



HOUSE BILL No. 4076

February 2, 1993, Introduced by Reps. Gubow, Saunders and Gire and referred to the Committee on Public Health.

A bill to amend sections 7105, 7109, 7301, 7306, 7311, 7314, 7315, 7316, 7502, 7515, 16103, 16104, 16105, 16106, 16107, 16108, 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137, 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16154, 16163, 16174, 16175, 16177, 16178, 16181, 16182, 16186, 16191, 16192, 16196, 16201, 16205, 16211, 16215, 16221, 16224, 16226, 16227, 16231, 16232, 16233, 16234, 16235, 16236, 16241, 16243, 16244, 16245, 16247, 16248, 16249, 16261, 16291, 16294, 16301, 16421, 16648, 17011, 17021, 17050, 17221, 17412, 17421, 17521, 17550, 17721, 17747, 17763, 17767, 17768, 17821, 18021, 18103, 18117, 18221, 18237, 18305, 18421, 18821, 18835, 20175, and 21513 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," sections 7105, 7109, and 7301 as amended by Act No. 60 of the Public Acts of 1988, sections 7306, 7314, 16138, 16139, 16143,

16145, 16152, 16154, 16191, 16192, 16211, 16231, 16233, 16243, 16244, and 20175 as amended by Act No. 174 of the Public Acts of 1986, section 7311 as amended and sections 7315 and 7316 as added by Act No. 30 of the Public Acts of 1988, section 7502 as amended by Act No. 251 of the Public Acts of 1982, sections 16103, 17050, and 17550 as amended by Act No. 247 of the Public Acts of 1990, sections 16108, 16146, 16174, 16201, 16245, and 16301 as amended by Act No. 462 of the Public Acts of 1988, section 16109 as amended by Act No. 58 of the Public Acts of 1991, section 16125 as amended by Act No. 202 of the Public Acts of 1989, sections 16131 and 16135 as amended and section 18305 as added by Act No. 473 of the Public Acts of 1988, section 16181 as amended by Act No. 293 of the Public Acts of 1989, sections 16182 and 17011 as amended by Act No. 248 of the Public Acts of 1990, section 16186 as amended by Act No. 81 of the Public Acts of 1988, section 16205 as amended by Act No. 290 of the Public Acts of 1986, section 16215 as amended by Act No. 279 of the Public Acts of 1990, sections 16221 and 16226 as amended by Act No. 15 of the Public Acts of 1989, section 16648 as added by Act No. 89 of the Public Acts of 1983, section 17221 as amended by Act No. 201 of the Public Acts of 1989, section 17412 as added by Act No. 42 of the Public Acts of 1984, section 17747 as amended by Act No. 333 of the Public Acts of 1990, section 17768 as amended by Act No. 250 of the Public Acts of 1987, sections 18103 and 18117 as added by Act No. 421 of the Public Acts of 1988, section 18821 as amended by Act No. 353 of the Public Acts of 1982, and section 21513 as amended by Act No. 179 of the Public Acts of 1990, being

sections 333.7105, 333.7109, 333.7301, 333.7306, 333.7311, 333.7314, 333.7315, 333.7316, 333.7502, 333.7515, 333.16103, 333.16104, 333.16105, 333.16106, 333.16107, 333.16108, 333.16109, 333.16115, 333.16121, 333.16122, 333.16125, 333.16128, 333.16131, 333.16135, 333.16137, 333.16138, 333.16139, 333.16141, 333.16143, 333.16145, 333.16146, 333.16148, 333.16152, 333.16154, 333.16163, 333.16174, 333.16175, 333.16177, 333.16178, 333.16181, 333.16182, 333.16186, 333.16191, 333.16192, 333.16196, 333.16201, 333.16205, 333.16211, 333.16215, 333.16221, 333.16224, 333.16226, 333.16227, 333.16231, 333.16232, 333.16233, 333.16234, 333.16235, 333.16236, 333.16241, 333.16243, 333.16244, 333.16245, 333.16247, 333.16248, 333.16249, 333.16261, 333.16291, 333.16294, 333.16301, 333.16421, 333.16648, 333.17011, 333.17021, 333.17050, 333.17221, 333.17412, 333.17421, 333.17521, 333.17550, 333.17721, 333.17747, 333.17763, 333.17767, 333.17768, 333.17821, 333.18021, 333.18103, 333.18117, 333.18221, 333.18237, 333.18305, 333.18421, 333.18821, 333.18835, 333.20175, and 333.21513 of the Michigan Compiled Laws; to add sections 16165, 16166, 16167, 16168, 16169, 16170, 16170a, 16216, 16222, 16223, 16231a, 16237, 16238, 16239, 16315, 16317, 16319, 16321, 16323, 16325, 16327, 16329, 16331, 16333, 16335, 16337, 16339, 16341, 16343, 16345, 16347, 16349, 20176a, and 20194; to repeal certain parts of the act; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7105, 7109, 7301, 7306, 7311, 7314,
2 7315, 7316, 7502, 7515, 16103, 16104, 16105, 16106, 16107, 16108,
3 16109, 16115, 16121, 16122, 16125, 16128, 16131, 16135, 16137,

1 16138, 16139, 16141, 16143, 16145, 16146, 16148, 16152, 16154,
2 16163, 16174, 16175, 16177, 16178, 16181, 16182, 16186, 16191,
3 16192, 16196, 16201, 16205, 16211, 16215, 16221, 16224, 16226,
4 16227, 16231, 16232, 16233, 16234, 16235, 16236, 16241, 16243,
5 16244, 16245, 16247, 16248, 16249, 16261, 16291, 16294, 16301,
6 16421, 16648, 17011, 17021, 17050, 17221, 17412, 17421, 17521,
7 17550, 17721, 17747, 17763, 17767, 17768, 17821, 18021, 18103,
8 18117, 18221, 18237, 18305, 18421, 18821, 18835, 20175, and 21513
9 of Act No. 368 of the Public Acts of 1978, sections 7105, 7109,
10 and 7301 as amended by Act No. 60 of the Public Acts of 1988,
11 sections 7306, 7314, 16138, 16139, 16143, 16145, 16152, 16154,
12 16191, 16192, 16211, 16231, 16233, 16243, 16244, and 20175 as
13 amended by Act No. 174 of the Public Acts of 1986, section 7311
14 as amended and sections 7315 and 7316 as added by Act No. 30 of
15 the Public Acts of 1988, section 7502 as amended by Act No. 251
16 of the Public Acts of 1982, sections 16103, 17050, and 17550 as
17 amended by Act No. 247 of the Public Acts of 1990,
18 sections 16108, 16146, 16174, 16201, 16245, and 16301 as amended
19 by Act No. 462 of the Public Acts of 1988, section 16109 as
20 amended by Act No. 58 of the Public Acts of 1991, section 16125
21 as amended by Act No. 202 of the Public Acts of 1989, sections
22 16131 and 16135 as amended and section 18305 as added by Act
23 No. 473 of the Public Acts of 1988, section 16181 as amended by
24 Act No. 293 of the Public Acts of 1989, sections 16182 and 17011
25 as amended by Act No. 248 of the Public Acts of 1990, section
26 16186 as amended by Act No. 81 of the Public Acts of 1988,
27 section 16205 as amended by Act No. 290 of the Public Acts of

1 1986, section 16215 as amended by Act No. 279 of the Public Acts
2 of 1990, sections 16221 and 16226 as amended by Act No. 15 of the
3 Public Acts of 1989, section 16648 as added by Act No. 89 of the
4 Public Acts of 1983, section 17221 as amended by Act No. 201 of
5 the Public Acts of 1989, section 17412 as added by Act No. 42 of
6 the Public Acts of 1984, section 17747 as amended by Act No. 333
7 of the Public Acts of 1990, section 17768 as amended by Act
8 No. 250 of the Public Acts of 1987, sections 18103 and 18117 as
9 added by Act No. 421 of the Public Acts of 1988, section 18821 as
10 amended by Act No. 353 of the Public Acts of 1982, and section
11 21513 as amended by Act No. 179 of the Public Acts of 1990, being
12 sections 333.7105, 333.7109, 333.7301, 333.7306, 333.7311,
13 333.7314, 333.7315, 333.7316, 333.7502, 333.7515, 333.16103,
14 333.16104, 333.16105, 333.16106, 333.16107, 333.16108, 333.16109,
15 333.16115, 333.16121, 333.16122, 333.16125, 333.16128, 333.16131,
16 333.16135, 333.16137, 333.16138, 333.16139, 333.16141, 333.16143,
17 333.16145, 333.16146, 333.16148, 333.16152, 333.16154, 333.16163,
18 333.16174, 333.16175, 333.16177, 333.16178, 333.16181, 333.16182,
19 333.16186, 333.16191, 333.16192, 333.16196, 333.16201, 333.16205,
20 333.16211, 333.16215, 333.16221, 333.16224, 333.16226, 333.16227,
21 333.16231, 333.16232, 333.16233, 333.16234, 333.16235, 333.16236,
22 333.16241, 333.16243, 333.16244, 333.16245, 333.16247, 333.16248,
23 333.16249, 333.16261, 333.16291, 333.16294, 333.16301, 333.16421,
24 333.16648, 333.17011, 333.17021, 333.17050, 333.17221, 333.17412,
25 333.17421, 333.17521, 333.17550, 333.17721, 333.17747, 333.17763,
26 333.17767, 333.17768, 333.17821, 333.18021, 333.18103, 333.18117,
27 333.18221, 333.18237, 333.18305, 333.18421, 333.18821, 333.18835,

1 333.20175, and 333.21513 of the Michigan Compiled Laws, are
2 amended and sections 16165, 16166, 16167, 16168, 16169, 16170,
3 16170a, 16216, 16222, 16223, 16231a, 16237, 16238, 16239, 16315,
4 16317, 16319, 16321, 16323, 16325, 16327, 16329, 16331, 16333,
5 16335, 16337, 16339, 16341, 16343, 16345, 16347, 16349, 20176a,
6 and 20194 are added to read as follows:

7 Sec. 7105. (1) "Deliver" or "delivery" means the actual,
8 constructive, or attempted transfer from 1 person to another of a
9 controlled substance, whether or not there is an agency
10 relationship.

11 (2) "DISCIPLINARY BOARD" MEANS THE HEALTH PROFESSIONALS DIS-
12 CIPLINARY BOARD CREATED IN SECTION 16216.

13 (3) ~~-(2)-~~ "Dispense" means to deliver or issue a controlled
14 substance to an ultimate user or research subject by or pursuant
15 to the lawful order of a practitioner, including the prescribing,
16 administering, or compounding necessary to prepare the substance
17 for the delivery or issuance.

18 (4) ~~-(3)-~~ "Dispenser" means a practitioner who dispenses.

19 (5) ~~-(4)-~~ "Distribute" means to deliver other than by admin-
20 istering or dispensing a controlled substance.

21 (6) ~~-(5)-~~ "Distributor" means a person who distributes.

22 (7) ~~-(6)-~~ "Drug" means a substance recognized as a drug in
23 the official United States pharmacopoeia, official homeopathic
24 pharmacopoeia of the United States, or official national formula-
25 ry, or any supplement to any of them; a substance intended for
26 use in the diagnosis, cure, mitigation, treatment, or prevention
27 of disease in human beings or animals; a substance other than

1 food intended to affect the structure or any function of the body
2 of human beings or animals; or, a substance intended for use as a
3 component of any article specified in this subsection. ~~It~~ DRUG
4 does not include a device or its components, parts, or
5 accessories.

6 (8) ~~(7)~~ "Human consumption" means application, injection,
7 inhalation, or ingestion by a human being.

8 Sec. 7109. (1) "Person" means a person as defined in sec-
9 tion 1106 or a governmental entity.

10 (2) "Poppy straw" means all parts, except the seeds, of the
11 opium poppy, after mowing.

12 (3) "Practitioner" means:

13 (a) A prescriber or pharmacist, a scientific investigator as
14 defined by rule of the administrator, or other person licensed,
15 registered, or otherwise permitted to distribute, dispense, con-
16 duct research with respect to, or administer a controlled sub-
17 stance in the course of professional practice or research in this
18 state, ~~except the holder of a retiree's limited license issued~~
19 ~~pursuant to article 15,~~ including an individual in charge of a
20 dog pound or animal shelter licensed or registered by the depart-
21 ment of agriculture pursuant to Act No. 287 of the Public Acts of
22 1969, being sections 287.331 to 287.340 of the Michigan Compiled
23 Laws, for the limited purpose of buying, possessing, and adminis-
24 tering a commercially prepared, premixed solution of sodium pen-
25 tobarbital to practice euthanasia on animals.

26 (b) A pharmacy, hospital, or other institution or place of
27 professional practice licensed, registered, or otherwise

1 permitted to distribute, prescribe, dispense, conduct research
2 with respect to, or administer a controlled substance in the
3 course of professional practice or research in this state.

4 (4) "Prescription form" means a printed form ~~which~~ THAT is
5 authorized and intended for use by a prescribing practitioner to
6 prescribe controlled substances or prescription drugs and ~~which~~
7 THAT meets the requirements of rules promulgated by the
8 administrator.

9 (5) "Production" means the manufacture, planting, cultiva-
10 tion, growing, or harvesting of a controlled substance.

11 (6) "Ultimate user" means an individual who lawfully pos-
12 sesses a controlled substance for personal use or for the use of
13 a member of the individual's household, or for administering to
14 an animal owned by the individual or by a member of the
15 individual's household.

16 Sec. 7301. (1) The administrator may promulgate rules
17 relating to the licensure and control of ~~the manufacture,~~
18 ~~distribution,~~ MANUFACTURING, DISTRIBUTING, AND prescribing
19 ~~schedule II~~ controlled substances INCLUDED IN SCHEDULE 2, and
20 TO THE dispensing of controlled substances in this state.

21 (2) Fees charged under this part shall be as prescribed in
22 ~~section 51 of the state license fee act, Act No. 152 of the~~
23 ~~Public Acts of 1979, being section 338.2251 of the Michigan~~
24 ~~Compiled Laws~~ ARTICLE 15.

25 Sec. 7306. (1) The administrator shall grant a license to
26 an applicant to manufacture or distribute controlled substances
27 included in sections ~~7212~~ 7211 to 7220, unless the

1 administrator determines that the issuance of that license would
2 be inconsistent with the public interest. ~~A license shall not~~
3 ~~be granted to the holder of a retiree's limited license issued~~
4 ~~pursuant to article 15.~~ In determining the public interest, the
5 administrator shall consider all of the following factors:

6 (a) Maintenance of effective controls against diversion of
7 controlled substances to other than legitimate and professionally
8 recognized therapeutic, scientific, or industrial channels.

9 (b) Compliance with applicable state and local law.

10 (c) A conviction of the applicant under a federal or state
11 law relating to a controlled substance.

12 (d) Past experience in the manufacture or distribution of
13 controlled substances, and the existence in the applicant's
14 establishment of effective controls against diversion.

15 (e) Furnishing by the applicant of false or fraudulent mate-
16 rial in an application filed under this article.

17 (f) Suspension or revocation of the applicant's federal reg-
18 istration to manufacture or distribute controlled substances as
19 authorized by federal law.

20 (g) Any other factor relevant to and consistent with the
21 public health and safety.

22 (2) Licensure under subsection (1) does not entitle a
23 licensee to manufacture and distribute controlled substances in
24 schedules 1 or 2 other than those specified in the license.

25 (3) A practitioner shall be licensed to dispense or pre-
26 scribe any controlled substances or to conduct research with
27 controlled substances in schedules 2 to 5 if the practitioner is

1 authorized to dispense, prescribe, or conduct research under the
2 laws of this state. The administrator need not require separate
3 licensure under this article for a practitioner engaging in
4 research with nonnarcotic controlled substances in schedules 2 to
5 5 if the licensee is licensed under this article in another
6 capacity. A practitioner registered under federal law to conduct
7 research with schedule 1 substances may conduct research with
8 schedule 1 substances in this state upon furnishing the adminis-
9 trator evidence of that federal registration.

10 (4) Compliance by a manufacturer or distributor with the
11 provisions of the federal law as to registration, excluding fees,
12 entitles the manufacturer or distributor to be licensed under
13 this article.

14 (5) Licensure under subsection (1) does not authorize a
15 licensee to dispense, manufacture, distribute, or prescribe a
16 controlled substance if the dispensing, manufacture, distribu-
17 tion, or prescribing is not for legitimate and professionally
18 recognized therapeutic, scientific, or industrial purposes or is
19 not in the scope of practice of a practitioner-licensee.

20 Sec. 7311. (1) A license under section 7306 to manufacture,
21 distribute, prescribe, or dispense a controlled substance may be
22 denied, suspended, or revoked OR A LICENSEE MAY BE FINED, REPRI-
23 MANDED, OR PLACED ON PROBATION by the ~~administrator~~
24 DISCIPLINARY BOARD upon a finding that an applicant for licensure
25 or a licensee is subject to any of the following:

1 (a) The applicant or licensee has furnished false or
2 fraudulent material information in an application filed under
3 this article.

4 (b) The applicant's or licensee's federal registration to
5 manufacture, distribute, or dispense controlled substances has
6 been surrendered, suspended, or revoked.

7 (c) The applicant or licensee has promoted a controlled sub-
8 stance to the general public.

9 (d) The applicant or licensee is not a practitioner, manu-
10 facturer, or distributor.

11 (e) The applicant or licensee has not maintained effective
12 controls against diversion of controlled substances to other than
13 legitimate and professionally recognized therapeutic, scientific,
14 or industrial uses.

15 (f) The applicant or licensee is not in compliance with
16 applicable federal, state, and local laws.

17 (g) The applicant or licensee has manufactured, distributed,
18 or dispensed a controlled substance for other than legitimate or
19 professionally recognized therapeutic, scientific, or industrial
20 purposes or outside the scope of practice of the
21 practitioner-licensee or applicant.

22 (h) The applicant or licensee has violated or attempted to
23 violate, directly or indirectly, assisted in or abetted the vio-
24 lation of, or conspired to violate this article or rules of the
25 administrator promulgated under this article.

26 (2) The ~~administrator may limit revocation or suspension of~~
27 ~~a license~~ DISCIPLINARY BOARD MAY RESTRICT A REVOCATION OR

1 SUSPENSION under subsection (1) to the particular controlled
2 substance as to which grounds for revocation or suspension
3 exist.

4 (3) A license under section 7306 to manufacture, distribute,
5 prescribe, or dispense a controlled substance shall be denied or
6 revoked by the ~~administrator~~ DISCIPLINARY BOARD if the appli-
7 cant or licensee has been convicted of a felony under a state or
8 federal law relating to a controlled substance.

9 (4) If the ~~administrator~~ DISCIPLINARY BOARD suspends or
10 revokes a license OR IF A LICENSE IS VOID UNDER SUBSECTION (6),
11 all controlled substances owned or possessed by the licensee at
12 the time of suspension or the effective date of the revocation
13 order may be placed under seal or seized at the discretion of the
14 ~~administrator~~ DISCIPLINARY BOARD. ~~A disposition may not be~~
15 ~~made~~ THE DISCIPLINARY BOARD SHALL NOT DISPOSE of CONTROLLED sub-
16 stances under seal or seizure until the time for taking an appeal
17 has elapsed or until all appeals have been concluded, unless a
18 court, upon application therefor, orders the sale of perishable
19 CONTROLLED substances and the deposit of the proceeds of the sale
20 with the court. Upon a revocation order becoming final OR AFTER
21 A LICENSE BECOMES VOID UNDER SUBSECTION (6) BECAUSE THE
22 LICENSEE'S LICENSE TO PRACTICE IS REVOKED UNDER ARTICLE 15 AND
23 THAT REVOCATION ORDER BECOMES FINAL, THE DISCIPLINARY BOARD MAY
24 ORDER all controlled substances ~~may~~ UNDER SEAL OR SEIZURE TO be
25 forfeited to this state.

1 (5) The ~~administrator~~ DISCIPLINARY BOARD shall promptly
2 notify the bureau of all orders suspending or revoking a license
3 and all forfeitures of controlled substances.

4 (6) A license under section 7306 to manufacture, distribute,
5 prescribe, or dispense a controlled substance ~~shall be suspended~~
6 ~~or revoked by the administrator upon receipt of notice from the~~
7 ~~appropriate licensing board that a~~ IS AUTOMATICALLY VOID IF THE
8 DISCIPLINARY BOARD SUSPENDS OR REVOKES THE licensee's license to
9 practice ~~a health care profession~~ under article 15. ~~has been~~
10 ~~suspended or revoked.~~

11 (7) Subject to subsection (8), if the administrator OR THE
12 DISCIPLINARY BOARD finds that an applicant or licensee has been
13 convicted of a misdemeanor or a felony under a state or federal
14 law relating to a controlled substance, the applicant or licensee
15 shall not have a direct financial interest in, or be employed BY,
16 in a capacity in which the individual has direct access to con-
17 trolled substances, ~~by,~~ a person who is licensed under this
18 article to manufacture, distribute, prescribe, or dispense a con-
19 trolled substance for a period of not less than 3 years after the
20 date of conviction. An individual who violates this subsection
21 ~~may be punished by~~ IS SUBJECT TO a civil fine of not more than
22 \$25,000.00 in a proceeding in the circuit court.

23 (8) ~~Subsection~~ THE REFERENCE TO A MISDEMEANOR CONVICTION
24 IN SUBSECTION (7) applies only to a conviction for a misdemeanor
25 ~~which~~ THAT is directly related to the manufacture, delivery,
26 possession, possession with intent to manufacture or deliver,
27 use, distribution, prescription, or dispensing of a controlled

1 substance. Subsection (7) does not apply to a conviction for a
2 misdemeanor based upon an unintentional error or omission involv-
3 ing a clerical or record-keeping function.

4 Sec. 7314. (1) ~~Except as provided in subsection (3),~~
5 ~~before denying, suspending, or revoking~~ BEFORE THE DISCIPLINARY
6 BOARD SUSPENDS OR REVOKES OR DENIES a license ~~, or denying~~ OR a
7 renewal of a license, the ~~administrator~~ DISCIPLINARY BOARD
8 shall serve on the applicant or licensee an order to show cause
9 why the application or license should not be denied, revoked, or
10 suspended, or why the renewal should not be denied. The order to
11 show cause shall contain a statement of the basis ~~therefor~~ FOR
12 THE ORDER and shall call upon the applicant or licensee to appear
13 before the ~~administrator~~ DISCIPLINARY BOARD OR A HEARINGS
14 EXAMINER at a time and place not less than 30 days after the date
15 of service of the order. A show cause order for a denial of
16 renewal of a license shall be served not later than 30 days
17 before expiration of the license. These proceedings shall be
18 conducted ~~in accordance with the administrative procedures act~~
19 ~~of 1969~~ without regard to any criminal prosecution or other
20 proceeding. A proceeding to deny renewal of a license shall not
21 abate the existing license, which shall remain in effect pending
22 the outcome of the administrative hearing.

23 (2) ~~The administrator~~ PURSUANT TO RULES PROMULGATED BY THE
24 DEPARTMENT, THE DEPARTMENT may suspend, without an order to show
25 cause, a license simultaneously with the institution of proceed-
26 ings under section 7311 or ~~where~~ IF renewal of licensure is
27 refused, if the ~~administrator~~ DEPARTMENT finds that there is an

1 imminent danger to the public health or safety ~~which~~ THAT
2 warrants this action. The suspension shall continue in effect
3 until conclusion of the proceedings, including judicial review,
4 unless sooner withdrawn by the ~~administrator~~ HEARINGS EXAMINER
5 or dissolved by a court of competent jurisdiction.

6 ~~(3) Subsection (1) shall not apply to the suspension or~~
7 ~~revocation of a license by the administrator pursuant to section~~
8 ~~7311(5).~~

9 Sec. 7315. (1) An individual whose license is ~~limited~~
10 RESTRICTED, suspended, or revoked under this part may apply to
11 the ~~board~~ ADMINISTRATOR for a reinstatement of a revoked or
12 suspended license or TO THE DISCIPLINARY BOARD FOR removal of a
13 ~~limited revocation or suspension~~ RESTRICTION as to a particular
14 controlled substance. ~~pursuant to section 7316.~~

15 (2) In case of a revoked license, THE ADMINISTRATOR SHALL
16 NOT ACCEPT an application for reinstatement ~~shall not be~~
17 ~~accepted~~ before the expiration of 3 years after the date of
18 revocation. IF A LICENSE BECOMES AUTOMATICALLY VOID PURSUANT TO
19 SECTION 7311(6) BECAUSE THE LICENSEE'S LICENSE TO PRACTICE WAS
20 REVOKED FOR A VIOLATION OF SECTION 16221(B)(*vi*) OR FOR A VIOLA-
21 TION OF SECTION 16221(C)(*iv*) CONSISTING OF A FELONY CONVICTION OR
22 ANY OTHER FELONY CONVICTION INVOLVING A CONTROLLED SUBSTANCE, THE
23 ADMINISTRATOR SHALL NOT ACCEPT AN APPLICATION FOR REINSTATEMENT
24 BEFORE THE EXPIRATION OF 5 YEARS AFTER THE DATE THE LICENSE
25 BECOMES VOID.

1 (3) ~~An~~ THE ADMINISTRATOR SHALL PROVIDE AN opportunity for
2 a hearing ~~shall be provided~~ before final rejection of an
3 application for reinstatement.

4 Sec. 7316. The administrator may reinstate a revoked or
5 suspended license to an individual whose license has been sus-
6 pended or revoked under this article ~~or remove a limited revoca-~~
7 ~~tion or suspension as to a particular controlled substance~~ if,
8 after a hearing, the administrator is satisfied that the appli-
9 cant is of good moral character, HAS MET THE CRITERIA IN THE
10 RULES PROMULGATED UNDER SECTION 16245(6), and should be permitted
11 in the public interest to have his or her license reinstated.
12 ~~or the limited revocation or suspension removed.~~ As a condition
13 of reinstatement, THE DISCIPLINARY BOARD, UPON THE RECOMMENDATION
14 OF the administrator, may impose a disciplinary or corrective
15 measure authorized under this article. In determining the public
16 interest, the administrator shall consider the factors set forth
17 in section 7306(1)(a) to (g).

18 Sec. 7502. (1) An inspection AGENT or investigatory agent
19 of the ~~administrator or of the~~ department of licensing and reg-
20 ulation may do any of the following:

21 (a) Execute and serve search warrants, arrest warrants,
22 administrative inspection warrants, subpoenas, and summonses
23 issued under the authority of this state.

24 (b) Seize property pursuant to this article.

25 (c) Perform other law enforcement duties the administrator
26 or the department of licensing and regulation designates.

1 (2) An agent of the department of treasury designated by the
2 commissioner of revenue may exercise the powers specified in
3 subsection (1) with regard to the seizure of property under sec-
4 tion 7521(e) and (f) after notification of the department of
5 state police or any other local law enforcement agency having
6 jurisdiction.

