

HOUSE BILL No. 6058

May 23, 2018, Introduced by Reps. VanSingel, Sabo and LaFave and referred to the Committee on Regulatory Reform.

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):**

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

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

4 (ii) IDENTIFIES THE LICENSE OR REGISTRATION FOR WHICH HE OR
5 SHE MAY APPLY.

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

8 (iv) INCLUDES THE NONREFUNDABLE FEE REQUIRED BY THE
9 DEPARTMENT.

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

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

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

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

23 (F) THE DEPARTMENT SHALL NOTIFY AN INDIVIDUAL OF A PRELIMINARY
24 DETERMINATION BY DELIVERING A PRELIMINARY DETERMINATION LETTER TO
25 THE INDIVIDUAL, IN A FORM DETERMINED BY THE DEPARTMENT.

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

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