



HOUSE BILL No. 4295

February 17, 1993, Introduced by Reps. Jamian, Bandstra, Horton, Jaye, Bodem, McNutt, Hammerstrom, Gustafson and Crissman and referred to the Committee on Public Health.

A bill to amend sections 7104, 7105, 7107, 7109, 7111, 7113, 7206, 7301, 7302a, 7305, 7306, 7311, 7314, 7315, 7316, 7334, 7407, 7502, 7507, 16103, 16104, 16108, 16121, 16122, 16131, 16135, 16137, 16138, 16139, 16141, 16143, 16145, 16174, 16177, 16181, 16182, 16186, 16192, 16211, 16221, 16224, 16226, 16227, 16231, 16232, 16233, 16234, 16235, 16236, 16241, 16243, 16244, 16245, 16247, 16248, 16249, 16291, 16294, 16301, 16421, 16648, 17011, 17021, 17221, 17421, 17521, 17721, 17747, 17763, 17768, 17821, 18021, 18103, 18117, 18221, 18237, 18305, 18421, 18821, 18835, 20175, 21006, and 21513 of Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," sections 7104, 7105, 7107, 7109, 7301, and 7407 as amended and sections 7111 and 7113 as added by Act No. 60 of the Public Acts of 1988, section 7302a as added by Act No. 254 of the Public Acts

of 1984, section 7311 as amended and sections 7315 and 7316 as added by Act No. 30 of the Public Acts of 1988, sections 7306, 7314, 16138, 16139, 16143, 16145, 16192, 16211, 16231, 16233, 16243, 16244, and 20175 as amended by Act No. 174 of the Public Acts of 1986, section 7334 as amended by Act No. 140 of the Public Acts of 1989, section 7502 as amended by Act No. 251 of the Public Acts of 1982, section 16103 as amended by Act No. 247 of the Public Acts of 1990, sections 16108, 16174, and 16245 as amended by Act No. 462 of the Public Acts of 1988, sections 16131 and 16135 as amended by Act No. 473 of the Public Acts of 1988, section 16181 as amended by Act No. 293 of the Public Acts of 1989, section 16182 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, sections 16221 and 16226 as amended by Act No. 15 of the Public Acts of 1989, section 16301 as amended by Act No. 462 of the Public Acts of 1988, section 16648 as added by Act No. 89 of the Public Acts of 1983, section 17011 as amended by Act No. 248 of the Public Acts of 1990, section 17221 as amended by Act No. 201 of the Public Acts of 1989, 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 18305 as added by Act No. 473 of the Public Acts of 1988, section 18821 as amended by Act No. 353 of the Public Acts of 1982, section 21006 as amended by Act No. 354 of the Public Acts of 1982, and section 21513 as amended by Act No. 179 of the Public Acts of 1990, being sections 333.7104,

333.7105, 333.7107, 333.7109, 333.7111, 333.7113, 333.7206,
 333.7301, 333.7302a, 333.7305, 333.7306, 333.7311, 333.7314,
 333.7315, 333.7316, 333.7334, 333.7407, 333.7502, 333.7507,
 333.16103, 333.16104, 333.16108, 333.16121, 333.16122, 333.16131,
 333.16135, 333.16137, 333.16138, 333.16139, 333.16141, 333.16143,
 333.16145, 333.16174, 333.16177, 333.16181, 333.16182, 333.16186,
 333.16192, 333.16211, 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, 333.16291, 333.16294, 333.16301, 333.16421, 333.16648,
 333.17011, 333.17021, 333.17221, 333.17421, 333.17521, 333.17721,
 333.17747, 333.17763, 333.17768, 333.17821, 333.18021, 333.18103,
 333.18117, 333.18221, 333.18237, 333.18305, 333.18421, 333.18821,
 333.18835, 333.20175, 333.21006, and 333.21513 of the Michigan
 Compiled Laws; to add sections 16103a, 16105a, 16106a, 16109a,
 16165, 16166, 16167, 16168, 16169, 16170, 16170a, 16222, 16223,
 16231a, 16231b, 16237, 16238, 16239, 16315, 16317, 16319, 16321,
 16323, 16325, 16327, 16329, 16331, 16333, 16335, 16337, 16339,
 16341, 16343, 16345, 16347, 16349, 20176a, and 20194; and to
 repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7104, 7105, 7107, 7109, 7111, 7113,
 2 7206, 7301, 7302a, 7305, 7306, 7311, 7314, 7315, 7316, 7334,
 3 7407, 7502, 7507, 16103, 16104, 16108, 16121, 16122, 16131,
 4 16135, 16137, 16138, 16139, 16141, 16143, 16145, 16174, 16177,
 5 16181, 16182, 16186, 16192, 16211, 16221, 16224, 16226, 16227,
 6 16231, 16232, 16233, 16234, 16235, 16236, 16241, 16243, 16244,

1 16245, 16247, 16248, 16249, 16291, 16294, 16301, 16421, 16648,
2 17011, 17021, 17221, 17421, 17521, 17721, 17747, 17763, 17768,
3 17821, 18021, 18103, 18117, 18221, 18237, 18305, 18421, 18821,
4 18835, 20175, 21006, and 21513 of Act No. 368 of the Public Acts
5 of 1978, sections 7104, 7105, 7107, 7109, 7301, and 7407 as
6 amended and sections 7111 and 7113 as added by Act No. 60 of the
7 Public Acts of 1988, section 7302a as added by Act No. 254 of the
8 Public Acts of 1984, section 7311 as amended and sections 7315
9 and 7316 as added by Act No. 30 of the Public Acts of 1988, sec-
10 tions 7306, 7314, 16138, 16139, 16143, 16145, 16192, 16211,
11 16231, 16233, 16243, 16244, and 20175 as amended by Act No. 174
12 of the Public Acts of 1986, section 7334 as amended by Act
13 No. 140 of the Public Acts of 1989, section 7502 as amended by
14 Act No. 251 of the Public Acts of 1982, section 16103 as amended
15 by Act No. 247 of the Public Acts of 1990, sections 16108, 16174,
16 and 16245 as amended by Act No. 462 of the Public Acts of 1988,
17 sections 16131 and 16135 as amended by Act No. 473 of the Public
18 Acts of 1988, section 16181 as amended by Act No. 293 of the
19 Public Acts of 1989, section 16182 as amended by Act No. 248 of
20 the Public Acts of 1990, section 16186 as amended by Act No. 81
21 of the Public Acts of 1988, sections 16221 and 16226 as amended
22 by Act No. 15 of the Public Acts of 1989, section 16301 as
23 amended by Act No. 462 of the Public Acts of 1988, section 16648
24 as added by Act No. 89 of the Public Acts of 1983, section 17011
25 as amended by Act No. 248 of the Public Acts of 1990,
26 section 17221 as amended by Act No. 201 of the Public Acts of
27 1989, section 17747 as amended by Act No. 333 of the Public Acts

1 of 1990, section 17768 as amended by Act No. 250 of the Public
2 Acts of 1987, sections 18103 and 18117 as added by Act No. 421 of
3 the Public Acts of 1988, section 18305 as added by Act No. 473 of
4 the Public Acts of 1988, section 18821 as amended by Act No. 353
5 of the Public Acts of 1982, section 21006 as amended by Act
6 No. 354 of the Public Acts of 1982, and section 21513 as amended
7 by Act No. 179 of the Public Acts of 1990, being sections
8 333.7104, 333.7105, 333.7107, 333.7109, 333.7111, 333.7113,
9 333.7206, 333.7301, 333.7302a, 333.7305, 333.7306, 333.7311,
10 333.7314, 333.7315, 333.7316, 333.7334, 333.7407, 333.7502,
11 333.7507, 333.16103, 333.16104, 333.16108, 333.16121, 333.16122,
12 333.16131, 333.16135, 333.16137, 333.16138, 333.16139, 333.16141,
13 333.16143, 333.16145, 333.16174, 333.16177, 333.16181, 333.16182,
14 333.16186, 333.16192, 333.16211, 333.16221, 333.16224, 333.16226,
15 333.16227, 333.16231, 333.16232, 333.16233, 333.16234, 333.16235,
16 333.16236, 333.16241, 333.16243, 333.16244, 333.16245, 333.16247,
17 333.16248, 333.16249, 333.16291, 333.16294, 333.16301, 333.16421,
18 333.16648, 333.17011, 333.17021, 333.17221, 333.17421, 333.17521,
19 333.17721, 333.17747, 333.17763, 333.17768, 333.17821, 333.18021,
20 333.18103, 333.18117, 333.18221, 333.18237, 333.18305, 333.18421,
21 333.18821, 333.18835, 333.20175, 333.21006, and 333.21513 of the
22 Michigan Compiled Laws, are amended and sections 16103a, 16105a,
23 16106a, 16109a, 16165, 16166, 16167, 16168, 16169, 16170, 16170a,
24 16222, 16223, 16231a, 16231b, 16237, 16238, 16239, 16315, 16317,
25 16319, 16321, 16323, 16325, 16327, 16329, 16331, 16333, 16335,
26 16337, 16339, 16341, 16343, 16345, 16347, 16349, 20176a, and
27 20194 are added to read as follows:

1 Sec. 7104. (1) "Bureau" means the drug enforcement
2 administration, United States department of justice, or its suc-
3 cessor agency.

4 (2) "Controlled substance" means a drug, substance, or imme-
5 diate precursor in schedules 1 to 5 of part 72.