7 Sec. 7515. (1) The administrator may cooperate with federal
8 and other state agencies in discharging its responsibilities as
9 to traffic in controlled substances and in suppressing the abuse
10 of controlled substances. To this end, the administrator may DO
11 ALL OF THE FOLLOWING:

12 (a) Arrange for the exchange of information among governmen-
13 tal officials as to the use and abuse of controlled substances.

14 (b) Coordinate and cooperate in training programs as to con-
15 trolled substance law enforcement at local and state levels.

16 (c) Cooperate with the bureau by establishing a centralized
17 unit to accept, catalogue, file, and collect statistics, includ-
18 ing records of drug dependent individuals and other controlled
19 substance law offenders in this state, and make the information
20 available for federal, state, and local law enforcement
21 purposes. The administrator shall not furnish the name or iden-
22 tity of a patient or research subject whose identity could not be
23 obtained under section 7516.

24 (d) Conduct programs of eradication aimed at destroying wild
25 or illicit growth of plant species from which controlled sub-
26 stances may be extracted.

1 (2) Results, information, and evidence received from the
2 bureau relating to the regulatory functions of this article,
3 including results of inspections conducted by it, may be relied
4 and acted upon by the ~~administrator~~ DISCIPLINARY BOARD in the
5 exercise of its regulatory functions under this article.

6 Sec. 16103. (1) "Board" as used in ~~this part means each~~
7 ~~board created in this article and as used in any other part cov-~~
8 ~~ering a specific health profession~~ PARTS 164 TO 188 means ~~the~~
9 A LICENSURE OR REGISTRATION board created in ~~that~~ A PARTICULAR
10 part.

11 (2) "Certificate of licensure" means a document issued as
12 evidence of authorization to practice and use a designated
13 title.

14 (3) "Certificate of registration" means a document issued as
15 evidence of authorization to use a designated title.

16 (4) "COMMITTEE" MEANS THE HEALTH PROFESSIONAL RECOVERY COM-
17 MITTEE CREATED IN SECTION 16165.

18 (5) "CONVICTION" MEANS A JUDGMENT ENTERED BY A COURT UPON A
19 PLEA OF GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO CONTENDERE OR
20 UPON A JURY VERDICT OR COURT FINDING THAT A DEFENDANT IS GUILTY
21 OR GUILTY BUT MENTALLY ILL.

22 (6) ~~(4)~~ "Council" means the health occupations council
23 created in section 16151.

24 Sec. 16104. (1) "Delegation" means an authorization granted
25 by a licensee to a licensed or unlicensed individual to perform
26 selected acts, tasks, or functions ~~which~~ THAT fall within the
27 scope of practice of the delegator and ~~which~~ THAT are not

1 within the scope of practice of the delegatee and ~~which~~ THAT,
2 in the absence of the authorization, would constitute illegal
3 practice of a licensed profession.

4 (2) "Department" means the department of licensing and
5 regulation.

6 (3) "Director" means the director of licensing and
7 regulation.

8 (4) "DISCIPLINARY BOARD" MEANS THE HEALTH PROFESSIONALS DIS-
9 CIPLINARY BOARD CREATED IN SECTION 16216.

10 (5) ~~(4)~~ "Good moral character" means good moral character
11 as defined and determined under Act No. 381 of the Public Acts of
12 1974, as amended, being sections 338.41 to 338.47 of the Michigan
13 Compiled Laws.

14 Sec. 16105. (1) "Health occupation" means a health related
15 vocation, calling, occupation, or employment performed by
16 ~~individuals~~ AN INDIVIDUAL whether or not THE INDIVIDUAL IS
17 licensed or registered under this article.

18 (2) "Health profession" means a vocation, calling, occupa-
19 tion, or employment performed by ~~individuals~~ AN INDIVIDUAL
20 acting pursuant to a license or registration issued under this
21 article.

22 (3) "Health profession specialty field" means an area of
23 practice established under this article ~~which~~ THAT is within
24 the scope of activities, functions, and duties of a licensed
25 health profession and ~~which~~ THAT requires advanced education
26 and training beyond that required for initial licensure.

1 (4) "Health profession subfield" means an area of practice
2 established under this article ~~which~~ THAT is within the scope
3 of the activities, functions, and duties of a licensed health
4 profession, and requires less comprehensive knowledge and skill
5 than is required to practice the full scope of the health
6 profession.

7 (5) "HEALTH PROFESSIONAL RECOVERY PROGRAM" OR "PROGRAM"
8 MEANS A NONDISCIPLINARY, TREATMENT-ORIENTED PROGRAM FOR IMPAIRED
9 HEALTH PROFESSIONALS ESTABLISHED UNDER SECTION 16167.

10 Sec. 16106. (1) "IMPAIRED" OR "IMPAIRMENT" MEANS THE
11 INABILITY OR IMMEDIATELY IMPENDING INABILITY OF A HEALTH PROFES-
12 SIONAL TO PRACTICE HIS OR HER HEALTH PROFESSION IN A MANNER THAT
13 CONFORMS TO THE MINIMUM STANDARDS OF ACCEPTABLE AND PREVAILING
14 PRACTICE FOR THAT HEALTH PROFESSION DUE TO THE HEALTH
15 PROFESSIONAL'S SUBSTANCE ABUSE, CHEMICAL DEPENDENCY, OR MENTAL
16 ILLNESS OR THE HEALTH PROFESSIONAL'S USE OF DRUGS OR ALCOHOL THAT
17 DOES NOT CONSTITUTE SUBSTANCE ABUSE OR CHEMICAL DEPENDENCY. AS
18 USED IN THIS SUBSECTION:

19 (A) "CHEMICAL DEPENDENCY" MEANS A GROUP OF COGNITIVE, BEHAV-
20 IORAL, AND PHYSIOLOGICAL SYMPTOMS THAT INDICATE THAT AN INDIVID-
21 UAL HAS A SUBSTANTIAL LACK OF OR NO CONTROL OVER THE INDIVIDUAL'S
22 USE OF 1 OR MORE PSYCHOACTIVE SUBSTANCES.

23 (B) "MENTAL ILLNESS" MEANS THAT TERM AS DEFINED IN SECTION
24 400A OF THE MENTAL HEALTH CODE, ACT NO. 258 OF THE PUBLIC ACTS OF
25 1974, BEING SECTION 330.1400A OF THE MICHIGAN COMPILED LAWS.

26 (C) "SUBSTANCE ABUSE" MEANS THAT TERM AS DEFINED IN SECTION
27 6107.

1 (2) ~~(1)~~ "Incompetence" means a departure from, or failure
 2 to conform to, minimal standards of acceptable and prevailing
 3 practice for the health profession, whether or not actual injury
 4 to an individual occurs.

5 (3) ~~(2)~~ "License" means an authorization issued under this
 6 article to practice ~~where~~ WHICH practice would otherwise be
 7 unlawful. ~~It~~ LICENSE includes an authorization to use a desig-
 8 nated title which use would otherwise be prohibited under this
 9 article and may be used to refer to a health profession subfield
 10 license, limited license, or a temporary license.

11 (4) ~~(3)~~ "Licensee" as used in a part that regulates a spe-
 12 cific health profession means a person to whom a license is
 13 issued under that part, and as used in this part means each
 14 licensee regulated by this article.

15 (5) "LICENSURE BOARD" OR "REGISTRATION BOARD" MEANS A BOARD
 16 CREATED IN A PART PERTAINING TO A SPECIFIC HEALTH PROFESSION.

17 (6) ~~(4)~~ "Limitation" means an action by which ~~a board~~ A
 18 LICENSURE BOARD imposes ~~restrictions or~~ conditions ~~, or both,~~
 19 on a license.

20 (7) ~~(5)~~ "Limited license" means a license to which
 21 ~~restrictions or~~ conditions ~~, or both,~~ as to ~~scope of~~
 22 ~~practice,~~ place of practice, supervision of practice, OR dura-
 23 tion of licensed status ~~, or type or condition of patient or~~
 24 ~~client served~~ are imposed by a LICENSURE board.

25 Sec. 16107. (1) "Probation" means a sanction ~~which~~ THAT
 26 permits ~~a~~ THE DISCIPLINARY board to evaluate over a period of

1 time a licensee's fitness to continue to practice under a
2 license.

3 (2) "Public member" means a member of the general public who
4 is not a licensee or registrant under this article, is a resident
5 of this state, is not less than 18 years of age, and does not
6 have a material financial interest in the provision of health
7 services and has not had such an interest within the 12 months
8 before appointment.

9 Sec. 16108. (1) "Reclassification" means an action by ~~a~~
10 THE DISCIPLINARY board by which restrictions or conditions, or
11 both, applicable to a license are added or removed.

12 (2) "Registration" means an authorization only for the use
13 of a designated title which use would otherwise be prohibited
14 under this article. It includes specialty certification of a
15 licensee.

16 (3) "Registrant" as used in any part that regulates the use
17 of a title means an individual to whom a registration or spe-
18 cialty certification is issued under that part, and as used in
19 this part means each registrant regulated by this article.

20 (4) ~~"Retiree's limited license" means a limited license~~
21 ~~which authorizes the holder to use a designated title which would~~
22 ~~otherwise be prohibited under this article, but does not autho-~~
23 ~~rize the holder to practice a health profession. "RESTRICTION"~~
24 MEANS AN ACTION BY WHICH THE DISCIPLINARY BOARD IMPOSES CONDI-
25 TIONS ON A LICENSE.

26 (5) "Reinstatement" means the granting of a license or
27 certificate of registration, with or without ~~limitations or~~

1 ~~conditions~~ RESTRICTIONS, to a person whose license or
2 certificate of registration has been suspended or revoked.

3 (6) "Relicensure" means the granting of a license to a
4 person whose license has become ~~null and~~ void for failure to
5 renew the license within 60 days after the expiration date.

6 (7) "Reregistration" means the granting of a certificate of
7 registration to a person whose certificate of registration has
8 become void for failure to renew the certificate within 60 days
9 after the expiration date.

10 Sec. 16109. (1) "Specialty certification" means an authori-
11 zation to use a title by a licensee who has met qualifications
12 established by a LICENSURE board for registration in a health
13 profession specialty field.

14 (2) "Supervision" means the overseeing of or participation
15 in the work of another individual by a health professional
16 licensed under this article in circumstances where at least all
17 of the following conditions exist:

18 (a) The continuous availability of direct communication in
19 person or by radio, telephone, or telecommunication between the
20 supervised individual and a licensed health professional.

21 (b) The availability of a licensed health professional on a
22 regularly scheduled basis to review the practice of the super-
23 vised individual, to provide consultation to the supervised indi-
24 vidual, to review records, and to further educate the supervised
25 individual in the performance of the individual's functions.

26 (c) The provision by the licensed supervising health
27 professional of predetermined procedures and drug protocol.

1 (3) "Task force" means a task force created by this
2 article.

3 (4) "Temporary license" means a license of limited duration
4 granted to an applicant who has completed all requirements for
5 licensure except an examination or other required evaluation
6 procedure.

7 (5) "TREATMENT" OR "TREATMENT PLAN" MEANS A PLAN OF CARE AND
8 REHABILITATION SERVICES PROVIDED TO IMPAIRED LICENSEES, IMPAIRED
9 REGISTRANTS, AND IMPAIRED APPLICANTS.

10 Sec. 16115. A LICENSURE OR REGISTRATION board created by
11 this article is the successor to the LICENSURE OR REGISTRATION
12 board with the same or similar name created or continued by a
13 statute repealed by this code.

14 Sec. 16121. (1) The governor shall appoint by and with the
15 advice and consent of the senate the members of the council,
16 ~~and~~ LICENSURE OR REGISTRATION boards, THE DISCIPLINARY BOARD,
17 and task forces except ex officio members AND EXCEPT TEMPORARY
18 MEMBERS OF THE DISCIPLINARY BOARD.

19 (2) A vacancy on the council, ~~or~~ a LICENSURE OR
20 REGISTRATION board, THE DISCIPLINARY BOARD EXCEPT FOR TEMPORARY
21 MEMBERS, or A task force shall be filled for the balance of the
22 unexpired term in the same manner as the original appointment.
23 An appointment for a vacancy shall be submitted to the senate not
24 later than 60 days after the vacancy occurs.

25 (3) The governor shall seek nominations from a wide range of
26 sources including professional associations, educational
27 institutions, consumer organizations, labor unions, health

1 planning agencies, and other community health organizations when
2 making appointments under this article.

3 (4) The governor may remove or suspend a MEMBER OF THE coun-
4 cil, ~~or~~ a LICENSURE OR REGISTRATION board, THE DISCIPLINARY
5 BOARD, or A task force ~~member~~ from office in accordance with
6 section 10 of article 5 of the state constitution of 1963.

7 Sec. 16122. Except as otherwise provided in this part, the
8 term of office of members of the council, ~~or~~ a LICENSURE OR
9 REGISTRATION board, THE DISCIPLINARY BOARD, or A task force
10 ~~shall be~~ IS 4 years, commencing on the day after the date pre-
11 scribed in section 16131 and terminating on the prescribed date.
12 A member shall not serve CONSECUTIVELY FOR more than 2 terms and
13 1 partial term, ~~consecutive or otherwise,~~ including service on
14 a predecessor council, LICENSURE OR REGISTRATION board, or task
15 force. ~~However, a member serving when this section takes effect~~
16 ~~may complete the term to which the member was appointed.~~

17 Sec. 16125. A ~~licensing~~ LICENSURE OR REGISTRATION board
18 shall be composed of a majority of members licensed in the health
19 profession ~~which~~ that THE LICENSURE board licenses OR
20 REGISTERS. The LICENSURE OR REGISTRATION board shall include at
21 least 1 public member. The director ~~shall be~~ IS an ex officio
22 member without vote, but is not a member for the purposes of sec-
23 tion 5 of article 5 of the state constitution of 1963 or for
24 determining a quorum. If a licensed health profession subfield
25 is created by this article, the LICENSURE board shall include at
26 least 1 licensee from each subfield. If a health profession
27 subfield task force is created by this article, 1 licensee from

1 each subfield so appointed to the LICENSURE board shall also be
2 appointed as a member of the health profession subfield task
3 force. If a certified health profession specialty field task
4 force is created by this article, 1 member of the LICENSURE board
5 holding a license other than a health profession subfield license
6 shall also be appointed to the specialty field task force.

7 Sec. 16128. (1) A health profession subfield task force
8 shall be composed of a majority of members licensed in the sub-
9 fields of the health profession which are created by this article
10 and shall include at least 1 licensed member from each of the
11 subfields of the health profession which is created by this
12 article. A health profession subfield task force shall include
13 at least 1 public member and 1 member of that profession who
14 holds a license other than a subfield license in that health
15 profession.

16 (2) A health profession specialty field task force shall be
17 composed of a majority of members certified in the specialty
18 fields of the health profession ~~which~~ THAT are created by this
19 article. A health profession specialty field task force shall
20 include at least 1 public member and 1 member of that health pro-
21 fession who is a member of the LICENSURE board.

22 Sec. 16131. The terms of office of individual members of
23 the council, ~~or~~ the LICENSURE OR REGISTRATION boards, THE DIS-
24 CIPLINARY BOARD, and THE task forces, except those appointed to
25 fill vacancies, ~~shall~~ expire 4 years after appointment as
26 follows:

1	Nursing	June 30
2	Optometry	June 30
3	Pharmacy	June 30
4	Podiatric medicine and surgery	June 30
5	Dentistry	June 30
6	Chiropractic	December 31
7	Counseling	June 30
8	Health occupations council	December 31
9	Medicine	December 31
10	Occupational therapists	December 31
11	Osteopathic medicine and surgery	December 31
12	Physical therapy	December 31
13	Psychology	December 31
14	Sanitarians	December 31
15	Veterinary medicine	December 31
16	DISCIPLINARY	DECEMBER 31
17	Sec. 16135. (1) Except as otherwise provided in subsection	
18	(2), a member of the council, or a LICENSURE OR REGISTRATION	
19	board, THE DISCIPLINARY BOARD, THE COMMITTEE, or A task force	
20	created by this article shall MEET ALL OF THE FOLLOWING	
21	REQUIREMENTS:	
22	(a) Be 18 or more years of age.	
23	(b) Be of good moral character.	
24	(c) Be a resident of this state for not less than THE 6	
25	months immediately before PRECEDING appointment and remain a	
26	resident of this state throughout the term of the appointment.	

1 (d) Be currently licensed or registered in this state where
2 licensure or registration in a health profession is a requirement
3 for membership. ~~on the council or a board or task force.~~ The
4 member shall have actively practiced that profession or taught in
5 an approved educational institution ~~which~~ THAT prepares appli-
6 cants for licensure or registration in that profession, or a com-
7 bination of both, in any state for not less than THE 2 years
8 immediately ~~before~~ PRECEDING appointment.

9 (2) Subject to subsection (3), for a LICENSURE OR
10 REGISTRATION board created on or after January 1, 1989, the gov-
11 ernor may appoint, as the members of the board who are required
12 to be licensed or registered under subsection (1)(d), individuals
13 who meet either or both of the following requirements:

14 (a) Are certified or otherwise approved by a national orga-
15 nization that certifies or otherwise approves individuals in the
16 profession to be licensed or registered by the LICENSURE OR
17 REGISTRATION board.

18 (b) Have actively practiced the profession licensed or reg-
19 istered by the LICENSURE OR REGISTRATION board or taught in an
20 educational institution ~~which~~ THAT prepares applicants for
21 licensure or registration in that profession, or a combination of
22 both, for not less than the 2 years immediately preceding their
23 appointment.

24 (3) Each individual appointed under subsection (2) shall be
25 licensed or registered under this article in the profession
26 licensed or registered by that LICENSURE OR REGISTRATION board

1 within 3 years after the effective date of the amendatory act
2 that created the LICENSURE OR REGISTRATION board.

3 Sec. 16137. The legislature annually shall fix the per diem
4 compensation of the members of the council, ~~and~~ THE LICENSURE
5 AND REGISTRATION boards, THE TEMPORARY MEMBERS OF THE DISCI-
6 PLINARY BOARD, THE COMMITTEE, and THE task forces. Expenses of
7 members incurred in the performance of official duties shall be
8 reimbursed as provided in section 1216.

9 Sec. 16138. (1) The council, ~~or~~ a LICENSURE OR
10 REGISTRATION board, THE COMMITTEE, or A task force shall hold ~~a~~
11 regular ~~meeting~~ MEETINGS at places and on separate dates fixed
12 by it. ~~Licensure boards and the physician's assistant task~~
13 ~~force shall hold a regular meeting not less than 6 times a year.~~
14 THE COMMITTEE SHALL MEET NOT LESS THAN QUARTERLY. Special meet-
15 ings may be called by the chairperson, BY a majority of the mem-
16 bers of the council, ~~or~~ a LICENSURE OR REGISTRATION board, ~~or~~
17 THE DISCIPLINARY BOARD, THE COMMITTEE, A task force, or the
18 department. Except as otherwise provided in THIS ARTICLE OR IN
19 the bylaws of the council, ~~or~~ a LICENSURE OR REGISTRATION
20 board, THE DISCIPLINARY BOARD, THE COMMITTEE, or A task force, a
21 majority of the members appointed and serving constitutes a
22 quorum. ~~Final~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 16216,
23 FINAL action by the council, ~~or~~ a LICENSURE OR REGISTRATION
24 board, THE DISCIPLINARY BOARD, THE COMMITTEE, or A task force
25 shall be taken only by affirmative vote of a majority of the mem-
26 bers present at a meeting or for a hearing. A member shall not
27 vote by proxy.

1 (2) The department shall make available the times and places
2 of meetings of the council, ~~and~~ THE LICENSURE AND REGISTRATION
3 boards, and THE task forces and keep minutes of their meetings
4 and a record of their actions. The council, ~~or~~ a LICENSURE OR
5 REGISTRATION board, or A task force meeting shall be open to the
6 public in accordance with the open meetings act, Act No. 267 of
7 the Public Acts of 1976, being sections 15.261 to 15.275 of the
8 Michigan Compiled Laws.

9 Sec. 16139. The council, ~~or~~ a LICENSURE OR REGISTRATION
10 board, THE COMMITTEE, or A task force shall elect annually a
11 chairperson and vice-chairperson at the first meeting held after
12 the date set forth in section 16131. The officers shall be
13 selected from council, LICENSURE OR REGISTRATION board,
14 COMMITTEE, or task force members and shall hold office for 1 year
15 or until their successors are elected and qualified. The
16 council, ~~or~~ a LICENSURE OR REGISTRATION board, THE COMMITTEE,
17 or A task force may fill a vacancy in the office of chairperson
18 or vice-chairperson for the balance of the unexpired term. The
19 chairperson shall preside at meetings, and if absent or unable to
20 preside, the vice-chairperson shall preside.

21 Sec. 16141. (1) The department shall furnish office serv-
22 ices to the council, ~~and~~ THE LICENSURE AND REGISTRATION boards,
23 THE DISCIPLINARY BOARD, THE COMMITTEE, and THE task forces; have
24 charge of their offices, records, and ~~moneys~~ MONEY collected;
25 and perform managerial and administrative functions for them.

26 (2) The department, after consultation with the council, A
27 LICENSURE OR REGISTRATION board, THE DISCIPLINARY BOARD, THE

1 COMMITTEE, or A task force, shall appoint administrative and
 2 secretarial staff, clerks, and employees necessary to allow the
 3 proper exercise of the powers and duties of the council, ~~or a~~
 4 LICENSURE OR REGISTRATION board, DISCIPLINARY BOARD, COMMITTEE,
 5 or task force. Salaries and other expenses incurred by the coun-
 6 cil, ~~or a~~ LICENSURE OR REGISTRATION board, THE DISCIPLINARY
 7 BOARD, THE COMMITTEE, or A task force and staff and expenses for
 8 studies and activities authorized under this article shall be
 9 paid out of funds appropriated by the legislature ~~therefor and~~
 10 ~~be paid out of the general fund of the state~~ FOR THOSE
 11 PURPOSES.

12 ~~(3) The department shall send moneys received to the~~
 13 ~~department of treasury for deposit in the general fund of this~~
 14 ~~state.~~

15 (3) ~~(4)~~ The department ~~, with the advice of the council,~~
 16 may promulgate rules to promote the effective and consistent
 17 administration of this article. However, THE DEPARTMENT SHALL
 18 NOT PROMULGATE rules ~~shall not be promulgated which~~ THAT con-
 19 stitute the licensure, REGISTRATION, or examination of health
 20 professionals.

21 Sec. 16143. (1) The council, ~~or a~~ LICENSURE OR
 22 REGISTRATION board, THE DISCIPLINARY BOARD, THE COMMITTEE, or A
 23 task force may adopt bylaws for the regulation of its internal
 24 affairs.

25 (2) The council, ~~or a~~ LICENSURE OR REGISTRATION board, THE
 26 DISCIPLINARY BOARD, THE COMMITTEE, or A task force shall report
 27 its activities annually to the department. The report shall

1 include statistical data on applicants for examination,
2 licensure, and registration; allegations and disciplinary actions
3 against licensees AND REGISTRANTS; and other matters relating to
4 the licensure and registration, registration, and regulatory
5 activity of the LICENSURE AND REGISTRATION boards, THE DISCI-
6 PLINARY BOARD, THE COMMITTEE, OR A TASK FORCE as prescribed by
7 the department.

8 (3) The council, ~~or~~ a LICENSURE OR REGISTRATION board, THE
9 DISCIPLINARY BOARD, THE COMMITTEE, or A task force may perform
10 acts and make determinations necessary and proper to carry out
11 its functions and the department may contract with other state
12 agencies, private agencies, organizations, and consultants to
13 assist the council, A LICENSURE OR REGISTRATION board, THE DISCI-
14 PLINARY BOARD, THE COMMITTEE, or A task force to perform the acts
15 or to aid in carrying out functions of the council, A LICENSURE
16 OR REGISTRATION board, THE DISCIPLINARY BOARD, THE COMMITTEE, or
17 A task force.

18 Sec. 16145. (1) A LICENSURE OR REGISTRATION board OR THE
19 DISCIPLINARY BOARD may adopt and have an official seal.

20 (2) A LICENSURE OR REGISTRATION board OR THE DISCIPLINARY
21 BOARD may promulgate rules necessary or appropriate to fulfill
22 its functions as prescribed in this article. ~~The rules shall~~
23 ~~not be inconsistent with rules promulgated by the council pursu-~~
24 ~~ant to section 16154.~~

25 (3) A LICENSURE OR REGISTRATION board shall promulgate rules
26 to specify requirements for licenses, registrations, renewals,
27 examinations, and required passing scores.

1 Sec. 16146. (1) A LICENSURE OR REGISTRATION board shall
2 grant a license or registration to an applicant meeting the
3 requirements for the license or registration as prescribed in
4 this article and the rules promulgated under this article.

5 (2) A LICENSURE board ~~which grants licenses may: (a)~~
6 ~~certify~~ MAY CERTIFY licensees in those health profession spe-
7 cialty fields within its scope of practice ~~which~~ THAT are
8 established in this article.

9 (3) ~~(b) Reclassify~~ THE DISCIPLINARY BOARD SHALL RECLASSIFY
10 licenses on the basis of a determination that the addition or
11 removal of ~~conditions or~~ restrictions is appropriate.

12 Sec. 16148. (1) Except as provided in section 17060, only a
13 LICENSURE OR REGISTRATION board may promulgate rules to establish
14 standards for the education and training of individuals to be
15 licensed or registered, or whose licenses or registrations are to
16 be renewed, for the purposes of determining whether graduates of
17 a training program have the knowledge and skills requisite for
18 practice of a health profession or use of a title.

19 (2) Except as provided in section 17060, only a LICENSURE OR
20 REGISTRATION board may accredit training programs in hospitals,
21 schools, colleges, universities, and institutions offering train-
22 ing programs meeting educational standards and may deny or with-
23 draw accreditation of training programs for failure to meet
24 established standards. An institution ~~which~~ THAT has its pro-
25 gram accreditation withdrawn shall have an opportunity for a
26 hearing.

1 (3) An action or decision of a LICENSURE board pursuant to
2 subsection (1) or (2) relating to a specific health profession
3 subfield shall be made only after consultation with the task
4 force in the affected subfield and with at least 1 of the
5 affected subfield board members present.

6 (4) A member of the ~~licensing~~ LICENSURE board from the
7 health profession subfield shall vote as an equal member in all
8 matters except those issues designated in subsections (1) and (2)
9 ~~which~~ THAT are outside the subfield profession.

10 (5) A decision of a LICENSURE board on standards for the
11 education and training of individuals or the accreditation of
12 training programs shall be concurred in by a majority of the non-
13 subfield board members when the decision relates solely to non-
14 subfield licenses.

15 Sec. 16152. The council shall DO ALL OF THE FOLLOWING:

16 (a) Evaluate proposals as to licensure and registration of
17 existing and emerging health occupations and recommend the appro-
18 priateness of, and the mechanisms for, regulation of those health
19 occupations to the department, other state agencies, and the leg-
20 islature in accordance with the criteria prescribed in sections
21 16155 and 16156.

