

# SENATE BILL No. 1130

October 20, 2016, Introduced by Senators HOPGOOD, HILDENBRAND and SCHUITMAKER and referred to the Committee on Families, Seniors 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 sections 7, 8, and 11b (MCL 722.117, 722.118, and 722.121b), section 8 as amended by 1980 PA 232 and section 11b as amended by 2010 PA 86, and by adding sections 4a, 7a, and 8c.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           SEC. 4A. AN APPLICANT, LICENSEE, OR LICENSEE DESIGNEE MUST  
2 PRESENT A VALID DRIVER LICENSE ISSUED UNDER THE MICHIGAN VEHICLE  
3 CODE, 1949 PA 300, MCL 257.1 TO 257.923, OR AN OFFICIAL STATE  
4 PERSONAL IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291  
5 TO 28.300, IN ORDER TO OBTAIN OR RENEW A LICENSE FOR A CHILD CARE  
6 CENTER, GROUP CHILD CARE HOME, OR FAMILY CHILD CARE HOME UNDER THIS

1 ACT.

2       Sec. 7. ~~A provisional~~ **AN ORIGINAL** license shall be issued to a  
 3 new **CHILD CARE** organization during the first 6 months of operation.  
 4 **AN ORIGINAL LICENSE EXPIRES 6 MONTHS AFTER THE DATE OF ISSUANCE.**  
 5 **THE RENEWAL OF AN ORIGINAL LICENSE IS CONTINGENT UPON THE**  
 6 **SUBMISSION OF A NEW APPLICATION AND APPROVAL BY THE DEPARTMENT.** At  
 7 the end of the **FIRST** 6 months of operation, the department shall  
 8 either ~~issue~~ **RENEW AS** a regular license ~~or renew~~ or refuse to renew  
 9 the ~~provisional~~ **ORIGINAL** license as provided in section 11 **OR**  
 10 **MODIFY TO A PROVISIONAL LICENSE AS PROVIDED UNDER SECTION 7A(3).** A  
 11 ~~provisional license may be issued to a child care organization~~  
 12 ~~which is temporarily unable to conform to the rules. A provisional~~  
 13 ~~license shall expire 6 months from the date of issuance and may be~~  
 14 ~~issued not more than 4 times. The issuance of a provisional license~~  
 15 ~~shall be contingent upon the submission to the department of an~~  
 16 ~~acceptable plan to overcome the deficiency present in the child~~  
 17 ~~care organization within the time limitations of the provisional~~  
 18 ~~licensing period.~~

19       **SEC. 7A. (1) A PROVISIONAL LICENSE MAY BE ISSUED TO A CHILD**  
 20 **CARE ORGANIZATION THAT IS TEMPORARILY UNABLE TO CONFORM TO THE**  
 21 **RULES. THE ISSUANCE OF A PROVISIONAL LICENSE SHALL BE CONTINGENT**  
 22 **UPON THE SUBMISSION TO THE DEPARTMENT OF AN ACCEPTABLE PLAN TO**  
 23 **OVERCOME THE DEFICIENCY PRESENT IN THE CHILD CARE ORGANIZATION**  
 24 **WITHIN THE TIME LIMITATIONS OF THE PROVISIONAL LICENSING PERIOD.**

25       **(2) A PROVISIONAL LICENSE EXPIRES 6 MONTHS AFTER THE DATE OF**  
 26 **ISSUANCE AND MAY BE ISSUED NOT MORE THAN 3 TIMES. THE RENEWAL OF A**  
 27 **PROVISIONAL LICENSE SHALL BE CONTINGENT UPON THE SUBMISSION OF A**

1 NEW APPLICATION AND APPROVAL BY THE APPROPRIATE DEPARTMENT. AT THE  
2 END OF THE 6 MONTHS, THE DEPARTMENT SHALL EITHER ISSUE A REGULAR  
3 LICENSE, REFUSE TO RENEW THE LICENSE AS PROVIDED IN SECTION 11, OR  
4 MODIFY TO A PROVISIONAL LICENSE AS PROVIDED IN THIS SECTION.

