

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 1996-1

330.3101 Renaming of department of mental health as department of community health; transfer of powers and duties among various departments and agencies; renaming of department of public health as community public health agency.

WHEREAS, Article V, Section 1, of the Constitution of the State of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963, empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Article V, Section 8, of the Constitution of the State of Michigan of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Article IV, Section 51, states that the public health and general welfare of the people of the state are matters of public concern; and

WHEREAS, Article VIII, Section 8, states that institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally, or otherwise seriously handicapped shall always be fostered and supported; and

WHEREAS, the State of Michigan plays a fundamental role in the protection of the health and safety of its citizens in guiding policy for improving the health status of Michigan citizens, improving access to health care services, and preventing disease; and

WHEREAS, the State of Michigan finances the purchase or provision of health care services for at least 1.5 million persons, including Medicaid recipients, individuals with unique health care needs, persons with acute substance abuse needs, persons who are mentally ill and/or developmentally disabled; and

WHEREAS, the future in state-funded and administered health and behavioral services lies in integrating administrative systems and pooling state purchasing power for more efficient use of resources; and

WHEREAS, the administration of health-related programs is fragmented throughout state government in at least eight state departments, causing duplication of services, and waste of resources; and

WHEREAS, these health services can and should be better coordinated for the basic protection of the health of Michigan citizens; and

WHEREAS, the state's role will increasingly focus on quality assurance and purchasing quality outcomes rather than on regulation; and

WHEREAS, the state will continue to move toward community-based systems for the delivery and administration of health care services; and

WHEREAS, the protection of the health and safety of the citizens of Michigan can more effectively and efficiently be carried out by aligning health-related administrative functions in state government; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

I. DEPARTMENT OF COMMUNITY HEALTH

A. General

1. Consistent with Article V, Section 2, of the Constitution of the State of Michigan of 1963, which limits the number of principal departments to twenty (20), the Department of Mental Health is hereby renamed the Department of Community Health and will continue as a principal department within the Executive Branch.

2. Any authority, duties, powers, functions and responsibilities that are transferred in this section by this Order, that are not statutorily mandated, can in the future be reorganized by the Director of the Department of Community Health to promote efficient administration.

3. The Director of the Department of Community Health shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfers to the Department of Community Health described in this Order. The functions transferred to the Department of Community Health by this Order, except the power to appoint the director, shall be administered under the direction and supervision of the Director of the Department of Community Health, and all prescribed functions of rule making, licensing, and registration, including the prescription of rules, regulations, standards, and adjudications, shall be transferred to the Director of the Department of Community Health.

5. The Director of the Department of Community Health shall, in addition to the other duties and responsibilities given to the Director herein as assigned or transferred to the Director as head of the Department of Community Health by statute or executive order, be responsible for the oversight and supervision of employees of the Department of Community Health and for the operations of the Department of Community Health. The Director shall also perform such other duties and exercise such other powers as the Governor may prescribe.

6. The Director of the Department of Community Health may perform a duty or exercise a power conferred by law or this Order upon the Director of the Department of Community Health at the time and to the extent the duty or power is delegated to the Director of the Department of Community Health by law or by this Order.

7. The Director of the Department of Community Health may by written instrument delegate a duty or power conferred by law or this Order and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of the Department of Community Health.

8. All rules, orders, contracts, and agreements relating to the functions transferred to the Department of Community Health which were lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

10. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor or any entity affected by this Order.

