

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.145p Caregiver, other person with authority over vulnerable adult, or licensee; certain conduct as misdemeanor; penalty; certain disciplinary action not precluded by subsection (3); certain conduct as felony; penalty.

Sec. 145p.

(1) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$25,000.00, or both:

(a) Commingles, borrows, or pledges funds of a resident that are required by law or administrative rule to be held in a separate trust account.

(b) Interferes with or obstructs an investigation under the adult foster care facility licensing act, part 213, 215, or 217 of the public health code, or section 11b of the social welfare act, being section 400.11b of the Michigan Compiled Laws.

(c) Files information required by the adult foster care facility licensing act or part 213, 215, or 217 of the public health code that is false or misleading.

(2) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally retaliates or discriminates against a resident because the resident does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$25,000.00, or both:

(a) Provides information to a state or local official enforcing the adult foster care facility licensing act or part 213, 215, or 217 of the public health code.

(b) Makes a complaint against a facility.

(c) Initiates, participates in, or testifies in an administrative or criminal action against a facility or a civil suit related to the criminal action.

(3) A caregiver, other person with authority over a vulnerable adult, or a licensee who intentionally retaliates or discriminates against an employee because the employee does 1 or more of the following is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$10,000.00, or both:

(a) Provides information to a state or local official enforcing the adult foster care facility licensing act or part 213, 215, or 217 of the public health code.

(b) Makes a complaint against a facility.

(c) Initiates, participates in, or testifies in an administrative or criminal action against a facility or a civil suit related to the criminal action.

(4) Subsection (3) does not preclude an employer from taking reasonable and appropriate disciplinary action against an employee.

(5) A caregiver, other person with authority over a vulnerable adult, or a licensee who has been convicted of violating this section who commits a second or subsequent violation of this section is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$75,000.00, or both.

History: Add. 1994, Act 149, Eff. Oct. 1, 1994