

SENATE BILL NO. 694

January 18, 2024, Introduced by Senators CAVANAGH, POLEHANKI, GEISS, KLINEFELT, SINGH and SHINK and referred to the Committee on Oversight.

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 1 and 9 (MCL 722.111 and 722.119), section 1 as amended by 2023 PA 173 and section 9 as amended by 2022 PA 71; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) As used in this act:

1 (a) "Child care staff member" means an individual who is 16
2 years of age or older to whom 1 or more of the following apply:

3 (i) The individual is employed by a child care center, group
4 child care home, or family child care home for compensation,
5 including a contract employee or a self-employed individual.

6 (ii) An individual whose activities involve the unsupervised
7 care or supervision of children for a child care center, group
8 child care home, or family child care home.

9 (iii) An individual who has unsupervised access to children who
10 are cared for or supervised by a child care center, group child
11 care home, or family child care home.

12 (iv) An individual who acts in the role of a licensee designee
13 or program director.

14 (b) "Child care organization" means a governmental or
15 nongovernmental organization having as its principal function
16 receiving minor children for care, maintenance, training, and
17 supervision, notwithstanding that educational instruction may be
18 given. Child care organization includes organizations commonly
19 described as child caring institutions, child placing agencies,
20 ~~children's camps, children's campsites,~~ children's therapeutic
21 group homes, child care centers, day care centers, nursery schools,
22 parent cooperative preschools, foster homes, group homes, or child
23 care homes. Child care organization does not include a governmental
24 or nongovernmental organization that does ~~either~~ **any** of the
25 following:

26 (i) Provides care exclusively to minors who have been
27 emancipated by court order under section 4(3) of 1968 PA 293, MCL
28 722.4.

29 (ii) Provides care exclusively to individuals who are 18 years

1 of age or older and to minors who have been emancipated by court
2 order under section 4(3) of 1968 PA 293, MCL 722.4, at the same
3 location.

4 **(iii) Establishes or maintains a camp that is licensed under**
5 **section 8 of the camp licensing act.**

6 (c) "Child caring institution" means a child care facility
7 that is organized for the purpose of receiving minor children for
8 care, maintenance, and supervision, usually on a 24-hour basis, in
9 buildings maintained by the child caring institution for that
10 purpose, and operates throughout the year. An educational program
11 may be provided, but the educational program must not be the
12 primary purpose of the facility. Child caring institution includes
13 a maternity home for the care of unmarried mothers who are minors
14 and an agency group home, that is described as a small child caring
15 institution, owned, leased, or rented by a licensed agency
16 providing care for more than 4 but less than 13 minor children.
17 Child caring institution also includes an institution for
18 developmentally disabled or emotionally disturbed minor children.
19 Child caring institution does not include a hospital, nursing home,
20 or home for the aged licensed under article 17 of the public health
21 code, 1978 PA 368, MCL 333.20101 to 333.22260, a boarding school
22 licensed under section 1335 of the revised school code, 1976 PA
23 451, MCL 380.1335, a hospital or facility operated by the state or
24 licensed under the mental health code, 1974 PA 258, MCL 330.1001 to
25 330.2106, or an adult foster care family home or an adult foster
26 care small group home licensed under the adult foster care facility
27 licensing act, 1979 PA 218, MCL 400.701 to 400.737, in which a
28 child has been placed under section 5(6).

29 (d) "Child caring institution staff member" means an

1 individual who is 18 years of age or older to whom 1 or more of the
2 following apply:

3 (i) The individual is employed by a child caring institution
4 for compensation, including an adult who does not work directly
5 with children.

6 (ii) The individual is a contract employee or self-employed
7 individual with a child caring institution.

8 (iii) The individual is an intern or other individual who
9 provides specific services under the rules promulgated under this
10 act.