6 (3) "Controlled substance analogue" means a substance other
7 than a controlled substance that has a chemical structure sub-
8 stantially similar to that of a controlled substance in schedule
9 1 or 2 or that was specifically designed to produce an effect
10 substantially similar to that of a controlled substance in sched-
11 ule 1 or 2. Controlled substance analogue includes, but is not
12 limited to, the following chemical classes: phenethylamines,
13 n-substituted piperidines, morphinans, ecogonines, quinazoli-
14 ones, substituted indoles, and arylcycloalkylamines.

15 (4) "Counterfeit prescription form" means a printed form
16 which is the same or similar to a prescription form or an offi-
17 cial prescription form, and which was manufactured, printed,
18 duplicated, forged, or altered without the knowledge or permis-
19 sion of a licensed prescribing practitioner, or, in the case of
20 official prescription forms, the department of ~~licensing and~~
21 ~~regulation~~— COMMERCE.

22 (5) "Counterfeit substance" means a controlled substance
23 which, or the container or labeling of which, without authoriza-
24 tion, bears the trademark, trade name or other identifying mark,
25 imprint, number, or device, or any likeness thereof, of a manu-
26 facturer, distributor, or dispenser other than the person who in
27 fact manufactured, distributed, or dispensed the substance.

1 (6) "Deleterious drug" means a drug, other than a
2 proprietary medicine, likely to be destructive to adult human
3 life in quantities of 60 grains or less.

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

8 (2) "Dispense" means to deliver or issue a controlled sub-
9 stance to an ultimate user or research subject by or pursuant to
10 the lawful order of a practitioner, including the prescribing,
11 administering, or compounding necessary to prepare the substance
12 for the delivery or issuance.

13 (3) "Dispenser" means a practitioner who dispenses.

14 (4) "Distribute" means to deliver other than by administer-
15 ing or dispensing a controlled substance.

16 (5) "Distributor" means a person who distributes.

17 (6) "Drug" means a substance recognized as a drug in the
18 official United States pharmacopoeia, official homeopathic phar-
19 macopoeia of the United States, or official national formulary,
20 or any supplement to any of them; a substance intended for use in
21 the diagnosis, cure, mitigation, treatment, or prevention of dis-
22 ease in human beings or animals; a substance other than food
23 intended to affect the structure or any function of the body of
24 human beings or animals; or, a substance intended for use as a
25 component of any article specified in this subsection. It does
26 not include a device or its components, parts, or accessories.

1 (7) "Human consumption" means application, injection,
2 inhalation, or ingestion by a human being.

3 Sec. 7107. (1) "Narcotic drug" means any of the following,
4 whether produced directly or indirectly by extraction from sub-
5 stances of vegetable origin, or independently by means of chemi-
6 cal synthesis, or by a combination of extraction and chemical
7 synthesis:

8 (a) Opium and opiate, and any salt, compound, derivative, or
9 preparation of opium or opiate.

10 (b) Any salt, compound, isomer, derivative, or preparation
11 thereof which is chemically equivalent or identical with any of
12 the substances referred to in subdivision (a), but not including
13 the isoquinoline alkaloids of opium.

14 (2) "Official prescription form" means a prescription form
15 that meets the requirements of section 7334 and is issued to
16 practitioners by the department of ~~licensing and regulation~~
17 COMMERCE.

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

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

22 (3) "Practitioner" means:

23 (a) A prescriber or pharmacist, a scientific investigator as
24 defined by rule of the administrator, or other person licensed,
25 registered, or otherwise permitted to distribute, dispense, con-
26 duct research with respect to, or administer a controlled
27 substance in the course of professional practice or research in

1 this state, ~~except the holder of a retiree's limited license~~
2 ~~issued pursuant to article 15,~~ including an individual in charge
3 of a dog pound or animal shelter licensed or registered by the
4 department of agriculture pursuant to Act No. 287 of the Public
5 Acts of 1969, being sections 287.331 to 287.340 of the Michigan
6 Compiled Laws, for the limited purpose of buying, possessing, and
7 administering a commercially prepared, premixed solution of
8 sodium pentobarbital to practice euthanasia on animals.

9 (b) A pharmacy, hospital, or other institution or place of
10 professional practice licensed, registered, or otherwise permit-
11 ted to distribute, prescribe, dispense, conduct research with
12 respect to, or administer a controlled substance in the course of
13 professional practice or research in this state.

14 (4) "Prescription form" means a printed form which is autho-
15 rized and intended for use by a prescribing practitioner to pre-
16 scribe controlled substances or prescription drugs and which
17 meets the requirements of rules promulgated by the
18 administrator.

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

21 (6) "Ultimate user" means an individual who lawfully pos-
22 sesses a controlled substance for personal use or for the use of
23 a member of the individual's household, or for administering to
24 an animal owned by the individual or by a member of the
25 individual's household.

26 Sec. 7111. (1) The controlled substances advisory
27 commission is created in the department of ~~licensing and~~

1 ~~regulation~~ COMMERCE and shall consist of the following 13 voting
 2 members appointed by the governor with the advice and consent of
 3 the senate:

4 (a) One health care professional from each of the following
 5 boards created in article 15:

6 (i) The Michigan board of medicine.

7 (ii) The Michigan board of osteopathic medicine and
 8 surgery.

9 (iii) The Michigan board of pharmacy.

10 (iv) The Michigan board of podiatric medicine and surgery.

11 (v) The Michigan board of dentistry.

12 (vi) The Michigan board of veterinary medicine.

13 (vii) The Michigan board of nursing.

14 (b) One licensed health care professional from the field of
 15 psychiatry.

16 (c) One licensed health care professional from the field of
 17 pharmacology.

18 (d) Three public members, 1 of whom shall serve as
 19 chairperson.

20 (e) One member representing pharmaceutical manufacturers.

21 (2) The director of the department of state police, director
 22 of ~~licensing and regulation~~ COMMERCE, director of public
 23 health, director of social services, superintendent of public
 24 instruction, and the attorney general, or their official desig-
 25 nees, and the drug control administrator from within the depart-
 26 ment of ~~licensing and regulation~~ COMMERCE, who shall serve as
 27 secretary to the controlled substances advisory commission, shall

1 be ex officio members without votes, but are not members for the
2 purpose of determining of a quorum. The department OF COMMERCE,
3 in consultation with the Michigan board of pharmacy, shall
4 appoint an individual to serve as the drug control administrator
5 for purposes of this section. The individual appointed by the
6 department to serve as drug control administrator shall be a
7 licensed pharmacist.

8 (3) This section is repealed effective September 30, 1993.

9 Sec. 7113. (1) The controlled substances advisory commis-
10 sion shall monitor indicators of controlled substance abuse and
11 diversion. If any of that data shows that Michigan exceeds the
12 average national per capita consumption of a controlled sub-
13 stance, the controlled substances advisory commission shall
14 investigate and determine if there is a legitimate reason for the
15 excess consumption. If the controlled substances advisory com-
16 mission determines that there is not a legitimate reason for the
17 excess consumption, the controlled substances advisory commission
18 shall recommend to the administrator a plan of action to overcome
19 the problem. The controlled substances advisory commission may
20 also recommend action to the administrator if other indicators
21 show that a special problem is developing with any controlled
22 substance available by prescription.

23 (2) The controlled substances advisory commission shall pub-
24 licly issue an annual report to the administrator, the governor,
25 and the legislature on the current status of the abuse and diver-
26 sion of controlled substances in this state. The report shall
27 also identify existing efforts to overcome the abuse and

1 diversion of controlled substances in this state and make
2 recommendations for needed legislative, administrative, and
3 interagency activities.

4 (3) The controlled substances advisory commission may
5 include in the report required by subsection (2) recommendations
6 for action which involve licensing, law enforcement, substance
7 abuse treatment and prevention, education, professional associa-
8 tions, pharmaceutical manufacturers, and other relevant individu-
9 als and agencies.

10 (4) ~~Within 1 year after the effective date of this section~~
11 BY AUGUST 1, 1990, the controlled substances advisory commission,
12 in conjunction with the department of ~~licensing and regulation~~
13 COMMERCE and the Michigan pharmacists association, shall estab-
14 lish a standardized data base format which may be used by dis-
15 pensing pharmacies to transmit the prescription-related informa-
16 tion required under section 7334 to the department of ~~licensing~~
17 ~~and regulation~~ COMMERCE electronically or on storage media
18 including, but not limited to, disks, tapes, and cassettes.
19 Within 2 years after establishing electronic or storage media
20 transmission of data required under section 7334, the controlled
21 substance advisory commission shall evaluate the continued need
22 for triplicate prescription forms and report to the legislature.

23 (5) This section is repealed effective September 30, 1993.

24 Sec. 7206. (1) A 7-member scientific advisory commission
25 is created to serve as a consultative and advisory body to the
26 administrator in all matters relating to the classification,
27 reclassification, addition to, or deletion from, all substances

1 presently classified as controlled substances in schedules 1 to
2 5, or substances not presently controlled or yet to come into
3 being. The scientific advisory commission shall be composed of 2
4 physicians to be appointed by the director of public health; 2
5 pharmacists to be appointed by the director of ~~licensing and~~
6 ~~regulation~~ COMMERCE; the chief of the crime detection laboratory
7 of the department of public health; the director of mental health
8 or his or her designee; and the director of the department of
9 state police or his or her designee. The physician and pharma-
10 cist appointments shall be for 2-year terms.

