or other material that in

1 itself does not have the force and effect of law but is merely
2 explanatory.

3 (i) A declaratory ruling or other disposition of a particu-
4 lar matter as applied to a specific set of facts involved.

5 (j) A decision by an agency to exercise or not to exercise a
6 permissive statutory power, although private rights or interests
7 are affected.

8 (k) Unless another statute requires a rule to be promulgated
9 under this act, a rule or policy that only concerns the inmates
10 of a state correctional facility and does not directly affect
11 other members of the public, except that a rule that only con-
12 cerns inmates ~~which~~ THAT was promulgated before December 4,
13 1986, shall be considered a rule and shall remain in effect until
14 rescinded but shall not be amended. As used in this subdivision,
15 "state correctional facility" means a facility or institution
16 that houses an inmate population under the jurisdiction of the
17 department of corrections.

18 (l) All of the following, after final approval by the cer-
19 tificate of need commission or the statewide health coordinating
20 council under section 22215 or 22217 of the public health code,
21 Act No. 368 of the Public Acts of 1978, being sections 333.22215
22 and 333.22217 of the Michigan Compiled Laws:

23 (i) The designation, deletion, or revision of ~~covered medi-~~
24 ~~cal equipment and~~ covered clinical services.

25 (ii) Certificate of need review standards.

26 (iii) Data reporting requirements and criteria for
27 determining health facility viability.

1 (iv) Standards used by the department of public health in
2 designating a regional certificate of need review agency.

3 (v) The modification of the 100 licensed bed limitation for
4 short-term nursing care programs set forth in section 22210 of
5 Act No. 368 of the Public Acts of 1978, being section 333.22210
6 of the Michigan Compiled Laws.

7 (M) THE DATA PLAN APPROVED BY THE MICHIGAN HEALTH DATA
8 INSTITUTE AND IN EFFECT UNDER SECTION 2909 OF ACT NO. 368 OF THE
9 PUBLIC ACTS OF 1978, BEING SECTION 333.2909 OF THE MICHIGAN
10 COMPILED LAWS.

11 Section 2. This amendatory act shall not take effect unless
12 all of the following bills of the 88th Legislature are enacted
13 into law:

14 (a) Senate Bill No. _____ or House Bill No. 4975 (request
15 no. 03676'95 *).

16 (b) Senate Bill No. _____ or House Bill No. 4978 (request
17 no. 03678'95 *).

18 (c) Senate Bill No. _____ or House Bill No. 4976 (request
19 no. 03678'95 a).

20 (d) Senate Bill No. _____ or House Bill No. 4977 (request
21 no. 03679'95).