11 (e) "Child placing agency" means a governmental organization
12 or an agency organized under the nonprofit corporation act, 1982 PA
13 162, MCL 450.2101 to 450.3192, for the purpose of receiving
14 children for placement in private family homes for foster care or
15 for adoption. The function of a child placing agency may include
16 investigating applicants for adoption and investigating and
17 certifying foster family homes and foster family group homes as
18 provided in this act. The function of a child placing agency may
19 also include supervising children who are at least 16 but less than
20 21 years of age and who are living in unlicensed residences as
21 provided in section 5(4).

22 ~~(f) "Children's camp" means a residential, day, troop, or~~
23 ~~travel camp that provides care and supervision and is conducted in~~
24 ~~a natural environment for more than 4 children, apart from the~~
25 ~~children's parents, relatives, or legal guardians, for 5 or more~~
26 ~~days in a 14-day period.~~

27 ~~(g) "Children's campsite" means the outdoor setting where a~~
28 ~~children's residential or day camp is located.~~

29 ~~(h)~~ "(f) "Children's therapeutic group home" means a child

1 caring institution receiving not more than 6 minor children who are
 2 diagnosed with a developmental disability as defined in section
 3 100a of the mental health code, 1974 PA 258, MCL 330.1100a, or a
 4 serious emotional disturbance as defined in section 100d of the
 5 mental health code, 1974 PA 258, MCL 330.1100d, and that meets all
 6 of the following requirements:

7 (i) Provides care, maintenance, and supervision, usually on a
 8 24-hour basis.

9 (ii) Complies with the rules for child caring institutions,
 10 except that behavior management rooms, personal restraint,
 11 mechanical restraint, or seclusion, which is allowed in certain
 12 circumstances under licensing rules, are prohibited in a children's
 13 therapeutic group home.

14 (iii) Is not a private home.

15 (iv) Is not located on a campus with other licensed facilities.

16 (g) ~~(i)~~—"Child care center" means a facility, other than a
 17 private residence, receiving 1 or more children under 13 years of
 18 age for care for periods of less than 24 hours a day, where the
 19 parents or guardians are not immediately available to the child.
 20 Child care center includes a facility that provides care for not
 21 less than 2 consecutive weeks, regardless of the number of hours of
 22 care per day. The facility is generally described as a child care
 23 center, day care center, day nursery, nursery school, parent
 24 cooperative preschool, play group, before- or after-school program,
 25 or drop-in center. Child care center does not include any of the
 26 following:

27 (i) A Sunday school, a vacation bible school, or a religious
 28 instructional class that is conducted by a religious organization
 29 where children are attending for not more than 3 hours per day for

1 an indefinite period or for not more than 8 hours per day for a
2 period not to exceed 4 weeks during a 12-month period.

3 (ii) A facility operated by a religious organization where
4 children are in the religious organization's care for not more than
5 3 hours while persons responsible for the children are attending
6 religious services.

7 (iii) A program that is primarily supervised, school-age-child-
8 focused training in a specific subject, including, but not limited
9 to, dancing, drama, music, or religion. This exclusion applies only
10 to the time a child is involved in supervised, school-age-child-
11 focused training.

12 (iv) A program that is primarily an incident of group athletic
13 or social activities for school-age children sponsored by or under
14 the supervision of an organized club or hobby group, including, but
15 not limited to, youth clubs, scouting, and school-age recreational
16 or supplementary education programs. This exclusion applies only to
17 the time the school-age child is engaged in the group athletic or
18 social activities and if the school-age child can come and go at
19 will.

20 (v) A program that primarily provides therapeutic services to
21 a child.

22 (h) ~~(j)~~ "Conviction" means a final conviction, the payment of
23 a fine, a plea of guilty or nolo contendere if accepted by the
24 court, a finding of guilt for a criminal law violation or a
25 juvenile adjudication or disposition by the juvenile division of
26 probate court or family division of circuit court for a violation
27 that if committed by an adult would be a crime, or a conviction in
28 a tribal court or a military court.

