

HEALTH CARE: DISCIPLINE BOARD

House Bill 4077

Sponsor: Rep. David M. Gubow

House Bill 4078

Sponsor: Rep. Sharon Gire

House Bill 4080

Sponsor: Rep. Nelson W. Saunders

House Bill 4289

Sponsor: Rep. Richard Bandstra

House Bill 4290

Sponsor: Rep. Michael Goschka

Committee: Judiciary

Complete to 3-20-93

A SUMMARY OF THE BILLS AS INTRODUCED 2-2-93 AND 2-17-93

The bills are companion bills to House Bills 4076 and 4295, which propose to revise the current system under which health care professionals are disciplined. A more detailed explanation follows.

House Bill 4077 would amend the Open Meetings Act (MCL 15.267 and 15.268) to exempt from disclosure settlement conferences and informal regulatory review conferences (held prior to issuance of a complaint) held under House Bill 4295. The bill is tie-barred to House Bill 4076.

House Bill 4078 would amend the Freedom of Information Act (MCL 15.243) to generally exempt from disclosure information regarding an investigation or informal regulatory review conference (as conducted under House Bill 4295). Not exempted would be information pertaining to the fact that an allegation had been made (along with the date of the allegation), that an investigation was underway, that no departmental complaint had been issued, and that an allegation had been dismissed. The bill is tie-barred to House Bill 4076.

House Bill 4080 would amend the Administrative Procedures Act (MCL 24.285 and 24.315) to exempt final decisions or orders rendered under the new health professionals' disciplinary process (set up by House Bill 4295) from the act's provisions for judicial review. The bill also would require that findings of fact and conclusions of law included in a final decision or order issued in a contested case hearing be placed in separate captioned sections. The bill is tie-barred to House Bill 4076.

House Bill 4289 would amend the Revised Judicature Act (MCL 600.2507). At present, the act allows the secretary of state, the auditor general, the state treasurer, and the attorney general to search each other's offices and the offices of the clerk of any court of record and of any register of deeds for any documents necessary to the discharge of their duties, and to obtain certified copies of those documents without charge. The bill would amend the act to allow the director of the Department of Commerce to request without charge searches and copies of such records (including those pertaining to criminal matters and to medical malpractice) from the secretary of state, the auditor general, the state treasurer, registers of deed, and the clerks of any court of record (including the supreme court and the probate court) or municipal court. The bill is tie-barred to House Bills 4290-4295.

House Bill 4290 would amend the Code of Criminal Procedure (MCL 769.1 et al.) to require the Department of Commerce to be notified when a health professional was convicted of a felony or an alcohol- or drug-related misdemeanor. Within 21 days after the conviction, the clerk of the court would report the conviction to the department on a form furnished by the department. Whether a person convicted of one of these offenses was a health professional would have to be noted in the presentence investigation report. At sentencing, the court would check whether the conviction had been reported as required; if not, the court would order the report to be made immediately. The bill is tie-barred to House Bills 4289 and 4291-4295.