

SUBSTITUTE FOR
HOUSE BILL NO. 6058

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16174a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16174A. (1) THE DEPARTMENT SHALL ESTABLISH A PROCEDURE
2 THAT ALLOWS AN INDIVIDUAL TO OBTAIN A PRELIMINARY DETERMINATION
3 FROM THE DEPARTMENT CONCERNING WHETHER ANY COURT JUDGMENTS AGAINST
4 HIM OR HER WOULD LIKELY RESULT IN A DENIAL OF A LICENSE OR
5 REGISTRATION FOR FAILING TO MEET THE GOOD MORAL CHARACTER
6 REQUIREMENT FOR THAT LICENSE OR REGISTRATION.

7 (2) ALL OF THE FOLLOWING APPLY FOR PURPOSES OF SUBSECTION (1) :

8 (A) TO OBTAIN A PRELIMINARY DETERMINATION UNDER THIS SECTION,
9 AN INDIVIDUAL MUST FILE A REQUEST THAT MEETS ALL OF THE FOLLOWING:

10 (i) IS SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT.

1 (ii) IDENTIFIES THE LICENSE OR REGISTRATION FOR WHICH HE OR
2 SHE MAY APPLY.

3 (iii) INCLUDES A DETAILED DESCRIPTION OF ANY CRIMINAL
4 PROCEEDINGS THAT RESULTED IN A JUDGMENT AGAINST HIM OR HER.

5 (iv) INCLUDES THE NONREFUNDABLE FEE REQUIRED BY THE
6 DEPARTMENT.

7 (B) THE DEPARTMENT SHALL ONLY CONSIDER THE INFORMATION
8 PROVIDED BY AN INDIVIDUAL UNDER SUBDIVISION (A) (ii) AND (iii) IN
9 MAKING A PRELIMINARY DETERMINATION.

10 (C) A PRELIMINARY DETERMINATION UNDER THIS SECTION THAT IS
11 ADVERSE TO AN INDIVIDUAL DOES NOT PREVENT THE INDIVIDUAL FROM
12 SUBSEQUENTLY APPLYING FOR A LICENSE OR REGISTRATION.

13 (D) THE DEPARTMENT OR A BOARD IS NOT BOUND BY A PRELIMINARY
14 DETERMINATION UNDER THIS SECTION IF THE INDIVIDUAL APPLIES FOR A
15 LICENSE OR REGISTRATION UNDER THIS ACT.

16 (E) THE ISSUANCE OF A PRELIMINARY DETERMINATION UNDER THIS
17 SECTION DOES NOT LIMIT THE AUTHORITY OF THE DEPARTMENT TO REVIEW
18 APPLICATIONS FOR A LICENSE OR REGISTRATION, OR TO ISSUE OR DENY A
19 LICENSE OR REGISTRATION.

20 (F) THE DEPARTMENT SHALL NOTIFY AN INDIVIDUAL OF A PRELIMINARY
21 DETERMINATION BY DELIVERING A PRELIMINARY DETERMINATION LETTER TO
22 THE INDIVIDUAL, IN A FORM DETERMINED BY THE DEPARTMENT.

23 (3) AN INDIVIDUAL SHALL NOT REQUEST MORE THAN 1 PRELIMINARY
24 DETERMINATION UNDER THIS SECTION IN ANY 120-DAY PERIOD.

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