22 (b) Mediate conflicts within and between LICENSURE AND
23 REGISTRATION boards and between LICENSURE AND REGISTRATION boards
24 and their task forces.

25 ~~(c) Perform the council functions described in section~~
26 ~~+6200.~~

1 (C) ~~(d)~~ Coordinate regulation of health occupations with
2 state health planning and resource development functions.

3 (D) ~~(e)~~ Issue advisory opinions and recommendations to
4 LICENSURE OR REGISTRATION boards as to conflicts or ambiguities
5 between licensure and registration programs.

6 (E) ~~(f)~~ Promote the uniform utilization of examinations
7 and the establishment of minimum English language proficiency
8 standards for licensees, and the utilization of regional or
9 national examinations developed for use in the United States.

10 ~~(g) Review and comment on proposed rules by the boards and~~
11 ~~the department to promote the consistency of the rules with this~~
12 ~~article.~~

13 (F) ~~(h)~~ Promulgate rules establishing criteria for minimum
14 attendance at meetings of the council and the LICENSURE AND
15 REGISTRATION boards and task forces.

16 Sec. 16154. The council may:

17 ~~(a) Promulgate rules necessary or appropriate to fulfill~~
18 ~~its functions as prescribed in this part. However, the council~~
19 ~~shall not promulgate rules which constitute the examination or~~
20 ~~licensure of health professions.~~

21 (A) ~~(b)~~ Recommend restructuring of classifications of
22 licensure in a health profession.

23 (B) ~~(c)~~ Conduct special studies of licensure, registra-
24 tion, and regulation of health occupations.

25 Sec. 16163. A task force shall recommend to ~~the~~ A
26 LICENSURE board as to ALL OF THE FOLLOWING:

1 (a) Determination of standards of education, training, and
2 experience required for practice in a health profession subfield
3 or for certification in a health profession specialty field, and
4 where appropriate, guidelines for approval of educational pro-
5 grams for the subfield or specialty field.

6 (b) Qualifications required of applicants for licensure in
7 health profession subfields or for certification in health pro-
8 fession specialty fields.

9 (c) Evaluation of qualifications for initial and continuing
10 licensure of practitioners in health profession subfields or spe-
11 cialty fields. The evaluation may cover assessment of educa-
12 tional credentials, work experience and related training, and
13 administration of tests and examinations.

14 (d) Guidelines for utilization of, and standards of practice
15 for, licensees in health profession subfields or specialty
16 fields.

17 SEC. 16165. (1) THE HEALTH PROFESSIONAL RECOVERY COMMITTEE
18 IS CREATED IN THE DEPARTMENT AND SHALL CONSIST OF THE FOLLOWING
19 VOTING MEMBERS, APPOINTED AS FOLLOWS:

20 (A) SUBJECT TO SUBSECTIONS (3) AND (4), EACH LICENSURE OR
21 REGISTRATION BOARD CREATED UNDER THIS ARTICLE, INCLUDING THE
22 PHYSICIAN'S ASSISTANTS TASK FORCE, IN CONSULTATION WITH THE
23 APPROPRIATE PROFESSIONAL ASSOCIATIONS, SHALL APPOINT 1 HEALTH
24 PROFESSIONAL.

25 (B) THE DIRECTOR SHALL APPOINT 1 PUBLIC MEMBER.

1 (C) THE DIRECTOR SHALL APPOINT 1 PUBLIC MEMBER WHO HAS
2 SPECIALIZED TRAINING OR EXPERIENCE, OR BOTH, IN ADDICTIVE
3 BEHAVIOR.

4 (2) THE DIRECTOR OR HIS OR HER REPRESENTATIVE SHALL SERVE AS
5 AN EX OFFICIO MEMBER OF THE COMMITTEE WITHOUT VOTE.

6 (3) THE DIRECTOR AND THE LICENSURE OR REGISTRATION BOARDS
7 SHALL NOT APPOINT AS A MEMBER OF THE COMMITTEE AN INDIVIDUAL WHO
8 IS AT THE TIME OF APPOINTMENT A MEMBER OF THE COUNCIL OR A LICEN-
9 SURE OR REGISTRATION BOARD OR TASK FORCE.

10 (4) THE MEMBERS APPOINTED BY THE LICENSURE OR REGISTRATION
11 BOARDS UNDER SUBSECTION (1)(A) SHALL HAVE EDUCATION, TRAINING,
12 AND CLINICAL EXPERTISE IN ADDICTIVE BEHAVIOR OR MENTAL ILLNESS,
13 OR BOTH.

14 SEC. 16166. THE TERM OF OFFICE OF AN APPOINTED MEMBER OF
15 THE COMMITTEE IS 2 YEARS, COMMENCING ON JANUARY 1 AND TERMINATING
16 ON THE PRESCRIBED DATE. AN APPOINTED MEMBER SHALL NOT SERVE MORE
17 THAN 2 TERMS AND 1 PARTIAL TERM, CONSECUTIVE OR OTHERWISE. A
18 LICENSURE OR REGISTRATION BOARD OR TASK FORCE OR THE DIRECTOR
19 SHALL FILL A VACANCY FOR THE BALANCE OF THE UNEXPIRED TERM IN THE
20 SAME MANNER AS THE ORIGINAL APPOINTMENT.

21 SEC. 16167. THE COMMITTEE SHALL DO ALL OF THE FOLLOWING:

22 (A) ESTABLISH THE GENERAL COMPONENTS OF THE HEALTH PROFES-
23 SIONAL RECOVERY PROGRAM AND A MECHANISM FOR MONITORING HEALTH
24 PROFESSIONALS WHO MAY BE IMPAIRED.

25 (B) SUBJECT TO SECTIONS 16169 AND 16170 AND IN CONJUNCTION
26 WITH THE PROGRAM CONSULTANTS DESCRIBED IN SECTION 16168, DEVELOP

1 AND IMPLEMENT CRITERIA FOR THE IDENTIFICATION, ASSESSMENT, AND
2 TREATMENT OF HEALTH PROFESSIONALS WHO MAY BE IMPAIRED.

3 (C) IN CONJUNCTION WITH THE PROGRAM CONSULTANTS DESCRIBED IN
4 SECTION 16168, DEVELOP AND IMPLEMENT MECHANISMS FOR THE EVALU-
5 ATION OF CONTINUING CARE OR AFTERCARE PLANS FOR HEALTH PROFES-
6 SIONALS WHO MAY BE IMPAIRED.

7 (D) DEVELOP A MECHANISM AND CRITERIA FOR THE REFERRAL OF A
8 HEALTH PROFESSIONAL WHO MAY BE IMPAIRED TO A PROFESSIONAL ASSOCI-
9 ATION IF APPROPRIATE FOR THE PURPOSE OF PROVIDING ASSISTANCE TO
10 THE HEALTH PROFESSIONAL. IN DEVELOPING CRITERIA UNDER THIS SUB-
11 DIVISION, THE COMMITTEE SHALL REQUIRE THAT A REFERRAL NOT BE MADE
12 WITHOUT THE CONSENT OF THE PROFESSIONAL.

13 (E) ANNUALLY REPORT TO EACH LICENSURE OR REGISTRATION BOARD
14 CREATED UNDER THIS ARTICLE ON THE STATUS OF THE HEALTH PROFES-
15 SIONAL RECOVERY PROGRAM. THE COMMITTEE SHALL INCLUDE IN THE
16 REPORT, AT A MINIMUM, STATISTICAL INFORMATION ON THE LEVEL OF
17 PARTICIPATION OF EACH HEALTH PROFESSION IN THE PROGRAM. THE COM-
18 MITTEE MAY INCLUDE IN THE REPORT RECOMMENDATIONS FOR CHANGES IN
19 THE HEALTH PROFESSIONAL RECOVERY PROGRAM AND FOR PARTICIPATION BY
20 THE LICENSURE OR REGISTRATION BOARDS, PROFESSIONAL ASSOCIATIONS,
21 SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAMS, AND OTHER
22 APPROPRIATE AGENCIES.

23 SEC. 16168. (1) THE DEPARTMENT SHALL ENTER INTO A CONTRACT
24 WITH A PRIVATE ENTITY TO ACT AS A CONSULTANT TO ASSIST THE COM-
25 MITTEE WITH THE ADMINISTRATION OF THE HEALTH PROFESSIONAL RECOV-
26 ERY PROGRAM INCLUDING, BUT NOT LIMITED TO, THE DUTIES DESCRIBED
27 IN SECTION 16167(B) AND (C).

1 (2) IN THE CONTRACT BETWEEN THE DEPARTMENT AND THE PRIVATE
2 ENTITY ENTERED INTO UNDER SUBSECTION (1), THE DEPARTMENT SHALL
3 REQUIRE THE PRIVATE ENTITY TO REPORT IMMEDIATELY TO THE DEPART-
4 MENT ANY CIRCUMSTANCES KNOWN TO THE PRIVATE ENTITY THAT INDICATE
5 THAT AN IMPAIRED HEALTH PROFESSIONAL MAY BE A THREAT TO THE
6 PUBLIC HEALTH, SAFETY, OR WELFARE.

7 SEC. 16169. (1) IF AN INDIVIDUAL EMPLOYED BY OR UNDER CON-
8 TRACT TO THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A
9 HEALTH PROFESSIONAL MAY BE IMPAIRED, THE INDIVIDUAL SHALL TRANS-
10 MIT THE INFORMATION TO THE COMMITTEE EITHER ORALLY OR IN
11 WRITING. UPON RECEIPT OF THE INFORMATION, THE COMMITTEE SHALL
12 REQUEST THE PROGRAM CONSULTANT DESCRIBED IN SECTION 16168 TO
13 DETERMINE WHETHER OR NOT THE HEALTH PROFESSIONAL MAY BE
14 IMPAIRED.

15 (2) IF INFORMATION RECEIVED BY THE DEPARTMENT UNDER
16 SECTION 16168(2) INDICATES THAT THE HEALTH PROFESSIONAL INVOLVED
17 MAY BE A THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE AND HAS
18 VIOLATED THIS ARTICLE OR THE RULES PROMULGATED UNDER THIS ARTI-
19 CLE, THE DEPARTMENT MAY PROCEED UNDER SECTIONS 16211 AND 16231.

20 SEC. 16170. (1) IF THE PROGRAM CONSULTANT DESCRIBED IN
21 SECTION 16168 DETERMINES UNDER SECTION 16169(1) THAT A HEALTH
22 PROFESSIONAL MAY BE IMPAIRED, THE COMMITTEE MAY ACCEPT THE HEALTH
23 PROFESSIONAL INTO THE HEALTH PROFESSIONAL RECOVERY PROGRAM IF
24 BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

25 (A) THE HEALTH PROFESSIONAL ACKNOWLEDGES HIS OR HER
26 IMPAIRMENT.

1 (B) THE HEALTH PROFESSIONAL VOLUNTARILY DOES ALL OF THE
2 FOLLOWING:

3 (i) WITHDRAWS FROM OR LIMITS THE SCOPE OF HIS OR HER
4 PRACTICE. TO COMPLY WITH THIS SUBPARAGRAPH, A HEALTH PROFES-
5 SIONAL MAY REQUEST THE LIMITATION OR RESTRICTION OF HIS OR HER
6 LICENSE UNDER THIS ARTICLE..

7 (ii) AGREES TO PARTICIPATE IN A TREATMENT PLAN THAT MEETS
8 THE CRITERIA DEVELOPED UNDER SECTION 16167.

9 (2) IF A HEALTH PROFESSIONAL DOES NOT SATISFACTORILY PARTIC-
10 IPATE IN THE TREATMENT PLAN DESCRIBED IN SUBSECTION (1)(B)(ii),
11 AS DETERMINED BY THE COMMITTEE, THE COMMITTEE SHALL REPORT THAT
12 FACT TO THE DEPARTMENT.

13 (3) A HEALTH PROFESSIONAL PARTICIPATING IN A TREATMENT PLAN
14 UNDER THE HEALTH PROFESSIONAL RECOVERY PROGRAM AND AN INDIVIDUAL
15 TREATING THE HEALTH PROFESSIONAL UNDER THE TREATMENT PLAN SHALL
16 NOT FALSELY REPRESENT, EITHER INDIVIDUALLY OR TOGETHER, THAT THE
17 HEALTH PROFESSIONAL HAS SUCCESSFULLY COMPLETED THE TREATMENT
18 PLAN. AN INDIVIDUAL WHO INTENTIONALLY VIOLATES THIS SUBSECTION
19 IS GUILTY OF A FELONY.

20 SEC. 16170A. (1) THE IDENTITY OF AN INDIVIDUAL SUBMITTING
21 INFORMATION TO THE COMMITTEE OR THE DEPARTMENT REGARDING THE SUS-
22 PECTED IMPAIRMENT OF A HEALTH PROFESSIONAL IS CONFIDENTIAL.

23 (2) THE IDENTITY OF A HEALTH PROFESSIONAL WHO PARTICIPATES
24 IN THE HEALTH PROFESSIONAL RECOVERY PROGRAM IS CONFIDENTIAL AND
25 IS NOT SUBJECT TO DISCLOSURE UNDER DISCOVERY OR SUBPOENA OR THE
26 FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF
27 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED

1 LAWS, UNLESS THE HEALTH PROFESSIONAL FAILS TO SATISFACTORILY
2 PARTICIPATE IN A TREATMENT PLAN PRESCRIBED UNDER THE HEALTH PRO-
3 FESSIONAL RECOVERY PROGRAM OR VIOLATES SECTION 16170(3).

4 (3) IF A HEALTH PROFESSIONAL SUCCESSFULLY PARTICIPATES IN
5 AND COMPLETES A TREATMENT PLAN PRESCRIBED UNDER THE HEALTH PRO-
6 FESSIONAL RECOVERY PROGRAM, AS DETERMINED BY THE COMMITTEE, THE
7 DEPARTMENT SHALL DESTROY ALL RECORDS PERTAINING TO THE IMPAIRMENT
8 OF THE HEALTH PROFESSIONAL, INCLUDING RECORDS PERTAINING TO THE
9 HEALTH PROFESSIONAL'S PARTICIPATION IN THE TREATMENT PLAN, UPON
10 THE EXPIRATION OF 5 YEARS AFTER THE DATE OF THE COMMITTEE'S
11 DETERMINATION. THIS SUBSECTION DOES NOT APPLY TO RECORDS PER-
12 TAINING TO A VIOLATION OF THIS ARTICLE OR A RULE PROMULGATED
13 UNDER THIS ARTICLE.

14 Sec. 16174. (1) An individual WHO IS licensed or registered
15 under this article shall MEET ALL OF THE FOLLOWING REQUIREMENTS:

16 (a) Be 18 or more years of age.

17 (b) Be of good moral character.

18 (c) Have a specific education or experience in the health
19 profession or in a subfield or specialty field of a health pro-
20 fession, or training equivalent, or both, as prescribed by this
21 article or rules of a LICENSURE OR REGISTRATION board necessary
22 to promote safe and competent practice and informed consumer
23 choice.

24 (d) Have a working knowledge of the English language as
25 determined in accordance with minimum standards established for
26 that purpose by the council.

1 (e) Pay the appropriate fees as prescribed in ~~the state~~
2 ~~license fee act, Act No. 152 of the Public Acts of 1979, being~~
3 ~~sections 338.2201 to 338.2277 of the Michigan Compiled Laws~~ THIS
4 ARTICLE.

5 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), AN
6 APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY CERTIFICATION
7 UNDER THIS ARTICLE SHALL MEET BOTH OF THE FOLLOWING
8 REQUIREMENTS:

9 (A) ESTABLISH TO THE SATISFACTION OF THE LICENSURE OR REGIS-
10 TRATION BOARD TO WHICH THE APPLICANT APPLIES THAT DISCIPLINARY
11 PROCEEDINGS BEFORE A SIMILAR LICENSURE, REGISTRATION, DISCI-
12 PLINARY, OR SPECIALTY CERTIFICATION BOARD OF THIS OR ANY OTHER
13 STATE OR COUNTRY ARE NOT PENDING AGAINST THE APPLICANT.

14 (B) ESTABLISH TO THE SATISFACTION OF THE LICENSURE OR REGIS-
15 TRATION BOARD TO WHICH THE APPLICANT APPLIES THAT IF SANCTIONS
16 HAVE BEEN IMPOSED AGAINST THE APPLICANT BY A SIMILAR LICENSURE,
17 REGISTRATION, OR DISCIPLINARY BOARD OF THIS OR ANY OTHER STATE OR
18 COUNTRY BASED UPON GROUNDS THAT ARE SUBSTANTIALLY SIMILAR TO
19 THOSE SET FORTH IN SECTION 16221, AS DETERMINED BY THE LICENSURE
20 OR REGISTRATION BOARD TO WHICH THE APPLICANT APPLIES, THE SANC-
21 TIONS ARE NOT IN FORCE AT THE TIME OF APPLICATION.

22 (3) BEFORE LICENSING, REGISTERING, OR CERTIFYING AN APPLI-
23 CANT, THE LICENSURE OR REGISTRATION BOARD TO WHICH THE APPLICANT
24 APPLIES MAY DO 1 OF THE FOLLOWING:

25 (A) MAKE AN INDEPENDENT INQUIRY INTO THE REQUIREMENTS
26 DESCRIBED IN SUBSECTION (2). IF A LICENSURE OR REGISTRATION
27 BOARD DETERMINES UNDER SUBSECTION (2)(B) THAT SANCTIONS HAVE BEEN

1 IMPOSED AND ARE IN FORCE AT THE TIME OF APPLICATION, THE
2 LICENSURE OR REGISTRATION BOARD SHALL NOT GRANT A LICENSE OR
3 REGISTRATION.

4 (B) REQUIRE THE APPLICANT TO SECURE FROM A NATIONAL ASSOCIA-
5 TION OR FEDERATION OF STATE PROFESSIONAL LICENSING BOARDS CERTI-
6 FICATION OF THE APPLICANT'S COMPLIANCE WITH THE REQUIREMENTS
7 DESCRIBED IN SUBSECTION (2).

8 (4) IF, AFTER ISSUING A LICENSE, REGISTRATION, OR CERTIFICA-
9 TION, A LICENSURE OR REGISTRATION BOARD OR THE DEPARTMENT DETER-
10 MINES THAT SANCTIONS HAVE BEEN IMPOSED AGAINST THE LICENSEE OR
11 REGISTRANT BY A SIMILAR LICENSURE, REGISTRATION, OR DISCIPLINARY
12 BOARD AS DESCRIBED IN SUBSECTION (2)(B) AND THAT THE SANCTIONS
13 ARE STILL IN FORCE, THE LICENSURE OR REGISTRATION BOARD OR THE
14 DEPARTMENT MAY SO INFORM THE DISCIPLINARY BOARD, AND THE DISCI-
15 PLINARY BOARD MAY IMPOSE APPROPRIATE SANCTIONS UPON THE LICENSEE
16 OR REGISTRANT. THE LICENSEE OR REGISTRANT MAY REQUEST A SHOW
17 CAUSE HEARING BEFORE A HEARING EXAMINER TO DEMONSTRATE WHY THE
18 SANCTIONS SHOULD NOT BE IMPOSED.

19 (5) AN APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY
20 CERTIFICATION WHO IS OR HAS BEEN LICENSED, REGISTERED, OR CERTI-
21 FIED IN ANY PROFESSION BY ANOTHER STATE OR COUNTRY SHALL DISCLOSE
22 THAT FACT ON THE APPLICATION FORM.

23 Sec. 16175. In developing minimum standards of educational
24 prerequisites for licensure or registration, a LICENSURE OR
25 REGISTRATION board and its task forces shall consider equivalency
26 and proficiency testing and other mechanisms, and where
27 appropriate grant credit for past training, education, or

1 experience in health and related fields. Standards may include
2 those for formal education, practice proficiency, and other
3 training, education, or experience which may provide equivalence
4 to completion of formal educational requirements.

5 Sec. 16177. (1) An individual applying for licensure or
6 registration under this article shall do so on a form provided by
7 the department. If the facts set forth in the application meet
8 the requirements of the LICENSURE OR REGISTRATION board and this
9 article for licensure or registration, the LICENSURE OR
10 REGISTRATION board may grant a license or registration to the
11 applicant. A LICENSURE OR REGISTRATION board may require the
12 applicant to take an examination to determine if the applicant
13 meets the qualifications for licensure or registration. The
14 examination shall include subjects determined by the LICENSURE OR
15 REGISTRATION board to be essential to the safe and competent
16 practice of the health profession, the appropriate use of a
17 title, or both. Passing scores or the procedure used to deter-
18 mine passing scores shall be established before an examination is
19 administered.

20 (2) IN ADDITION TO THE INFORMATION REQUIRED UNDER
21 SUBSECTION (1), AN APPLICANT FOR LICENSURE OR REGISTRATION OR A
22 LICENSEE OR REGISTRANT APPLYING FOR RENEWAL SHALL INCLUDE ON A
23 FORM PROVIDED BY THE DEPARTMENT ALL OF THE FOLLOWING INFORMATION,
24 IF APPLICABLE:

25 (A) A FELONY CONVICTION OF THE APPLICANT, LICENSEE, OR
26 REGISTRANT.

1 (B) A MISDEMEANOR CONVICTION OF THE APPLICANT, LICENSEE, OR
2 REGISTRANT, IF THE MISDEMEANOR INVOLVES 1 OR MORE OF THE
3 FOLLOWING:

4 (i) A MAXIMUM TERM OF IMPRISONMENT OF 2 YEARS.

5 (ii) THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR
6 A CONTROLLED SUBSTANCE.

7 (C) SANCTIONS IMPOSED AGAINST THE APPLICANT BY A SIMILAR
8 LICENSURE, REGISTRATION, OR CERTIFICATION BOARD OF ANOTHER STATE
9 OR COUNTRY.

10 (3) IN ADDITION TO THE INFORMATION REQUIRED UNDER
11 SUBSECTIONS (1) AND (2), A PHYSICIAN, OSTEOPATHIC PHYSICIAN, OR
12 PODIATRIST APPLYING FOR LICENSURE OR RENEWAL UNDER THIS ARTICLE
13 SHALL REPORT TO THE DEPARTMENT ON A FORM PROVIDED BY THE DEPART-
14 MENT THE NAME OF EACH HOSPITAL WITH WHICH HE OR SHE IS EMPLOYED
15 OR UNDER CONTRACT, AND EACH HOSPITAL IN WHICH HE OR SHE IS
16 ALLOWED TO PRACTICE.

17 Sec. 16178. (1) Unless otherwise necessary for a LICENSURE
18 OR REGISTRATION board to fulfill national or regional testing
19 requirements, the department shall conduct examinations or other
20 evaluations necessary to determine qualifications of applicants
21 for initial licensure or registration at least annually and may
22 conduct other investigations or evaluations necessary to deter-
23 mine the qualifications of applicants. A LICENSURE OR
24 REGISTRATION board may accept passing a national or regional
25 examination developed for use in the United States for the pur-
26 pose of meeting a state board examination or a part ~~thereof~~ OF
27 A STATE BOARD EXAMINATION.

1 (2) An individual who fails to pass a required examination
2 may be reexamined to the extent and in a manner determined by the
3 LICENSURE OR REGISTRATION board.

4 (3) The department shall give public notice of the time and
5 place of a required regular initial licensure or registration
6 examination or evaluation in a manner it considers best not less
7 than 90 days before the date of the examination or evaluation.

8 Sec. 16181. A LICENSURE board may grant a nonrenewable,
9 temporary license to an applicant who has completed all require-
10 ments for licensure except for examination or other required
11 evaluation procedure. A ~~person~~ LICENSURE BOARD SHALL NOT GRANT
12 A TEMPORARY LICENSE TO AN INDIVIDUAL who has previously failed
13 the examination or other required evaluation procedure or whose
14 license has been suspended or revoked. ~~shall not be issued a~~
15 ~~temporary license.~~ A temporary license issued pursuant to this
16 section is valid for 18 months, but A LICENSURE BOARD shall auto-
17 matically ~~be revoked~~ VOID THE TEMPORARY LICENSE if the appli-
18 cant fails the examination or other required evaluation
19 procedure. The holder of a temporary license shall practice only
20 under the supervision of a licensee who holds a license, other
21 than a health profession subfield license, in the same health
22 profession. The holder of a temporary license shall not be
23 supervised by a licensee who holds a limited, RESTRICTED, or tem-
24 porary license. The department shall promptly issue a temporary
25 license.

26 Sec. 16182. ~~(1) A board may grant a limited license to an~~
27 ~~individual if the board determines that the limitation is~~

~~1 consistent with the ability of the individual to practice the~~
~~2 health profession in a safe and competent manner, is necessary to~~
~~3 protect the health and safety of patients or clients, or is~~
~~4 appropriate to promote the efficient and effective delivery of~~
~~5 health care services.~~

~~6 (2) In addition to the licenses issued under subsection (1),~~

7 a- A LICENSURE board may grant the following types of limited
8 licenses upon application by an individual or upon its own
9 determination:

10 (a) Educational, to an individual engaged in postgraduate
11 education.

12 (b) Nonclinical, to an individual who functions only in a
13 nonclinical academic, research, or administrative setting and who
14 does not hold himself or herself out to the public as being
15 actively engaged in the practice of the health profession, or
16 otherwise directly solicit patients or clients.

17 (c) Clinical academic, to an individual who practices the
18 health profession only as part of an academic institution and
19 only in connection with his or her employment or other contrac-
20 tual relationship with that academic institution. For an indi-
21 vidual applying for a limited license under this subdivision to
22 engage in the practice of medicine under part 170, "academic
23 institution" means that term as defined in section 17001.

~~24 (3) In addition to the limited licenses issued under sub-~~
~~25 sections (1) and (2), a board may reclassify a license to a~~
~~26 retiree's limited license upon application and payment of the~~
~~27 equivalent of a 1 year license fee. A licensee under this~~

~~1 subsection is authorized to use the appropriate title listed in
2 section 16263 but shall not practice that health profession. The
3 license shall be issued once by the department and shall not have
4 an expiration date. A licensee under this subsection is not
5 required to fulfill continuing education or continued competency
6 requirements. If a licensee under this subsection desires to
7 practice the health profession, he or she shall fulfill all
8 licensure requirements of this act and the rules promulgated
9 under this act in effect at the time the licensee reapplies for
10 licensure.~~

11 Sec. 16186. (1) An individual who is licensed to practice a
12 health profession in another state or who is registered in
13 another state or who holds specialty certification from another
14 state and who applies for licensure, registration, or specialty
15 certification in this state may be granted an appropriate license
16 or registration upon satisfying the LICENSURE OR REGISTRATION
17 board TO WHICH THE APPLICANT APPLIES as to all of the following:

18 (a) The applicant substantially meets the requirements of
19 this article and rules promulgated by a LICENSURE OR REGISTRATION
20 board for licensure, registration, or specialty certification.

