

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.