11 (2) The administrator shall receive the recommendations of
12 the scientific advisory commission pursuant to administration
13 over the controlled substances for inclusion in or exclusion from
14 schedules 1 to 5, especially in the implementation of scheduled
15 substances changes as provided in section 7201, except that the
16 administrator is not bound by recommendations of the scientific
17 advisory commission.

18 Sec. 7301. ~~(1)~~ The administrator may promulgate rules
19 relating to the licensure and control of the manufacture, distri-
20 bution, prescribing ~~schedule II~~ OF controlled substances
21 INCLUDED IN SCHEDULE 2, and dispensing of controlled substances
22 in this state.

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

1 Sec. 7302a. (1) A prescription drug ~~which~~ THAT is in
2 finished solid oral dosage form shall not be manufactured or
3 distributed in this state after June 1, 1985 unless the drug is
4 clearly and prominently marked or imprinted with an individual
5 symbol, number, company name, words, letters, marking, national
6 drug code, or a combination of any of the foregoing ~~which~~ THAT
7 identifies the prescription drug and the manufacturer or distrib-
8 utor of the drug.

9 (2) A person licensed by the administrator under this arti-
10 cle to manufacture or distribute prescription drugs shall supply
11 to the department of ~~licensing and regulation~~ COMMERCE descrip-
12 tive material that will identify each current mark or imprint
13 under subsection (1) used by the person who distributes or manu-
14 factures the prescription drug.

15 (3) It is the intent of the legislature that the descriptive
16 material received by the department of ~~licensing and regulation~~
17 COMMERCE pursuant to subsection (2) shall be used in conjunction
18 with similar information from other states by the United States
19 department of health and human services, food and drug adminis-
20 tration, or other national agency or organization, to compile a
21 national registry of prescription drugs manufactured or distrib-
22 uted in the United States.

23 (4) The department of ~~licensing and regulation~~ COMMERCE,
24 upon the application of a person who distributes or manufactures
25 a prescription drug, shall exempt a particular prescription drug
26 from the requirements of this section if the department of
27 ~~licensing and regulation~~ COMMERCE determines that marking or

1 imprinting the prescription drug is not feasible because of the
2 drug's size, texture, or other unique characteristic.

3 (5) This section does not apply to a prescription drug that
4 is compounded by a pharmacist licensed under article 15.

5 (6) The department of ~~licensing and regulation~~ COMMERCE
6 may promulgate rules pursuant to ~~Act No. 306 of the Public Acts~~
7 ~~of 1969, being sections 24.201 to 24.315 of the Michigan Compiled~~
8 ~~Laws~~ THE ADMINISTRATIVE PROCEDURES ACT OF 1969, for purposes of
9 implementing and enforcing this section.

10 (7) As used in this section, "prescription drug" means a
11 prescription drug as defined in section 17708(4).

12 (8) A person who knowingly or intentionally violates this
13 section is guilty of a misdemeanor, punishable by imprisonment
14 for not more than 1 year, or a fine of not more than \$25,000.00,
15 or both.

16 Sec. 7305. The administrator shall initially permit a
17 person who owns, or operates an establishment engaged in the man-
18 ufacture, distribution, prescription, or dispensing of a con-
19 trolled substance before ~~the effective date of this article~~
20 SEPTEMBER 30, 1978 and who is licensed by this state to apply for
21 a license pursuant to this article. However, a person who is
22 licensed under existing state law with the administrator or
23 department of ~~licensing and regulation~~ COMMERCE is not required
24 to apply for a license pursuant to this article until the expira-
25 tion of the person's existing license.

26 Sec. 7306. (1) The administrator shall grant a license to
27 an applicant to manufacture or distribute controlled substances

1 included in sections 7212 to 7220, unless the administrator
2 determines that the issuance of that license would be inconsis-
3 tent with the public interest. ~~A license shall not be granted~~
4 ~~to the holder of a retiree's limited license issued pursuant to~~
5 ~~article 15.~~ In determining the public interest, the administra-
6 tor shall consider all of the following factors:

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

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

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

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

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

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

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

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

26 (3) A practitioner shall be licensed to dispense or
27 prescribe any controlled substances or to conduct research with

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

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

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

21 Sec. 7311. (1) A license under section 7306 to manufacture,
22 distribute, prescribe, or dispense a controlled substance may be
23 denied, suspended, or revoked by the administrator upon a finding
24 that an applicant for licensure or a licensee is subject to any
25 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~~
27 ~~of~~ a license under subsection (1) to ~~the~~ A particular

1 controlled substance. ~~as to which grounds for revocation or~~
2 ~~suspension exist.~~

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

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

24 (5) The administrator shall promptly notify the bureau of
25 all orders suspending or revoking a license and all forfeitures
26 of controlled substances.

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

8 (7) Subject to subsection (8), if the administrator finds
9 that an applicant or licensee has been convicted of a misdemeanor
10 or a felony under a state or federal law relating to a controlled
11 substance, the applicant or licensee shall not have a direct
12 financial interest in ~~—~~ or be employed ~~in a capacity in which~~
13 ~~the individual has direct access to controlled substances~~ by ~~—~~
14 a person who is licensed under this article to manufacture, dis-
15 tribute, prescribe, or dispense a controlled substance IN A
16 CAPACITY IN WHICH THE INDIVIDUAL HAS DIRECT ACCESS TO CONTROLLED
17 SUBSTANCES for a period of not less than 3 years after the date
18 of conviction. An individual who violates this subsection ~~may~~
19 ~~be punished by~~ IS SUBJECT TO a civil fine of not more than
20 \$25,000.00 in a proceeding in the circuit court.

21 (8) Subsection (7) applies only to a conviction for a misde-
22 meanor ~~which~~ THAT is directly related to the manufacture,
23 delivery, possession, possession with intent to manufacture or
24 deliver, use, distribution, prescription, or dispensing of a con-
25 trolled substance. Subsection (7) does not apply to a conviction
26 for a misdemeanor based upon an unintentional error or omission
27 involving a clerical or record-keeping function.

1 Sec. 7314. (1) ~~Except as provided in subsection (3),~~
2 ~~before denying, suspending, or revoking~~ BEFORE THE ADMINISTRATOR
3 SUSPENDS OR REVOKES OR LIMITS OR DENIES AN APPLICATION, a license
4 ~~, or denying~~ OR a renewal of a license, the administrator shall
5 serve on the applicant or licensee an order to show cause why the
6 application or license should not be denied, LIMITED, revoked, or
7 suspended, or why the renewal should not be denied. The order to
8 show cause shall contain a statement of the basis ~~therefor~~ FOR
9 THE ORDER and shall call upon the applicant or licensee to appear
10 before the administrator at a time and place not less than 30
11 days after the date of service of the order. A show cause order
12 for a denial of renewal of a license shall be served not later
13 than 30 days before expiration of the license. ~~These~~ THE pro-
14 ceedings DESCRIBED IN THIS SUBSECTION shall be conducted ~~in~~
15 ~~accordance with the administrative procedures act of 1969~~ with-
16 out regard to any criminal prosecution or other proceeding. A
17 proceeding to deny renewal of a license ~~shall~~ DOES not abate
18 the existing license, which shall remain in effect pending the
19 outcome of the administrative hearing.

20 (2) The administrator may suspend A LICENSE, without an
21 order to show cause, ~~a license~~ simultaneously with the institu-
22 tion of proceedings under section 7311 or ~~where~~ IF renewal of
23 licensure is refused, if the administrator finds that there is an
24 imminent danger to the public health or safety ~~which~~ THAT war-
25 rants this action. The suspension shall continue in effect until
26 conclusion of the proceedings, including judicial review, unless

1 sooner withdrawn by the administrator or dissolved by a court of
2 competent jurisdiction.

3 (3) Subsection (1) ~~shall~~ DOES not apply to the suspension
4 or revocation of a license by the administrator pursuant to sec-
5 tion ~~7311(5)~~ 7311(6).

6 Sec. 7315. (1) An individual whose license is limited, sus-
7 pended, or revoked under this part may apply to the ~~board~~
8 ADMINISTRATOR for a reinstatement of a revoked or suspended
9 license or FOR removal of a ~~limited revocation or suspension~~
10 LIMITATION as to a particular controlled substance. ~~pursuant to~~
11 ~~section 7316.~~

12 (2) In case of a revoked license, THE ADMINISTRATOR SHALL
13 NOT ACCEPT an application for reinstatement ~~shall not be~~
14 ~~accepted~~ before the expiration of ~~3~~ 5 years after the date of
15 revocation.

16 (3) ~~An~~ THE ADMINISTRATOR SHALL PROVIDE AN opportunity for
17 a hearing ~~shall be provided~~ before final rejection of an appli-
18 cation for reinstatement.

19 Sec. 7316. The administrator may reinstate a revoked or
20 suspended license to an individual whose license has been sus-
21 pended or revoked under this article or remove a ~~limited revoca-~~
22 ~~tion or suspension~~ LIMITATION as to a particular controlled sub-
23 stance if, after a hearing, the administrator is satisfied that
24 the applicant is of good moral character, and should be permitted
25 in the public interest to have his or her license reinstated or
26 the ~~limited revocation or suspension~~ LIMITATION removed. As a
27 condition of reinstatement, the administrator may impose a

1 disciplinary or corrective measure authorized under this
2 article. In determining the public interest, the administrator
3 shall consider the factors set forth in section 7306(1)(a) to
4 (g).