21 ~~(b) Disciplinary proceedings before a similar licensing,
22 registration, or specialty certification board of this or any
23 other state or country are not pending against the applicant.~~

24 ~~(c) That if sanctions have been imposed against the appli-
25 cant by a similar licensing or registration board of this or any
26 other state or country based upon grounds which are substantially
27 similar to those set forth in section 16221, as determined by the~~

~~1 board, the sanctions are not in force at the time of~~
~~2 application.~~

3 (B) ~~(d)~~ The applicant is licensed, registered, or certi-
 4 fied in another state ~~which~~ THAT maintains standards substan-
 5 tially equivalent to those of this state.

6 (2) Before licensing, registering, or certifying the appli-
 7 cant, the LICENSURE OR REGISTRATION board TO WHICH THE APPLICANT
 8 APPLIES may require the applicant to appear personally before it
 9 for an interview to evaluate the applicant's relevant
 10 qualifications.

11 ~~(3) Before licensing, registering, or certifying an appli-~~
 12 ~~cant under this section, the board shall do 1 of the following:~~

13 ~~(a) Make an independent inquiry into the requirements~~
 14 ~~described in subsection (1)(b) and (c).~~

15 ~~(b) Require the applicant to secure from a national associa-~~
 16 ~~tion or federation of state professional licensing boards certi-~~
 17 ~~fication of the requirements described in subsection (1)(b) and~~
 18 ~~(c).~~

19 ~~(4) An applicant for licensure, registration, or specialty~~
 20 ~~certification who is or has been licensed, registered, or certi-~~
 21 ~~fied in any profession by another state or country shall disclose~~
 22 ~~that fact on the application form.~~

23 Sec. 16191. (1) The department shall issue a certificate of
 24 licensure or registration to an applicant who is granted a
 25 license or registration by a LICENSURE OR REGISTRATION board.

26 (2) A licensee or registrant shall display his or her
 27 current certificate of licensure or registration prominently and

1 where visible to the public in the licensee's or registrant's
2 principal place of business, if any.

3 (3) A licensee or registrant shall have available for
4 inspection a card, which shall be issued by the department, con-
5 taining the essential information on the certificate.

6 (4) If a license is limited by a LICENSURE board OR
7 RESTRICTED BY THE DISCIPLINARY BOARD, the licensee shall display
8 the statement of limitation OR THE STATEMENT OF RESTRICTION pre-
9 pared by the department in the same manner as prescribed for dis-
10 play of the certificate and shall attach the statement to the
11 certificate or display the statement in immediate proximity with
12 the certificate.

13 Sec. 16192. (1) A licensee or registrant shall report to
14 the department a change in name or ~~residential or business~~
15 MAILING address not later than 30 days after the change occurs.

16 (2) THE DEPARTMENT MAY SERVE A COMPLAINT OR A NOTICE OF
17 HEARING ON A LICENSEE OR REGISTRANT IN AN ACTION OR PROCEEDING
18 FOR A VIOLATION OF THIS ARTICLE OR ARTICLE 7 OR A RULE PROMUL-
19 GATED UNDER THIS ARTICLE OR ARTICLE 7 BY REGULAR MAIL AND BY CER-
20 TIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LICENSEE'S OR
21 REGISTRANT'S LAST KNOWN ADDRESS, BY SERVING THE NOTICE ON THE
22 LICENSEE OR REGISTRANT, OR BY MAKING A REASONABLE ATTEMPT TO
23 SERVE THE NOTICE ON THE LICENSEE OR REGISTRANT. FOR PURPOSES OF
24 THIS SUBSECTION, SERVICE IS EFFECTIVE AT THE TIME OF MAILING, AND
25 NONDELIVERY DOES NOT AFFECT THE VALIDITY OF THE SERVICE IF THE
26 NONDELIVERY WAS CAUSED BY THE REFUSAL OF THE LICENSEE OR
27 REGISTRANT TO ACCEPT SERVICE.

1 (3) ~~(2)~~ A license or registration is not transferable.

2 Sec. 16196. The license or registration of an individual
3 practicing his or her profession while in active service in the
4 military service of the United States, an auxiliary ~~thereof~~ OF
5 THE MILITARY SERVICE OF THE UNITED STATES, or the United States
6 public health service, who was licensed or registered at the time
7 of induction or entering into service, continues in effect with-
8 out further action by the individual until discharge or leaving
9 the service. The individual shall notify the LICENSURE OR
10 REGISTRATION board of the military service or federal employment
11 and the cessation ~~thereof~~ OF THE SERVICE OR EMPLOYMENT.

12 Sec. 16201. (1) A license or registration shall be renewed
13 by the licensee or registrant on or before the expiration date as
14 prescribed by rule. The department shall mail a notice to the
15 licensee or registrant at the last known address on file with a
16 LICENSURE OR REGISTRATION board advising of the time, procedure,
17 and fee for renewal. Failure of the licensee or registrant to
18 receive notice under this subsection does not relieve the
19 licensee or registrant of the responsibility for renewing his or
20 her license or registration.

21 (2) A license or registration not renewed by the expiration
22 date may be renewed within 60 days of the expiration date upon
23 application, payment of renewal, and late renewal fees, and ful-
24 fillment of any continued competency or continuing education
25 requirements set forth in this article or rules promulgated under
26 this article. The licensee or registrant may continue to
27 practice and use the title during the 60-day time period.

1 (3) If a license or registration is not renewed within 60
2 days of the expiration date pursuant to subsection (2), the
3 license or registration ~~shall be considered null and~~ IS void.
4 The licensee shall not practice or use the title and a registrant
5 shall not use the title. Except as otherwise provided by rule, a
6 person may be relicensed or reregistered within 3 years of the
7 expiration date upon application, payment of the application pro-
8 cessing, renewal, and late renewal fees, and fulfillment of any
9 continued competency or continuing education requirements in
10 effect at the time of the expiration date, or which would have
11 been required had the individual renewed his or her license or
12 registration pursuant to subsection (1). A temporary license or
13 registration may be issued under section 16181 pending the
14 results of action taken under this subsection.

15 (4) Except as otherwise provided in this article or by rule,
16 a person may be relicensed or reregistered more than 3 years
17 after the expiration date upon ~~application~~ APPLYING as a new
18 applicant, meeting all licensure or registration requirements in
19 effect at the time of application, taking or retaking and passing
20 any examinations required for initial licensure or registration,
21 and ~~payment of~~ PAYING fees required of new applicants.

22 (5) The expiration or surrender of a license or registration
23 does not terminate the DISCIPLINARY board's authority to impose
24 sanctions on the licensee or registrant whose license or regis-
25 tration has expired or been surrendered.

26 Sec. 16205. (1) A LICENSURE board ~~which~~ THAT requires
27 evidence of attendance at educational programs as a condition to

1 license renewal may waive those requirements if, upon written
2 application, the LICENSURE board finds the failure of the
3 licensee to attend was due to the licensee's disability, military
4 service, absence from the continental United States, or a circum-
5 stance beyond the control of the licensee ~~which~~ THAT the
6 LICENSURE board considers good and sufficient.

7 (2) A LICENSURE board may promulgate rules to establish a
8 system of assessing the continued competence of licensees as a
9 condition of periodic license renewal.

10 Sec. 16211. (1) The department shall create and maintain a
11 permanent historical record for each licensee AND REGISTRANT with
12 respect to information and data transmitted pursuant to law.

13 (2) The individual historical record shall include a written
14 allegation against the licensee ~~which~~ OR REGISTRANT THAT is
15 substantiated after investigation.

16 (3) The individual historical record may include other items
17 concerning a licensee's OR REGISTRANT'S record of practice THAT
18 the appropriate LICENSURE OR REGISTRATION board OR THE DISCI-
19 PLINARY BOARD determines will facilitate proper and periodic
20 review, but only those items as designated by rules of the
21 LICENSURE OR REGISTRATION board OR THE DISCIPLINARY BOARD.

22 (4) The ~~board or its representative~~ DEPARTMENT shall
23 promptly review the entire file of a licensee OR REGISTRANT,
24 including all prior matters with respect to which no action was
25 taken at the time, with respect to whom there is received 1 OR
26 MORE OF THE FOLLOWING:

1 (a) A notice of revocation, suspension, or limitation of
2 staff privileges OR A CHANGE IN EMPLOYMENT STATUS DUE TO
3 DISCIPLINARY ACTION by a licensed ~~hospital~~ HEALTH FACILITY.

4 (b) A written allegation ~~which is substantiated after~~
5 ~~investigation~~ OF A VIOLATION OF THIS ARTICLE OR A RULE PROMUL-
6 GATED UNDER THIS ARTICLE.

7 (c) A notice of disciplinary action by a health professional
8 society.

9 ~~(d) An adverse malpractice settlement, award, or judgment.~~

10 (D) ~~(e) Written notice of a conviction of a felony.~~ 1 OR
11 MORE OF THE FOLLOWING:

12 (i) A FELONY CONVICTION OF THE LICENSEE OR REGISTRANT.

13 (ii) A MISDEMEANOR CONVICTION OF THE LICENSEE OR REGISTRANT,
14 IF THE MISDEMEANOR INVOLVES 1 OR MORE OF THE FOLLOWING:

15 (A) A MAXIMUM TERM OF IMPRISONMENT OF 2 YEARS.

16 (B) THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A
17 CONTROLLED SUBSTANCE.

18 (E) NOTICE THAT A LICENSEE OR REGISTRANT IS INELIGIBLE TO
19 PARTICIPATE AS A PROVIDER IN A FEDERALLY FUNDED HEALTH INSURANCE
20 OR HEALTH BENEFITS PROGRAM BASED UPON THE LICENSEE'S OR
21 REGISTRANT'S FAILURE TO MEET THE PROGRAM'S STANDARDS OF PROFES-
22 SIONAL PRACTICE. A CERTIFIED COPY OF THE ACTION OR FINAL ORDER
23 MAKING THE LICENSEE OR REGISTRANT INELIGIBLE IS SUFFICIENT NOTICE
24 FOR PURPOSES OF THIS SUBDIVISION.

25 (F) A REPORT OR NOTICE UNDER SECTION 16222.

1 (G) NOTICE OF A DISCIPLINARY ACTION BY A LICENSURE,
2 REGISTRATION, DISCIPLINARY, OR SPECIALTY CERTIFICATION BOARD IN
3 ANOTHER STATE.

4 (5) The department shall retain written allegations ~~against~~
5 ~~a licensee which~~ THAT are unsubstantiated for 2 years, after
6 which they may be removed from the registry, if THE REMOVAL IS
7 approved by the ~~appropriate~~ DISCIPLINARY board.

8 (6) ~~Except as provided in section 16231(5)~~ SUBJECT TO
9 SECTION 16231(7), a licensee or applicant may review his or her
10 individual historical record.

11 Sec. 16215. (1) A licensee who holds a license other than a
12 health profession subfield license may delegate to a licensed or
13 unlicensed individual who is otherwise qualified by education,
14 training, or experience the performance of selected acts, tasks,
15 or functions where the acts, tasks, or functions fall within the
16 scope of practice of the licensee's profession and will be per-
17 formed under the licensee's supervision. ~~An~~ A LICENSEE WHO
18 HOLDS A LICENSE OTHER THAN A HEALTH PROFESSION SUBFIELD LICENSE
19 SHALL NOT DELEGATE AN act, task, or function ~~shall not be~~
20 ~~delegated~~ under this section ~~which~~ THAT, under standards of
21 acceptable and prevailing practice, requires the level of educa-
22 tion, skill, and judgment required of a licensee under this
23 article.

24 (2) Except as otherwise provided in this subsection, a
25 licensee under part 170 or 175 shall delegate an act, task, or
26 function that involves the performance of a procedure that
27 requires the use of surgical instrumentation only to an

1 individual who is licensed under THIS article. ~~+5.~~ This
2 subsection does not apply if the unlicensed individual is 1 or
3 more of the following and if the procedure is directly supervised
4 by a licensed physician or osteopathic physician who is physi-
5 cally present during the performance of the procedure or if the
6 unlicensed individual is performing acupuncture:

7 (a) A student enrolled in a school of medicine or osteo-
8 pathic medicine approved by the Michigan board of medicine or the
9 Michigan board of osteopathic medicine and surgery.

10 (b) A student enrolled in a physician's assistant training
11 program approved by the joint physician's assistant task force
12 created under part 170.

13 (3) A LICENSURE board may promulgate rules to further pro-
14 hibit or otherwise restrict delegation of specific acts, tasks,
15 or functions to a licensed or unlicensed individual ~~where~~ IF
16 the board determines that the delegation constitutes or may con-
17 stitute a danger to the health, safety, or welfare of the patient
18 or public.

19 (4) To promote safe and competent practice, a LICENSURE
20 board may promulgate rules to specify conditions under which, and
21 categories and types of licensed and unlicensed individuals for
22 whom, closer supervision may be required.

23 (5) An individual who performs acts, tasks, or functions
24 delegated pursuant to this section does not violate the part
25 ~~which~~ THAT regulates the scope of practice of that health
26 profession.

1 SEC. 16216. (1) THE HEALTH PROFESSIONALS DISCIPLINARY BOARD
2 IS CREATED IN THE DEPARTMENT. THE DISCIPLINARY BOARD SHALL
3 CONSIST OF 5 MEMBERS, 2 OF WHOM SHALL SERVE ON A PERMANENT BASIS
4 AND 3 OF WHOM SHALL SERVE ON A TEMPORARY, ROTATING BASIS. THE 2
5 PERMANENT MEMBERS SHALL BE PUBLIC MEMBERS APPOINTED BY THE GOVER-
6 NOR WITH THE ADVICE AND CONSENT OF THE SENATE FOR TERMS OF 4
7 YEARS, EXCEPT FOR 1 OF THE INITIAL PERMANENT MEMBERS, WHO SHALL
8 BE APPOINTED FOR A TERM OF 2 YEARS. THE 2 PERMANENT MEMBERS
9 SHALL NOT BE MEMBERS OF THE SAME POLITICAL PARTY. A PERMANENT
10 MEMBER SHALL NOT SERVE MORE THAN 2 CONSECUTIVE TERMS. THE 3 MEM-
11 BERS SERVING ON A TEMPORARY, ROTATING BASIS SHALL BE LICENSEE OR
12 REGISTRANT MEMBERS OF THE LICENSURE OR REGISTRATION BOARD OR TASK
13 FORCE FOR THE HEALTH PROFESSION OF THE INDIVIDUAL WHO IS THE
14 SUBJECT OF A DISCIPLINARY ACTION UNDER THIS ARTICLE, EXCEPT THAT
15 THE CHAIRPERSON OF THE BOARD OR TASK FORCE SHALL NOT SERVE AS A
16 MEMBER OF THE DISCIPLINARY BOARD. A TEMPORARY MEMBER OF THE DIS-
17 CIPLINARY BOARD SHALL BE APPOINTED FOR A 2-YEAR TERM BY HIS OR
18 HER RESPECTIVE LICENSURE OR REGISTRATION BOARD OR TASK FORCE AND
19 SHALL IF ABLE SERVE UNTIL ALL PROCEEDINGS PERTAINING TO A PARTIC-
20 ULAR DISCIPLINARY ACTION UNDER THIS ARTICLE ARE COMPLETED. A
21 VACANCY ON THE DISCIPLINARY BOARD CREATED BY THE LOSS OR UNAVAIL-
22 ABILITY OF A TEMPORARY MEMBER MAY BE FILLED BY THE APPOINTING
23 LICENSURE OR REGISTRATION BOARD OR TASK FORCE IN THE SAME MANNER
24 AS THE ORIGINAL APPOINTMENT OR AS DESIGNATED BY THE CHAIRPERSON
25 OF THE APPOINTING LICENSURE OR REGISTRATION BOARD OR TASK FORCE.
26 A VACANCY ON THE DISCIPLINARY BOARD CREATED BY THE LOSS OF A

1 PERMANENT MEMBER SHALL BE FILLED BY THE GOVERNOR IN THE SAME
2 MANNER AS THE ORIGINAL APPOINTMENT.

3 (2) A FINAL DECISION OF THE DISCIPLINARY BOARD FINDING A
4 VIOLATION OF THIS ARTICLE OR ARTICLE 7 SHALL BE BY A MAJORITY
5 VOTE OF THE MEMBERS APPOINTED AND SERVING ON THE DISCIPLINARY
6 BOARD.

7 (3) A FINAL DECISION OF THE DISCIPLINARY BOARD IMPOSING A
8 SANCTION UNDER THIS ARTICLE OR ARTICLE 7 OR A FINAL DECISION OF
9 THE DISCIPLINARY BOARD OTHER THAN A FINAL DECISION DESCRIBED IN
10 SUBSECTION (2) REQUIRES A MAJORITY VOTE OF THE MEMBERS APPOINTED
11 AND SERVING ON THE DISCIPLINARY BOARD WITH AN AFFIRMATIVE VOTE BY
12 AT LEAST 1 OF THE PERMANENT, PUBLIC MEMBERS.

13 (4) THE CHAIRPERSON OF THE DISCIPLINARY BOARD SHALL BE 1 OF
14 THE PERMANENT, PUBLIC MEMBERS AND SHALL BE APPOINTED BY THE
15 GOVERNOR.

16 Sec. 16221. ~~The department may investigate activities~~
17 ~~related to the practice of a health profession by a licensee, a~~
18 ~~registrant, or an applicant for licensure or registration. The~~
19 ~~department may hold hearings, administer oaths, and order rele-~~
20 ~~vant testimony to be taken and shall report its findings to the~~
21 ~~appropriate board. or appropriate task force.~~ The DISCIPLINARY
22 board shall proceed under section 16226 if ~~the board~~ IT finds
23 that any of the following grounds exist:

24 (a) A violation of general duty, consisting of negligence or
25 failure to exercise due care, including negligent delegation to
26 or supervision of employees or other individuals, whether or not
27 injury results, or any conduct, practice, or condition which

1 impairs, or may impair, the ability to safely and skillfully
2 practice the health profession.

3 (b) Personal disqualifications, consisting of any of the
4 following:

5 (i) Incompetence.

6 (ii) ~~Substance~~ SUBJECT TO SECTIONS 16165 TO 16170A,
7 SUBSTANCE abuse as defined in section 6107.

8 (iii) Mental or physical inability reasonably related to and
9 adversely affecting the licensee's ability to practice in a safe
10 and competent manner.

11 (iv) Declaration of mental incompetence by a court of compe-
12 tent jurisdiction.

13 (v) Conviction of a misdemeanor PUNISHABLE BY IMPRISONMENT
14 FOR A MAXIMUM TERM OF 2 YEARS, A MISDEMEANOR INVOLVING THE ILLE-
15 GAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A CONTROLLED
16 SUBSTANCE, or A felony. ~~reasonably related to and adversely~~
17 ~~affecting the licensee's ability to practice in a safe and compe-~~
18 ~~tent manner.~~ A certified copy of the court record ~~shall be~~ IS
19 conclusive evidence of the conviction.

20 (vi) Lack of good moral character.

21 (vii) Conviction of a criminal offense under sections 520a
22 to 5204 of the Michigan penal code, Act No. 328 of the Public
23 Acts of 1931, being sections 750.520a to 750.5204 of the Michigan
24 Compiled Laws. A certified copy of the court record ~~shall be~~
25 IS conclusive evidence of the conviction.

26 (viii) Conviction of a violation of section 492a of the
27 Michigan penal code, Act No. 328 of the Public Acts of 1931,

1 being section 750.492a of the Michigan Compiled Laws. A
2 certified copy of the court record ~~shall be~~ IS conclusive evi-
3 dence of the conviction.

4 (ix) Conviction of a misdemeanor or felony involving fraud
5 in obtaining or attempting to obtain fees related to the practice
6 of a health profession. A certified copy of the court record
7 ~~shall be~~ IS conclusive evidence of the conviction.

8 (x) FINAL ADVERSE ADMINISTRATIVE ACTION BY A LICENSURE, REG-
9 ISTRATION, OR DISCIPLINARY BOARD INVOLVING THE HOLDER OF, OR AN
10 APPLICANT FOR, A LICENSE OR REGISTRATION REGULATED BY ANOTHER
11 STATE OR A TERRITORY OF THE UNITED STATES. A CERTIFIED COPY OF
12 THE RECORD OF THE BOARD IS CONCLUSIVE EVIDENCE OF THE FINAL
13 ACTION.

14 (xi) CONVICTION OF A MISDEMEANOR THAT IS REASONABLY RELATED
15 TO OR THAT ADVERSELY AFFECTS THE LICENSEE'S ABILITY TO PRACTICE
16 IN A SAFE AND COMPETENT MANNER. A CERTIFIED COPY OF THE COURT
17 RECORD IS CONCLUSIVE EVIDENCE OF THE CONVICTION.

18 (c) Prohibited acts, consisting of any of the following:

19 (i) Fraud or deceit in obtaining or renewing a license OR
20 REGISTRATION.

21 (ii) Permitting the license OR REGISTRATION to be used by an
22 unauthorized person.

23 (iii) Practice outside the scope of a license.

24 (iv) Obtaining, possessing, or attempting to obtain or pos-
25 sess a controlled substance as defined in section 7104 or a drug
26 as defined in section 7105 without lawful authority; or selling,

1 prescribing, giving away, or administering drugs for other than
2 lawful diagnostic or therapeutic purposes.

3 (d) Unethical business practices, consisting of any of the
4 following:

5 (i) False or misleading advertising.

6 (ii) Dividing fees for referral of patients or accepting
7 kickbacks on medical or surgical services, appliances, or medica-
8 tions purchased by or in behalf of patients.

9 (iii) Fraud or deceit in obtaining or attempting to obtain
10 third party reimbursement.

11 (e) Unprofessional conduct, consisting of any of the
12 following:

13 (i) Misrepresentation to a consumer or patient or in obtain-
14 ing or attempting to obtain third party reimbursement in the
15 course of professional practice.

16 (ii) Betrayal of a professional confidence.

17 (iii) Promotion for personal gain of an unnecessary drug,
18 device, treatment, procedure, or service.

19 (iv) Directing or requiring an individual to purchase or
20 secure a drug, device, treatment, procedure, or service from
21 another person, place, facility, or business in which the
22 licensee has a financial interest.

23 (f) Failure to report a change of name or MAILING address
24 within 30 days after the change occurs.

25 (g) A violation, or aiding or abetting in a violation, of
26 this article or of rules promulgated under this article.

1 (h) Failure to comply with a subpoena issued pursuant to
2 this part, FAILURE TO RESPOND TO A COMPLAINT, OR FAILURE TO
3 APPEAR AT A SETTLEMENT CONFERENCE OR A HEARING BEFORE A HEARINGS
4 EXAMINER OR THE DISCIPLINARY BOARD.

5 (i) Failure to pay an installment of an assessment levied
6 pursuant to section 2504 of the insurance code of 1956, Act
7 No. 218 of the Public Acts of 1956, as amended, being section
8 500.2504 of the Michigan Compiled Laws, within 60 days after
9 notice by the appropriate board.

10 (j) A violation of section 17013 or 17513.

11 SEC. 16222. (1) A LICENSEE OR REGISTRANT HAVING KNOWLEDGE
12 THAT ANOTHER LICENSEE OR REGISTRANT HAS COMMITTED A VIOLATION
13 UNDER SECTION 16221 SHALL REPORT THE CONDUCT AND THE NAME OF THE
14 SUBJECT OF THE REPORT TO THE DEPARTMENT. INFORMATION OBTAINED BY
15 THE DEPARTMENT UNDER THIS SUBSECTION IS CONFIDENTIAL AND IS
16 SUBJECT TO SECTIONS 16238 AND 16244(2). FAILURE OF A LICENSEE OR
17 REGISTRANT TO MAKE A REPORT UNDER THIS SUBSECTION DOES NOT GIVE
18 RISE TO A CIVIL CAUSE OF ACTION FOR DAMAGES AGAINST THE LICENSEE
19 OR REGISTRANT, BUT THE LICENSEE OR REGISTRANT IS SUBJECT TO
20 ADMINISTRATIVE ACTION UNDER SECTIONS 16221 AND 16226. THIS SUB-
21 SECTION DOES NOT APPLY TO A LICENSEE OR REGISTRANT WHO OBTAINS
22 THE KNOWLEDGE OF A VIOLATION WHILE PROVIDING PROFESSIONAL SERV-
23 ICES TO THE LICENSEE OR REGISTRANT TO WHOM THE KNOWLEDGE APPLIES,
24 WHO IS SERVING ON A DULY CONSTITUTED ETHICS COMMITTEE OF A PRO-
25 FESSIONAL ASSOCIATION, OR WHO IS SERVING ON A COMMITTEE ASSIGNED
26 A PROFESSIONAL REVIEW FUNCTION IN A HEALTH FACILITY OR AGENCY.

1 (2) UNLESS THE LICENSEE OR REGISTRANT MAKING THE REPORT
2 OTHERWISE AGREES IN WRITING, THE IDENTITY OF THE LICENSEE OR
3 REGISTRANT MAKING THE REPORT SHALL REMAIN CONFIDENTIAL UNLESS
4 DISCIPLINARY PROCEEDINGS UNDER THIS PART ARE INITIATED AGAINST
5 THE SUBJECT OF THE REPORT AND THE LICENSEE OR REGISTRANT MAKING
6 THE REPORT IS REQUIRED TO TESTIFY IN THE PROCEEDINGS.

7 (3) A LICENSEE OR REGISTRANT SHALL NOTIFY THE DEPARTMENT OF
8 A CRIMINAL CONVICTION OR A DISCIPLINARY LICENSING OR REGISTRATION
9 ACTION TAKEN BY ANOTHER STATE AGAINST THE LICENSEE OR REGISTRANT
10 WITHIN 30 DAYS AFTER THE DATE OF THE CONVICTION OR ACTION. THIS
11 SUBSECTION INCLUDES, BUT IS NOT LIMITED TO, A DISCIPLINARY ACTION
12 THAT IS STAYED PENDING APPEAL.

13 SEC. 16223. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SEC-
14 TION, A LICENSEE OR REGISTRANT WHO HAS REASONABLE CAUSE TO
15 BELIEVE THAT A LICENSEE, REGISTRANT, OR APPLICANT IS IMPAIRED
16 SHALL REPORT THAT FACT TO THE DEPARTMENT. FOR PURPOSES OF THIS
17 SUBSECTION, A REPORT FILED WITH THE COMMITTEE OR WITH THE PROGRAM
18 CONSULTANTS DESCRIBED IN SECTION 16168 IS CONSIDERED TO BE FILED
19 WITH THE DEPARTMENT. A LICENSEE OR REGISTRANT WHO FAILS TO
20 REPORT UNDER THIS SUBSECTION IS NOT LIABLE IN A CIVIL ACTION FOR
21 DAMAGES RESULTING FROM THE FAILURE TO REPORT, BUT IS SUBJECT TO
22 ADMINISTRATIVE ACTION UNDER SECTIONS 16221 AND 16226.