29 (i) ~~(k)~~ "Criminal history check" means a fingerprint-based

1 criminal history record information background check through the
2 department of state police and the Federal Bureau of Investigation.

3 (j) ~~(l)~~—"Criminal history record information" means that term
4 as defined in section 1a of 1925 PA 289, MCL 28.241a.

5 (k) ~~(m)~~—"Department" means the department of health and human
6 services and the department of licensing and regulatory affairs or
7 a successor agency or department responsible for licensure under
8 this act. The department of licensing and regulatory affairs is
9 responsible for licensing and regulatory matters for child care
10 centers, group child care homes, **and** family child care homes. ~~7~~
11 ~~children's camps, and children's campsites.~~ The department of
12 health and human services is responsible for licensing and
13 regulatory matters for child caring institutions, child placing
14 agencies, children's therapeutic group homes, foster family homes,
15 and foster family group homes.

16 (l) ~~(n)~~—"Drinking fountain" means a plumbing fixture that is
17 connected to the potable water distribution system and drainage
18 system that allows the user to obtain a drink directly from a
19 stream of flowing water without the use of any accessory.

20 (m) ~~(o)~~—"Eligible" means that the individual obtained the
21 checks and clearances described in sections 5n and 5q and is
22 considered appropriate to obtain a license, to be a member of the
23 household of a group child care home or family child care home, or
24 to be a child care staff member.

25 (n) ~~(p)~~—"Faucet" means a valve end of a water pipe by which
26 water is drawn from or held within the pipe.

27 (o) ~~(q)~~—"Filtered bottle-filling station" or "station" means
28 an apparatus that meets all of the following requirements:

29 (i) Is connected to customer site piping.

1 (ii) Filters water and is certified to meet NSF/ANSI standard
2 53 for lead reduction and NSF/ANSI standard 42 for particulate
3 removal.

4 (iii) The flow rate through the station is paired to the
5 specified flow rate of the filter cartridge.

6 (iv) Has a light or other device to indicate filter cartridge
7 replacement status.

8 (v) Is designed to fill drinking bottles or other containers
9 for personal water consumption.

10 (vi) Includes a drinking fountain.

11

(p) ~~(r)~~—"Filtered faucet" means a faucet that at the point of
12 use includes a filter that is certified to meet NSF/ANSI standard
13 53 for lead reduction and NSF/ANSI standard 42 for particulate
14 removal.

15

(q) ~~(s)~~—"Filtered pitcher" means a container used for holding
16 and pouring liquids that at the point of use includes a filter that
17 is certified to meet NSF/ANSI standard 53 for lead reduction and
18 NSF/ANSI standard 42 for particulate removal.

19

(r) ~~(t)~~—"Ineligible" means that the individual obtained the
20 checks and clearances as described in sections 5n and 5q and is not
21 considered appropriate to obtain a license, to be a member of the
22 household of a group child care home or family child care home, or
23 to be a child care staff member due to violation of section 5n, 5q,
24 or 5r.

25

(s) ~~(u)~~—"Increased capacity" means 1 additional child added to
26 the total number of minor children received for care and
27 supervision in a family child care home or 2 additional children
28 added to the total number of minor children received for care and
29 supervision in a group child care home.

1 (t) ~~(v)~~ "Private home" means a private residence in which the
2 licensee permanently resides, which residency is not contingent
3 upon caring for children or employment by a child placing agency.
4 Private home includes a full-time foster family home, a full-time
5 foster family group home, a group child care home, or a family
6 child care home, as follows:

7 (i) "Foster family home" means the private home of an
8 individual who is licensed to provide 24-hour care for 1 but not
9 more than 4 minor children who are placed away from their parent,
10 legal guardian, or legal custodian in foster care. The licensed
11 individual providing care is required to comply with the reasonable
12 and prudent parenting standard as defined in section 1 of chapter
13 XIIIA of the probate code of 1939, 1939 PA 288, MCL 712A.1.

