

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1997-4

333.26324 Redesignation of medical services administration as type II agency and transfer of related personnel and funds to department of community health; redesignation of community public health agency as type II agency; transfer of powers and duties of public health advisory board, center for rural health, anatomy board, animal research advisory board, agent orange commission, state interdepartmental substance abuse coordinating commission, citizens mental health advisory council, standing committee on multicultural services, state mental health advisory council on deafness, and state advisory council on mental health and aging to director of department of community health by type III transfer; establishment of community health advisory council; redesignation of office of drug control policy as type II agency and transfer of related personnel and funds to department of community health.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Article IV, Section 51, states that the public health and general welfare of the people of the state are matters of public concern; and

WHEREAS, Article VIII, Section 8, states that institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported; and

WHEREAS, the State of Michigan plays a fundamental role in the protection of the health and safety of its citizens in guiding policy for improving the health status of Michigan citizens, improving access to health care services, and preventing diseases; and

WHEREAS, the future in state-funded and administered health and behavioral services lies in integrating administrative systems and pooling state purchasing power for more efficient use of resources; and

WHEREAS, Executive Order 1996-1 provided for a foundation of integrated administration of health related programs; and

WHEREAS, the protection of the health and safety of the citizens of Michigan can be carried out more effectively and efficiently by continuing the alignment of health-related administrative functions in state government; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. Medical Services Administration

1. The Medical Services Administration, is hereby redesignated as a Type II agency, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Medical Services Administration for the activities, powers, duties, functions, and responsibilities resulting from this redesignation are hereby transferred to the Department of Community Health.

II. Community Public Health Agency

1. The Community Public Health Agency, is hereby redesignated as a Type II agency, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, duties, powers, functions and responsibilities of the Public Health Advisory Council, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth

in Part 26 of Act No. 368 of the Public Acts of 1978, being Sections 333.2208 - 333.2215 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, duties, powers, functions and responsibilities of the Center for Rural Health, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 26 of Act No. 368 of the Public Acts of 1978, being Sections 333.2223 and 333.2612 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, duties, powers, functions and responsibilities of the Anatomy Board, including but not limited to the statutory authority, duties, powers, functions and responsibilities set forth in Part 26 of Act No. 368 of the Public Acts of 1978, being Section 333.2651 - 333.2658 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. All the statutory authority, duties, powers, functions and responsibilities of the Animal Research Advisory Board, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 26 of Act No. 368 of the Public Acts of 1978, being Sections 333.2672 - 333.2676 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

6. All the statutory authority, duties, powers, functions and responsibilities of the Agent Orange Commission, including but not limited to the statutory authority, duties, powers, functions and responsibilities set forth in Act No. 49 of the Public Acts of 1987, being Section 333.5731 - 333.5737 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

7. All the statutory authority, duties, powers, functions and responsibilities of the State Interdepartmental Substance Abuse Coordinating Commission, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 62 of Act No. 368 of the Public Acts of 1978, being Sections 333.6215 - 333.6217 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

8. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Community Public Health Agency for the activities, powers, duties, functions, and responsibilities transferred in paragraphs II. 1-7 of this Order are hereby transferred to the Department of Community Health.

III. Behavioral Health

1. All the statutory authority, powers, duties, functions and responsibilities of the Citizens Mental Health Advisory Council set forth in Act No. 258 of the Public Acts of 1974, as amended, being Section 330.1110 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Standing Committee on Multicultural Services set forth in Act No. 258 of the Public Acts of 1974, as amended, being Section 330.1162 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities of the State Mental Health Advisory Council on Deafness set forth in Act No. 258 of the Public Acts of 1974, as amended, being Section 330.1939 of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the statutory authority, powers, duties, functions and responsibilities of the State Advisory Council on Mental Health and Aging set forth in Act No. 258 of the Public Acts of 1974, as amended, being Section 330.1941 of the Michigan Compiled Laws, and Act No. 437 of the Public Acts of 1988, being Section 400.585a of the Michigan Compiled Laws, are hereby transferred to the Director of the Department of Community Health by a Type III transfer as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available for the activities, powers, duties, functions, and responsibilities transferred in paragraphs III. 1-4 of this Order are hereby transferred to the Department of Community Health.

IV. Community Health Advisory Council

1. A Community Health Advisory Council is established to advise and assist the Director of the Department of Community Health in developing and executing community health policies and services.

2. The Council shall consist of 15 members who shall be appointed by the Governor. The term of office of each member shall be 2 years. A member shall be paid a reasonable per diem and reimbursed for necessary travel expenses for each meeting attended. A meeting should be held at least once every 3 months, upon the call of the Director. The Council shall annually, by majority vote, choose a chairperson from among its own membership.

3. The composition of the Council shall be representatives of primary consumers, family members, agencies and professionals having a working involvement with community health services, and the general public. At least 5 members of the Council shall be primary consumers or family members, and at least 3 of the 5 shall be primary consumers.

V. Office of Drug Control Policy

1. The Office of Drug Control Policy created in Executive Order 1991-20 is hereby redesignated as a Type II agency as defined in Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Management and Budget for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

VI. General

1. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfers prescribed in this Order. The assigned functions shall be administered under the direction and supervision of the Director, and all prescribed functions of rule making, licensing and regulation, including the prescription or rules, regulations, standards and adjudications, shall be transferred to the Director of the Department of Community Health.

2. The Director of the Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes, as may be administratively necessary, to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Community Health and the Director of the Department of Management and Budget shall immediately initiate coordination and develop a memorandum of record identifying all outstanding settlements, issues of compliance with applicable federal and state laws, or other obligations to be resolved by the Office of Drug Control Policy.

4. The Director of the Department of Community Health may, by written instrument, delegate a duty or power conferred by law or this Order, including but not limited to Medicaid provider appeals, Certificate of Need and the Office of Recipient Rights. The person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Community Health.

5. All rules, orders, contracts, and agreements relating to the functions transferred to the Department of Community Health which were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

6. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor or any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective sixty (60) days from the date of filing of this Order.

History: 1997, E.R.O. No. 1997-4, Eff. May 18, 1997

Compiler's Notes: For abolishment of the community health advisory council and transfer of its powers and duties to the department of community health, see E.R.O. No. 2007-12, compiled at MCL 333.26325. For transfer of office of drug control policy to department of community health, and abolishment of the office, see E.R.O. No. 2009-1, compiled at MCL 333.26327. For transfer of powers and duties of the medical services administration to the health and aging services administration created within the department of health and human services; and abolishment of the medical services administration, see E.R.O. No. 2021-2, compiled at MCL 400.562.