5 Sec. 7334. (1) A prescription for a controlled substance
6 included in schedule 2 shall be recorded on an official prescrip-
7 tion form that meets the requirements of subsection (3) and is
8 issued to practitioners by the department of ~~licensing and~~
9 ~~regulation~~ COMMERCE. Except as otherwise provided in subsection
10 (2), not more than 1 prescription shall be recorded on each
11 form. The department of ~~licensing and regulation~~ COMMERCE
12 shall issue the official prescription forms to practitioners free
13 of charge.

14 (2) A practitioner employed by or under contract to a sub-
15 stance abuse treatment program licensed under part 62 to treat
16 opiate addiction with the drug methadone shall do all of the
17 following:

18 (a) On the first working day of each month, complete an
19 official prescription form for the entire program indicating the
20 total amount of methadone administered or dispensed and the total
21 number of patients who received the methadone during the previous
22 month.

23 (b) Comply with federal law regarding the confidentiality of
24 client information.

25 (c) Forward copy 1 of the official prescription form to the
26 department of ~~licensing and regulation~~ COMMERCE by the
27 fifteenth day of the month in which the form was completed.

1 (3) Each official prescription form used to prescribe a
2 controlled substance included in schedule 2 shall be serially
3 numbered and in triplicate, with the first copy labeled 'copy 1',
4 the second copy labeled 'copy 2', and the third copy labeled
5 'copy 3'. Each form shall contain spaces for all of the
6 following:

7 (a) The date the prescription is written.

8 (b) The date the prescription is filled.

9 (c) The controlled substance prescribed, the dosage, the
10 quantity, in both written and numerical terms, and instructions
11 for use.

12 (d) The name, address, and federal drug enforcement adminis-
13 tration number of the dispensing pharmacy and the state license
14 number and signature or initials of the pharmacist who fills the
15 prescription.

16 (e) The name, address, state license number, federal drug
17 enforcement administration number, and signature of the prescrib-
18 ing practitioner.

19 (f) The name, address, and age of the patient or owner of an
20 animal for whom the controlled substance is prescribed.

21 (g) A box that, if checked, indicates that the controlled
22 substance was dispensed by a prescribing practitioner.

23 (4) A prescribing practitioner shall do all of the
24 following:

25 (a) Fill in on all 3 copies of the prescription form, in the
26 space provided, all of the following:

1 (i) The date the prescription is written.

2 (ii) The controlled substance prescribed, the dosage, the
3 quantity, in both written and numerical terms, and instructions
4 for use.

5 (iii) The name, address, and age of the patient or owner of
6 an animal for whom the controlled substance is prescribed.

7 (iv) If the controlled substance is prescribed for an
8 animal, the name of the animal.

9 (b) Sign copies 1 and 2 of the official prescription form
10 and, except for an oral prescription prescribed under
11 section 7333, give them to the person authorized to receive the
12 prescription. If the prescribing practitioner signs copy 1 of
13 the form and in so doing produces a legible copy of the signature
14 on copy 2, the prescribing practitioner is in compliance with
15 this subdivision.

16 (c) Retain copy 3 of the official prescription form with the
17 prescribing practitioner's records for a period of not less than
18 5 years from the date the prescription is written.

19 (5) If a prescribing practitioner dispenses a controlled
20 substance included in schedule 2, the prescribing practitioner
21 shall do all of the following:

22 (a) Fill in on all 3 copies of the official prescription
23 form, in the space provided, all of the following:

24 (i) The date the controlled substance is dispensed.

25 (ii) The controlled substance dispensed, the dosage, the
26 quantity, in both written and numerical terms, and instructions
27 for use.

1 (iii) The name, address, and age of the patient or owner of
2 an animal for whom the controlled substance is dispensed.

3 (iv) If the controlled substance is dispensed for an animal,
4 the name of the animal.

5 (v) The box described in subsection (3)(g).

6 (b) Sign copies 1 and 2 of the official prescription form
7 and forward copy 1 to the department of ~~licensing and~~
8 ~~regulation~~ COMMERCE by the fifteenth day of the month following
9 the month in which the controlled substance was dispensed. If
10 the prescribing practitioner signs copy 1 of the official pre-
11 scription form and in so doing produces a legible copy of the
12 signature on copy 2, the prescribing practitioner is in compli-
13 ance with this subdivision.

14 (c) Retain copy 2 of the official prescription form as a
15 dispensing record.

16 (d) Retain copy 3 of the official prescription form with the
17 prescribing practitioner's records for a period of not less than
18 5 years from the date the prescription is written.

19 (6) For an oral prescription prescribed under
20 section 7333(2), the prescribing practitioner shall give the dis-
21 pensing pharmacy the information needed by the dispensing phar-
22 macy to fill the prescription. The prescribing practitioner
23 shall complete and forward the first and second copies of the
24 official prescription form to the dispensing pharmacy within 72
25 hours after issuing the oral prescription. If the dispensing
26 pharmacist does not receive the first and second copies of the
27 official prescription form within the 72-hour period, the

1 dispensing pharmacist may notify the department of ~~licensing and~~
2 ~~regulation~~ COMMERCE.

3 (7) Each dispensing pharmacist shall do all of the
4 following:

5 (a) Fill in on copies 1 and 2 of the official prescription
6 form, in the space provided, the information not required to be
7 filled in by the prescribing practitioner or the department of
8 ~~licensing and regulation~~ COMMERCE.

9 (b) Retain copy 2 with the records of the pharmacy for a
10 period of not less than 5 years.

11 (c) Sign or initial copy 1 and forward it to the department
12 of ~~licensing and regulation~~ COMMERCE by the fifteenth of the
13 month following the month in which the prescription was written.

14 (d) When filling a prescription for a controlled substance
15 included in schedule 2 for a prescribing practitioner who is
16 exempted under section 7333(3)(d) from using official prescrip-
17 tion forms, a pharmacist shall, by the fifteenth of the month
18 following the month in which the prescription was written, for-
19 ward a copy of the prescription form used or a document provided
20 by the department of ~~licensing and regulation~~ COMMERCE for each
21 such prescription that contains all of the following
22 information:

23 (i) The date the prescription is written.

24 (ii) The date the prescription is filled.

25 (iii) The controlled substance prescribed, the dosage, and
26 the quantity.

1 (iv) The name, address, and drug enforcement administration
2 number of the prescribing practitioner.

3 (v) The name, address, and age of the patient.

4 (vi) The name, address, and state license number of the dis-
5 pensing pharmacist.

6 (8) If a prescribing practitioner has failed to fill in all
7 of the information required under subsection (4)(a), the dispens-
8 ing pharmacist may complete the information on the back of copy
9 1. The dispensing pharmacist shall not change or add information
10 on the front of copy 1. If the department of ~~licensing and~~
11 ~~regulation~~ COMMERCE determines that a prescribing practitioner
12 is failing to fill in the required information, the department of
13 ~~licensing and regulation~~ COMMERCE shall so notify the prescrib-
14 ing practitioner.

15 (9) A practitioner in possession of official prescription
16 forms issued under subsection (1) whose license to dispense or
17 practice, or whose federal drug enforcement administration
18 number, is suspended or revoked, shall, within 7 days after the
19 date the suspension or revocation becomes effective, return to
20 the department of ~~licensing and regulation~~ COMMERCE all offi-
21 cial prescription forms which have not been used to issue
22 prescriptions. An individual who violates this subsection is
23 guilty of a misdemeanor.

24 (10) The director of ~~the department of licensing and~~
25 ~~regulation~~ COMMERCE shall permit access to information submitted
26 to the department of ~~licensing and regulation~~ COMMERCE under
27 this section only to the following individuals:

1 (a) Employees and agents of the department of ~~licensing and~~
2 ~~regulation~~ COMMERCE authorized by the director of ~~the depart-~~
3 ~~ment of licensing and regulation~~ COMMERCE.

4 (b) Employees of a governmental agency that is responsible
5 for the enforcement of laws pertaining to controlled substances
6 and is authorized by the director of ~~the department of licensing~~
7 ~~and regulation~~ COMMERCE.

8 (c) A prescribing practitioner concerning an individual sus-
9 pected of attempting to obtain a controlled substance by fraud,
10 deceit, or misrepresentation, as authorized by the director of
11 ~~the department of licensing and regulation~~ COMMERCE.

12 (d) An individual with whom the department has contracted
13 under subsection (16), as authorized by the director of ~~the~~
14 ~~department of licensing and regulation~~ COMMERCE.

15 (11) Information submitted to the department of ~~licensing~~
16 ~~and regulation~~ COMMERCE under this section is confidential, but
17 may be released to persons authorized by the director of ~~the~~
18 ~~department of licensing and regulation~~ COMMERCE to conduct
19 research studies or to other persons authorized by the director
20 of ~~the department of licensing and regulation~~ COMMERCE.

21 However, information released under this subsection shall not
22 identify the individuals to whom the information pertains, and
23 shall be released for statistical purposes only.

24 (12) The system for retrieval of information submitted to
25 the department of ~~licensing and regulation~~ COMMERCE pursuant to
26 this section shall be designed in all respects so as to preclude
27 improper access to information.

1 (13) Except as otherwise provided in this part, information
2 submitted to the department of ~~licensing and regulation~~
3 COMMERCE under this section shall be used only for bona fide
4 drug-related criminal investigatory or evidentiary purposes or
5 for the investigatory or evidentiary purposes in connection with
6 the functions of 1 or more of the licensing OR REGISTRATION
7 boards created in article 15.