23 (2) THIS SECTION DOES NOT APPLY TO A LICENSEE OR REGISTRANT
24 WHO IS IN A BONA FIDE HEALTH PROFESSIONAL-PATIENT RELATIONSHIP
25 WITH A LICENSEE, REGISTRANT, OR APPLICANT BELIEVED TO BE
26 IMPAIRED.

1 (3) A LICENSEE OR REGISTRANT WHO IN GOOD FAITH COMPLIES WITH
 2 THIS SECTION IS NOT LIABLE FOR DAMAGES IN A CIVIL ACTION OR
 3 SUBJECT TO PROSECUTION IN A CRIMINAL PROCEEDING AS A RESULT OF
 4 THE COMPLIANCE.

5 Sec. 16224. (1) Failure or refusal to submit to an examina-
 6 tion ~~which~~ THAT THE DEPARTMENT, a LICENSURE OR REGISTRATION
 7 board OR TASK FORCE, THE DISCIPLINARY BOARD, OR A HEARINGS
 8 EXAMINER is authorized to require under this part after reason-
 9 able notice and opportunity ~~—~~ FOR A HEARING constitutes a
 10 ground for DENIAL OR suspension of a license OR REGISTRATION
 11 until the examination is taken.

12 (2) Additional grounds for disciplinary action may be found
 13 in a part dealing with a specific health profession.

14 Sec. 16226. (1) After finding the existence of 1 or more of
 15 the grounds for DISCIPLINARY board action listed in section
 16 16221, ~~a~~ THE DISCIPLINARY board shall impose 1 or more of the
 17 following sanctions for each violation:

18 Violations of Section 16221

Sanctions

19 Subdivision (a),	Probation, limitation
20	RESTRICTION, denial,
21 (b)(ii),	suspension, revocation,
22 (b)(iv),	restitution, COMMUNITY SERVICE,
23	or fine.
24 (b)(vi), or	
25 (b)(vii)	

1	Subdivision (b)(viii)	Revocation OR DENIAL.
2	Subdivision (b)(i),	Limitation RESTRICTION,
3		suspension,
4	(b)(iii),	revocation, denial,
5	(b)(v), or (b)(ix),	
6	(B)(x), OR (B)(xi)	probation, restitution,
7		COMMUNITY SERVICE, or fine.
8	Subdivision (c)(i)	Denial, revocation, suspension,
9		probation, limitation
10		RESTRICTION, COMMUNITY SERVICE,
11		or fine.
12	Subdivision (c)(ii)	Denial, suspension, revocation,
13		restitution, COMMUNITY SERVICE,
14		or fine.
15	Subdivision (c)(iii)	Probation, denial, suspension,
16		revocation, restitution,
17		COMMUNITY SERVICE, or fine.
18	Subdivision (c)(iv)	Fine, probation, denial,
19	or (d)(iii)	suspension, revocation,
20		COMMUNITY SERVICE,
21		or restitution.
22	Subdivision (d)(i)	Reprimand, fine, probation,
23		COMMUNITY SERVICE, DENIAL,
24	or (d)(ii)	or restitution.
25	Subdivision (e)(i)	Reprimand, fine, probation,

1 ~~limitation~~ RESTRICTION,
2 suspension, COMMUNITY SERVICE,
3 DENIAL, or restitution.
4 Subdivision (e)(ii) Reprimand, probation,
5 or (h) suspension, restitution,
6 COMMUNITY SERVICE, DENIAL, or
7 fine.
8 Subdivision (e)(iii) Reprimand, fine, probation,
9 or (e)(iv) suspension, revocation,
10 ~~limitation~~ RESTRICTION,
11 COMMUNITY SERVICE, DENIAL, or
12 restitution.
13 Subdivision (f) Reprimand or fine.
14 Subdivision (g) Reprimand, probation, denial,
15 suspension, revocation,
16 ~~limitation~~ RESTRICTION, res-
17 titution, COMMUNITY SERVICE, or
18 fine.
19 Subdivision (i) Suspension or fine.
20 Subdivision (j) Reprimand or fine.
21 (2) Determination of sanctions for violations under THIS
22 section ~~+6226~~ shall be made by ~~a~~ THE DISCIPLINARY board. If,
23 during judicial review, ~~a~~ THE court ~~holds~~ OF APPEALS
24 DETERMINES that a ~~sanction is unlawful under~~ FINAL DECISION OR
25 ORDER OF THE DISCIPLINARY BOARD PREJUDICES SUBSTANTIAL RIGHTS OF
26 THE PETITIONER FOR ANY OF THE GROUNDS LISTED IN section 106 of
27 the administrative procedures act of 1969, Act No. 306 of the

1 Public Acts of 1969, being section 24.306 of the Michigan
 2 Compiled Laws, AND HOLDS THAT THE FINAL DECISION OR ORDER IS
 3 UNLAWFUL AND IS TO BE SET ASIDE, the court shall state on the
 4 record the reasons for the holding and may remand the case to the
 5 DISCIPLINARY board for further consideration.

6 (3) ~~A~~ THE DISCIPLINARY board ~~created under part 170 or~~
 7 ~~175-~~ may impose a fine of up to, but not exceeding, \$250,000.00
 8 for a violation of section 16221(a) or (b).

9 (4) THE DISCIPLINARY BOARD MAY REQUIRE A LICENSEE OR REGIS-
 10 TRANT OR AN APPLICANT FOR LICENSURE OR REGISTRATION WHO HAS VIO-
 11 LATED SECTION 16221 TO SATISFACTORILY COMPLETE AN EDUCATIONAL
 12 PROGRAM, A TRAINING PROGRAM, OR A TREATMENT PROGRAM, OR A COMBI-
 13 NATION OF THOSE PROGRAMS.

14 Sec. 16227. ~~(1) A board shall deny or revoke a registra-~~
 15 ~~tion for fraud or deceit in obtaining the registration or for~~
 16 ~~violating, or aiding or abetting in a violation, of this article~~
 17 ~~or of rules promulgated under this article. A board shall sus-~~
 18 ~~pend or revoke a registration permitted to be used by an unautho-~~
 19 ~~rized person.~~

20 (1) ~~(2)~~ For an offense committed within 2 years after a
 21 previous offense of the same kind, ~~a~~ THE DISCIPLINARY board
 22 ~~shall~~ MAY suspend or revoke the license or registration.

23 (2) ~~(3)~~ Section 16226 and this section do not limit any
 24 other sanction or additional ~~disciplinary~~ action ~~a~~ THE
 25 DISCIPLINARY board is authorized to impose or take.

26 Sec. 16231. (1) A person or governmental entity who
 27 believes that a violation of this article or a rule promulgated

1 under this article or a ground for disciplinary action UNDER
 2 SECTION 16221 exists may ~~notify~~ MAKE AN ALLEGATION OF THAT FACT
 3 TO the department in writing. ~~The department shall provide the~~
 4 ~~appropriate board or its representative with the allegation 5~~
 5 ~~days after its receipt.~~

6 ~~(2) If, upon reviewing an allegation, the board or its rep-~~
 7 ~~resentative determines there is reasonable basis to believe a~~
 8 ~~ground set forth in section 16221(a), (b)(i), (b)(v), or (c)(iii)~~
 9 ~~exists, the department shall investigate. If a board or its rep-~~
 10 ~~resentative does not make a determination within 30 days, the~~
 11 ~~department shall make the determination.~~

12 (2) ~~(3) If~~ SUBJECT TO SUBSECTION (4), IF, upon reviewing
 13 an APPLICATION OR AN allegation OR A LICENSEE'S OR REGISTRANT'S
 14 FILE UNDER SECTION 16211(4), the department determines there is a
 15 reasonable basis to believe the existence of A VIOLATION OF
 16 ARTICLE 7 OR A RULE PROMULGATED UNDER ARTICLE 7 OR grounds ~~other~~
 17 ~~than those~~ FOR DISCIPLINARY ACTION listed in ~~subsection (2)~~
 18 SECTION 16221, the department, WITH THE AUTHORIZATION OF THE
 19 CHAIRPERSON OF THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S
 20 LICENSING OR REGISTRATION BOARD OR TASK FORCE OR HIS OR HER DES-
 21 IGNEE, SHALL INVESTIGATE. IF THE CHAIRPERSON OR HIS OR HER DES-
 22 IGNEE FAILS TO GRANT OR DENY AUTHORIZATION WITHIN 10 DAYS AFTER
 23 RECEIPT OF A REQUEST FOR AUTHORIZATION, THE DEPARTMENT shall
 24 investigate.

25 (3) ~~(4)~~ Upon the receipt of information reported pursuant
 26 to section 16243(2) ~~which~~ THAT indicates 3 or more malpractice
 27 settlements, awards, or judgments against a licensee in ~~any~~

1 ~~consecutive 10 year~~ A period OF 5 CONSECUTIVE YEARS or 1 or more
2 malpractice settlements, awards, or judgments against a licensee
3 totaling more than \$200,000.00 in ~~any consecutive 10 year~~ A
4 period OF 5 CONSECUTIVE YEARS, whether or not a judgment or award
5 is stayed pending appeal, ~~a board shall notify the department,~~
6 ~~and~~ the department shall investigate.

7 (4) BEFORE SEEKING AUTHORIZATION TO CONDUCT AN INVESTIGATION
8 PURSUANT TO SUBSECTION (2) OR BEFORE CONDUCTING AN INVESTIGATION
9 UNDER SUBSECTION (3), THE DEPARTMENT MAY SCHEDULE AN INFORMAL
10 REGULATORY REVIEW CONFERENCE. THE CONFERENCE SHALL INCLUDE THE
11 APPLICANT, LICENSEE, OR REGISTRANT, THE APPLICANT'S, LICENSEE'S,
12 OR REGISTRANT'S ATTORNEY, 1 MEMBER OF THE DEPARTMENT'S STAFF, AND
13 ANY OTHER INDIVIDUALS APPROVED BY THE DEPARTMENT. ONE MEMBER OF
14 THE APPROPRIATE LICENSING OR REGISTRATION BOARD OR TASK FORCE,
15 NOT THE CHAIRPERSON OR HIS OR HER DESIGNEE UNDER SUBSECTION (2)
16 OR (8), MAY ATTEND THE CONFERENCE AND PROVIDE SUCH ASSISTANCE AS
17 NEEDED. THE APPLICANT, LICENSEE, OR REGISTRANT SHALL BE NOTIFIED
18 IN ADVANCE OF ALL PARTIES ATTENDING THE CONFERENCE. IF AN AGREE-
19 MENT IS NOT REACHED AT THE CONFERENCE, THE DEPARTMENT MAY REQUEST
20 AUTHORIZATION FOR AN INVESTIGATION PURSUANT TO SUBSECTION (2) OR
21 SHALL CONDUCT AN INVESTIGATION UNDER SUBSECTION (3). IF AN
22 AGREEMENT IS REACHED, THE DEPARTMENT SHALL SUBMIT A WRITTEN
23 STATEMENT OUTLINING THE TERMS OF THE AGREEMENT, OR A STIPULATION
24 AND FINAL ORDER, IF APPLICABLE, OR A REQUEST FOR DISMISSAL TO THE
25 DISCIPLINARY BOARD FOR APPROVAL. IF THE AGREEMENT OR STIPULATION
26 AND FINAL ORDER OR REQUEST FOR DISMISSAL IS REJECTED BY THE
27 DISCIPLINARY BOARD, AN INVESTIGATION IS AUTHORIZED AND THE

1 DEPARTMENT SHALL INVESTIGATE. A PARTY SHALL NOT MAKE OR HAVE
2 MADE A TRANSCRIPT OF THE CONFERENCE. ALL RECORDS AND DOCUMENTS
3 OF THE CONFERENCE ARE SUBJECT TO SECTION 16238.

4 (5) Within 45 days after ~~receipt of the allegation~~ AN
5 INVESTIGATION IS AUTHORIZED UNDER SUBSECTION (2) OR COMPLETED
6 UNDER SUBSECTION (3), the department shall ~~notify the person~~
7 ~~making the allegation in writing of actions taken. The depart-~~
8 ~~ment shall transmit a response to the appropriate board within 5~~
9 ~~days after the date sent.~~ DO 1 OR MORE OF THE FOLLOWING:

10 (A) REQUEST AUTHORIZATION TO ISSUE A COMPLAINT PURSUANT TO
11 SUBSECTION (8).

12 (B) ISSUE A SUMMARY SUSPENSION.

13 (C) ISSUE A CEASE AND DESIST ORDER.

14 (D) REQUEST AUTHORIZATION UNDER SUBSECTION (8) TO DISMISS
15 THE MATTER.

16 (6) UPON RECEIPT OF A WRITTEN REQUEST FROM THE DEPARTMENT,
17 THE DISCIPLINARY BOARD MAY, FOR GOOD CAUSE SHOWN, GRANT THE
18 DEPARTMENT AN EXTENSION OF NOT MORE THAN 30 ADDITIONAL DAYS TO
19 TAKE ACTION UNDER SUBSECTION (5).

20 (7) ~~(6) The~~ UNLESS THE PERSON SUBMITTING THE ALLEGATION
21 OTHERWISE AGREES IN WRITING, THE DEPARTMENT SHALL KEEP THE iden-
22 tity of a person submitting the allegation ~~shall remain~~ confi-
23 dential until disciplinary proceedings under this part are initi-
24 ated against the subject of the allegation and the person making
25 the allegation is required to testify in the proceedings.

26 ~~(7) The Michigan board of medicine created in part 170, or~~
27 ~~the Michigan board of osteopathic medicine and surgery created in~~

~~1 part 175, or the official designee of either board shall review~~
~~2 allegations on a priority basis. Those allegations which are~~
~~3 determined by the boards or their official designees to pose a~~
~~4 serious risk to the public health and welfare shall be reviewed~~
~~5 before all other allegations received by the boards or their~~
~~6 representatives.~~

7 (8) EXCEPT AS OTHERWISE PROVIDED IN SECTION 16233(5), THE
8 CHAIRPERSON OF THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S
9 LICENSURE OR REGISTRATION BOARD OR HIS OR HER DESIGNEE SHALL
10 REVIEW THE REQUEST OF THE DEPARTMENT MADE UNDER SUBSECTION (5)
11 AND SHALL AUTHORIZE EITHER THE ISSUANCE OF A COMPLAINT OR DIS-
12 MISSAL OF THE MATTER. IF THE CHAIRPERSON OR HIS OR HER DESIGNEE
13 FAIL TO AUTHORIZE THE ISSUANCE OF A COMPLAINT OR DISMISSAL OF THE
14 MATTER WITHIN 10 DAYS AFTER RECEIVING THE DEPARTMENT'S REQUEST
15 UNDER SUBSECTION (5), THE DEPARTMENT SHALL ISSUE A COMPLAINT OR
16 THE DEPARTMENT MAY DISMISS THE MATTER.

17 (9) IF A COMPLAINT IS AUTHORIZED OR REQUIRED UNDER
18 SUBSECTION (8), THE DEPARTMENT SHALL ISSUE AND SERVE A COMPLAINT
19 PURSUANT TO SECTION 16192. THE COMPLAINT SHALL INCLUDE A NOTICE
20 THAT THE APPLICANT, LICENSEE, OR REGISTRANT WHO IS THE SUBJECT OF
21 THE COMPLAINT HAS 30 DAYS FROM THE DATE OF RECEIPT TO RESPOND IN
22 WRITING TO THE COMPLAINT. THE DEPARTMENT OF LICENSING AND REGU-
23 LATION MAY CONSULT WITH THE DEPARTMENT OF ATTORNEY GENERAL BEFORE
24 PREPARING A COMPLAINT UNDER THIS SUBSECTION.

25 (10) THE DEPARTMENT SHALL TREAT THE FAILURE OF THE APPLI-
26 CANT, LICENSEE, OR REGISTRANT TO RESPOND TO THE COMPLAINT WITHIN
27 THE 30-DAY PERIOD SET FORTH IN SUBSECTION (9) AS AN ADMISSION OF

1 THE ALLEGATIONS CONTAINED IN THE COMPLAINT. THE DEPARTMENT SHALL
2 NOTIFY THE DISCIPLINARY BOARD OF THE INDIVIDUAL'S FAILURE TO
3 RESPOND AND SHALL FORWARD A COPY OF THE COMPLAINT TO THE DISCI-
4 PLINARY BOARD. THE DISCIPLINARY BOARD MAY THEN IMPOSE AN APPRO-
5 PRIATE SANCTION UNDER THIS ARTICLE OR ARTICLE 7, OR BOTH.

6 (11) BEFORE A HEARING IS HELD BY A HEARINGS EXAMINER UNDER
7 SECTION 16231A, THE DEPARTMENT SHALL CONDUCT A SETTLEMENT CONFER-
8 ENCE BETWEEN DEPARTMENT STAFF AND THE APPLICANT, LICENSEE, OR
9 REGISTRANT. THE APPLICANT, LICENSEE, OR REGISTRANT MAY BE REPRE-
10 SENTED AT THE SETTLEMENT CONFERENCE BY HIS OR HER ATTORNEY. ONE
11 MEMBER OF THE APPROPRIATE LICENSING OR REGISTRATION BOARD OR TASK
12 FORCE, NOT THE CHAIRPERSON OR HIS OR HER DESIGNEE UNDER
13 SUBSECTION (2) OR (8), MAY ATTEND THE CONFERENCE AND PROVIDE SUCH
14 ASSISTANCE AS NEEDED. IF A SETTLEMENT IS REACHED, THE DEPARTMENT
15 SHALL PREPARE A PROPOSED CONSENT AND STIPULATION AND FINAL ORDER
16 AND SUBMIT THE PROPOSED CONSENT AND STIPULATION AND FINAL ORDER
17 TO THE DISCIPLINARY BOARD FOR APPROVAL. IF A SETTLEMENT IS NOT
18 REACHED, THE COMPLAINT SHALL BE REFERRED TO A HEARINGS EXAMINER
19 PURSUANT TO SECTION 16231A. A PARTY SHALL NOT MAKE OR HAVE MADE
20 A TRANSCRIPT OF THE CONFERENCE.

21 (12) THE APPLICANT, LICENSEE, OR REGISTRANT MAY REQUEST AND
22 BE GRANTED 1 CONTINUANCE BY THE DEPARTMENT FOR GOOD CAUSE SHOWN.
23 FAILURE OF AN APPLICANT, LICENSEE, OR REGISTRANT TO ATTEND OR BE
24 REPRESENTED AT A SETTLEMENT CONFERENCE HELD UNDER SUBSECTION (11)
25 SHALL BE TREATED BY THE DEPARTMENT AS AN ADMISSION OF THE ALLEGA-
26 TIONS CONTAINED IN THE COMPLAINT. THE DEPARTMENT SHALL NOTIFY
27 THE DISCIPLINARY BOARD OF THE INDIVIDUAL'S FAILURE TO ATTEND AND

1 SHALL FORWARD A COPY OF THE COMPLAINT AND ANY OTHER RELEVANT
2 RECORDS TO THE DISCIPLINARY BOARD. THE DISCIPLINARY BOARD MAY
3 THEN IMPOSE AN APPROPRIATE SANCTION UNDER THIS ARTICLE OR
4 ARTICLE 7, OR BOTH.

5 SEC. 16231A. (1) IF A SETTLEMENT IS NOT REACHED AT A SET-
6 TLEMENT CONFERENCE HELD UNDER SECTION 16231(11), THE DEPARTMENT
7 SHALL HOLD A HEARING BEFORE A HEARINGS EXAMINER EMPLOYED BY OR
8 UNDER CONTRACT TO THE DEPARTMENT. THE HEARINGS EXAMINER SHALL
9 CONDUCT THE HEARING WITHIN 45 DAYS AFTER RECEIPT OF A REFERRAL
10 UNDER SECTION 16231(11). ONE MEMBER OF THE APPROPRIATE LICENSING
11 OR REGISTRATION BOARD OR TASK FORCE, NOT THE CHAIRPERSON OR HIS
12 OR HER DESIGNEE UNDER SUBSECTION (2) OR (8), MAY ATTEND THE HEAR-
13 ING AND PROVIDE SUCH ASSISTANCE AS NEEDED.

14 (2) THE HEARINGS EXAMINER SHALL DETERMINE IF THERE ARE
15 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 16221 OR IF THE
16 APPLICANT, LICENSEE, OR REGISTRANT HAS VIOLATED ARTICLE 7 OR A
17 RULE PROMULGATED UNDER ARTICLE 7. THE HEARINGS EXAMINER SHALL
18 PREPARE RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR
19 TRANSMITTAL TO THE DISCIPLINARY BOARD. THE HEARINGS EXAMINER
20 SHALL NOT RECOMMEND OR IMPOSE PENALTIES.

21 (3) THE APPLICANT, LICENSEE, OR REGISTRANT WHO IS THE
22 SUBJECT OF THE COMPLAINT OR THE DEPARTMENT OF ATTORNEY GENERAL
23 MAY REQUEST AND BE GRANTED 1 CONTINUANCE BY THE HEARINGS EXAMINER
24 FOR GOOD CAUSE SHOWN.

25 (4) THE APPLICANT, LICENSEE, OR REGISTRANT MAY BE REPRE-
26 SENTED AT THE HEARING BY LEGAL COUNSEL. THE DEPARTMENT SHALL BE

1 REPRESENTED AT THE HEARING BY AN ASSISTANT ATTORNEY GENERAL FROM
2 THE DEPARTMENT OF ATTORNEY GENERAL.

3 (5) UNLESS A CONTINUANCE HAS BEEN GRANTED UNDER
4 SUBSECTION (3), FAILURE OF AN APPLICANT, LICENSEE, OR REGISTRANT
5 TO APPEAR OR BE REPRESENTED AT A SCHEDULED HEARING SHALL BE
6 TREATED BY THE HEARINGS EXAMINER AS AN ADMISSION OF THE ALLEGA-
7 TIONS CONTAINED IN THE COMPLAINT. THE HEARINGS EXAMINER SHALL
8 NOTIFY THE DISCIPLINARY BOARD OF THE INDIVIDUAL'S FAILURE TO
9 APPEAR AND FORWARD A COPY OF THE COMPLAINT AND ANY OTHER RELEVANT
10 RECORDS TO THE DISCIPLINARY BOARD. THE DISCIPLINARY BOARD MAY
11 THEN IMPOSE AN APPROPRIATE SANCTION UNDER THIS ARTICLE OR
12 ARTICLE 7, OR BOTH.

13 Sec. 16232. (1) ~~An~~ THE DEPARTMENT SHALL PROVIDE AN oppor-
14 tunity for a hearing ~~shall be provided~~ in connection with the
15 denial, reclassification, ~~limitation~~ REINSTATEMENT,
16 RESTRICTION, suspension, or revocation of a license OR
17 REGISTRATION or a proceeding to reprimand, fine, ORDER COMMUNITY
18 SERVICE OR RESTITUTION, or place a licensee OR REGISTRANT on
19 probation.

20 (2) ~~An opportunity for a hearing shall be provided in con-~~
21 ~~nection with the denial, suspension, or revocation of a registra-~~
22 ~~tion or proceeding to reprimand or fine a registrant.~~ THE DISCI-
23 PLINARY BOARD SHALL HOLD A HEARING WITHIN 60 DAYS AFTER RECEIPT
24 OF THE RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW FROM A
25 HEARINGS EXAMINER. A HEARING HELD UNDER THIS SECTION IS SUBJECT
26 TO SECTION 16237.

1 (3) AFTER ISSUING A FINAL ORDER OF DISCIPLINE, THE
2 DISCIPLINARY BOARD SHALL TRANSMIT A COPY OF THE FINAL ORDER TO
3 THE APPROPRIATE LICENSURE OR REGISTRATION BOARD OR TASK FORCE.

4 (4) ONLY THE DEPARTMENT SHALL PROMULGATE RULES GOVERNING
5 HEARINGS UNDER SUBSECTION (1) AND RELATED PRELIMINARY
6 PROCEEDINGS.

7 Sec. 16233. (1) The department may conduct an investigation
8 necessary to administer and enforce this article. Investigations
9 may include written, oral, or practical tests of a licensee's OR
10 REGISTRANT'S competency. THE DEPARTMENT MAY ESTABLISH A SPECIAL
11 PARALEGAL UNIT TO ASSIST THE DEPARTMENT.

12 (2) ~~The appropriate board or its representative shall be~~
13 ~~informed of investigations, enforcement actions, and hearings~~
14 ~~undertaken pursuant to this article and shall have the right to~~
15 ~~consult with and recommend to the department on the conduct of~~
16 ~~those activities at any stage of the proceeding.~~ THE DEPARTMENT
17 MAY ORDER AN INDIVIDUAL TO CEASE AND DESIST FROM A VIOLATION OF
18 THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS ARTI-
19 CLE OR ARTICLE 7.

20 (3) AN INDIVIDUAL ORDERED TO CEASE AND DESIST UNDER
21 SUBSECTION (2) IS ENTITLED TO A HEARING BEFORE A HEARINGS
22 EXAMINER IF THE INDIVIDUAL FILES A WRITTEN REQUEST FOR A HEARING
23 WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE CEASE AND DESIST
24 ORDER. THE DEPARTMENT SHALL SUBSEQUENTLY PRESENT THE NOTICE, IF
25 ANY, OF THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S FAILURE TO
26 RESPOND TO A COMPLAINT, ATTEND A SETTLEMENT CONFERENCE, OR ATTEND
27 OR BE REPRESENTED AT A HEARING AS DESCRIBED IN SECTIONS 16231 AND

1 16231A, OR THE RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF
2 LAW TO THE DISCIPLINARY BOARD TO DETERMINE WHETHER THE ORDER IS
3 TO REMAIN IN EFFECT OR BE DISSOLVED.

4 (4) UPON A VIOLATION OF A CEASE AND DESIST ORDER ISSUED
5 UNDER SUBSECTION (2), THE DEPARTMENT OF ATTORNEY GENERAL MAY
6 APPLY IN THE CIRCUIT COURT TO RESTRAIN AND ENJOIN, TEMPORARILY OR
7 PERMANENTLY, AN INDIVIDUAL FROM FURTHER VIOLATING THE CEASE AND
8 DESIST ORDER.

9 (5) ~~(3)~~ The ~~appropriate~~ board may summarily suspend a
10 license OR REGISTRATION if the public health, safety, or welfare
11 requires emergency action in accordance with ~~section 92 of the~~
12 ~~administrative procedures act of 1969~~ RULES PROMULGATED BY THE
13 DEPARTMENT. IF A LICENSEE OR REGISTRANT IS CONVICTED OF A MISDE-
14 MEANOR PUNISHABLE BY IMPRISONMENT FOR A MAXIMUM TERM OF 2 YEARS,
15 A MISDEMEANOR INVOLVING THE ILLEGAL DELIVERY, POSSESSION, OR USE
16 OF ALCOHOL OR A CONTROLLED SUBSTANCE, OR A FELONY, THE DISCI-
17 PLINARY BOARD SHALL FIND THAT THE PUBLIC HEALTH, SAFETY, OR WEL-
18 FARE REQUIRES EMERGENCY ACTION UNDER THE RULES PROMULGATED BY THE
19 DEPARTMENT AND SHALL SUSPEND THE LICENSEE'S LICENSE OR THE
20 REGISTRANT'S REGISTRATION. THE RULES PROMULGATED BY THE DEPART-
21 MENT UNDER THIS SUBSECTION SHALL PROVIDE THE OPPORTUNITY FOR A
22 HEARING WITHOUT UNDUE DELAY. IF A HEARING IS REQUESTED UNDER
23 THIS SUBSECTION, SECTION 16231(11) AND (12) DO NOT APPLY.