B. Department of Social Services

Medical Services Administration

1. All the authority, powers, duties, functions and responsibilities of the Department of Social Services, or the Director of the Department of Social Services, currently housed in the Medical Services Administration, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in the relevant portions of Act No. 280 of 1939, as amended, being Section 400.1 et seq. of the Michigan Compiled Laws, and Title XIX of the Social Security Act, 42 U.S.C.A. Section 1396 et seq., are hereby transferred from the Department of Social Services to the Department of Community Health by a Type I transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the statutory authority, powers, duties, functions and responsibilities of the Department of Social Services, or the Director of the Department of Social Services, currently performed by the Medical Assistance Program (commonly known as the Medicaid program), set forth in the relevant portions of Act No. 280 of 1939, as amended, being Section 400.1 et seq. of the Michigan Compiled Laws and Title XIX of the Social Security Act of 1965, 42 U.S.C.A. Section 1396 et seq., are hereby transferred from the Department of Social Services to the Director of the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the statutory authority, powers, duties, functions and responsibilities of the support functions for the Medical Assistance Program, commonly known as the Medicaid program, currently in the Department of Social Services, including but not limited to management information systems, accounting, procurement, internal audit, contract management, personnel, labor relations, provider hearings, provider support, facility support, and eligibility policy support are hereby transferred from the Department of Social Services to the Director of the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the authority, powers, duties, functions and responsibilities of the State Medical Program are hereby transferred from the Department of Social Services to the Director of the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. The Director of the Department of Community Health shall administer the budget, procurement and management-related functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. The Director of the Department of Community Health shall provide executive direction and supervision for the implementation of the transfer. The Chief Executive of the Medical Services Administration shall exercise the prescribed statutory powers, duties, and functions independently of the Director of the Department of Community Health. The budgeting, procurement, and related management functions of the Medical Services Administration shall be performed under the direction and supervision of the Director of the Department of Community Health.

7. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Social Services for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

8. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

9. The Directors of the Department of Community Health and the Department of Social Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

C.Liquor Control Commission

1. All the authority, powers, duties, functions and responsibilities of alcohol prevention education are hereby transferred from the Liquor Control Commission in the Department of Commerce to the Director of the Department of Community Health by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All records, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Liquor Control Commission for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Community Health.

3. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

4. The Directors of the Departments of Community Health and Commerce, and the Chairman of the Liquor Control Commission shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

II.DEPARTMENT OF AGRICULTURE

1. All the authority, powers, duties, functions and responsibilities of the Food Service Sanitation program, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Section 333.12901 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Public Health to the Director of the Department of Agriculture by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Agriculture shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Agriculture, in cooperation with the Director of the Department of Public Health, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Agriculture, and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Department of Agriculture.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Agriculture.

5. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

6. The Directors of the Department of Agriculture and the Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Agriculture.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

III.DEPARTMENT OF COMMERCE

A.Department of Community Health

1. All the authority, powers, duties, functions and responsibilities of Licensing, Monitoring and Accreditation, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in the relevant parts of Chapter 1 of the Mental Health Code, Act No. 258 of the Public Acts of 1974 as amended and Act No. 290 of the Public Acts of 1995, being Section 330.1100 et seq. of the Michigan Compiled Laws, with the exception of the Clinical Services Team, are hereby transferred from the Department of Community Health to the

Director of the Michigan Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Commerce shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Commerce, in cooperation with the Director of the Department of Community Health, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Commerce and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Department of Commerce.

4. Any authority, duties, powers, functions and responsibilities of the Director of the Department of Community Health that are transferred in this section by this Order and that are not statutorily mandated can in the future be reorganized by the Director the Department of Commerce to promote efficient administration.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Community Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Commerce.

6. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

7. The Directors of the Department of Commerce and the Department of Community Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

8. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

B. Department of Public Health

1. All the authority, powers, duties, functions and responsibilities of the Licensing of Substance Abuse Programs and the Certification of Substance Abuse Workers in the Division of Program Standards, Evaluation and Data Services of the Center for Substance Abuse Services, including the authority, powers, duties, functions and responsibilities set forth in the relevant parts of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.6231 to 333.6251 of the Michigan Compiled Laws, are hereby transferred from the Department of Public Health to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of the Bureau of Health Systems, including but not limited to the authority, powers, duties, functions and responsibilities:

a. Of the Division of Health Facility Licensing and Certification in the Bureau of Health Systems set forth in Article 17, Parts 201, 205, 208, 213, 214, 215 and 217 of Act No. 368 of the Public Acts of 1978, being Section 333.20101 et seq., Section 333.20501 et seq., Section 333.20801 et seq., Section 333.21301 et seq., Section 333.21401 et seq., Section 333.21501 et seq., and Section 333.21701 et seq., of the Michigan Compiled Laws, Titles XVIII and XIX of the federal Social Security Act of 1965 and the federal Clinical Laboratory Improvement Act Amendments of 1988;

b. Of the Division of Federal Support Services;

c. Of the Division of Emergency Medical Services set forth in Part 209 of Act No. 332 of the Public Acts of 1988 as amended, being Section 333.20901 et seq. and of the Michigan Compiled Laws, with the exception of the Division of Managed Care and the Division of Health Facility Development, are hereby transferred from the Department of Public Health to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the authority, powers, duties, functions and responsibilities of management support in the Bureau of Finance and Administration and the Office of Management Support Services for programs being transferred in the Bureau of Health Systems, are hereby transferred from the Department of Public Health to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the authority, powers, duties, functions and responsibilities of the radiation machine licensing and registration program in the Division of Radiological Health in the Bureau of Environmental and Occupational Health, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in

the relevant parts of Part 135 of the Public Health Code, Act No. 368 of the Public Acts of 1978 as amended, being Section 333.13501 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Public Health to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. The Directors of the Departments of Commerce and Public Health shall negotiate regarding the transfer of the support and personnel for the programs being transferred from the Bureau of Health Systems to the Department of Commerce such that the transfers occur in the most efficient manner possible.

6. All the authority, powers, duties, functions and responsibilities of management support for the Bureau of Health Systems programs being transferred to the Department of Commerce, are hereby transferred from the Department of Public Health to the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

7. The Director of the Michigan Department of Commerce shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

8. The Director of the Michigan Department of Commerce shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Commerce and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Department of Commerce.

9. Any authority, duties, powers, functions and responsibilities of the Director of the Department of Public Health that are transferred in this section by this Order and that are not statutorily mandated can in the future be reorganized by the Director the Department of Commerce to promote efficient administration.

10. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Michigan Department of Commerce.

11. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

12. The Directors of the Michigan Department of Commerce and the Michigan Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Commerce.

13. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

14. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

C. Department of Social Services

1. All the authority, powers, duties, functions and responsibilities of Adult Foster Care Licensing, including the authority, powers, duties, functions and responsibilities set forth in the relevant parts of Act No. 218 of the Public Acts of 1979, as amended, Act No. 280 of the Public Acts of 1939, Act No. 294 of the Public Acts of 1978, as amended, and Act No. 306 of the Public Acts of 1969, being Section 400.701 et seq., Section 400.1 et seq., Section 338.41 et seq., and Section 24.201 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Social Services to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of the Adult Foster Care Licensing Advisory Council, including the authority, powers, duties, functions and responsibilities set forth in the relevant parts of Act No. 218 of the Public Acts of 1979, as amended, and Act No. 280 of the Public Acts of 1939 being Section 400.708, and Section 400.1 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Social Services to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All the authority, powers, duties, functions and responsibilities of Child Welfare Licensing, including the authority, powers, duties, functions and responsibilities set forth in Act No. 116 of the Public Acts of 1973, as amended, Act No. 218 of the Public Acts of 1979 as amended, Act No. 223 of the Public Acts of 1995, Act No. 294 of the Public Acts of 1978 as amended, and Act No. 306 of the Public Acts of 1969, being Section 722.111 et seq., Section 400.701 et seq., Section 400.1 et seq., Section 722.115 and Section 24.201 et seq. of the Michigan Compiled Laws, are hereby transferred from the Department of Social Services to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. All the authority, powers, duties, functions and responsibilities relating to the management support functions for the Bureau of Regulatory Services, including but not limited to management information systems, licensing hearings and facility support, are hereby transferred from the Department of Social Services to the Director of the Department of Commerce by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

5. The Director of the Department of Commerce shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

6. Any authority, duties, powers, functions and responsibilities of the Director of the Department of Social Services that are transferred in this section by this Order and that are not statutorily mandated can in the future be reorganized by the Director of the Department of Commerce to promote efficient administration.