5 (3) THE DEPARTMENT MAY MODIFY THE LICENSE OF A CHILD CARE  
6 ORGANIZATION WHEN THE LICENSEE WILLFULLY AND SUBSTANTIALLY VIOLATES  
7 THIS ACT, THE RULES PROMULGATED UNDER THIS ACT, OR THE TERMS OF THE  
8 LICENSE. A LICENSE CANNOT BE MODIFIED UNLESS THE LICENSEE IS GIVEN  
9 WRITTEN NOTICE OF THE GROUNDS OF THE PROPOSED MODIFICATION. IF THE  
10 PROPOSED MODIFICATION IS NOT APPEALED, THE LICENSE WILL BE  
11 MODIFIED. THE PROPOSED MODIFICATION MUST BE APPEALED WITHIN 30 DAYS  
12 AFTER RECEIPT BY WRITING THE DIRECTOR OR DIRECTOR'S DESIGNEE. UPON  
13 RECEIPT OF THE APPEAL, THE DIRECTOR OR DIRECTOR'S DESIGNEE MUST  
14 INITIATE THE PROVISIONS OF CHAPTERS 4 AND 5 OF THE ADMINISTRATIVE  
15 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.271 TO 24.292. NOTICE  
16 OF A HEARING MUST BE GIVEN TO THE LICENSEE BY PERSONAL SERVICE OR  
17 DELIVERY TO THE PROPER ADDRESS BY CERTIFIED MAIL NOT LESS THAN 2  
18 WEEKS BEFORE THE DATE OF THE HEARING. THE DECISION OF THE DIRECTOR  
19 MUST BE MADE AS SOON AS PRACTICABLE AFTER THE HEARING AND FORWARDED  
20 TO THE LICENSEE BY CERTIFIED MAIL NOT MORE THAN 10 DAYS AFTER THAT.  
21 THE FORMAL NOTICE AND HEARING REQUIREMENT IN THIS SUBSECTION DOES  
22 NOT APPLY IF THE LICENSEE AND THE DEPARTMENT COMPLY WITH SUBSECTION  
23 (4).

24 (4) THE DEPARTMENT MAY IMMEDIATELY MODIFY A LICENSE WITHOUT  
25 PROVIDING WRITTEN NOTICE OF THE GROUNDS OF THE PROPOSED ACTION OR  
26 GIVING THE LICENSEE 30 DAYS TO APPEAL IF THE LICENSEE, IN WRITING,  
27 DOES THE FOLLOWING:

1 (A) WAIVES THE REQUIREMENT THAT THE DEPARTMENT PROVIDE WRITTEN  
2 NOTICE OF THE GROUNDS FOR THE PROPOSED ACTION.

3 (B) WAIVES THE 30-DAY TIME FRAME IN WHICH TO SUBMIT A WRITTEN  
4 APPEAL TO THE PROPOSED ACTION.

5 (C) WAIVES THE RIGHT TO IMPLEMENT THE PROVISIONS OF CHAPTERS 4  
6 AND 5 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,  
7 MCL 24.271 TO 24.292.

8 (5) AS USED IN THIS SECTION:

9 (A) "SUBSTANTIALLY VIOLATES" MEANS REPEATED VIOLATIONS OR  
10 NONCOMPLIANCE OF THIS ACT, A RULE PROMULGATED UNDER THIS ACT, OR  
11 THE TERMS OF A LICENSE THAT JEOPARDIZES THE HEALTH, SAFETY, CARE,  
12 TREATMENT, MAINTENANCE, OR SUPERVISION OF INDIVIDUALS RECEIVING  
13 SERVICES OR, IN THE CASE OF AN APPLICANT, INDIVIDUALS WHO MAY  
14 RECEIVE SERVICES.

15 (B) "WILLFULLY VIOLATES" MEANS, AFTER RECEIVING A COPY OF THE  
16 ACT, THE RULES PROMULGATED UNDER THE ACT AND, FOR A LICENSE, A COPY  
17 OF THE TERMS OF A LICENSE, OR A PREVIOUS CITATION FOR A VIOLATION  
18 OF THIS ACT OR A RULE PROMULGATED UNDER THIS ACT, A LICENSEE OR AN  
19 APPLICANT KNEW OR HAD REASON TO KNOW THAT HIS OR HER CONDUCT WAS A  
20 VIOLATION OF THE ACT, RULES PROMULGATED UNDER THE ACT, OR THE TERMS  
21 OF A LICENSE.

