

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 1991-10

325.3051 Transfer of powers and duties of the office of health and medical affairs and the state health planning council to the department of public health.

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, the Office of Health and Medical Affairs was created by Act No. 323 of the Public Acts of 1978, as amended, being Sections 325.2001 et seq. of the Michigan Compiled Laws, in the Department of Management and Budget; and

WHEREAS, the creation of the State Health Planning Council in the Executive Office of the Governor was also authorized by Act No. 323 of the Public Acts of 1978, as amended, being Section 325.2001 et seq. of the Michigan Compiled Laws; and

WHEREAS, the policy and planning functions, duties, and responsibilities assigned to the Office of Health and Medical Affairs and the State Health Planning Council can be more effectively organized and carried out under the supervision and direction of the head of the Department of Public Health; 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:

(1) All the statutory authority, powers, duties, functions, and responsibilities, including the functions of budgeting, procurement, and management-related functions, created under Act No. 323 of the Public Acts of 1978, as amended, being Section 325.2001 et seq. of the Michigan Compiled Laws, are hereby transferred from the Office of Health and Medical Affairs to the Department of Public 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 the statutory authority, powers, duties, functions, and responsibilities of the State Health Planning Council are hereby transferred to the Director of the Department of Public Health, as head of the Department of Public 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) The Director of the Department of Public Health may appoint the Director of the Office of Health and Medical Affairs or may administer the assigned functions in other ways to promote efficient administration.

(4) The Director of the Department of Public Health 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, 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 Public Health.

(5) All records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available for policy and planning purposes to the Office of Health and Medical Affairs and the State Health Planning Council for the activities transferred to the Department of Public Health by this Order are hereby transferred to the Department of Public Health.

(6) The Director of the Department of Public Health 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 Management and Budget and the Director of 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 Office of Health and Medical Affairs.

(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.

(10) Nothing in this Order shall affect the budget development functions currently carried out by the Office of Health and Medical Affairs. These functions, and associated records, personnel, property, and unexpended balances of appropriations, allocations, and other funds used, held, employed, available, or to be made available to the Office of Health and Medical Affairs shall remain in the Department of Management and Budget.

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 September 1, 1991, at 12:01 a.m.

History: 1991, E.R.O. No. 1991-10, Eff. Sept. 1, 1991