14 (ii) "Foster family group home" means the private home of an
15 individual who has been licensed by the department to provide 24-
16 hour care for more than 4 but fewer than 7 minor children who are
17 placed away from their parent, legal guardian, or legal custodian
18 in foster care. The licensed individual providing care is required
19 to comply with the reasonable and prudent parenting standard as
20 defined in section 1 of chapter XIIIA of the probate code of 1939,
21 1939 PA 288, MCL 712A.1.

22 (iii) "Family child care home" means a private home in which 1
23 but fewer than 7 minor children are received for care and
24 supervision for compensation for periods of less than 24 hours a
25 day, unattended by a parent or legal guardian, except children
26 related to an adult member of the household. Family child care home
27 includes a home in which care is given to an unrelated minor child
28 for more than 4 weeks during a calendar year. A family child care
29 home does not include an individual providing babysitting services

1 for another individual. As used in this subparagraph, "providing
 2 babysitting services" means caring for a child on behalf of the
 3 child's parent or guardian if the annual compensation for providing
 4 those services does not equal or exceed \$600.00 or an amount that
 5 would according to the internal revenue code of 1986 obligate the
 6 child's parent or guardian to provide a form 1099-MISC to the
 7 individual for compensation paid during the calendar year for those
 8 services. Family child care home includes a private home with
 9 increased capacity.

10 (iv) "Group child care home" means a private home in which more
 11 than 6 but not more than 12 minor children are given care and
 12 supervision for periods of less than 24 hours a day unattended by a
 13 parent or legal guardian, except children related to an adult
 14 member of the household. Group child care home includes a home in
 15 which care is given to an unrelated minor child for more than 4
 16 weeks during a calendar year. Group child care home includes a
 17 private home with increased capacity.

18 (u) ~~(w)~~ "Legal custodian" means an individual who is at least
 19 18 years of age in whose care a minor child remains or is placed
 20 after a court makes a finding under section 13a(5) of chapter XIIIA
 21 of the probate code of 1939, 1939 PA 288, MCL 712A.13a.

22 (v) ~~(x)~~ "Legal entity" means a sole proprietorship,
 23 partnership, corporation, limited liability company, or any other
 24 entity.

25 (w) ~~(y)~~ "Licensee" means a person, legal entity organized
 26 under a law of this state, state or local government, or trust that
 27 has been issued a license under this act to operate a child care
 28 organization.

29 (x) ~~(z)~~ "Listed offense" means that term as defined in section

1 2 of the sex offenders registration act, 1994 PA 295, MCL 28.722.

2 (y) ~~(aa)~~—"Member of the household" means any individual who
3 resides in a family child care home, group child care home, foster
4 family home, or foster family group home on an ongoing basis, or
5 who has a recurrent presence in the home, including, but not
6 limited to, overnight stays. For foster family homes and foster
7 family group homes, a member of the household does not include a
8 foster child. For group child care homes and family child care
9 homes, a member of the household does not include a child to whom
10 child care is being provided.

11 (z) ~~(bb)~~—"Original license" means a license issued to a child
12 care organization during the first 6 months of operation indicating
13 that the organization is in compliance with all rules promulgated
14 by the department under this act.

15 (aa) ~~(cc)~~—"Provisional license" means a license issued to a
16 child care organization that is temporarily unable to conform to
17 the rules promulgated under this act.

18 (bb) ~~(dd)~~—"Qualified residential treatment program" or "QRTP"
19 means a program within a child caring institution to which all of
20 the following apply:

21 (i) The program has a trauma-informed treatment model,
22 evidenced by the inclusion of trauma awareness, knowledge, and
23 skills into the program's culture, practices, and policies.