22 Sec. 8. (1) A regular license ~~shall be~~ IS effective for 2  
23 years after the date of issuance unless revoked ~~pursuant to~~ OR  
24 **REFUSED RENEWAL AS PROVIDED IN** section 11 or modified to a  
25 provisional ~~status based on evidence of noncompliance with this act~~  
26 ~~or the rules promulgated under this act.~~ **AS PROVIDED IN SECTION 7A.**  
27 The license shall be ~~reinstated~~ **RENEWED** biennially on application

1 and approval. A license shall specify in general terms the kind of  
2 child care ~~program~~**ORGANIZATION** the licensee may undertake, and the  
3 number, and ages of children that can be received and maintained.

4 (2) **THE DEPARTMENT MAY ACCEPT A LICENSEE'S WRITTEN REQUEST TO**  
5 **CLOSE A LICENSE IF THE DEPARTMENT DOES NOT HAVE AN ACTIVE**  
6 **INVESTIGATION AGAINST THE LICENSEE OR IS NOT PURSUING REVOCATION OR**  
7 **REFUSAL TO RENEW AS PROVIDED IN SECTION 11.**

8 (3) **A CERTIFICATION OF REGISTRATION ISSUED BY THE DEPARTMENT**  
9 **BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS**  
10 **SUBSECTION SHALL BE REISSUED AS A LICENSE. THE REISSUANCE SHALL BE**  
11 **COMPLETED IN THE MANNER DETERMINED BY THE DEPARTMENT WITHIN 1 YEAR**  
12 **AFTER THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

13 **SEC. 8C. A LICENSE SHALL BE ISSUED TO A SPECIFIC PERSON OR**  
14 **ORGANIZATION AT A SPECIFIC LOCATION, SHALL BE NONTRANSFERABLE, AND**  
15 **SHALL REMAIN THE PROPERTY OF THE DEPARTMENT.**

16 Sec. 11b. (1) The department shall establish and maintain a  
17 database of child care centers, family child care homes, and group  
18 child care homes. ~~as a central clearinghouse for persons seeking~~  
19 ~~information on child care options.~~ The database shall include, at a  
20 minimum, all of the following information:

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

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

25 (c) The license ~~or registration~~ number, effective date, and  
26 expiration date, **AND DATE OF THE LAST INSPECTION** of the child care  
27 center, family child care home, or group child care home.

1 (d) The number and nature of any adverse action taken against  
 2 the child care center, family child care home, or group child care  
 3 home by the department.

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

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

19 (2) The department shall make the **FOLLOWING** database  
 20 **INFORMATION** available to the public on the internet **FOR PERSONS**  
 21 **SEEKING INFORMATION ON CHILD CARE OPTIONS**, without charge, through  
 22 that department's website:

23 (A) THE ITEMS LISTED IN SUBSECTION (1) (A) TO (C) .

24 (B) THE RESULTS OF ANY MONITORING INSPECTIONS CONDUCTED IN THE  
 25 PAST 3 YEARS AND INFORMATION ON CORRECTIVE ACTIONS TAKEN, IF  
 26 APPLICABLE.

27 (C) THE RESULTS OF ANY SUBSTANTIATED COMPLAINT INVESTIGATIONS

1 CONDUCTED IN THE PAST 5 YEARS AND INFORMATION ON CORRECTIVE ACTIONS  
2 TAKEN.

3 (3) The department shall inform the public, through press  
4 releases or other media avenues, of the information available ~~in~~  
5 ~~the database established under subsection (1) and how to access~~  
6 ~~that database.~~ **AS PROVIDED UNDER SUBSECTION (2).**

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

9 Enacting section 2. This amendatory act does not take effect  
10 unless all of the following bills of the 98th Legislature are  
11 enacted into law:

12 (a) Senate Bill No. 1131.

13

14 (b) Senate Bill No. 1129.

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