8 (14) The identity of an individual patient that is submitted
9 to the department of ~~licensing and regulation~~ COMMERCE pursuant
10 to this section shall be removed from the system for retrieval of
11 the information described in this section and shall be destroyed
12 and rendered irretrievable not later than the end of the calendar
13 year following the year in which the information was submitted to
14 the department of ~~licensing and regulation~~ COMMERCE. However,
15 an individual patient identity that is necessary for use in a
16 specific ongoing investigation conducted in accordance with this
17 act may be retained in the system until the end of the year in
18 which the necessity for retention of the identity ends.

19 (15) On or before September 30, 1993, the department of
20 ~~licensing and regulation~~ COMMERCE, in conjunction with the con-
21 trolled substances advisory commission, shall submit a public
22 report to the legislature on the effectiveness of the triplicate
23 prescription program. The report shall include a recommendation
24 on whether the program has been a cost effective method of con-
25 trolling the diversion of controlled substances.

1 (16) The department of ~~licensing and regulation~~ COMMERCE
2 may enter into contractual agreements for the administration of
3 this section.

4 (17) This section does not prohibit access to prescription
5 information otherwise allowed by law.

6 (18) This section is repealed effective September 30, 1993.

7 Sec. 7407. (1) A person shall not knowingly or
8 intentionally:

9 (a) Distribute as a licensee a controlled substance classi-
10 fied in schedule 1 or 2, except pursuant to an order form as
11 required by section 7331.

12 (b) Use in the course of the manufacture or distribution of
13 a controlled substance a license number which is fictitious,
14 revoked, suspended, or issued to another person.

15 (c) Acquire or obtain possession of a controlled substance
16 by misrepresentation, fraud, forgery, deception, or subterfuge.

17 (d) Furnish false or fraudulent material information in, or
18 omit any material information from, an application, report, offi-
19 cial prescription form, or other document required to be kept or
20 filed under this article, or any record required to be kept by
21 this article.

22 (e) Make, distribute, or possess a punch, die, plate, stone,
23 or other thing designed to print, imprint, or reproduce the
24 trademark, trade name, or other identifying mark, imprint, or
25 device of another or any likeness of any of the foregoing upon a
26 drug or container or labeling thereof so as to render the drug a
27 counterfeit substance.

1 (f) Knowingly and intentionally give, permit, or obtain
2 access to information submitted to the department of ~~licensing~~
3 ~~and regulation~~ COMMERCE under section 7334, except as otherwise
4 authorized by this article.

5 (g) Possess counterfeit prescription forms, except as an
6 agent of government while engaged in the enforcement of this
7 part.

8 (2) A person shall not refuse or knowingly fail to make,
9 keep, or furnish any record, notification, order form, statement,
10 invoice, or other information required under this article.

11 (3) A person who violates this section is guilty of a
12 felony, punishable by imprisonment for not more than 4 years, or
13 a fine of not more than \$30,000.00, or both.

14 Sec. 7502. (1) An inspection AGENT or investigatory agent
15 of the administrator or of the department of ~~licensing and~~
16 ~~regulation~~ COMMERCE may do any of the following:

17 (a) Execute and serve search warrants, arrest warrants,
18 administrative inspection warrants, subpoenas, and summonses
19 issued under the authority of this state.

20 (b) Seize property pursuant to this article.

21 (c) Perform other law enforcement duties the administrator
22 or the department of ~~licensing and regulation~~ COMMERCE
23 designates.

24 (2) An agent of the department of treasury designated by the
25 commissioner of revenue may exercise the powers specified in sub-
26 section (1) with regard to the seizure of property under section
27 7521(e) and (f) after notification of the department of state

1 police or any other local law enforcement agency having
2 jurisdiction.

3 Sec. 7507. (1) The department of ~~licensing and~~
4 ~~regulation~~ COMMERCE may make administrative inspections of con-
5 trolled premises in accordance with this section.

6 (2) When authorized by an administrative inspection warrant,
7 an officer or employee designated by the department of ~~licensing~~
8 ~~and regulation~~ COMMERCE, upon presenting the warrant and appro-
9 priate credentials to the owner, operator, or agent in charge,
10 may enter controlled premises for the purpose of conducting an
11 administrative inspection.

12 (3) When authorized by an administrative inspection warrant,
13 an officer or employee designated by the department of ~~licensing~~
14 ~~and regulation~~ COMMERCE may:

15 (a) Inspect and copy records required to be kept by this
16 article.

17 (b) Inspect, within reasonable limits and in a reasonable
18 manner, controlled premises and all pertinent equipment, finished
19 and unfinished material, containers, and labeling found therein
20 and, except as provided in subsection (5) all other things there-
21 in, including records, files, papers, processes, controls, and
22 facilities bearing on violation of this article.

23 (c) Inventory any stock of a controlled substance therein
24 and obtain samples thereof.

25 (4) This section does not prevent the inspection without a
26 warrant of books and records pursuant to an administrative
27 subpoena issued in accordance with law, nor does it prevent

1 entries and administrative inspections, including seizures of
2 property, without a warrant:

3 (a) If the owner, operator, or agent in charge of the con-
4 trolled premises consents.

5 (b) In situations presenting imminent danger to health or
6 safety.

7 (c) In situations involving inspection of conveyances if
8 there is reasonable cause to believe that the mobility of the
9 conveyance makes it impracticable to obtain a warrant.

10 (d) In any other exceptional or emergency circumstance where
11 time or opportunity to apply for a warrant is lacking.

12 (e) In any other situation in which a warrant is not consti-
13 tutionally required.

14 (5) An inspection authorized by this section shall not
15 extend to financial data or sales data, other than shipment data
16 or pricing data, unless the owner, operator, or agent in charge
17 of the controlled premises consents in writing.

18 (6) For purposes of this section only, "controlled premises"
19 means:

20 (a) A place where a person licensed or exempted from licen-
21 sure requirements under this article is required to keep
22 records.

23 (b) A place including a factory, warehouse, establishment,
24 and conveyance in which a person licensed or exempted from licen-
25 sure requirements under this article is permitted to hold, manu-
26 facture, compound, process, sell, deliver, or otherwise dispose
27 of a controlled substance.

1 Sec. 16103. (1) "Board" as used in this part means each
2 board created in this article and as used in any other part cov-
3 ering a specific health profession means the board created in
4 that part.

5 (2) "Certificate of licensure" means a document issued as
6 evidence of authorization to practice and use a designated
7 title.

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

10 (4) ~~"Council" means the health occupations council created~~
11 ~~in section 16151.~~ "CONTROLLED SUBSTANCE" MEANS THAT TERM AS
12 DEFINED IN SECTION 7104.

13 (5) "CONVICTION" MEANS A JUDGMENT ENTERED BY A COURT UPON A
14 PLEA OF GUILTY, GUILTY BUT MENTALLY ILL, OR NOLO CONTENDERE OR
15 UPON A JURY VERDICT OR COURT FINDING THAT A DEFENDANT IS GUILTY
16 OR GUILTY BUT MENTALLY ILL.

17 SEC. 16103A. "COMMITTEE" MEANS THE HEALTH PROFESSIONAL
18 RECOVERY COMMITTEE CREATED IN SECTION 16165.

19 Sec. 16104. (1) "Delegation" means an authorization granted
20 by a licensee to a licensed or unlicensed individual to perform
21 selected acts, tasks, or functions ~~which~~ THAT fall within the
22 scope of practice of the delegator and ~~which~~ THAT are not
23 within the scope of practice of the delegatee and ~~which~~ THAT,
24 in the absence of the authorization, would constitute illegal
25 practice of a licensed profession.

26 (2) "Department" means the department of ~~licensing and~~
27 ~~regulation~~ COMMERCE.

1 (3) "Director" means the director of ~~licensing and~~
2 ~~regulation~~ COMMERCE OR THE DIRECTOR'S DESIGNEE.

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

7 SEC. 16105A. "HEALTH PROFESSIONAL RECOVERY PROGRAM" OR
8 "PROGRAM" MEANS A NONDISCIPLINARY, TREATMENT-ORIENTED PROGRAM FOR
9 IMPAIRED HEALTH PROFESSIONALS ESTABLISHED UNDER SECTION 16167.

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

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 Sec. 16108. (1) "Reclassification" means an action by a
2 board by which restrictions or conditions, or both, applicable to
3 a license are added or removed.

4 (2) "Registration" means an authorization only for the use
5 of a designated title which use would otherwise be prohibited
6 under this article. It includes specialty certification of a
7 licensee.

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

12 ~~(4) "Retiree's limited license" means a limited license~~
13 ~~which authorizes the holder to use a designated title which would~~
14 ~~otherwise be prohibited under this article, but does not autho-~~
15 ~~rize the holder to practice a health profession.~~

16 (4) ~~(5)~~ "Reinstatement" means the granting of a license or
17 certificate of registration, with or without limitations or con-
18 ditions, to a person whose license or certificate of registration
19 has been suspended or revoked.

20 (5) ~~(6)~~ "Relicensure" means the granting of a license to a
21 person whose license has ~~become null and void~~ LAPSED for fail-
22 ure to renew the license within 60 days after the expiration
23 date.

24 (6) ~~(7)~~ "Reregistration" means the granting of a certifi-
25 cate of registration to a person whose certificate of registra-
26 tion has ~~become void~~ LAPSED for failure to renew the
27 certificate within 60 days after the expiration date.

1 SEC. 16109A. "TREATMENT" OR "TREATMENT PLAN" MEANS A PLAN
2 OF CARE AND REHABILITATION SERVICES PROVIDED TO IMPAIRED LICENS-
3 EES, REGISTRANTS, AND APPLICANTS.