24 ~~(4) A board may delegate determination of a violation and~~
25 ~~the imposition of a sanction in a contested case to a hearing~~
26 ~~examiner whose decision shall constitute final administrative~~
27 ~~action unless the board authorizes review.~~

1 ~~(5) A board or hearing examiner which suspends or revokes a~~
2 ~~license shall immediately notify, in writing, the Michigan board~~
3 ~~of pharmacy or its designated or established authority.~~

4 Sec. 16234. ~~(1) The department may authorize a hearings~~
5 ~~examiner to~~ DISCIPLINARY BOARD OR A HEARINGS EXAMINER MAY hold
6 hearings and administer oaths ~~,~~ and order testimony to be taken
7 at a hearing or by deposition. ~~conducted pursuant to the admin-~~
8 ~~istrative procedures act of 1969.~~

9 ~~(2) An accused person has the right to be represented at~~
10 ~~the hearing by legal counsel.~~

11 Sec. 16235. (1) Upon application by the attorney general or
12 a party to a ~~contested case~~ DISCIPLINARY PROCEEDING, the cir-
13 cuit court may issue a subpoena requiring a person to appear
14 before ~~a hearings examiner in a contested case~~ THE DISCIPLINARY
15 BOARD OR A HEARINGS EXAMINER or before the department in an
16 investigation and be examined with reference to a matter within
17 the scope of that ~~contested case or investigation~~ DISCIPLINARY
18 PROCEEDING and to produce books, papers, or documents pertaining
19 to that ~~contested case, or investigation~~ DISCIPLINARY
20 PROCEEDING. A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY REQUIRE
21 A PERSON TO PRODUCE BOOKS, PAPERS, AND DOCUMENTS PERTAINING TO
22 ALL OF A LICENSEE'S OR REGISTRANT'S PATIENTS IN A HEALTH FACILITY
23 ON A PARTICULAR DAY.

24 (2) A copy of a record of the council, a LICENSURE OR
25 REGISTRATION board, THE DISCIPLINARY BOARD, A HEARINGS EXAMINER,
26 or a task force certified by a person designated by the director
27 ~~shall be~~ IS prima facie evidence of the matters recorded and

1 ~~shall be~~ IS admissible as evidence in a proceeding in this
2 state with the same force and effect as if the original were
3 produced.

4 Sec. 16236. (1) In a hearing OR AN INVESTIGATION where
5 mental or physical inability OR SUBSTANCE ABUSE under section
6 16221 is alleged, the DISCIPLINARY board or A hearings examiner
7 OR THE DEPARTMENT WITH THE APPROVAL OF THE DISCIPLINARY BOARD may
8 require the APPLICANT, licensee, OR REGISTRANT to submit to a
9 mental or physical examination conducted by physicians or other
10 appropriate health professionals designated by the DISCIPLINARY
11 board OR HEARINGS EXAMINER OR THE DEPARTMENT. ~~This~~ AN examina-
12 tion CONDUCTED UNDER THIS SUBSECTION shall be at the expense of
13 the department.

14 (2) For purposes of this section, an individual licensed OR
15 REGISTERED under this part who accepts the privilege of practic-
16 ing in this state, by so practicing or by receiving a license or
17 renewal to practice OR BY RECEIVING REGISTRATION, AND AN INDIVID-
18 UAL WHO APPLIES FOR LICENSURE OR REGISTRATION, consents to submit
19 to a mental or physical examination UNDER SUBSECTION (1) when
20 directed to do so in writing by ~~a~~ THE DISCIPLINARY board or
21 ~~hearings examiner conducting the hearing~~ A LICENSURE OR REGIS-
22 TRATION BOARD OR TASK FORCE PURSUANT TO SECTION 16247(3) and
23 waives all objections to the admissibility of the testimony or
24 examination reports of the examining health professional on the
25 ground that the testimony or reports constitute privileged
26 communications.

1 SEC. 16237. (1) IN HOLDING A HEARING UNDER
2 SECTION 16232(2), THE DISCIPLINARY BOARD SHALL REVIEW THE
3 RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE HEAR-
4 INGS EXAMINER. THE DISCIPLINARY BOARD SHALL NOT CONDUCT A HEAR-
5 ING DE NOVO UNLESS A MAJORITY OF THE DISCIPLINARY BOARD FINDS
6 THAT A PREPONDERANCE OF THE EVIDENCE DOES NOT SUPPORT THE RECOM-
7 MENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE HEARINGS
8 EXAMINER.

9 (2) AN INDEPENDENT SPECIAL ASSISTANT ATTORNEY GENERAL WHO IS
10 UNDER CONTRACT TO THE DEPARTMENT OF ATTORNEY GENERAL AND IS NOT A
11 MEMBER OF THE STATE CLASSIFIED CIVIL SERVICE SHALL ADVISE THE
12 DISCIPLINARY BOARD ON MATTERS OF LAW AND PROVIDE OTHER LEGAL
13 ASSISTANCE AS NECESSARY. THE SPECIAL ASSISTANT ATTORNEY GENERAL
14 ASSIGNED TO THE DISCIPLINARY BOARD SHALL NOT BE THE SAME INDIVID-
15 UAL WHO REPRESENTED THE DEPARTMENT BEFORE A HEARINGS EXAMINER
16 UNDER SECTION 16231A(4).

17 (3) IN REVIEWING THE RECOMMENDED FINDINGS OF FACT AND CON-
18 CLUSIONS OF LAW OF THE HEARINGS EXAMINER AND THE RECORD OF THE
19 HEARING, THE DISCIPLINARY BOARD MAY REQUEST OF A PARTY ADDITIONAL
20 TESTIMONY OR EVIDENCE ON A SPECIFIC ISSUE OR MAY REVISE THE REC-
21 OMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW AS DETERMINED
22 NECESSARY BY THE DISCIPLINARY BOARD, OR BOTH.

23 (4) IF THE DISCIPLINARY BOARD FINDS THAT A PREPONDERANCE OF
24 THE EVIDENCE SUPPORTS THE RECOMMENDED FINDINGS OF FACT AND CON-
25 CLUSIONS OF LAW OF THE HEARINGS EXAMINER THAT GROUNDS EXIST FOR
26 DISCIPLINARY ACTION, THE DISCIPLINARY BOARD SHALL IMPOSE AN
27 APPROPRIATE SANCTION UNDER THIS ARTICLE OR ARTICLE 7, OR BOTH.

1 IF THE DISCIPLINARY BOARD FINDS THAT A PREPONDERANCE OF THE
2 EVIDENCE DOES NOT SUPPORT THE FINDINGS OF FACT AND CONCLUSIONS OF
3 LAW OF THE HEARINGS EXAMINER THAT GROUNDS EXIST FOR DISCIPLINARY
4 ACTION, THE DISCIPLINARY BOARD SHALL DISMISS THE COMPLAINT.

5 (5) THE SETTLEMENT CONFERENCE, HEARING BEFORE THE HEARINGS
6 EXAMINER, AND FINAL DISCIPLINARY BOARD ACTION SHALL BE COMPLETED
7 WITHIN 9 MONTHS AFTER THE DEPARTMENT CONDUCTS AN INVESTIGATION
8 AUTHORIZED UNDER SECTION 16231(2) OR BEGINS AN INVESTIGATION
9 UNDER SECTION 16231(3). THE DISCIPLINARY BOARD MAY EXTEND THE
10 9-MONTH DEADLINE OR ANY OTHER SPECIFIC DEADLINE UNDER THIS ARTI-
11 CLE PERTAINING TO DISCIPLINARY PROCEEDINGS UPON THE MOTION OF A
12 PARTY FOR GOOD CAUSE SHOWN.

13 (6) A FINAL DECISION OF THE DISCIPLINARY BOARD MAY BE
14 APPEALED TO THE COURT OF APPEALS. AN APPEAL FILED UNDER THIS
15 SUBSECTION SHALL BE BY RIGHT.

16 SEC. 16238. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
17 13(1)(U)(i) AND (ii) OF THE FREEDOM OF INFORMATION ACT, ACT
18 NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.243 OF THE
19 MICHIGAN COMPILED LAWS, THE INFORMATION, INCLUDING, BUT NOT
20 LIMITED TO, PATIENT NAMES, OBTAINED IN AN INVESTIGATION OR AN
21 INFORMAL REGULATORY REVIEW CONFERENCE BEFORE A COMPLAINT IS
22 ISSUED, EXCEPT A CONSENT AND STIPULATION AND FINAL ORDER THAT
23 HAVE BEEN APPROVED BY THE DISCIPLINARY BOARD, IS CONFIDENTIAL AND
24 SHALL NOT BE DISCLOSED EXCEPT TO THE EXTENT NECESSARY FOR THE
25 PROPER FUNCTIONING OF A HEARINGS EXAMINER, THE DISCIPLINARY
26 BOARD, OR THE DEPARTMENT.

1 (2) AN INFORMAL REGULATORY REVIEW CONFERENCE AND A
2 SETTLEMENT CONFERENCE CONDUCTED UNDER THIS PART SHALL BE CLOSED
3 TO THE PUBLIC.

4 SEC. 16239. EACH LICENSEE OR REGISTRANT WHO IS IN PRIVATE
5 PRACTICE SHALL MAKE AVAILABLE UPON REQUEST OF A PATIENT A PAM-
6 PHLET PROVIDED BY THE DEPARTMENT OUTLINING THE PROCEDURE FOR
7 FILING AN ALLEGATION UNDER SECTION 16231 WITH THE DEPARTMENT.
8 THE DEPARTMENT SHALL PREPARE THE PAMPHLET IN CONSULTATION WITH
9 THE APPROPRIATE PROFESSIONAL ASSOCIATIONS, LICENSING AND REGIS-
10 TRATION BOARDS AND TASK FORCES, AND THE DISCIPLINARY BOARD. THE
11 DEPARTMENT SHALL PRINT THE PAMPHLET IN LANGUAGES THAT ARE APPRO-
12 PRIATE TO THE ETHNIC COMPOSITION OF THE PATIENT POPULATION WHERE
13 THE PAMPHLET WILL BE MADE AVAILABLE.

14 Sec. 16241. (1) After administrative disciplinary action is
15 final, the department ~~of licensing and regulation~~ shall publish
16 a list of the names and addresses of disciplined individuals.
17 THE DEPARTMENT SHALL INDICATE ON THE LIST THAT A FINAL ADMINIS-
18 TRATIVE DISCIPLINARY ACTION IS SUBJECT TO JUDICIAL APPEAL. The
19 department ~~of licensing and regulation~~ shall report disci-
20 plinary action to the department of public health, the commis-
21 sioner of insurance, the state and federal agencies responsible
22 for fiscal administration of federal health care programs, and
23 the appropriate professional association.

24 (2) THE DEPARTMENT OF LICENSING AND REGULATION ANNUALLY
25 SHALL TRANSMIT TO EACH COUNTY CLERK A COMPILATION OF THE LISTS
26 REQUIRED UNDER SUBSECTION (1) FOR THE IMMEDIATELY PRECEDING 3
27 YEARS.

1 (3) ~~-(2)-~~ The department of public health shall report the
2 disciplinary actions to appropriate licensed health facilities
3 and agencies. The commissioner of insurance shall report the
4 disciplinary actions received from the department of licensing
5 and regulation to insurance carriers providing professional
6 liability insurance.

7 (4) ~~-(3)-~~ In case of a summary suspension of a license under
8 ~~the administrative procedures act of 1969~~ SECTION 16233(5), the
9 department of licensing and regulation shall report the name and
10 address of the individual whose license has been ~~surrendered~~
11 SUSPENDED to the department of public health, the commissioner of
12 insurance, the state and federal agencies responsible for fiscal
13 administration of federal health care programs, and the appropri-
14 ate professional association.

15 (5) A LICENSEE OR REGISTRANT WHOSE LICENSE OR REGISTRATION
16 IS REVOKED OR SUSPENDED UNDER THIS ARTICLE FOR MORE THAN 30 DAYS
17 SHALL NOTIFY IN WRITING EACH PATIENT OR CLIENT TO WHOM THE
18 LICENSEE OR REGISTRANT RENDERED SERVICES IN THE LICENSEE'S OR
19 REGISTRANT'S PRIVATE PRACTICE WITHIN THE YEAR IMMEDIATELY PRECED-
20 ING THE DATE OF THE FINAL ORDER IMPOSING THE REVOCATION OR
21 SUSPENSION. THE NOTICE SHALL STATE, AT A MINIMUM, THE NAME,
22 ADDRESS, AND LICENSE OR REGISTRATION NUMBER OF THE LICENSEE OR
23 REGISTRANT, THE FACT THAT HIS OR HER LICENSE OR REGISTRATION HAS
24 BEEN REVOKED OR SUSPENDED, THE EFFECTIVE DATE OF THE REVOCATION
25 OR SUSPENSION, AND THE TERM OF THE REVOCATION OR SUSPENSION. THE
26 LICENSEE OR REGISTRANT SHALL SEND THE NOTICE WITHIN 30 DAYS AFTER
27 THE DATE OF THE FINAL ORDER IMPOSING THE REVOCATION OR SUSPENSION

1 AND SHALL SIMULTANEOUSLY TRANSMIT A COPY OF THE NOTICE TO THE
2 DEPARTMENT.

3 (6) THE DEPARTMENT OF LICENSING AND REGULATION SHALL ANNU-
4 ALLY REPORT TO THE LEGISLATURE AND TO EACH LICENSURE OR REGISTRA-
5 TION BOARD OR TASK FORCE ON DISCIPLINARY ACTIONS TAKEN UNDER THIS
6 ARTICLE AND ARTICLE 7. THE REPORT SHALL CONTAIN, AT A MINIMUM,
7 ALL OF THE FOLLOWING INFORMATION:

8 (A) INVESTIGATIONS CONDUCTED, COMPLAINTS ISSUED, AND SETTLE-
9 MENTS REACHED BY THE DEPARTMENT OF LICENSING AND REGULATION, SEP-
10 ARATED OUT BY TYPE OF COMPLAINT AND HEALTH PROFESSION.

11 (B) INVESTIGATIONS AND COMPLAINTS REQUESTED BY THE DEPART-
12 MENT BUT NOT AUTHORIZED.

13 (C) ACTIONS TAKEN BY THE DISCIPLINARY BOARD, SEPARATED OUT
14 BY TYPE OF COMPLAINT, HEALTH PROFESSION, AND FINAL ORDER ISSUED.

15 (D) RECOMMENDATIONS BY LICENSURE OR REGISTRATION BOARDS AND
16 TASK FORCES.

17 (7) WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDA-
18 TORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT OF LICENSING
19 AND REGULATION SHALL SUBMIT A PUBLIC REPORT TO THE LEGISLATURE ON
20 THE EFFECTIVENESS OF THE AMENDATORY ACT THAT ADDED THIS
21 SUBSECTION. THE REPORT SHALL INCLUDE A REVIEW AND EVALUATION OF
22 THE DISCIPLINARY PROCESS AND THE REPORTING REQUIREMENTS OF
23 ARTICLE 17 AND RECOMMENDED ADMINISTRATIVE OR STATUTORY CHANGES,
24 IF ANY.

25 Sec. 16243. (1) ~~A board~~ THE DEPARTMENT may request and
26 SHALL receive the following reports: ~~and shall evaluate the~~

~~1 reports, determine whether grounds for disciplinary action exist,~~
~~2 and apply appropriate sanctions.~~

3 (a) Information from a licensed health care facility as to
4 disciplinary action taken by it ~~which~~ THAT results in the
5 change of employment status or privileges of practice of a
6 licensee, and a summary of the information pertinent to the
7 change, ~~where~~ IF the DISCIPLINARY action is related to the
8 safety and competence of practice.

9 (b) Information from an insurer providing professional
10 liability insurance as to claims or actions for damages against a
11 licensee; settlements in any amount; final disposition not
12 resulting in payment on behalf of the insured; and a personal
13 injury claimed to have been caused by an error, omission, or neg-
14 ligence in the performance of the insured professional services.
15 AN INSURER THAT RECEIVES A REQUEST UNDER THIS SUBDIVISION SHALL
16 SUBMIT THE INFORMATION REQUESTED DIRECTLY TO THE DEPARTMENT.

17 (c) Information from a court in this state as to a felony or
18 misdemeanor conviction or a judgment against a licensee or regis-
19 trant finding the licensee or registrant negligent in an action
20 for malpractice, whether or not the judgment is appealed.

21 (D) A REPORT BY A LICENSEE OR REGISTRANT UNDER
22 SECTION 16222.

23 (E) ~~(d)~~ Reports from any other appropriate source neces-
24 sary for determination of the competency and safety of the prac-
25 tice of a licensee. Appropriate sources include, BUT ARE NOT
26 LIMITED TO, appointed public and private professional review
27 entities and public and private health insurance programs.

1 (2) Within 10 days after the entry of a judgment against a
 2 licensee finding the licensee negligent in an action for malprac-
 3 tice or the approval by a court of a settlement in an action for
 4 malpractice, the clerk of the court in which the judgment was
 5 entered or the settlement approved shall prepare and immediately
 6 forward to the ~~appropriate board~~ DEPARTMENT on a form pre-
 7 scribed by the department a report setting forth the name of the
 8 licensee and the amount of damages awarded or the amount of the
 9 approved settlement.

10 Sec. 16244. (1) A person, including a state or county
 11 health professional organization, a committee of the organi-
 12 zation, or an employee or officer of the organization furnishing
 13 information to ~~—~~ or on behalf of ~~—~~ the organization ~~—~~
 14 ~~acting~~ WHO in good faith ~~who~~ makes a report; assists in origi-
 15 nating, investigating, or preparing a report; or assists a
 16 LICENSURE OR REGISTRATION board OR TASK FORCE, THE DISCIPLINARY
 17 BOARD, THE COMMITTEE, A HEARINGS EXAMINER, or the department in
 18 carrying out its duties under this article ~~shall be~~ IS immune
 19 from civil or criminal liability ~~which~~ INCLUDING, BUT NOT
 20 LIMITED TO, LIABILITY IN A CIVIL ACTION FOR DAMAGES THAT might
 21 otherwise be incurred thereby and ~~shall be~~ IS protected under
 22 the whistleblowers' protection act, Act No. 469 of the Public
 23 Acts of 1980, being sections 15.361 to 15.369 of the Michigan
 24 Compiled Laws. A person ~~making or assisting~~ WHO MAKES OR
 25 ASSISTS in making a report ~~—, or assisting a~~ OR ASSISTS A LICEN-
 26 SURE OR REGISTRATION board OR TASK FORCE, THE DISCIPLINARY BOARD,
 27 THE COMMITTEE, A HEARINGS EXAMINER, or the department, ~~shall be~~

1 IS presumed to have acted in good faith. This immunity from
2 civil or criminal liability extends only to acts done pursuant to
3 this article or section 21513(e).

4 (2) The physician-patient privilege ~~shall not prevail~~
5 CREATED IN SECTION 2157 OF THE REVISED JUDICATURE ACT OF 1961,
6 ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.2157 OF
7 THE MICHIGAN COMPILED LAWS, DOES NOT APPLY in an investigation or
8 proceeding by a HEARINGS EXAMINER, A LICENSURE OR REGISTRATION
9 BOARD, THE DISCIPLINARY board, THE COMMITTEE, or the department
10 acting within the scope of its authorization. Unless expressly
11 waived by the ~~patient~~ INDIVIDUAL TO WHOM THE INFORMATION
12 PERTAINS, the information obtained ~~shall be~~ IS confidential and
13 shall not be disclosed except to the extent necessary for the
14 proper functioning of a HEARINGS EXAMINER, A LICENSURE OR REGIS-
15 TRATION BOARD, THE DISCIPLINARY board, THE COMMITTEE, or the
16 department. ~~Any other use or dissemination by a person by any~~
17 ~~means, unless~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A
18 PERSON SHALL NOT USE OR DISSEMINATE THE INFORMATION EXCEPT pursu-
19 ant to a valid court order. ~~, is prohibited.~~

20 Sec. 16245. (1) An individual whose license is ~~limited,~~
21 suspended ~~,~~ or revoked under this part may apply to ~~the~~ HIS
22 OR HER LICENSURE board OR TASK FORCE for a reinstatement of a
23 revoked or suspended license ~~or reclassification of a limited~~
24 ~~license~~ pursuant to section 16247. ~~, 16248, or 16249.~~

25 (2) An individual whose registration is suspended or revoked
26 under this part may apply to ~~the~~ HIS OR HER REGISTRATION board

1 for a reinstatement of a suspended or revoked registration
2 pursuant to section 16248.

3 (3) A LICENSURE BOARD OR TASK FORCE SHALL REINSTATE A
4 license suspended for grounds stated in section 16221(i) ~~shall~~
5 ~~be reinstated~~ upon payment of the installment.

6 (4) ~~In~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, IN
7 case of a revoked license or registration, A LICENSURE OR REGIS-
8 TRATION BOARD OR TASK FORCE SHALL NOT ACCEPT an application
9 ~~shall not be accepted~~ FOR REINSTATEMENT within 3 years after
10 the EFFECTIVE date of THE revocation. IN CASE OF A LICENSE OR
11 REGISTRATION THAT WAS REVOKED FOR A VIOLATION OF
12 SECTION 16221(B)(*vi*), OR FOR A VIOLATION OF SECTION 16221(C)(*iv*)
13 CONSISTING OF A FELONY CONVICTION OR ANY OTHER FELONY CONVICTION
14 INVOLVING A CONTROLLED SUBSTANCE, A LICENSURE OR REGISTRATION
15 BOARD OR TASK FORCE SHALL NOT ACCEPT AN APPLICATION FOR REIN-
16 STATEMENT WITHIN 5 YEARS AFTER THE EFFECTIVE DATE OF THE
17 REVOCATION.

18 (5) ~~An~~ A LICENSURE OR REGISTRATION BOARD OR TASK FORCE
19 SHALL PROVIDE AN opportunity for a hearing ~~shall be provided~~
20 before final rejection of an application for reinstatement.

21 (6) BASED UPON THE RECOMMENDATION OF THE DISCIPLINARY BOARD
22 FOR EACH HEALTH PROFESSION, THE DEPARTMENT SHALL PROMULGATE RULES
23 TO ESTABLISH SPECIFIC CRITERIA TO BE MET BY AN APPLICANT FOR
24 REINSTATEMENT UNDER THIS ARTICLE OR ARTICLE 7. THE CRITERIA MAY
25 INCLUDE GUIDELINES FOR REQUIRING CORRECTIVE MEASURES OR REMEDIAL
26 EDUCATION AS A CONDITION OF REINSTATEMENT.

1 (7) ~~(6)~~ An individual who seeks reinstatement ~~or~~
2 ~~reclassification~~ of a license or registration pursuant to this
3 section shall pay the application processing fee as a reinstate-
4 ment ~~or reclassification~~ fee. If approved for reinstatement,
5 ~~or reclassification,~~ the individual shall pay the per year
6 license or registration fee for the applicable license or regis-
7 tration period.

8 Sec. 16247. (1) ~~A~~ SUBJECT TO SUBSECTIONS (2) AND (3), A
9 LICENSURE board OR TASK FORCE may reinstate a license ~~or issue a~~
10 ~~limited license~~ to an individual whose license has been sus-
11 pended or revoked under this part if ~~—~~ after a hearing ~~—~~ the
12 LICENSURE board OR TASK FORCE is satisfied BY CLEAR AND CONVINC-
13 ING EVIDENCE that the applicant is of good moral character, is
14 able to practice the profession with reasonable skill and safety
15 to patients, HAS MET THE CRITERIA IN THE RULES PROMULGATED UNDER
16 SECTION 16245(6), and should be permitted in the public interest
17 to resume practice. ~~As~~ PURSUANT TO THE RULES PROMULGATED UNDER
18 SECTION 16245(6), AS a condition of reinstatement, the
19 DISCIPLINARY board, UPON THE RECOMMENDATION OF A LICENSURE BOARD
20 OR TASK FORCE, may impose a disciplinary or corrective measure
21 authorized under this part and require that the licensee attend a
22 school or program selected by the LICENSURE board OR TASK FORCE
23 to take designated courses or training to become competent or
24 proficient in those areas of practice in which the LICENSURE
25 board OR TASK FORCE finds the licensee to be deficient. The
26 LICENSURE board OR TASK FORCE may require a statement on a form
27 approved by it from the chief administrator of the school or

1 program attended or the person responsible for the training
2 certifying that the licensee has achieved the required competency
3 or proficiency.

4 (2) AS A CONDITION OF REINSTATEMENT, A LICENSURE BOARD OR
5 TASK FORCE SHALL PLACE THE LICENSEE ON PROBATION FOR 1 YEAR UNDER
6 CONDITIONS SET BY THE LICENSURE BOARD OR TASK FORCE. IF A
7 LICENSEE WHOSE LICENSE HAS BEEN REVOKED CANNOT APPLY FOR REIN-
8 STATEMENT FOR 5 YEARS AFTER THE DATE OF REVOCATION, AS A CONDI-
9 TION OF REINSTATEMENT, THE LICENSURE BOARD OR TASK FORCE SHALL
10 REQUIRE THE LICENSEE TO TAKE AND PASS THE CURRENT LICENSURE
11 EXAMINATION.

12 (3) ~~-(2)-~~ A LICENSURE BOARD OR TASK FORCE SHALL NOT REIN-
13 STATE A license suspended or revoked for grounds stated in sec-
14 tion 16221(b)(i), (iii), or (iv) ~~shall not be reinstated until~~
15 ~~the board~~ UNTIL IT finds that the licensee ~~has become~~ IS men-
16 tally or physically able to practice with reasonable skill and
17 safety to patients. The LICENSURE board OR TASK FORCE may
18 ~~conduct~~ REQUIRE further examination of the licensee, at the
19 licensee's expense, necessary to verify that the licensee ~~has~~
20 ~~become~~ IS mentally or physically able. A licensee affected by
21 this section shall be afforded the opportunity at reasonable
22 intervals to demonstrate that he or she can resume competent
23 practice in accordance with standards of acceptable and prevail-
24 ing practice.

25 Sec. 16248. A REGISTRATION board may reinstate a registra-
26 tion revoked or suspended under this part if, after a hearing,
27 ~~the board~~ IT is satisfied that the individual is of good moral

1 character, has the education and experience as required in this
2 article, HAS MET THE CRITERIA IN THE RULES PROMULGATED UNDER
3 SECTION 16245(6), and ~~that the individual~~ will use the title
4 lawfully and act in accordance with this article.