7. The Director of the Department of Commerce, in cooperation with the Director of the Department of Social Services, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Commerce and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Department of Commerce.

8. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Social Services for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Commerce.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

10. The Directors of the Department of Commerce and the Department of Social Services shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Commerce.

11. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

12. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

IV. DEPARTMENT OF LABOR

Bureau of Environmental and Occupational Health

1. All the authority, powers, duties, functions and responsibilities of the Division of Occupational Health in the Bureau of Environmental and Occupational Health, set forth in Act No. 154 of Public Acts of 1974 as amended, Parts 22 and 56 of Act No. 368 of the Public Acts of 1978, Act No. 135 of the Public Acts of 1986, as amended, and Act No. 440 of the Public Acts of 1988, being Section 408.1001 et seq., 333.2201 et seq., 333.5601 et seq., 338.3101 et seq. and Section 338.3401 et seq. of the Michigan Compiled Laws, and Section 21 (c) and 7 (c) (1) of the federal Occupational Safety and Health Act of 1970, P.L. 91 - 596, with the exception of the Dry Cleaning Unit, are hereby transferred from the Department of Public Health to the Director of the Department of Labor by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of the Occupational Health Standards Commission in the Bureau of Environmental and Occupational Health, set forth in Sections 9, 14, 23, and 24 of Act No. 154 of the Public Acts of 1974, as amended, being Section 408.1024 of the Michigan Compiled Laws, are hereby transferred from the Department of Public Health to the Director of the Department of Labor by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Michigan Department of Labor shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Michigan Department of Labor shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Director of the Michigan Department of Labor and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Michigan Department of Labor.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Michigan Department of Labor.

6. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

7. The Directors of the Michigan Department of Labor and the Michigan Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Michigan Department of Commerce.

8. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

V. DEPARTMENT OF ENVIRONMENTAL QUALITY

Environmental Health Programs

1. All the authority, powers, duties, functions and responsibilities of the Bureau of Environmental and Occupational Health, including but not limited to the authority, powers, duties, functions and responsibilities:

a. Of the Division of Upper Peninsula;

b. Of the Division of Environmental Health set forth in the relevant parts of Parts 121, 124, 125, and 127 of the Public Health Code, Act No. 368 of the Public Acts of 1978, and Act No. 96 of the Public Acts of 1987, being Section 333.12101 et seq., 333.12401 et seq., 333.12501 et seq., and 333.12701 et seq., and Section 125.2301 et seq. of Michigan Compiled Laws, with the exception of the Food Service Sanitation Program and the Shelter Environment program;

c. Of the Division of Water Supply set forth in Part 127 of Act No. 368 of the Public Acts of 1978, being Sections 333.12701 et seq.;

d. Of the Division of Radiological Health set forth in the relevant parts of Parts 135 and 137 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Section 333.13501 et seq., Section 333.13702 et seq. of the Michigan Compiled Laws, with the exception of the radiation machine licensing and registration program;

e. Of the Dry Cleaning program in the Division of Occupational Health set forth in Part 133 of Act No. 368 of the Public Acts of 1978 being Section 333.13301 et seq. of the Michigan Compiled Laws;

with the exception of the Division of Health Risk Assessment and the Division of Occupational Health; are hereby transferred from the Director of the Department of Public Health to the Director of the Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of management support in the Bureau of Finance and Administration and Office of Management Support Services for the Bureau of Environmental and Occupational Health programs being transferred to the Department of Environmental Quality, are hereby transferred from the Department of Public Health to the Department of Environmental Quality by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The placement of laboratory support for the Division of Water Supply and the water supply and sewer systems programs, and any necessary contractual relationships related to these laboratory services will be negotiated by the Directors of the Departments of Public Health and Environmental Quality by the effective date of this Order.