24 (ii) The program has registered or licensed nursing and other
25 licensed clinical staff on-site or available 24 hours a day, 7 days
26 a week, who provide care in the scope of their practice as provided
27 in parts 170, 172, 181, 182, 182A, and 185 of the public health
28 code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to
29 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237,

1 333.18251 to 333.18267, and 333.18501 to 333.18518.

2 (iii) The program integrates families into treatment, including
3 maintaining sibling connections.

4 (iv) The program provides aftercare services for at least 6
5 months post discharge.

6 (v) The program is accredited by an independent not-for-profit
7 organization as described in 42 USC 672(k)(4)(G).

8 (vi) The program does not include a detention facility,
9 forestry camp, training school, or other facility operated
10 primarily for detaining minor children who are determined to be
11 delinquent.

12 (cc) ~~(ee)~~ "Regular license" means a license issued to a child
13 care organization indicating that the organization is in
14 substantial compliance with all rules promulgated under this act
15 and, if there is a deficiency, has entered into a corrective action
16 plan.

17 (dd) ~~(ff)~~ "Guardian" means the guardian of the person.

18 (ee) ~~(gg)~~ "Minor child" means any of the following:

19 (i) An individual less than 18 years of age.

20 (ii) An individual who is a resident in a child caring
21 institution, foster family home, or foster family group home, who
22 is at least 18 but less than 21 years of age, and who meets the
23 requirements of the young adult voluntary foster care act, 2011 PA
24 225, MCL 400.641 to 400.671.

25 (iii) An individual who is a resident in a child caring
26 institution, children's camp, foster family home, or foster family
27 group home; who becomes 18 years of age while residing in a child
28 caring institution, children's camp, foster family home, or foster
29 family group home; and who continues residing in a child caring

1 institution, children's camp, foster family home, or foster family
 2 group home to receive care, maintenance, training, and supervision.
 3 A minor child under this subparagraph does not include a person 18
 4 years of age or older who is placed in a child caring institution,
 5 foster family home, or foster family group home under an
 6 adjudication under section 2(a) of chapter XIIA of the probate code
 7 of 1939, 1939 PA 288, MCL 712A.2, or under section 1 of chapter IX
 8 of the code of criminal procedure, 1927 PA 175, MCL 769.1. This
 9 subparagraph applies only if the number of those residents who
 10 become 18 years of age does not exceed the following:

11 (A) Two, if the total number of residents is 10 or fewer.

12 (B) Three, if the total number of residents is not less than
 13 11 and not more than 14.

14 (C) Four, if the total number of residents is not less than 15
 15 and not more than 20.

16 (D) Five, if the total number of residents is 21 or more.

17 (iv) An individual 18 years of age or older who is placed in an
 18 unlicensed residence under section 5(4) or a foster family home
 19 under section 5(7).

20 **(ff)** ~~(hh)~~ "Related" means 1 of the following:

21 (i) Except as provided in subparagraph (ii), a relative as
 22 defined in section 13a of chapter XIIA of the probate code of 1939,
 23 1939 PA 288, MCL 712A.13a.

24 (ii) For licensing by the department related to a child care
 25 center, ~~children's camp, children's campsite,~~ family child care
 26 home, foster family home, foster family group home, or group child
 27 care home, in the relationship by blood, marriage, or adoption, as
 28 parent, grandparent, great-grandparent, great-great-grandparent,
 29 aunt or uncle, great-aunt or great-uncle, great-great-aunt or

1 great-great-uncle, sibling, stepsibling, nephew or niece, first
2 cousin or first cousin once removed, and the spouse of any of the
3 individuals described in this definition, even after the marriage
4 has ended by death or divorce.

5 **(gg)** ~~(ii)~~—"Religious organization" means a church,
6 ecclesiastical corporation, or group, not organized for pecuniary
7 profit, that gathers for mutual support and edification in piety or
8 worship of a supreme deity.