4 Sec. 16121. (1) The governor shall appoint by and with the
5 advice and consent of the senate the members of the ~~council and~~
6 boards and task forces except ex officio members.

7 (2) A vacancy on ~~the council or~~ a board or task force
8 shall be filled for the balance of the unexpired term in the same
9 manner as the original appointment. An appointment for a vacancy
10 shall be submitted to the senate not later than 60 days after the
11 vacancy occurs.

12 (3) The governor shall seek nominations from a wide range of
13 sources including professional associations, educational institu-
14 tions, consumer organizations, labor unions, health planning
15 agencies, and other community health organizations when making
16 appointments under this article.

17 (4) The governor may remove or suspend a ~~council or a~~
18 board or task force member from office in accordance with section
19 10 of article 5 of the state constitution of 1963.

20 Sec. 16122. Except as otherwise provided in this part, the
21 term of office of members of ~~the council or~~ a board or task
22 force ~~shall be~~ IS 4 years, commencing on the day after the date
23 prescribed in section 16131 and terminating on the prescribed
24 date. A member shall not serve more than 2 terms and 1 partial
25 term, consecutive or otherwise, including service on a predeces-
26 sor council, board, or task force. However, a member serving

1 when this section takes effect may complete the term to which the
2 member was appointed.

3 Sec. 16131. The terms of office of individual members of
4 the council or the boards and task forces, except those appointed
5 to fill vacancies, shall expire 4 years after appointment as
6 follows:

7	Nursing	June 30
8	Optometry	June 30
9	Pharmacy	June 30
10	Podiatric medicine and surgery	June 30
11	Dentistry	June 30
12	Chiropractic	December 31
13	Counseling	June 30
14	Health occupations council	December 31
15	Medicine	December 31
16	Occupational therapists	December 31
17	Osteopathic medicine and surgery	December 31
18	Physical therapy	December 31
19	Psychology	December 31
20	Sanitarians	December 31
21	Veterinary medicine	December 31

22 Sec. 16135. (1) Except as otherwise provided in subsection
23 (2), a member of ~~the council or~~ a board, THE COMMITTEE, or A
24 task force created by this article shall MEET ALL OF THE FOLLOW-
25 ING REQUIREMENTS:

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

2 (b) Be of good moral character.

3 (c) Be a resident of this state for not less than THE 6
4 months immediately ~~before~~ PRECEDING appointment and remain a
5 resident of this state throughout the term of the appointment.

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

14 (2) Subject to subsection (3), for a board created on or
15 after January 1, 1989, the governor may appoint ~~—~~ as the mem-
16 bers of the board who are required to be licensed or registered
17 under subsection (1)(d) ~~—~~ individuals who meet either or both
18 of the following requirements:

19 (a) Are certified or otherwise approved by a national orga-
20 nization that certifies or otherwise approves individuals in the
21 profession to be licensed or registered by the board.

22 (b) Have actively practiced the profession licensed or reg-
23 istered by the board or taught in an educational institution
24 ~~which~~ THAT prepares applicants for licensure or registration in
25 that profession, or a combination of both, for not less than the
26 2 years immediately preceding their appointment.

1 (3) Each individual appointed under subsection (2) shall be
2 licensed or registered under this article in the profession
3 licensed or registered by that board within 3 years after the
4 effective date of the amendatory act that created the board.

5 Sec. 16137. The legislature annually shall fix the per diem
6 compensation of the members of the council, ~~and~~ THE COMMITTEE,
7 THE boards, and THE task forces. Expenses of members incurred in
8 the performance of official duties shall be reimbursed as pro-
9 vided in section 1216.

10 Sec. 16138. (1) ~~The council or a~~ A board, THE COMMITTEE,
11 or A task force shall hold ~~a~~ regular ~~meeting~~ MEETINGS at
12 places and on separate dates fixed by it. ~~Licensure boards and~~
13 ~~the physician's assistant task force shall hold a regular meeting~~
14 ~~not less than 6 times a year.~~ THE COMMITTEE SHALL MEET NOT LESS
15 THAN QUARTERLY. Special meetings may be called by the chair-
16 person, BY a majority of the members of ~~the council or~~ THE
17 COMMITTEE, a board, or A task force, or BY the department.
18 Except as otherwise provided in THIS ARTICLE OR IN the bylaws of
19 ~~the council or~~ THE COMMITTEE, a board, or A task force, a
20 majority of the members appointed and serving ~~constitutes~~
21 CONSTITUTE a quorum. Final action by ~~the council or~~ THE
22 COMMITTEE, a board, or A task force shall be taken only by affir-
23 mative vote of a majority of the members present at a meeting or
24 for a hearing. A member shall not vote by proxy.

25 (2) The department shall make available the times and places
26 of meetings of ~~the council and~~ THE COMMITTEE, THE boards and
27 THE task forces and keep minutes of their meetings and a record

1 of their actions. ~~The council or~~ MEETINGS OF THE COMMITTEE, a
2 board, or A task force ~~meeting~~ shall be open to the public in
3 accordance with the open meetings act, Act No. 267 of the Public
4 Acts of 1976, being sections 15.261 to 15.275 of the Michigan
5 Compiled Laws.

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

17 Sec. 16141. (1) The department shall furnish office serv-
18 ices to ~~the council and~~ THE COMMITTEE, THE boards, and THE task
19 forces; have charge of their offices, records, and ~~moneys~~ MONEY
20 collected; and perform managerial and administrative functions
21 for them.

22 (2) The department ~~, after consultation with the council,~~
23 ~~board, or task force,~~ shall appoint administrative and secreta-
24 rial staff, clerks, and employees necessary to allow the proper
25 exercise of the powers and duties of ~~the council or a~~ THE COM-
26 MITTEE, A board, or A task force. Salaries and other expenses
27 incurred by ~~the council or~~ THE COMMITTEE, a board, or A task

1 force and staff and expenses for studies and activities
 2 authorized under this article shall be paid out of funds appro-
 3 priated by the legislature ~~therefor and be paid out of the gen-~~
 4 ~~eral fund of the state~~ FOR THOSE PURPOSES.

5 ~~(3) The department shall send moneys received to the~~
 6 ~~department of treasury for deposit in the general fund of this~~
 7 ~~state.~~

8 (3) ~~(4)~~ The department ~~, with the advice of the council,~~
 9 may promulgate rules to promote the effective and consistent
 10 administration of this article. However, rules shall not be
 11 promulgated ~~which~~ THAT constitute the licensure, REGISTRATION,
 12 or examination of health professionals.

13 Sec. 16143. (1) The ~~council or~~ COMMITTEE, a board, or A
 14 task force may adopt bylaws for the regulation of its internal
 15 affairs.

16 (2) The ~~council or~~ COMMITTEE, a board, or A task force
 17 shall report its activities annually to the department. The
 18 report shall include statistical data on applicants for examina-
 19 tion, licensure, and registration; allegations and disciplinary
 20 actions against licensees AND REGISTRANTS; and other matters
 21 relating to the licensure, registration, and regulatory activity
 22 of the boards, OR A TASK FORCE, as prescribed by the department.

23 (3) The ~~council or~~ COMMITTEE, a board, or A task force may
 24 perform acts and make determinations necessary and proper to
 25 carry out its functions and the department may contract with
 26 other state agencies, private agencies, organizations, and
 27 consultants to assist ~~the council,~~ COMMITTEE, board, or task

1 force to perform the acts or to aid in carrying out functions of
2 the ~~council,~~ COMMITTEE, board, or task force.

3 Sec. 16145. (1) A board may adopt and have an official
4 seal.

5 (2) A board may promulgate rules necessary or appropriate to
6 fulfill its functions as prescribed in this article. ~~The rules~~
7 ~~shall not be inconsistent with rules promulgated by the council~~
8 ~~pursuant to section 16154.~~

9 (3) A board shall promulgate rules to specify requirements
10 for licenses, registrations, renewals, examinations, and required
11 passing scores.

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

15 (A) SUBJECT TO SUBSECTION (4), EACH BOARD CREATED UNDER THIS
16 ARTICLE AND THE PHYSICIAN'S ASSISTANTS TASK FORCE, IN CONSULTA-
17 TION WITH THE APPROPRIATE PROFESSIONAL ASSOCIATIONS, SHALL
18 APPOINT 1 HEALTH PROFESSIONAL MEMBER.

19 (B) THE DIRECTOR SHALL APPOINT 2 PUBLIC MEMBERS, 1 OF WHOM
20 HAS SPECIALIZED TRAINING OR EXPERIENCE, OR BOTH, IN TREATMENT OF
21 INDIVIDUALS WITH ADDICTIVE BEHAVIOR.

22 (2) THE DIRECTOR SHALL SERVE AS AN EX OFFICIO MEMBER OF THE
23 COMMITTEE WITHOUT VOTE.

24 (3) THE DIRECTOR AND THE BOARDS AND THE PHYSICIAN'S ASSIST-
25 ANTS TASK FORCE SHALL NOT APPOINT AS A MEMBER OF THE COMMITTEE AN
26 INDIVIDUAL WHO IS AT THE TIME OF APPOINTMENT A MEMBER OF A BOARD
27 OR TASK FORCE.

1 (4) THE MEMBERS APPOINTED BY THE BOARDS AND THE PHYSICIAN'S
2 ASSISTANTS TASK FORCE UNDER SUBSECTION (1)(A) SHALL HAVE EDUCA-
3 TION, TRAINING, AND CLINICAL EXPERTISE IN THE TREATMENT OF INDI-
4 VIDUALS WITH ADDICTIVE BEHAVIOR OR MENTAL ILLNESS, OR BOTH.