5 Sec. 16249. ~~A~~ THE DISCIPLINARY board may reclassify a
6 license ~~limited~~ RESTRICTED under this part to alter or remove
7 the ~~limitations~~ RESTRICTIONS if, after a hearing, ~~the board~~
8 IT is satisfied that the applicant will practice the profession
9 safely and competently within the area of practice and under con-
10 ditions stipulated by the DISCIPLINARY board, and should be per-
11 mitted in the public interest to so practice. The DISCIPLINARY
12 board may require the submission of information necessary to make
13 the determination required for reclassification. As a condition
14 of reclassification, the DISCIPLINARY board may require that the
15 licensee take an examination or attend a school or program
16 selected by the DISCIPLINARY board to take designated courses or
17 training to become competent in those areas of practice the
18 DISCIPLINARY board determines necessary for reclassification.
19 The DISCIPLINARY board may require a statement on a form approved
20 by it from the chief administrator of the school or program
21 attended or the person responsible for the training certifying
22 that the licensee has achieved the required competency.

23 Sec. 16261. (1) A person who is not licensed or registered
24 under this article shall not use an insignia, title, or letter,
25 or a word, letter, or phrase singly or in combination, with or
26 without qualifying words, letters, or phrases, under a
27 circumstance to induce the belief that the person is licensed or

1 registered in this state, is lawfully entitled in this state to
2 engage in the practice of a profession regulated by this article,
3 or is otherwise in compliance with this article.

4 (2) An individual shall not announce or hold himself or her-
5 self out to the public as limiting his or her practice to, as
6 being specially qualified in, or as giving particular attention
7 to a health profession specialty field for which a LICENSURE
8 board issues a specialty certification, without first having
9 obtained a specialty certification.

10 Sec. 16291. (1) Upon a violation of this article or of a
11 rule or order of a LICENSURE OR REGISTRATION board OR TASK FORCE,
12 THE DISCIPLINARY BOARD, or the department, the circuit court for
13 the county in which the violation occurs may restrain and enjoin
14 a person from the violation. A LICENSURE OR REGISTRATION board
15 OR TASK FORCE, THE DISCIPLINARY BOARD, or THE department shall
16 seek injunctive relief through the attorney general or the prose-
17 cuting attorney of the county in which the violation occurs.
18 This proceeding may be in addition to and is not in lieu of a
19 criminal prosecution or proceeding as to a license or
20 registration.

21 (2) The department, ~~or~~ a LICENSURE OR REGISTRATION board
22 OR TASK FORCE, or ~~both,~~ THE DISCIPLINARY BOARD may request the
23 attorney general or prosecuting attorney to prosecute a person
24 FOR violating this article. The attorney general or the prose-
25 cuting attorney may prosecute a violation of this article.

26 Sec. 16294. Except as provided in section 16215, an
27 individual ~~—~~ who practices or holds himself or herself out as

1 practicing a health profession regulated by this article —
 2 without a license or under a suspended, revoked, VOID, or fraudu-
 3 lently obtained license, or outside the provisions of a limited
 4 OR RESTRICTED license, or who uses as his or her own the license
 5 of another person, is guilty of a felony.

6 Sec. 16301. (1) Fees for licenses and registrations issued
 7 and other services performed shall be as prescribed in ~~the state~~
 8 ~~license fee act, Act No. 152 of the Public Acts of 1979, being~~
 9 ~~sections 338.2201 to 338.2277 of the Michigan Compiled Laws~~ THIS
 10 ARTICLE.

11 (2) This article does not prohibit a person who has a con-
 12 tract with the department or any other person providing direct
 13 services from collecting fees directly from an applicant, regis-
 14 trant, or licensee.

15 (3) If the department terminates a contract with a person
 16 who has been administering a licensing or registration examina-
 17 tion to applicants for licensure or registration in a specific
 18 profession — and the department itself begins to administer the
 19 examination, the department shall not charge an applicant a fee
 20 greater than the fee charged under the terminated contract unless
 21 the examination fee for that profession is increased under ~~the~~
 22 ~~state license fee act, Act No. 152 of the Public Acts of 1979,~~
 23 ~~being sections 338.2201 to 338.2277 of the Michigan Compiled~~
 24 ~~Laws~~ THIS ARTICLE.

25 SEC. 16315. (1) THE HEALTH PROFESSIONS REGULATORY FUND IS
 26 ESTABLISHED IN THE STATE TREASURY. THE STATE TREASURER SHALL
 27 CREDIT THE FEES COLLECTED UNDER SECTIONS 16319 TO 16349 TO THE

1 HEALTH PROFESSIONS REGULATORY FUND. THE MONEY IN THE FUND SHALL
2 BE EXPENDED ONLY AS PROVIDED IN SUBSECTION (5).

3 (2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
4 HEALTH PROFESSIONS REGULATORY FUND. INTEREST AND EARNINGS FROM
5 FUND INVESTMENT SHALL BE CREDITED TO THE FUND.

6 (3) THE UNENCUMBERED BALANCE IN THE HEALTH PROFESSIONS REGU-
7 LATORY FUND AT THE CLOSE OF THE FISCAL YEAR SHALL REMAIN IN THE
8 FUND AND SHALL NOT REVERT TO THE GENERAL FUND.

9 (4) THE FUND MAY RECEIVE GIFTS AND DEVISES AND OTHER MONEY
10 AS PROVIDED BY LAW.

11 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
12 DEPARTMENT SHALL USE THE FUND ONLY TO CARRY OUT ITS POWERS AND
13 DUTIES UNDER THIS ARTICLE. OF THE MONEY IN THE HEALTH PROFES-
14 SIONS REGULATORY FUND THAT IS ATTRIBUTABLE TO ANNUAL LICENSE FEES
15 COLLECTED UNDER SECTION 16327, UP TO \$2.00 OF EACH INDIVIDUAL
16 ANNUAL LICENSE FEE COLLECTED SHALL BE USED TO ESTABLISH AND OPER-
17 ATE AN OFFICE OF NURSING.

18 SEC. 16317. (1) AT THE BEGINNING OF EACH STATE FISCAL YEAR,
19 THE DEPARTMENT MAY INCREASE THE FEES COLLECTED UNDER
20 SECTIONS 16319 TO 16349 BY A PERCENTAGE AMOUNT EQUAL TO NOT MORE
21 THAN THE AVERAGE PERCENTAGE WAGE AND SALARY INCREASE GRANTED FOR
22 THAT FISCAL YEAR TO CLASSIFIED CIVIL SERVICE EMPLOYEES EMPLOYED
23 BY THE DEPARTMENT.

24 (2) IF THE DEPARTMENT INCREASES FEES UNDER SUBSECTION (1),
25 THE INCREASE SHALL BE EFFECTIVE FOR THAT FISCAL YEAR. THE
26 INCREASED FEES SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR
27 CALCULATING FEE INCREASES IN SUBSEQUENT FISCAL YEARS.

1 (3) BY AUGUST 1 OF EACH YEAR THE DEPARTMENT SHALL PROVIDE TO
 2 THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET AND THE
 3 CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES OF THE SENATE AND
 4 HOUSE OF REPRESENTATIVES A COMPLETE SCHEDULE OF FEES TO BE COL-
 5 LECTED UNDER SECTIONS 16319 TO 16349 FOR THE FOLLOWING FISCAL
 6 YEAR.

7 SEC. 16319. (1) UNTIL SEPTEMBER 30, 1993, FEES FOR A PERSON
 8 LICENSED OR SEEKING LICENSURE TO ENGAGE IN THE MANUFACTURING,
 9 DISTRIBUTING, PRESCRIBING, OR DISPENSING OF CONTROLLED SUBSTANCES
 10 OR THE CONDUCTING OF RESEARCH WITH CONTROLLED SUBSTANCES UNDER
 11 PART 73 ARE AS FOLLOWS:

12 (A) APPLICATION PROCESSING FEE.....\$10.00

13 (B) LICENSE FEE, PER YEAR..... 75.00

14 (2) AFTER SEPTEMBER 30, 1993, FEES FOR A PERSON LICENSED OR
 15 SEEKING LICENSURE TO ENGAGE IN THE MANUFACTURING, DISTRIBUTING,
 16 PRESCRIBING, OR DISPENSING OF CONTROLLED SUBSTANCES OR THE CON-
 17 DUCTING OF RESEARCH WITH CONTROLLED SUBSTANCES UNDER PART 73 ARE
 18 AS FOLLOWS:

19 (A) APPLICATION PROCESSING FEE.....\$10.00

20 (B) LICENSE FEE, PER YEAR..... 55.00

21 SEC. 16321. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 22 TO ENGAGE IN THE PRACTICE OF CHIROPRACTIC UNDER PART 164 ARE AS
 23 FOLLOWS:

24 (A) APPLICATION PROCESSING FEE.....\$ 20.00

25 (B) EXAMINATION FEES:

26 (i) COMPLETE EXAMINATION..... 100.00

1	(ii) PER PART.....	15.00
2	(iii) EXAMINATION REVIEW.....	20.00
3	(C) LICENSE FEE, PER YEAR.....	90.00
4	(D) TEMPORARY LICENSE.....	25.00
5	(E) LIMITED LICENSE, PER YEAR.....	25.00

6 SEC. 16323. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
7 TO PRACTICE AS A DENTIST, DENTAL ASSISTANT, OR DENTAL HYGIENIST
8 UNDER PART 166 ARE AS FOLLOWS:

9 (A) APPLICATION PROCESSING FEES:

10	(i) DENTIST.....	\$ 20.00
11	(ii) DENTAL ASSISTANT.....	10.00
12	(iii) DENTAL HYGIENIST.....	15.00
13	(iv) DENTAL SPECIALTY.....	20.00

14 (B) EXAMINATION FEES:

15	(i) DENTIST'S PRECLINICAL EXAMINATION, COMPLETE.....	200.00
16	(ii) DENTAL ASSISTANT'S EXAMINATION, COMPLETE.....	50.00
17	(iii) DENTAL ASSISTANT'S EXAMINATION, PER PART.....	25.00
18	(iv) DENTAL SPECIALTY EXAMINATION, COMPLETE.....	200.00
19	(v) DENTAL SPECIALTY EXAMINATION, PER PART.....	50.00

20 (C) LICENSE FEES, PER YEAR:

21	(i) DENTIST.....	90.00
22	(ii) DENTAL ASSISTANT.....	10.00
23	(iii) DENTAL HYGIENIST.....	20.00
24	(iv) DENTAL SPECIALTY.....	15.00

25 (D) TEMPORARY LICENSE FEES:

26	(i) DENTIST.....	20.00
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1	(ii) DENTAL ASSISTANT.....	5.00
2	(iii) DENTAL HYGIENIST.....	10.00
3	(E) LIMITED LICENSE FEE, PER YEAR:	
4	(i) DENTIST.....	25.00
5	(ii) DENTAL ASSISTANT.....	5.00
6	(iii) DENTAL HYGIENIST.....	10.00
7	(F) EXAMINATION REVIEW FEES:	
8	(i) DENTAL PRECLINICAL OR SPECIALTY.....	50.00
9	(ii) DENTAL ASSISTANT.....	10.00
10	SEC. 16325. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE	
11	TO ENGAGE IN THE PRACTICE OF MEDICINE UNDER PART 170 ARE AS	
12	FOLLOWS:	
13	(A) APPLICATION PROCESSING FEE.....	\$ 50.00
14	(B) EXAMINATION FEES:	
15	(i) MEDICAL DOCTOR, COMPLETE EXAMINATION.....	400.00
16	(ii) MEDICAL DOCTOR, PART I ONLY.....	215.00
17	(iii) MEDICAL DOCTOR, PART II ONLY.....	265.00
18	(C) LICENSE FEE, PER YEAR.....	90.00
19	(D) TEMPORARY LICENSE FEE.....	25.00
20	(E) LIMITED LICENSE FEE, PER YEAR.....	30.00
21	SEC. 16327. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE	
22	TO PRACTICE NURSING AS A REGISTERED NURSE, A LICENSED PRACTICAL	
23	NURSE, OR A TRAINED ATTENDANT UNDER PART 172 ARE AS FOLLOWS:	
24	(A) APPLICATION PROCESSING FEE.....	\$ 20.00
25	(B) LICENSE FEE, PER YEAR.....	20.00
26	(C) TEMPORARY LICENSE.....	10.00

1 (D) LIMITED LICENSE, PER YEAR..... 10.00

2 (E) SPECIALTY CERTIFICATION FOR REGISTERED NURSE:

3 (i) APPLICATION PROCESSING FEE..... 20.00

4 (ii) SPECIALTY CERTIFICATION, PER YEAR..... 10.00

5 SEC. 16329. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

6 TO ENGAGE IN THE PRACTICE OF OPTOMETRY UNDER PART 174 ARE AS

7 FOLLOWS:

8 (A) APPLICATION PROCESSING FEE.....\$ 20.00

9 (B) EXAMINATION FEES:

10 (i) COMPLETE EXAMINATION..... 200.00

11 (ii) EXAMINATION, PER PART..... 50.00

12 (iii) EXAMINATION REVIEW..... 20.00

13 (C) LICENSE FEE, PER YEAR..... 90.00

14 (D) LIMITED LICENSE, PER YEAR..... 25.00

15 (E) TEMPORARY LICENSE..... 25.00

16 (F) CERTIFICATION TO USE TOPICAL OCULAR DIAGNOSTIC PHARMACEUTI-

17 CAL AGENTS:

18 (i) APPLICATION PROCESSING FEE..... 20.00

19 (ii) CERTIFICATION..... 55.00

20 SEC. 16331. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

21 TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY

22 UNDER PART 175 ARE AS FOLLOWS:

23 (A) APPLICATION PROCESSING FEE.....\$ 50.00

24 (B) EXAMINATION FEES:

25 (i) COMPLETE EXAMINATION..... 150.00

26 (ii) EXAMINATION, PER SUBJECT..... 45.00

1	(C) LICENSE FEE, PER YEAR.....	90.00
2	(D) TEMPORARY LICENSE FEE.....	25.00
3	(E) LIMITED LICENSE FEE, PER YEAR.....	30.00

4 SEC. 16333. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
5 TO ENGAGE IN THE PRACTICE OF PHARMACY OR OTHER PRACTICES REGU-
6 LATED UNDER PART 177 ARE AS FOLLOWS:

7 (A) APPLICATION PROCESSING FEES:

8	(i) PHARMACIST.....	\$ 20.00
9	(ii) PHARMACY.....	35.00
10	(iii) DRUG CONTROL.....	20.00
11	(iv) MANUFACTURER OR WHOLESALER.....	50.00
12	(v) CLINICAL THERMOMETER.....	50.00

13 (B) EXAMINATION FEES:

14	(i) COMPLETE EXAMINATION.....	205.00
15	(ii) NATIONAL EXAMINATION.....	175.00
16	(iii) JURISPRUDENCE EXAMINATION.....	30.00

17 (C) LICENSE FEES, PER YEAR:

18	(i) PHARMACIST.....	30.00
19	(ii) PHARMACY.....	50.00
20	(iii) DRUG CONTROL.....	15.00
21	(iv) MANUFACTURER OR WHOLESALER.....	25.00
22	(v) CLINICAL THERMOMETER.....	25.00
23	(D) TEMPORARY LICENSE FOR PHARMACIST.....	25.00
24	(E) LIMITED LICENSE FOR PHARMACIST, PER YEAR.....	15.00

25 SEC. 16335. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
26 TO ENGAGE IN THE PRACTICE OF PHYSICAL THERAPY UNDER PART 178 ARE
27 AS FOLLOWS:

1	(A) APPLICATION PROCESSING FEE.....	\$ 20.00
2	(B) EXAMINATION FEES:	
3	(i) COMPLETE EXAMINATION.....	115.00
4	(ii) JURISPRUDENCE EXAMINATION ONLY.....	25.00
5	(iii) NATIONAL EXAMINATION ONLY.....	100.00
6	(iv) EXAMINATION REVIEW.....	20.00
7	(C) LICENSE FEE, PER YEAR.....	50.00
8	(D) TEMPORARY LICENSE.....	20.00
9	(E) LIMITED LICENSE, PER YEAR.....	25.00

10 SEC. 16337. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

11 TO ENGAGE IN PRACTICE AS A PHYSICIAN'S ASSISTANT UNDER EITHER

12 PART 170 OR PART 175 ARE AS FOLLOWS:

13	(A) APPLICATION PROCESSING FEE.....	\$ 30.00
14	(B) EXAMINATION FEE, COMPLETE EXAMINATION.....	350.00
15	(C) LICENSE FEE, PER YEAR.....	50.00
16	(D) TEMPORARY LICENSE.....	35.00
17	(E) LIMITED LICENSE, PER YEAR.....	25.00

18 SEC. 16339. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

19 TO ENGAGE IN THE PRACTICE OF PODIATRIC MEDICINE AND SURGERY UNDER

20 PART 180 ARE AS FOLLOWS:

21	(A) APPLICATION PROCESSING FEE.....	\$ 20.00
22	(B) EXAMINATION FEES:	
23	(i) COMPLETE EXAMINATION.....	160.00
24	(ii) EXAMINATION, PER PART.....	25.00
25	(iii) EXAMINATION REVIEW.....	20.00
26	(C) LICENSE FEE, PER YEAR.....	90.00

1 (D) TEMPORARY LICENSE..... 15.00

2 (E) LIMITED LICENSE, PER YEAR..... 25.00

3 SEC. 16341. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

4 TO ENGAGE IN THE PRACTICE OF COUNSELING UNDER PART 181 ARE AS

5 FOLLOWS:

6 (A) APPLICATION PROCESSING FEE.....\$ 50.00

7 (B) EXAMINATION FEE..... 100.00

8 (C) LICENSE FEE, PER YEAR..... 55.00

9 (D) LIMITED LICENSE FEE, PER YEAR..... 25.00

10 SEC. 16343. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

11 TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY UNDER PART 182 ARE AS

12 FOLLOWS:

13 (A) APPLICATION PROCESSING FEE.....\$ 50.00

14 (B) EXAMINATION FEE..... 115.00

15 (C) LICENSE FEE, PER YEAR:

16 (i) FULL DOCTORAL..... 90.00

17 (ii) LIMITED DOCTORAL..... 30.00

18 (iii) MASTERS LIMITED..... 60.00

19 (iv) TEMPORARY LIMITED..... 15.00

20 (D) LIMITED LICENSE, PER YEAR..... 40.00

21 (E) TEMPORARY LICENSE..... 15.00

22 (F) EXAMINATION REVIEW FEE..... 20.00

23 SEC. 16345. FEES FOR A PERSON REGISTERED OR SEEKING REGIS-

24 TRATION AS A CERTIFIED OCCUPATIONAL THERAPIST OR A CERTIFIED

25 OCCUPATIONAL THERAPIST ASSISTANT UNDER PART 183 ARE AS FOLLOWS:

26 (A) APPLICATION PROCESSING FEE.....\$ 20.00

(B) REGISTRATION FEE, PER YEAR..... 60.00

SEC. 16347. FEES FOR A PERSON REGISTERED OR SEEKING

REGISTRATION AS A REGISTERED SANITARIAN UNDER PART 184 ARE AS

FOLLOWS:

(A) APPLICATION PROCESSING FEE.....\$ 20.00

(B) EXAMINATION FEE..... 90.00

(C) EXAMINATION REVIEW..... 20.00

(D) REGISTRATION FEE, PER YEAR..... 50.00

(E) LIMITED REGISTRATION, PER YEAR..... 10.00

(F) TEMPORARY REGISTRATION..... 15.00

SEC. 16349. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE

TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE OR LICENSED OR

SEEKING LICENSURE TO PRACTICE AS A VETERINARY TECHNICIAN UNDER

PART 188 ARE AS FOLLOWS:

(A) APPLICATION PROCESSING FEES:

(i) VETERINARIAN.....\$ 20.00

(ii) VETERINARY TECHNICIAN..... 10.00

(B) EXAMINATION FEES:

(i) VETERINARIAN'S EXAMINATION, COMPLETE..... 210.00

(ii) VETERINARIAN'S EXAMINATION, PER PART..... 105.00

(iii) VETERINARY TECHNICIAN'S EXAMINATION, COMPLETE..... 130.00

(iv) VETERINARY TECHNICIAN'S EXAMINATION, PER PART..... 65.00

(C) LICENSE FEES, PER YEAR:

(i) VETERINARIAN..... 50.00

(ii) VETERINARY TECHNICIAN..... 20.00

(D) TEMPORARY LICENSE FEES:

1	(i) VETERINARIAN.....	25.00
2	(ii) VETERINARY TECHNICIAN.....	10.00
3	(E) LIMITED LICENSES, PER YEAR:	
4	(i) VETERINARIAN.....	25.00
5	(ii) VETERINARY TECFNICIAN.....	10.00
6	(F) EXAMINATION REVIEW.....	20.00

7 Sec. 16421. The Michigan board of chiropractic is created
8 in the department and shall consist of the following ~~7~~ 9 voting
9 members who shall meet the requirements of part 161: 5 chiro-
10 practors and ~~2~~ 4 public members.

11 Sec. 16648. (1) Information relative to the care and treat-
12 ment of a dental patient acquired as a result of providing pro-
13 fessional dental services shall be confidential and privileged.
14 Except with the written consent of the patient or the patient's
15 attorney in fact or personal representative, a dentist or a
16 person employed by the dentist shall not disclose or be required
17 to disclose that information.

18 (2) This section does not prohibit disclosure of the infor-
19 mation described in subsection (1) in the following instances:

20 (a) Disclosure as part of the defense to a claim in a court
21 or administrative agency challenging the dentist's professional
22 competence.

23 (b) Disclosure pursuant to Act No. 270 of the Public Acts of
24 1967, being sections 331.531 to 331.533 of the Michigan Compiled
25 Laws.

26 (c) Disclosure in relation to a claim for payment of fees.

1 (d) Disclosure to a third party payer of information
2 relating to fees for services in the course of a good faith
3 examination of the dentist's records to determine the amount and
4 correctness of fees or the type and volume of services furnished
5 pursuant to provisions for payment established by a third party
6 payer, or information required for a third party payer's prede-
7 terminations, post treatment reviews, or audits. For purposes of
8 this subdivision, "third party payer" includes a nonprofit dental
9 care corporation, ~~nonprofit hospital service corporation, non-~~
10 ~~profit medical care corporation,~~ nonprofit health care corpora-
11 tion, insurer, benefit fund, health maintenance organization, and
12 a dental capitation plan.

13 (e) Disclosure, pursuant to a court order, to a police
14 agency as part of a criminal investigation.

15 (f) Disclosure as provided in section 2844a.

16 (G) DISCLOSURE MADE PURSUANT TO SECTION 16222 IF THE
17 LICENSEE REASONABLY BELIEVES IT IS NECESSARY TO DISCLOSE THE
18 INFORMATION TO COMPLY WITH SECTION 16222.

19 Sec. 17011. (1) An individual shall not engage in the prac-
20 tice of medicine or practice as a physician's assistant unless
21 licensed or otherwise authorized by this article. An individual
22 shall not engage in teaching or research that requires the prac-
23 tice of medicine unless the individual is licensed or otherwise
24 authorized by this article.

25 (2) Notwithstanding section 16145 or rules promulgated pur-
26 suant to that section, the board may grant a license to an
27 individual who meets the requirements of section 16186 or

1 17031(2) after reviewing the applicant's record of practice,
2 experience, and credentials and determining that the applicant is
3 competent to practice medicine.

4 (3) FOR INDIVIDUALS APPLYING FOR LICENSURE UNDER
5 SECTION 16186, THE BOARD SHALL NOT IMPOSE REQUIREMENTS ON GRADU-
6 ATES OF MEDICAL SCHOOLS LOCATED OUTSIDE THE UNITED STATES OR THE
7 DOMINION OF CANADA THAT EXCEED THE REQUIREMENTS IMPOSED ON GRADU-
8 ATES OF MEDICAL SCHOOLS LOCATED IN THE UNITED STATES OR THE
9 DOMINION OF CANADA.

10 Sec. 17021. (1) The Michigan board of medicine is created
11 in the department and shall consist of the following ~~14~~ 19
12 voting members who shall meet the requirements of part 161: 10
13 physicians, 1 physician's assistant, and ~~3~~ 8 public members.

14 (2) The requirement of section 16135(d) that a board member
15 shall have practiced that profession for 2 years immediately
16 before appointment is waived ~~for 2 years after the effective~~
17 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
18 board licensed in a health profession subfield created by this
19 part.

20 (3) The board of medicine shall not have the powers and
21 duties vested in the task force by sections 17058 to 17088.

22 Sec. 17050. In addition to its other powers and duties
23 under this article, the DISCIPLINARY board may prohibit a physi-
24 cian from supervising 1 or more physician's assistants for any of
25 the grounds set forth in section 16221 or for failure to super-
26 vise a physician's assistant in accordance with this part and
27 rules promulgated under this part.

1 Sec. 17221. The Michigan board of nursing is created in the
2 department and shall consist of the following ~~47~~ 23 voting mem-
3 bers who shall meet the requirements of part 161: 9 registered
4 professional nurses, 1 nurse midwife, 1 nurse anesthetist, 1
5 nurse practitioner, 3 licensed practical nurses, and ~~2~~ 8 public
6 members. Three of the registered professional nurse members
7 shall be engaged in nursing education, 1 of whom shall be in less
8 than a baccalaureate program, 1 in a baccalaureate or higher pro-
9 gram and 1 in a licensed practical nurse program and each of whom
10 shall have a master's degree from an accredited college with a
11 major in nursing. Three of the registered professional nurse
12 members shall be engaged in nursing practice or nursing adminis-
13 tration, each of whom shall have a baccalaureate degree in nurs-
14 ing from an accredited college. Three of the registered profes-
15 sional nurse members shall be engaged in nursing practice or
16 nursing administration, each of whom shall be a nonbaccalaureate
17 registered nurse. The 3 licensed practical nurse members shall
18 have graduated from a state approved program for the preparation
19 of individuals to practice as licensed practical nurses. The
20 nurse midwife, the nurse anesthetist, and the nurse practitioner
21 shall each have a specialty certification issued by the depart-
22 ment in his or her respective specialty field.

23 Sec. 17412. (1) Subject to subsection (2), a licensee may
24 administer a topical ocular diagnostic pharmaceutical agent to
25 the anterior segment of the human eye during an eye examination
26 in the course of his or her practice solely for the purposes of
27 determining the refractive, muscular, or functional origin of

1 sources of visual discomfort or difficulty and detecting
2 abnormalities which may be evidence of disease if the licensee is
3 certified by the Michigan board of optometry as being qualified
4 to administer topical ocular diagnostic pharmaceutical agents
5 pursuant to this section.

6 (2) The topical anesthetic described in section
7 17401(1)(c)(i) shall be utilized only in diagnostic procedures
8 ~~which~~ THAT aid in detecting glaucoma.

