

Legislative Analysis



PRELIMINARY DETERMINATION OF ELIGIBILITY FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE OR REGISTRATION

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House Bill 6058 as introduced
Sponsor: Rep. Scott VanSingel

House Bill 6059 as introduced
Sponsor: Rep. Terry J. Sabo

House Bill 6060 as introduced
Sponsor: Rep. Jim Lilly

Committee: Regulatory Reform
Complete to 10-1-18

SUMMARY:

The bills would similarly amend different acts to require the Department of Licensing and Regulatory Reform (LARA) to establish a procedure by which an individual could obtain a preliminary determination as to whether any court judgments against him or her (e.g., a criminal conviction or civil judgment) would likely result in a denial of a license or registration for failing to meet the *good moral character* requirement for that license or registration.

For purposes of the above, all of the following would apply:

- An individual must, to obtain a preliminary determination, file a request that meets all of the following:
 - Is submitted on a form provided by LARA.
 - Identifies the license or registration for which he or she may apply.
 - Includes a detailed description of any criminal or civil proceedings that resulted in a judgment against him or her.
 - Includes the nonrefundable fee required by LARA.
- LARA, in making a determination of eligibility, would be limited to considering only the information provided regarding the specific license or registration being applied for and the description of any criminal or civil judgments.
- An adverse preliminary determination would not prevent the individual from subsequently applying for a license or registration.
- LARA or an occupational or professional board would not be bound by a preliminary determination if the individual applied for a license or registration.
- LARA's authority to review applications for a license or registration, or to issue or deny a license or registration, would not be limited by issuance of a preliminary determination.

- A notification of a preliminary determination would be made by LARA to an individual by delivery of a preliminary determination letter in a form determined by the department.

Further, an individual could only request one preliminary determination in any 120-day period.

House Bill 6058 would add the above language to the Public Health Code to apply to individuals seeking a license or registration for a health profession. (Proposed MCL 333.16174a)

House Bill 6059 would add the above language to the Skilled Trades Regulation Act. (Proposed MCL 339.5202)

House Bill 6060 would add the above language to the Occupational Code. (Proposed MCL 339.202a)

Each bill would take effect 90 days after enactment.

FISCAL IMPACT:

House Bills 6058, 6059, and 6060 would not have a significant impact on revenues or expenditures for the Department of Licensing and Regulatory Affairs or any other unit of state or local government.

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