5 SEC. 16166. THE TERM OF OFFICE OF AN APPOINTED MEMBER OF
6 THE COMMITTEE IS 2 YEARS, COMMENCING ON JANUARY 1 AND TERMINATING
7 ON DECEMBER 31. AN APPOINTED MEMBER SHALL NOT SERVE MORE THAN 2
8 TERMS AND 1 PARTIAL TERM, CONSECUTIVE OR OTHERWISE. A BOARD OR
9 THE PHYSICIAN'S ASSISTANTS TASK FORCE OR THE DIRECTOR SHALL FILL
10 A VACANCY FOR THE BALANCE OF THE UNEXPIRED TERM IN THE SAME
11 MANNER AS THE ORIGINAL APPOINTMENT.

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

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

16 (B) SUBJECT TO SECTIONS 16169 AND 16170 AND IN CONJUNCTION
17 WITH THE HEALTH PROFESSIONAL RECOVERY PROGRAM CONSULTANTS
18 DESCRIBED IN SECTION 16168, DEVELOP AND IMPLEMENT CRITERIA FOR
19 THE IDENTIFICATION, ASSESSMENT, AND TREATMENT OF HEALTH PROFES-
20 SIONALS WHO MAY BE IMPAIRED.

21 (C) IN CONJUNCTION WITH THE HEALTH PROFESSIONAL RECOVERY
22 PROGRAM CONSULTANTS DESCRIBED IN SECTION 16168, DEVELOP AND
23 IMPLEMENT MECHANISMS FOR THE EVALUATION OF CONTINUING CARE OR
24 AFTERCARE PLANS FOR HEALTH PROFESSIONALS WHO MAY BE IMPAIRED.

25 (D) DEVELOP A MECHANISM AND CRITERIA FOR THE REFERRAL OF A
26 HEALTH PROFESSIONAL WHO MAY BE IMPAIRED TO A PROFESSIONAL
27 ASSOCIATION WHEN APPROPRIATE FOR THE PURPOSE OF PROVIDING

1 ASSISTANCE TO THE HEALTH PROFESSIONAL. IN DEVELOPING CRITERIA
2 UNDER THIS SUBDIVISION, THE COMMITTEE SHALL REQUIRE THAT A REFER-
3 RAL BE MADE ONLY WITH THE CONSENT OF THE HEALTH PROFESSIONAL.

4 (E) ANNUALLY REPORT TO EACH BOARD AND THE PHYSICIAN'S
5 ASSISTANTS TASK FORCE CREATED UNDER THIS ARTICLE ON THE STATUS OF
6 THE HEALTH PROFESSIONAL RECOVERY PROGRAM. THE COMMITTEE SHALL
7 INCLUDE IN THE REPORT, AT A MINIMUM, STATISTICAL INFORMATION ON
8 THE LEVEL OF PARTICIPATION IN THE PROGRAM OF EACH HEALTH
9 PROFESSION. THE COMMITTEE MAY INCLUDE IN THE REPORT RECOMMENDA-
10 TIONS FOR CHANGES IN THE HEALTH PROFESSIONAL RECOVERY PROGRAM AND
11 FOR PARTICIPATION BY THE BOARDS AND THE PHYSICIAN'S ASSISTANTS
12 TASK FORCE, PROFESSIONAL ASSOCIATIONS, SUBSTANCE ABUSE TREATMENT
13 AND PREVENTION PROGRAMS, AND OTHER APPROPRIATE AGENCIES.

14 SEC. 16168. (1) THE DEPARTMENT SHALL ENTER INTO A CONTRACT
15 WITH A PRIVATE ENTITY TO ACT AS A CONSULTANT TO ASSIST THE COM-
16 MITTEE WITH THE ADMINISTRATION OF THE HEALTH PROFESSIONAL RECOV-
17 ERY PROGRAM INCLUDING, BUT NOT LIMITED TO, THE DUTIES DESCRIBED
18 IN SECTION 16167(B) AND (C). THE DEPARTMENT SHALL REQUIRE THE
19 PRIVATE ENTITY TO DEMONSTRATE THAT IT HAS EXPERTISE AND KNOWLEDGE
20 REGARDING THE TREATMENT OF IMPAIRED HEALTH PROFESSIONALS.

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

1 SEC. 16169. (1) IF AN INDIVIDUAL EMPLOYED BY OR UNDER
2 CONTRACT TO THE DEPARTMENT HAS REASONABLE CAUSE TO BELIEVE THAT A
3 HEALTH PROFESSIONAL MAY BE IMPAIRED, THE INDIVIDUAL SHALL TRANS-
4 MIT THE INFORMATION TO THE COMMITTEE EITHER ORALLY OR IN
5 WRITING. UPON RECEIPT OF THE INFORMATION, THE COMMITTEE SHALL
6 REQUEST THE PROGRAM CONSULTANT DESCRIBED IN SECTION 16168 TO
7 DETERMINE WHETHER OR NOT THE HEALTH PROFESSIONAL MAY BE
8 IMPAIRED.

9 (2) IF, BASED ON THE INFORMATION RECEIVED BY THE DEPARTMENT
10 UNDER SECTION 16168(2), THE DEPARTMENT DETERMINES THAT THE HEALTH
11 PROFESSIONAL INVOLVED MAY BE A THREAT TO THE PUBLIC HEALTH,
12 SAFETY, OR WELFARE AND HAS VIOLATED THIS ARTICLE OR ARTICLE 7 OR
13 THE RULES PROMULGATED UNDER THIS ARTICLE OR ARTICLE 7, THE
14 DEPARTMENT MAY PROCEED UNDER SECTIONS 16211 AND 16231.

15 SEC. 16170. (1) IF THE PROGRAM CONSULTANT DESCRIBED IN
16 SECTION 16168 DETERMINES UNDER SECTION 16169(1) THAT A HEALTH
17 PROFESSIONAL MAY BE IMPAIRED, THE COMMITTEE MAY ACCEPT THE HEALTH
18 PROFESSIONAL INTO THE HEALTH PROFESSIONAL RECOVERY PROGRAM IF
19 BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

20 (A) THE HEALTH PROFESSIONAL ACKNOWLEDGES HIS OR HER
21 IMPAIRMENT.

22 (B) THE HEALTH PROFESSIONAL VOLUNTARILY DOES ALL OF THE
23 FOLLOWING:

24 (i) WITHDRAWS FROM OR LIMITS THE SCOPE OF HIS OR HER PRAC-
25 TICE, AS DETERMINED NECESSARY BY THE COMMITTEE. TO COMPLY WITH
26 THIS SUBPARAGRAPH, A HEALTH PROFESSIONAL MAY REQUEST THE
27 LIMITATION OF HIS OR HER LICENSE UNDER SECTION 16182.

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

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

7 (3) A HEALTH PROFESSIONAL PARTICIPATING IN OR WHO HAS PAR-
8 TICIPATED IN A TREATMENT PLAN UNDER THE HEALTH PROFESSIONAL
9 RECOVERY PROGRAM OR AN INDIVIDUAL TREATING THE HEALTH PROFES-
10 SIONAL UNDER THE TREATMENT PLAN SHALL NOT FALSELY REPRESENT,
11 EITHER INDIVIDUALLY OR TOGETHER, THAT THE HEALTH PROFESSIONAL HAS
12 SUCCESSFULLY COMPLETED THE TREATMENT PLAN. AN INDIVIDUAL WHO
13 INTENTIONALLY VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY.

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

17 (2) THE IDENTITY OF A HEALTH PROFESSIONAL WHO PARTICIPATES
18 IN THE HEALTH PROFESSIONAL RECOVERY PROGRAM IS CONFIDENTIAL AND
19 IS NOT SUBJECT TO DISCLOSURE UNDER DISCOVERY OR SUBPOENA OR THE
20 FREEDOM OF INFORMATION ACT, ACT NO. 442 OF THE PUBLIC ACTS OF
21 1976, BEING SECTIONS 15.231 TO 15.246 OF THE MICHIGAN COMPILED
22 LAWS, UNLESS THE HEALTH PROFESSIONAL FAILS TO SATISFACTORILY PAR-
23 TICIPATE IN A TREATMENT PLAN PRESCRIBED UNDER THE HEALTH PROFES-
24 SIONAL RECOVERY PROGRAM OR VIOLATES SECTION 16170(3).

25 (3) IF A HEALTH PROFESSIONAL SUCCESSFULLY PARTICIPATES IN
26 AND COMPLETES A TREATMENT PLAN PRESCRIBED UNDER THE HEALTH
27 PROFESSIONAL RECOVERY PROGRAM, AS DETERMINED BY THE COMMITTEE,

1 THE DEPARTMENT SHALL DESTROY ALL RECORDS PERTAINING TO THE
2 IMPAIRMENT OF THE HEALTH PROFESSIONAL, INCLUDING RECORDS PERTAIN-
3 ING TO THE HEALTH PROFESSIONAL'S PARTICIPATION IN THE TREATMENT
4 PLAN, UPON THE EXPIRATION OF 5 YEARS AFTER THE DATE OF THE
5 COMMITTEE'S DETERMINATION. THIS SUBSECTION DOES NOT APPLY TO
6 RECORDS PERTAINING TO A VIOLATION OF THIS ARTICLE OR A RULE
7 PROMULGATED UNDER THIS ARTICLE.