9 (3) The Michigan board of optometry shall certify a licensee
10 as qualified to administer topical ocular diagnostic pharmaceuti-
11 cal agents if the licensee meets all of the following
12 requirements:

13 (a) Has successfully completed 60 classroom hours of study
14 in general and clinical pharmacology as it relates to the prac-
15 tice of optometry, with particular emphasis on the use of topical
16 ocular diagnostic pharmaceutical agents for examination
17 purposes. Not less than 30 of the 60 classroom hours shall be in
18 ocular pharmacology and shall emphasize the systemic effects of
19 and reactions to topical ocular diagnostic pharmaceutical agents,
20 including the emergency management and referral of any adverse
21 reactions that may occur. The course of study shall be approved
22 by the Michigan board of optometry, and shall be offered by a
23 school or college of optometry ~~which~~ THAT is recognized by the
24 Michigan board of optometry as fully accredited. The course of
25 study shall be completed before taking the examination required
26 by this section.

1 (b) Has successfully completed an examination approved by
2 the Michigan board of optometry on the subject of general and
3 ocular pharmacology as it relates to the practice of optometry
4 with particular emphasis on the use of topical ocular diagnostic
5 pharmaceutical agents, including emergency management and refer-
6 ral of any adverse reactions that may occur.

7 (c) Has successfully completed a course in cardiopulmonary
8 resuscitation offered or approved by the red cross, American
9 heart association, an accredited hospital, or a comparable orga-
10 nization or institution.

11 (d) Has established an emergency plan for the management and
12 referral to appropriate medical services of patients who may
13 experience adverse drug reactions resulting from the application
14 of topical ocular diagnostic pharmaceutical agents. The plan
15 shall be approved by the Michigan board of optometry and shall,
16 at a minimum, require the optometrist to do all of the
17 following:

18 (i) Refer patients who notify the optometrist of an adverse
19 drug reaction to appropriate medical specialists or facilities.

20 (ii) Routinely advise each patient to immediately contact
21 the optometrist if the patient experiences an adverse drug
22 reaction.

23 (iii) Place in the patient's permanent record information
24 describing any adverse drug reaction experienced by the patient,
25 and the date and time that any referral was made.

26 (iv) Include in the plan the names of not less than 3
27 physicians, physician clinics, or hospitals to whom the

1 optometrist will refer patients who experience an adverse drug
2 reaction. At least 1 of the physicians, physician clinics, or
3 hospitals shall be skilled or shall specialize in the diagnosis
4 and treatment of diseases of the eye. As used in this subpara-
5 graph, "physician" means a physician as defined in section 17001
6 or 17501.

7 (e) Has paid the certification fee to administer topical
8 ocular diagnostic pharmaceutical agents prescribed in ~~section 6+~~
9 ~~of the state license fee act, Act No. 152 of the Public Acts of~~
10 ~~1979, being section 338.2261 of the Michigan Compiled Laws~~ THIS
11 ARTICLE.

12 (4) The course of study and examination required by subsec-
13 tion (3)(a) and (b) shall be completed ~~prior to~~ BEFORE certifi-
14 cation except that the Michigan board of optometry may certify
15 applicants who have graduated from a school of optometry recog-
16 nized by the Michigan board of optometry as accredited within the
17 5 years immediately preceding ~~the effective date of this~~
18 ~~section~~ APRIL 12, 1984, if the school's curriculum includes a
19 course of study and examination meeting the requirements of sub-
20 section (3)(a) and (b).

21 (5) Approvals of the course of study, examination, and emer-
22 gency plan required by subsection (3)(a), (b), and (d) shall be
23 given by the Michigan board of optometry only after consultation
24 with the Michigan board of medicine, the Michigan board of osteo-
25 pathic medicine and surgery, and the Michigan board of pharmacy.
26 The recommendations of the Michigan board of medicine, the
27 Michigan board of osteopathic medicine and surgery, and the

1 Michigan board of pharmacy shall be made within 120 days after
2 they are requested by the Michigan board of optometry.

3 (6) An optometrist shall not purchase, possess, administer,
4 prescribe, or give any prescription drug as defined in section
5 17708 or a topical ocular diagnostic pharmaceutical agent except
6 as expressly authorized by this section.

7 Sec. 17421. The Michigan board of optometry is created in
8 the department and shall consist of the following ~~7~~ 9 voting
9 members who shall meet the requirements of part 161: 5 optome-
10 trists and ~~2~~ 4 public members.

11 Sec. 17521. (1) The Michigan board of osteopathic medicine
12 and surgery is created in the department and shall consist of the
13 following ~~8~~ 9 voting members who shall meet the requirements of
14 part 161: 5 physicians, 1 physician's assistant, and ~~2~~ 3
15 public members.

16 (2) The requirement of section 16135(d) that a board member
17 shall have practiced that profession for 2 years immediately
18 before appointment is waived ~~for 2 years after the effective~~
19 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
20 board who are licensed in a health profession subfield created by
21 this part.

22 (3) The board of osteopathic medicine and surgery shall not
23 have the powers and duties vested in the task force by sections
24 17058 to 17088.

25 Sec. 17550. In addition to its other powers and duties
26 under this article, the DISCIPLINARY board may prohibit a
27 physician from supervising 1 or more physician's assistants for

1 any of the grounds set forth in section 16221 or for failure to
2 supervise a physician's assistant in accordance with this part
3 and rules promulgated under this part.

4 Sec. 17721. The Michigan board of pharmacy is created in
5 the department and shall consist of the following ~~8~~ 11 voting
6 members who shall meet the requirements of part 161: 6 pharma-
7 cists and ~~2~~ 5 public members.

8 Sec. 17747. (1) A drug control license shall contain the
9 name and address of the dispensing prescriber and each location
10 in which the storage and dispensing of drugs occur and other
11 information the board requires.

12 (2) ~~The~~ A drug control license is valid until the date on
13 which the dispensing prescriber's professional license must be
14 renewed, at which time the drug control license shall be
15 renewed. The drug control license shall be renewed automatical-
16 ly, if both of the following conditions are met:

17 (a) The dispensing prescriber indicates that he or she dis-
18 penses drugs and desires to continue to do so.

19 (b) The dispensing prescriber renews his or her professional
20 license.

21 (3) A dispensing prescriber whose drug control license is
22 renewed pursuant to subsection (2) is subject to section 16226
23 and the other requirements of this ~~act~~ ARTICLE.

24 (4) A DRUG CONTROL LICENSE IS AUTOMATICALLY VOID IF THE DIS-
25 CIPLINARY BOARD SUSPENDS OR REVOKES THE LICENSEE'S LICENSE.

26 Sec. 17763. In addition to the grounds set forth in part
27 161, the DISCIPLINARY board may fine, reprimand, or place a

1 pharmacist licensee on probation, or deny, ~~limit~~ RESTRICT,
2 suspend, or revoke the license of a pharmacist OR ORDER RESTITU-
3 TION OR COMMUNITY SERVICE for a violation or abetting in a viola-
4 tion of this part or rules promulgated under this part, or for
5 any of the following grounds:

6 (a) Employing the mail to sell, distribute, or deliver a
7 drug which requires a prescription when the prescription for the
8 drug is received by mail.

9 (b) Adulterating, misbranding, or substituting a drug or
10 device knowing or intending that it shall be used.

11 (c) Permitting the dispensing of prescriptions by an indi-
12 vidual who is not a pharmacist, pharmacist intern, or dispensing
13 prescriber.

14 (d) Permitting the dispensing of prescriptions by a pharma-
15 cist intern, except in the presence and under the personal charge
16 of a pharmacist.

17 (e) Selling at auction drugs in bulk or in open packages
18 unless the sale has been approved in accordance with rules of the
19 board.

20 (f) Promoting to the public in any manner a prescription
21 drug.

22 Sec. 17767. ~~(+)~~ The board may promulgate rules and make
23 determinations necessary or appropriate to the licensing of phar-
24 macists, drugs, dispensers, manufacturers, and wholesalers under
25 this part.

1 ~~(2) The board may conduct investigations and inspect places~~
2 ~~licensed by this part to insure compliance with this part and~~
3 ~~rules promulgated pursuant to this part.~~

4 Sec. 17768. (1) In a manner consistent with part 161, the
5 DISCIPLINARY board may fine, reprimand, or place on probation, a
6 person licensed under this part, or deny, ~~limit~~ RESTRICT, sus-
7 pend, or revoke a person's license OR ORDER RESTITUTION OR COMMU-
8 NITY SERVICE for a violation of this part or rules promulgated
9 under this part.

10 (2) In addition to the grounds set forth in subsection (1),
11 and in a manner consistent with part 161, the DISCIPLINARY board
12 may fine, reprimand, or place on probation a person licensed
13 under this part, or deny, ~~limit~~ RESTRICT, suspend, or revoke a
14 license issued under this part OR ORDER RESTITUTION OR COMMUNITY
15 SERVICE if the DISCIPLINARY board finds that any of the following
16 categories apply to an applicant or a partner, officer, or member
17 of the board of directors of a pharmacy, manufacturer, or whole-
18 sale distributor licensed under this part or a stockholder of a
19 pharmacy, manufacturer, or wholesale distributor which is a pri-
20 vately held corporation licensed under this part:

21 (a) The applicant or other person described in this subsec-
22 tion lacks good moral character.

23 (b) The applicant or other person described in this subsec-
24 tion has been convicted of a misdemeanor or a felony under a
25 state or federal law relating to a controlled substance or the
26 practice of pharmacy.

1 (c) The applicant or other person described in this
 2 subsection has furnished false or fraudulent material information
 3 or has knowingly omitted material information in an application
 4 filed under this part.

5 (d) The applicant or other person described in this subsec-
 6 tion has previously maintained a financial interest in a pharma-
 7 cy, manufacturer, or wholesale distributor which has been denied
 8 a license or federal registration, has had its license or federal
 9 registration limited, suspended, or revoked, or been subject to
 10 any other criminal, civil, or administrative penalty.

11 (e) The applicant or other person described in this subsec-
 12 tion is not in compliance with article 7 or the rules promulgated
 13 under article 7.

14 (3) Except for a conviction for a misdemeanor under
 15 section 7404 (2)(d) or a local ordinance that is substantially
 16 similar to section 7404 (2)(d), THE REFERENCE TO A MISDEMEANOR IN
 17 subsection (2)(b) applies only to a conviction for a misdemeanor
 18 which is directly related to the manufacture, delivery, posses-
 19 sion, possession with intent to manufacture or deliver, use, dis-
 20 tribution, prescription, or dispensing of a controlled
 21 substance. Subsection (2)(b) does not apply to a conviction for
 22 a misdemeanor based upon an unintentional error or omission
 23 involving a clerical or record-keeping function.

24 Sec. 17821. The Michigan board of physical therapy is cre-
 25 ated in the department and shall consist of the following ~~7~~ 9
 26 voting members who shall meet the requirements of part 161: 5
 27 physical therapists and ~~2~~ 4 public members.

1 Sec. 18021. The Michigan board of podiatric medicine and
2 surgery is created in the department and shall consist of the
3 following ~~5~~ 9 voting members who shall meet the requirements of
4 part 161: ~~3~~ 5 podiatrists and ~~2~~ 4 public members.

5 Sec. 18103. The Michigan board of counseling is created in
6 the department. The board shall consist of the following ~~9~~ 11
7 voting members who shall meet the requirements of part 161:

8 (a) Six members of the board shall be engaged in the prac-
9 tice of counseling and shall consist of: 3 members who are
10 engaged primarily in providing counseling techniques, behavior
11 modification techniques, or preventive techniques to clients; 2
12 members who are engaged primarily in teaching, training, or
13 research in counseling; and 1 member who is engaged primarily in
14 the administration of counseling services.

15 (b) ~~Two~~ FOUR PUBLIC members. ~~of the general public.~~

16 (c) One member who is a statutorily regulated mental health
17 professional. As used in this subdivision, "statutorily regu-
18 lated mental health professional" means any of the following: a
19 psychiatrist, psychologist, substance abuse counselor, marriage
20 and family therapist, or social worker.

21 Sec. 18117. For the purposes of this part, the confidential
22 relations and communications between a licensed professional
23 counselor or a limited licensed counselor and a client of the
24 licensed professional counselor or a limited licensed counselor
25 are privileged communications, and nothing in this part shall
26 require any privileged communication to be disclosed, except as
27 otherwise provided by law. Confidential information may be

1 disclosed only upon consent of the client OR PURSUANT TO
2 SECTION 16222 IF THE LICENSEE REASONABLY BELIEVES IT IS NECESSARY
3 TO DISCLOSE THE INFORMATION TO COMPLY WITH SECTION 16222.

4 Sec. 18221. The Michigan board of psychology is created in
5 the department and shall consist of the following ~~8~~ 9 voting
6 members who shall meet the requirements of part 161: 5 psycholo-
7 gists, including at least 1 nondoctoral psychologist, and ~~3~~ 4
8 public members. Section 1212 ~~shall~~ DOES not apply to this
9 board.

10 Sec. 18237. A psychologist licensed or allowed to use the
11 title under this part or AN individual under his or her supervi-
12 sion shall not be compelled to disclose confidential information
13 acquired from an individual consulting the psychologist in his or
14 her professional capacity and which information is necessary to
15 enable the psychologist to render services. Information may be
16 disclosed with the consent of the individual consulting, or if
17 the individual consulting is a minor, with the consent of the
18 minor's guardian, OR PURSUANT TO SECTION 16222 IF THE PSYCHOLO-
19 GIST REASONABLY BELIEVES IT IS NECESSARY TO DISCLOSE THE INFORMA-
20 TION TO COMPLY WITH SECTION 16222. In a contest on the admission
21 of a deceased individual's will to probate, an heir at law of the
22 decedent, whether a proponent or contestant of the will, and the
23 personal representative of the decedent may waive the privilege
24 created by this section.

25 Sec. 18305. The Michigan board of occupational therapists
26 is created in the department and shall consist of the following
27 ~~5~~ 9 voting members who shall meet the requirements of part

1 161: ~~3~~ 5 certified occupational therapists and ~~2~~ 4 public
2 members.

3 Sec. 18421. The Michigan board of sanitarians is created in
4 the department and shall consist of the following ~~5~~ 9 voting
5 members who shall meet the requirements of part 161: ~~3~~ 5 reg-
6 istered sanitarians and ~~2~~ 4 public members.

7 Sec. 18821. (1) The Michigan board of veterinary medicine
8 is created in the department and shall consist of the following
9 ~~8~~ 9 members who shall meet the requirements of part 161: 5
10 veterinarians, 1 veterinary technician, and ~~2~~ 3 public
11 members. The chief of the animal health division of the depart-
12 ment of agriculture is an ex officio member without vote.

13 (2) The requirement of section 16135(d) that a board member
14 shall have practiced that profession for 2 years immediately
15 before appointment is waived ~~for 2 years after the effective~~
16 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
17 board who are licensed in a health profession subfield created by
18 this part.

19 Sec. 18835. In addition to the grounds set forth in part
20 161, the DISCIPLINARY board may fine, reprimand, or place a
21 licensee on probation, or deny, ~~limit~~ RESTRICT, suspend, or
22 revoke the license of a veterinarian for fraudulent use or misuse
23 of a health certificate, inspection certificate, vaccination cer-
24 tificate, test chart, meat inspection stamp, or other blank form
25 used in the practice of veterinary medicine that might lead to
26 the dissemination of disease, unlawful transportation of diseased

1 animals, or the sale of inedible products of animal origin for
2 human consumption.

3 Sec. 20175. (1) A health facility or agency shall keep and
4 maintain a record for each patient including a full and complete
5 record of tests and examinations performed, observations made,
6 treatments provided, and in the case of a hospital, the purpose
7 of hospitalization. In addition to the sanctions set forth in
8 section 20165, a hospital ~~which~~ THAT fails to comply with this
9 subsection ~~shall be~~ IS subject to a civil fine of \$10,000.00.

10 (2) A hospital shall take precautions to assure that the
11 records required by subsection (1) are not wrongfully altered or
12 destroyed. A hospital ~~which~~ THAT fails to comply with this
13 subsection ~~shall be~~ IS subject to a civil fine of \$10,000.00.

14 (3) Unless otherwise provided by law, the licensing and cer-
15 tification records required by this article are public records.

16 (4) Departmental officers and employees shall respect the
17 confidentiality of patient clinical records and shall not divulge
18 or disclose the contents of records in a manner ~~which~~ THAT
19 identifies an individual except ~~on~~ PURSUANT TO court order.

20 (5) A health facility or agency ~~with a medical staff~~ THAT
21 EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO A HEALTH PROFES-
22 SIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 shall report to
23 the ~~appropriate licensing board and to the~~ department OF
24 LICENSING AND REGULATION not more than ~~30~~ 15 days after any
25 disciplinary action has been taken against ~~a member of the medi-~~
26 ~~cal staff, and the relevant circumstances,~~ THE HEALTH
27 PROFESSIONAL for any of the grounds set forth in section 16221

1 PERTAINING TO SAFETY AND COMPETENCE TO PRACTICE. THE REPORT
2 SHALL INCLUDE THE NAME OF THE LICENSEE OR REGISTRANT, A DESCRIP-
3 TION OF THE DISCIPLINARY ACTION TAKEN, THE SPECIFIC GROUNDS FOR
4 THE DISCIPLINARY ACTION, AND THE DATE OF THE INCIDENT. A HEALTH
5 FACILITY OR AGENCY THAT FAILS TO COMPLY WITH THIS SUBSECTION IS
6 SUBJECT TO AN ADMINISTRATIVE FINE OF \$5,000.00 AND TO A SUBPOENA
7 ISSUED UNDER SECTION 16235.

8 (6) UPON REQUEST BY ANOTHER HEALTH FACILITY OR AGENCY SEEK-
9 ING A REFERENCE FOR PURPOSES OF CHANGING OR GRANTING STAFF PRIVI-
10 LEGES, CREDENTIALS, OR EMPLOYMENT, A HEALTH FACILITY OR AGENCY
11 THAT EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO HEALTH PRO-
12 FESSIONALS LICENSED OR REGISTERED UNDER ARTICLE 15 SHALL NOTIFY
13 THE REQUESTING HEALTH FACILITY OR AGENCY OF ANY DISCIPLINARY
14 ACTION THAT IT HAS TAKEN AGAINST A HEALTH PROFESSIONAL LICENSED
15 OR REGISTERED UNDER ARTICLE 15 AND EMPLOYED BY, UNDER CONTRACT
16 TO, OR GRANTED PRIVILEGES BY THE HEALTH FACILITY OR AGENCY, FOR
17 ANY OF THE GROUNDS SET FORTH IN SECTION 16221 PERTAINING TO
18 SAFETY AND COMPETENCY TO PRACTICE.

19 (7) UPON REQUEST BY THE DISCIPLINARY BOARD CREATED IN
20 ARTICLE 15 OR THE DEPARTMENT OF LICENSING AND REGULATION, A
21 HEALTH FACILITY OR AGENCY THAT EMPLOYS, CONTRACTS WITH, OR GRANTS
22 PRIVILEGES TO HEALTH PROFESSIONALS LICENSED OR REGISTERED UNDER
23 ARTICLE 15 THAT HAS TAKEN DISCIPLINARY ACTION AGAINST A HEALTH
24 PROFESSIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 WHO IS
25 EMPLOYED BY, UNDER CONTRACT TO, OR GRANTED PRIVILEGES BY THE
26 HEALTH FACILITY OR AGENCY FOR ANY OF THE GROUNDS SET FORTH IN
27 SECTION 16221 PERTAINING TO SAFETY AND COMPETENCY TO PRACTICE

1 SHALL PROVIDE THE DISCIPLINARY BOARD OR THE DEPARTMENT OF
2 LICENSING AND REGULATION INFORMATION PERTAINING TO THE DISCI-
3 PLINARY ACTION PURSUANT TO SUBSECTION (5).

4 (8) ~~-(6)-~~ The records, data, and knowledge collected for or
5 by individuals or committees assigned a professional review func-
6 tion in a health facility or agency are confidential, shall be
7 used only for the purposes provided in this article, are not
8 public records, and are not subject to court subpoena.

9 SEC. 20176A. (1) A HEALTH FACILITY OR AGENCY SHALL NOT DIS-
10 CHARGE OR DISCIPLINE, THREATEN TO DISCHARGE OR DISCIPLINE, OR
11 OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE REGARDING THE
12 EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS, LOCATION, OR PRIVI-
13 LEGES OF EMPLOYMENT BECAUSE THE EMPLOYEE OR AN INDIVIDUAL ACTING
14 ON BEHALF OF THE EMPLOYEE DOES EITHER OR BOTH OF THE FOLLOWING:

15 (A) IN GOOD FAITH REPORTS OR INTENDS TO REPORT, VERBALLY OR
16 IN WRITING, THE MALPRACTICE OF A HEALTH PROFESSIONAL OR A VIOLA-
17 TION OF ARTICLE 7 OR ARTICLE 15 OR A RULE PROMULGATED UNDER
18 ARTICLE 7 OR ARTICLE 15.

19 (B) ACTS AS AN EXPERT WITNESS IN A CIVIL ACTION INVOLVING
20 MEDICAL MALPRACTICE OR AN ADMINISTRATIVE PROCEEDING CONDUCTED
21 UNDER THIS ARTICLE, ARTICLE 7, OR ARTICLE 15.

22 (2) IN ADDITION TO THE SANCTIONS SET FORTH IN SECTION 20165,
23 A HEALTH FACILITY OR AGENCY THAT VIOLATES SUBSECTION (1) IS
24 SUBJECT TO AN ADMINISTRATIVE FINE OF NOT MORE THAN \$10,000.00 FOR
25 EACH VIOLATION.

26 SEC. 20194. A HEALTH FACILITY OR AGENCY, EXCEPT A HEALTH
27 FACILITY OR AGENCY LICENSED UNDER PART 209, AND INCLUDING A

1 HEALTH FACILITY THAT IS NOT LICENSED UNDER THIS ARTICLE BUT HOLDS
2 ITSELF OUT AS PROVIDING MEDICAL SERVICES SHALL CONSPICUOUSLY DIS-
3 PLAY IN THE PATIENT WAITING AREAS OR OTHER COMMON AREAS OF THE
4 HEALTH FACILITY OR AGENCY COPIES OF A PAMPHLET PROVIDED BY THE
5 DEPARTMENT OUTLINING THE PROCEDURE FOR FILING A COMPLAINT AGAINST
6 A HEALTH FACILITY OR AGENCY WITH THE DEPARTMENT AND THE PROCEDURE
7 FOR FILING A COMPLAINT AGAINST A LICENSEE EMPLOYED BY, UNDER CON-
8 TRACT TO, OR GRANTED PRIVILEGES BY THE HEALTH FACILITY OR AGENCY
9 WITH THE DEPARTMENT OF LICENSING AND REGULATION. THE PAMPHLET
10 SHALL BE PREPARED BY THE DEPARTMENT IN CONSULTATION WITH THE
11 DEPARTMENT OF LICENSING AND REGULATION AND APPROPRIATE PROFES-
12 SIONAL ASSOCIATIONS. THE DEPARTMENT SHALL PRINT THE PAMPHLETS IN
13 LANGUAGES THAT ARE APPROPRIATE TO THE ETHNIC COMPOSITION OF THE
14 PATIENT POPULATION WHERE THE PAMPHLET WILL BE DISPLAYED.

15 Sec. 21513. The owner, operator, and governing body of a
16 hospital licensed under this article:

17 (a) Are responsible for all phases of the operation of the
18 hospital, selection of the medical staff, and quality of care
19 rendered in the hospital.

20 (b) Shall cooperate with the department in the enforcement
21 of this part, and require that the physicians, dentists, and
22 other personnel working in the hospital and for whom a license or
23 registration is required be currently licensed or registered.

24 (c) Shall assure that physicians and dentists admitted to
25 practice in the hospital are granted hospital privileges consis-
26 tent with their individual training, experience, and other
27 qualifications.

1 (d) Shall assure that physicians and dentists admitted to
2 practice in the hospital are organized into a medical staff to
3 enable an effective review of the professional practices in the
4 hospital for the purpose of reducing morbidity and mortality and
5 improving the care provided in the hospital for patients. This
6 review shall include the quality and necessity of the care pro-
7 vided and the preventability of complications and deaths occur-
8 ring in the hospital.

9 (e) Shall notify the ~~appropriate board~~ DEPARTMENT OF
10 LICENSING AND REGULATION as to disciplinary action taken by the
11 hospital for any of the grounds set forth in section 16221
12 ~~which~~ THAT results in a change of employment status or privi-
13 leges of practice of a ~~physician or dentist~~ HEALTH PROFESSIONAL
14 LICENSED OR REGISTERED UNDER ARTICLE 15 WHO IS EMPLOYED BY OR
15 UNDER CONTRACT TO THE HOSPITAL OR admitted to practice in the
16 hospital, including ~~an offer by the hospital to permit the phy-~~
17 ~~sician or dentist to resign in lieu~~ A CASE IN WHICH A HEALTH
18 PROFESSIONAL RESIGNS OR TERMINATES A CONTRACT OR WHOSE CONTRACT
19 IS NOT RENEWED INSTEAD of the hospital taking disciplinary action
20 against the ~~physician or dentist~~ HEALTH PROFESSIONAL. The
21 notice shall contain a summary of the information pertinent to
22 the change and shall be transmitted in writing to the
23 ~~appropriate board~~ DEPARTMENT OF LICENSING AND REGULATION within
24 ~~30~~ 15 days after the ~~change~~ DISCIPLINARY ACTION occurs. ~~As~~
25 ~~used in this subdivision, "board" means a licensing board created~~
26 ~~pursuant to article 15.~~

1 (f) After December 31, 1989, shall not discriminate because
2 of race, religion, color, national origin, age, or sex in the
3 operation of the hospital including employment, patient admission
4 and care, room assignment, and professional or nonprofessional
5 selection and training programs, and shall not discriminate in
6 the selection and appointment of individuals to the physician
7 staff of the hospital or its training programs on the basis of
8 licensure or registration or professional education as doctors of
9 medicine, osteopathic medicine and surgery, or podiatry.

10 (g) Shall assure that the hospital adheres to medical con-
11 trol authority protocols according to section 20918.

12 Section 2. (1) Sections 16134, 16183, 17058, 17086, and
13 17088 of Act No. 368 of the Public Acts of 1978, being sections
14 333.16134, 333.16183, 333.17058, 333.17086, and 333.17088 of the
15 Michigan Compiled Laws, are repealed.

16 (2) Sections 51, 53, 54, 55, 57, 59, 61, 63, 65, 67, 68, 69,
17 71, 73, 74, and 75 of Act No. 152 of the Public Acts of 1979,
18 being sections 338.2251, 338.2253, 338.2254, 338.2255, 338.2257,
19 338.2259, 338.2261, 338.2263, 338.2265, 338.2267, 338.2268,
20 338.2269, 338.2271, 338.2273, 338.2274, and 338.2275 of the
21 Michigan Compiled Laws, are repealed.