



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ELIZABETH HERTEL
DIRECTOR

May 6, 2022

Senator Jon Bumstead, Chair
Representative Luke Meerman, Alternate Chair
Joint Committee on Administrative Rules (JCAR)
Room 327, House Office Building
Lansing, MI 48893

Subject: RESUBMISSION: Michigan Office of Administrative Hearing and Rules (MOAHR) Administrative Rules Division No. 2020 HS-Child Caring Institutions; JCAR No 21-69

Gentlemen:

Pursuant to MCL 24.245a(10)(a), the Department of Health and Human Services (DHHS) is resubmitting its amended rule set for your review. The rules are limited to the dangerous practice of restraint and seclusion of vulnerable children. The promulgation of these rules will provide direction to the child caring institutions for the reduction and elimination of restraint and seclusion. Further, the final rules place DHHS in compliance with the corrective action plan entered on April 26, 2022, by the federal court in *Dwayne B., et al v Snyder, et al.*, No. 2:06-cv-13548 (ED Mich 2006) that prohibits the restraint and seclusion of children in child caring institutions.

DHHS respectfully requests a waiver of the additional six session days under MCL 24.245a(10) to meet the federal court's deadline of June 1, 2022.

Sincerely,

A handwritten signature in cursive script that reads "Mary E. Brennan".

Mary E. Brennan
DHHS Regulatory Affairs Officer

MEB/jc
Attachment

cc: Katherine Wienczewski, Director, Administrative Rules Division, MOAHR
Deidre O'Berry, Analyst, Administrative Rules Division, MOAHR
Tim Reeves, Legal Counsel, JCAR
Rachel Hughart, Legal Counsel, JCAR
Members of JCAR