9 **(hh)** ~~(jj)~~—"School-age child" means a child who is eligible to
10 attend a grade of kindergarten or higher, but is less than 13 years
11 of age. A child is considered to be a school-age child on the first
12 day of the school year in which the child is eligible to attend
13 school.

14 **(ii)** ~~(kk)~~—"Severe physical injury" means serious physical harm
15 as that term is defined in section 136b of the Michigan penal code,
16 1931 PA 328, MCL 750.136b.

17 **(jj)** ~~(ll)~~—"Licensee designee" means the individual designated
18 in writing by the board of directors of the corporation or by the
19 owner or person with legal authority to act on behalf of the
20 company or organization on licensing matters. The individual must
21 agree in writing to be designated as the licensee designee. All
22 license applications must be signed by the licensee in the case of
23 the individual or by a member of the corporation, company, or
24 organization.

25 **(kk)** ~~(mm)~~—"Water delivery service" means a service that
26 delivers drinking water to a child care center and provides
27 drinking water that meets the standards of the safe drinking water
28 act, 42 USC 300f to 300j-25.

29 (2) A family child care home or group child care home is

1 automatically eligible for increased capacity after satisfying all
2 of the following criteria:

3 (a) Holds a current license.

4 (b) Has been licensed to operate for at least 29 consecutive
5 months.

6 (c) Has received 1 or more unrelated minor children for care
7 and supervision during the licensed period under subdivision (b).

8 (d) Has received a renewed regular license after at least 29
9 months of licensed operation under subdivision (b).

10 (3) The department may rescind increased capacity due to 1 or
11 more of the following:

12 (a) Corrective action.

13 (b) Licensing action.

14 (c) Determination by the department that increased capacity is
15 not conducive to the welfare of children as that term is defined in
16 section 5m.

17 (4) If the department rescinds increased capacity as outlined
18 in subsection (3), the family child care home or group child care
19 home may be considered for increased capacity not less than 22
20 months after rescinding increased capacity in a form and manner
21 determined by the department.

22 (5) A family child care home or group child care home may
23 appeal rescission of increased capacity under a hearing held in the
24 manner provided under section 11(2).

25 Sec. 9. (1) A licensee, adult member of the household,
26 licensee designee, chief administrator, or program director of a
27 child care organization shall not be present in a child care
28 organization if he or she has been convicted of either of the
29 following:

1 (a) Child abuse under section 136b of the Michigan penal code,
 2 1931 PA 328, MCL 750.136b, or neglect under section 145 of the
 3 Michigan penal code, 1931 PA 328, MCL 750.145.

4 (b) A felony involving harm or threatened harm to an
 5 individual within the 10 years immediately preceding the date of
 6 hire or appointment or of becoming a member of the household.

7 (2) A staff member or unsupervised volunteer shall not have
 8 contact with children who are in the care of a child care
 9 organization if ~~he or she~~ **the staff member or unsupervised**
 10 **volunteer** has been convicted of either of the following:

11 (a) Child abuse under section 136b of the Michigan penal code,
 12 1931 PA 328, MCL 750.136b, or neglect under section 145 of the
 13 Michigan penal code, 1931 PA 328, MCL 750.145.

14 (b) A felony involving harm or threatened harm to an
 15 individual within the 10 years immediately preceding the date of
 16 hire or appointment.

17 (3) ~~Except as provided in subsection (5), a~~ **A** licensee, adult
 18 member of the household, licensee designee, chief administrator,
 19 staff member, or unsupervised volunteer may not have contact with a
 20 child who is in the care of a child care organization, until the
 21 licensee, adult member of the household, licensee designee, chief
 22 administrator, staff member, or volunteer provides the child care
 23 organization with documentation from the department that he or she
 24 has not been named in a central registry case as the perpetrator of
 25 child abuse or child neglect. Upon request by the department, the
 26 licensee, adult member of the household, licensee designee, chief
 27 administrator, staff member, or unsupervised volunteer shall
 28 provide the department with an updated authorization for central
 29 registry clearance. If an updated central registry clearance

1 documents that a licensee, adult member of the household, licensee
2 designee, chief administrator, staff member, or unsupervised
3 volunteer is named as a perpetrator in a central registry case, he
4 or she may not be present in the child care organization. As used
5 in this subsection, ~~and subsection (5),~~ "child abuse" and "child
6 neglect" mean those terms as defined in section 2 of the child
7 protection law, 1975 PA 238, MCL 722.622.