4. The placement of the Site Assessment Program related to the Superfund Program in the Division of Health Risk Assessment in the Bureau of Occupational and Environmental Health will be negotiated by the Directors of the Departments of Public Health and Environmental Quality by the effective date of this Executive Order.

5. All authority to make decisions regarding administrative appeals associated with the transfers referred to in paragraphs V. A. 1 - 2 above are transferred to the Director of the Department of Environmental Quality. In the event the Director of the Department of Environmental Quality is directly involved in an initial decision which is subsequently appealed, the Director shall appoint an individual within or outside the Department of Environmental Quality to decide the appeal.

6. The Director of the Department of Environmental Quality shall administer the assigned functions transferred above in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

7. The Director of the Department of Environmental Quality, in cooperation with the Director of the Department of Public Health, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Environmental Quality and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Department of Environmental Quality.

8. The Director of the Michigan Department of Environmental Quality may perform a duty or exercise a power conferred by law or this Order upon the Director of the Michigan Department of Environmental Quality at the time

and to the extent the duty or power is delegated to the Director of the Michigan Department of Environmental Quality by law or by this Order.

9. The Director of the Michigan Department of Environmental Quality may by written instrument delegate a duty or a power conferred by law or this Order, and the person to whom such duty or power is so delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director.

10. Decisions made by the Director of the Michigan Department of Environmental Quality or persons to whom the Director has lawfully delegated decision-making authority, pursuant to this Order relating to environmental health, shall be final when reduced to writing and delivered to all affected persons, unless otherwise provided by law.

11. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Environmental Quality.

12. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

13. The Directors of the Department of Environmental Quality and the Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Environmental Quality.

14. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

15. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

VI. DEPARTMENT OF MANAGEMENT AND BUDGET

Physical Plant Management

1. All the authority, powers, duties, functions and responsibilities of the Physical Plant Section and other portions of the Division of General Services necessary for building security, maintenance, administration and operation of the public health facilities located on North Martin Luther King Boulevard, City of Lansing, are hereby transferred from the Department of Public Health to the Director of the Department of Management and Budget by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. The Director of the Department of Management and Budget shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

3. The Director of the Department of Management and Budget, in cooperation with the Director of the Department of Public Health, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Management and Budget and all prescribed functions of rule making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Department of Management and Budget.

4. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Management and Budget.

5. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

6. The Directors of the Department of Management and Budget and the Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Management and Budget.

7. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

8. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

VII. DEPARTMENT OF SOCIAL SERVICES

Special Supplemental Food Program for Women, Infants and Children

1. All the authority, powers, duties, functions and responsibilities of the Special Supplemental Food Program for Women, Infants and Children (WIC program) pursuant to the federal Child Nutrition Act of 1966, as amended, Public Law 92-433, are hereby transferred from the Department of Public Health to the Director of the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

2. All the authority, powers, duties, functions and responsibilities of the management support functions in the Bureau of Finance and Administrative Services and the Office of Management Support Services for the Special Supplemental Food Program for Women, Infants and Children (WIC program), are hereby transferred from the Department of Public Health to the Director of the Department of Social Services by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. The Director of the Department of Social Services shall administer the assigned functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

4. The Director of the Department of Social Services, in cooperation with the Director of the Department of Public Health, shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Director of the Department of Social Services and all prescribed functions of rule-making, licensing and registration, including the prescription of rules, regulations, standards and adjudications shall be transferred to the Director of the Department of Social Services.

5. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of Social Services.

6. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

7. The Directors of the Department of Social Services and the Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Social Services.

8. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

9. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

VIII. DEPARTMENT OF PUBLIC HEALTH

General

1. All the statutory authority, duties, powers, functions and responsibilities of the Department of Public Health, that have not been previously transferred in prior sections of this Order, including but not limited to the statutory authority, duties, powers, functions and responsibilities:

- a. Set forth in Act No. 368 of the Public Acts of 1978, as amended;
- b. Of the Chief Medical Executive, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Act No. 368 of the Public Acts of 1978 as amended, being Section 333.2202 of the Michigan Compiled Law;
- c. Of the Internal Auditor;
- d. Of the Office of Management Support Services, including the Administrative Services Section, with the exception of the Division of General Services, with the exception of support functions being transferred with programs in the Bureau of Health Systems, with programs in the Bureau of Occupational and Environmental Health, and with the WIC program;
- e. Of the Bureau of Finance and Administrative Services, with the exception of support functions being transferred with programs in the Bureau of Health Systems, with programs in the Bureau of Occupational and Environmental Health, and with the WIC program;
- f. Of the Center for Health Promotion and Chronic Disease Prevention, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Parts 26, 54, 55, 59, 95 and 126 of Act No. 368 of the Public Acts of 1978 as amended, being Section 333.2601 et seq., 333.5401 et seq., 333.5501 et seq., 333.5901 et seq., 333.9501 et seq. and 333.12601 et seq. of the Michigan Compiled Laws;
- g. Of the Office of Policy, Planning and Evaluation, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Parts 22, 26 and 28 of Act No. 368 of the Public Acts of 1978 as amended, being Section 333.2201 et seq., Section 333.2601 et seq. and Section 333.2801 et seq. of the Michigan Compiled Laws;
- h. Of the Center for Substance Abuse Services, with the exception of Quality Assurance and Licensing in the

Program Standards, Evaluation and Data Services Division, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 62 of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.6201 et seq. of the Michigan Compiled Laws;

i. Of the Bureau of Child and Family Services, with the exception of the Women, Infants, and Children Division, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Parts 23, 27, 58, 91, 92, and 93 of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.2301 et seq., Section 333.2701 et seq., Section 333.5801 et seq., Section 333.9101 et seq., Section 333.9201 et seq., and Section 333.9301 et seq. of the Michigan Compiled Laws;

j. All authority, powers, duties, functions and responsibilities not otherwise transferred from the Division of Health Risk Assessment in the Bureau of Environmental and Occupational Health;

k. Of the Shelter Environment Program, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 124 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended, being Section 333.12901 et seq. of the Michigan Compiled Laws;

l. Of the Division of Managed Care in the Bureau of Health Systems, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 27 of Act No. 368 of the Public Acts of 1978, being Section 333.2701 et seq. of the Michigan Compiled Laws;

m. Of the Division of Health Facility Development in the Bureau of Health Systems, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Part 222 of the Public Act Code, Act No. 332 of the Public Acts of 1988 as amended, being Section 333.22201 et seq. of the Michigan Compiled Laws;

n. Of the Bureau of Infectious Disease Control, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Parts 51 - 53, 59, 92, and 96 of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.5101 et seq., 333.5201 et seq., 333.5301 et seq., 333.5901 et seq., 333.9201 et seq., and Section 333.9601 et seq. of the Michigan Compiled Laws;

o. Of the Governor's Council on Physical Fitness, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Executive Order 1992-5;

p. Of the Agent Orange Commission, including but not limited to the authority, powers, duties, functions and responsibilities set forth in Act No. 49 of the Public Acts of 1987 being Section 333.5731 - 333.5745 of the Michigan Compiled Laws;

q. Of the Michigan Public Health Institute, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 26 of Act No. 368 of the Public Acts of 1978, being Section 333.2611 of the Michigan Compiled Laws;

r. Of the Center for Rural Health, including but not limited to the statutory authority, powers, duties, functions and responsibilities set forth in Part 26 of Act No. 368 of the Public Acts of 1978, being Sections 333.2223 and 333.361 of the Michigan Compiled Laws; are hereby transferred to the Director of the Department of Community Health by a Type I transfer, as defined by Section 3 Act No. 380 of the Public Acts of 1965, Section 16.103