8 (4) Each child care organization shall establish and maintain
9 a policy regarding supervision of volunteers including volunteers
10 who are parents of a child receiving care at the child care
11 organization.

12 ~~(5) Staff members or unsupervised volunteers in children's
13 camps or children's campsites who are 21 years of age or older may
14 not have contact with a child who is in the care of a children's
15 camp until the staff member or volunteer provides the children's
16 camp with documentation from the department of health and human
17 services that he or she has not been named in a central registry
18 case as the perpetrator of child abuse or child neglect.~~

19 (5) ~~(6)~~ A former applicant or former licensee may request an
20 administrative review by the department responsible for licensure
21 under this act if the license for a child care organization was
22 denied, revoked, or refused renewal due in whole or in part to the
23 person's placement on the statewide electronic central registry
24 originally maintained under section 7 of the child protection law,
25 1975 PA 238, MCL 722.627, prior to the effective date of the
26 amendatory act that created the statewide electronic case
27 management system under section 7j of the child protection law,
28 1975 PA 238, MCL 722.627j, and if the person's placement on the
29 original central registry was subsequently expunged from the case

1 management system as a central registry case after the effective
2 date of the amendatory act that created the statewide electronic
3 case management system under section 7j of the child protection
4 law, 1975 PA 238, MCL 722.627j. The request for administrative
5 review under this subsection must be submitted in writing addressed
6 to the director of the department responsible for licensure or the
7 director's designee within 60 days of receipt of the written
8 notification under section 7j of the child protection law, 1975 PA
9 238, MCL 722.627j, and the local office file under section 7l from
10 the department of health and human services that the person is no
11 longer listed on central registry or named in a central registry
12 case. The administrative review under this subsection is limited to
13 determining if the department will enforce the 5-year prohibition
14 in section 15(4). Within 90 days of receipt of the request for an
15 administrative review under this subsection or receipt of the
16 written notification under section 7j of the child protection law,
17 1975 PA 238, MCL 722.627j, and the local office file under section
18 7l from the department of health and human services of the removal
19 of the person listed on the central registry, whichever is later,
20 the director of the department responsible for licensure or the
21 director's designee shall complete the review and notify the person
22 in writing of the final decision. If the department's final
23 decision is to enforce the 5-year prohibition in section 15(4), the
24 person may appeal as provided in chapter 6 of the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. If the
26 department's decision is to waive the 5-year prohibition in section
27 15(4), the former applicant or former licensee may apply for a new
28 license with the department responsible for licensure under this
29 act. As used in this subsection, "local office file" means that

1 term as defined in section 2 of the child protection law, 1975 PA
2 238, MCL 722.622.

3 **(6)** ~~(7)~~—A child care staff member, adult member of the
4 household, or a person who had been determined to be ineligible by
5 the department as provided under section 5q, and who is no longer
6 listed on the central registry nor named in a central registry
7 case, may be eligible to be a child care staff member or adult
8 member of the household as an employee or volunteer if that person
9 complies with the criminal history check required under section 5n
10 and submits documentation to the department from the department of
11 health and human services demonstrating that the person is no
12 longer listed on the central registry or named in a central
13 registry case.

14 Enacting section 1. Section 17a of 1973 PA 116, MCL 722.127a,
15 is repealed.

16 Enacting section 2. This amendatory act does not take effect
17 unless Senate Bill No. 692 of the 102nd Legislature is enacted into
18 law.