2. All authority, powers, duties, functions and responsibilities of the Risk Reduction and AIDS Policy Commission set forth in Act No. 368 of the Public Acts of 1978 as amended, being Sections 333.5903 - Section 222.5909 of the Michigan Compiled Laws, are hereby transferred to the Director of the Michigan Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

3. All authority, powers, duties, functions and responsibilities of the Crippled Children's Advisory Committee of the Division of Children's Special Health Care Services (renamed the Children's Special Health Care Advisory Committee) of the Bureau of Child and Family Services, set forth in the relevant parts of Act No. 368 of the Public Acts of 1978, as amended, being Section 333.5811 of the Michigan Compiled Laws are hereby transferred to the Director of the Michigan Department of Community Health by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.

4. The Department of Public Health is hereby renamed the Community Public Health Agency.

5. The Executive Director of the Public Health Agency shall exercise the prescribed statutory powers, duties, and functions of rule-making, licensing, and registration independently of the Director of the Department of Community Health. The budgeting, procurement, and related management functions of the Public Health Agency shall be performed under the direction and supervision of the Director of the Department of Community Health.

6. The Director of the Department of Community Health shall administer the budget, procurement and management related functions in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

7. Any authority, duties, powers, functions and responsibilities of the Director of the Department of Public Health that are transferred in this section by this Order and that are not statutorily mandated can in the future be reorganized by the Director the Department of Community Health to promote efficient administration.

8. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities, powers, duties, functions, and responsibilities transferred by this Order are hereby transferred to the Department of

Community Health.

9. The Department of Management and Budget shall determine and authorize the most efficient manner possible for handling financial transactions and records in the states financial management system for the remainder of the fiscal year.

10. The Directors of the Department of Community Health and the Department of Public Health shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved by the Department of Community Health.

11. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective April 1, 1996.

History: 1996, E.R.O. No. 1996-1, Eff. Apr. 1, 1996

Compiler's Notes: The phrase "states financial management system" that appears throughout this section should evidently read "state's financial management system." The phrase "the Director the Department" that appears throughout this section should evidently read "the Director of the Department." In subsection 1.m. of part VIII, entitled "VIII. Department of Public Health," the reference to "Part 222 of the Public Act Code, Act No. 332 of the Public Acts of 1988 as amended" should evidently read "Part 222 of the Public Health Code, Act No. 368 of the Public Acts of 1978, as amended." In subparagraph 2. of part VIII, entitled "VIII. Department of Public Health," the reference to "Sections 333.5903 - Section 222.5909" evidently should read "Sections 333.5903 - 333.5909." For transfer of office of drug control policy to department of community health, and abolishment of the office, see E.R.O. No. 2009-1, compiled at MCL 333.26327. For transfer of powers and duties of department of environmental quality to department of natural resources and environment, and abolishment of the department of environmental quality, see E.R.O. No. 2009-31, compiled at MCL 324.99919. For creation of department of health and human services and abolishment of department of community health, see E.R.O. No. 2015-1, compiled at MCL 400.227. For transfer of powers and duties of chief medical executive to the new chief medical executive in the office of chief medical executive created within the department of health and human services, and abolishment of the position of chief medical executive, see E.R.O. No. 2016-4, compiled at MCL 333.26369. For transfer of powers and duties of the medical services administration to the health and aging services administration created within the department of health and human services; and abolishment of the medical services administration, see E.R.O. No. 2021-2, compiled at MCL 400.562.

Admin Rule: R 325.2401 et seq.; R 325.10102 et seq.; R 325.10308b; R 325.10401 et seq.; R 325.10604a et seq.; R 325.10702 et seq.; R 325.11002; R 325.11008; R 325.13101 et seq.; R 325.11502 et seq.; R 325.52501 et seq. R 325.70101 et seq. of the Michigan Administrative Code.