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

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

11 (b) Be of good moral character.

12 (c) Have a specific education or experience in the health
13 profession or in a subfield or specialty field of a health pro-
14 fession, or training equivalent, or both, as prescribed by this
15 article or rules of a board necessary to promote safe and compe-
16 tent practice and informed consumer choice.

17 (d) Have a working knowledge of the English language as
18 determined in accordance with minimum standards established for
19 that purpose by the ~~ecouncil~~ DEPARTMENT.

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

24 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (1), AN
25 APPLICANT FOR LICENSURE, REGISTRATION, OR SPECIALTY CERTIFICATION
26 UNDER THIS ARTICLE SHALL MEET BOTH OF THE FOLLOWING
27 REQUIREMENTS:

1 (A) ESTABLISH THAT DISCIPLINARY PROCEEDINGS BEFORE A SIMILAR
2 LICENSURE, REGISTRATION, OR SPECIALTY CERTIFICATION BOARD OF THIS
3 OR ANY OTHER STATE OR COUNTRY ARE NOT PENDING AGAINST THE
4 APPLICANT.

5 (B) ESTABLISH THAT IF SANCTIONS HAVE BEEN IMPOSED AGAINST
6 THE APPLICANT BY A SIMILAR LICENSURE, REGISTRATION, OR SPECIALTY
7 CERTIFICATION BOARD OF THIS OR ANY OTHER STATE OR COUNTRY BASED
8 UPON GROUNDS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE SET FORTH IN
9 THIS ARTICLE OR ARTICLE 7 OR THE RULES PROMULGATED UNDER THIS
10 ARTICLE OR ARTICLE 7, AS DETERMINED BY THE BOARD OR TASK FORCE TO
11 WHICH THE APPLICANT APPLIES, THE SANCTIONS ARE NOT IN FORCE AT
12 THE TIME OF APPLICATION.

13 (3) BEFORE LICENSING, REGISTERING, OR CERTIFYING AN APPLI-
14 CANT, THE BOARD OR TASK FORCE TO WHICH THE APPLICANT APPLIES MAY
15 DO 1 OF THE FOLLOWING:

16 (A) MAKE AN INDEPENDENT INQUIRY INTO THE APPLICANT'S COMPLI-
17 ANCE WITH THE REQUIREMENTS DESCRIBED IN SUBSECTION (2). IF A
18 LICENSURE OR REGISTRATION BOARD OR TASK FORCE DETERMINES UNDER
19 SUBSECTION (2)(B) THAT SANCTIONS HAVE BEEN IMPOSED AND ARE IN
20 FORCE AT THE TIME OF APPLICATION, THE BOARD OR TASK FORCE SHALL
21 NOT GRANT A LICENSE OR REGISTRATION OR SPECIALTY CERTIFICATION TO
22 THE APPLICANT.

23 (B) REQUIRE THE APPLICANT TO SECURE FROM A NATIONAL ASSOCIA-
24 TION OR FEDERATION OF STATE PROFESSIONAL LICENSING BOARDS CERTI-
25 FICATION OF COMPLIANCE WITH THE REQUIREMENTS DESCRIBED IN SUBSEC-
26 TION (2).

1 (4) IF, AFTER ISSUING A LICENSE, REGISTRATION, OR
2 CERTIFICATION, A BOARD OR TASK FORCE OR THE DEPARTMENT DETERMINES
3 THAT SANCTIONS HAVE BEEN IMPOSED AGAINST THE LICENSEE OR REGIS-
4 TRANT BY A SIMILAR LICENSURE OR REGISTRATION BOARD AS DESCRIBED
5 IN SUBSECTION (2) (B) AND THAT THE SANCTIONS ARE STILL IN FORCE,
6 THE BOARD OR TASK FORCE MAY IMPOSE APPROPRIATE SANCTIONS UPON THE
7 LICENSEE OR REGISTRANT. THE LICENSEE OR REGISTRANT MAY REQUEST A
8 SHOW CAUSE HEARING BEFORE A HEARING EXAMINER TO DEMONSTRATE WHY
9 THE SANCTIONS SHOULD NOT BE IMPOSED.

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

14 Sec. 16177. (1) An individual applying for licensure or
15 registration under this article shall do so on a form provided by
16 the department. If the facts set forth in the application meet
17 the requirements of the board OR TASK FORCE and this article for
18 licensure or registration, the board ~~may~~ OR TASK FORCE SHALL
19 grant a license or registration to the applicant. A board OR
20 TASK FORCE may require the applicant to take an examination to
21 determine if the applicant meets the qualifications for licensure
22 or registration. The examination shall include subjects deter-
23 mined by the board OR TASK FORCE to be essential to the safe and
24 competent practice of the health profession, the appropriate use
25 of a title, or both. Passing scores or the procedure used to
26 determine passing scores shall be established before an
27 examination is administered.

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

6 (A) A FELONY CONVICTION.

7 (B) A MISDEMEANOR CONVICTION, IF THE MISDEMEANOR INVOLVES
8 THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A CON-
9 TROLLED SUBSTANCE.

10 (C) SANCTIONS IMPOSED AGAINST THE APPLICANT BY A SIMILAR
11 LICENSURE, REGISTRATION, OR CERTIFICATION BOARD OF ANOTHER STATE
12 OR COUNTRY.

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

20 Sec. 16181. A board may grant a nonrenewable, temporary
21 license to an applicant who has completed all requirements for
22 licensure except for examination or other required evaluation
23 procedure. A ~~person~~ BOARD SHALL NOT GRANT A TEMPORARY LICENSE
24 TO AN INDIVIDUAL who has previously failed the examination or
25 other required evaluation procedure or whose license has been
26 suspended or revoked. ~~shall not be issued a temporary license.~~
27 A temporary license issued pursuant to this section is valid for

1 18 months, but A BOARD shall automatically ~~be revoked~~ VOID THE
2 TEMPORARY LICENSE if the applicant fails the examination or other
3 required evaluation procedure. The holder of a temporary license
4 shall practice only under the supervision of a licensee who holds
5 a license, other than a health profession subfield license, in
6 the same health profession. The holder of a temporary license
7 shall not be supervised by a licensee who holds a limited or tem-
8 porary license. The department shall promptly issue a temporary
9 license.

10 Sec. 16182. (1) A board may grant a limited license to an
11 individual if the board determines that the limitation is consis-
12 tent with the ability of the individual to practice the health
13 profession in a safe and competent manner, is necessary to pro-
14 tect the health and safety of patients or clients, or is appro-
15 priate to promote the efficient and effective delivery of health
16 care services.

17 (2) In addition to the licenses issued under subsection (1),
18 a board may grant the following types of limited licenses upon
19 application by an individual or upon its own determination:

20 (a) Educational, to an individual engaged in postgraduate
21 education.

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

1 (c) Clinical academic, to an individual who practices the
2 health profession only as part of an academic institution and
3 only in connection with his or her employment or other contrac-
4 tual relationship with that academic institution. For an indi-
5 vidual applying for a limited license under this subdivision to
6 engage in the practice of medicine under part 170, "academic
7 institution" means that term as defined in section 17001.

8 ~~(3) In addition to the limited licenses issued under sub-~~
9 ~~sections (1) and (2), a board may reclassify a license to a~~
10 ~~retiree's limited license upon application and payment of the~~
11 ~~equivalent of a 1 year license fee. A licensee under this sub-~~
12 ~~section is authorized to use the appropriate title listed in sec-~~
13 ~~tion 16263 but shall not practice that health profession. The~~
14 ~~license shall be issued once by the department and shall not have~~
15 ~~an expiration date. A licensee under this subsection is not~~
16 ~~required to fulfill continuing education or continued competency~~
17 ~~requirements. If a licensee under this subsection desires to~~
18 ~~practice the health profession, he or she shall fulfill all~~
19 ~~licensure requirements of this act and the rules promulgated~~
20 ~~under this act in effect at the time the licensee reapplies for~~
21 ~~licensure.~~

22 Sec. 16186. (1) An individual who is licensed to practice a
23 health profession in another state or who is registered in
24 another state or who holds specialty certification from another
25 state and who applies for licensure, registration, or specialty
26 certification in this state may be granted an appropriate license

1 or registration upon satisfying the board OR TASK FORCE TO WHICH
2 THE APPLICANT APPLIES as to all of the following:

3 (a) The applicant substantially meets the requirements of
4 this article and rules promulgated by a board OR TASK FORCE for
5 licensure, registration, or specialty certification.

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

9 ~~(c) That if sanctions have been imposed against the appli-~~
10 ~~cant by a similar licensing or registration board of this or any~~
11 ~~other state or country based upon grounds which are substantially~~
12 ~~similar to those set forth in section 16221, as determined by the~~
13 ~~board, the sanctions are not in force at the time of~~
14 ~~application.~~

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

18 (2) Before licensing, registering, or certifying the appli-
19 cant, the board OR TASK FORCE TO WHICH THE APPLICANT APPLIES may
20 require the applicant to appear personally before it for an
21 interview to evaluate the applicant's relevant qualifications.

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

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

26 ~~(b) Require the applicant to secure from a national~~
27 ~~association or federation of state professional licensing boards~~

1 ~~certification of the requirements described in subsection (1)(b)~~
2 ~~and (c).~~

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

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

10 (2) THE DEPARTMENT MAY SERVE A NOTICE OF HEARING ON A
11 LICENSEE OR REGISTRANT IN AN ACTION OR PROCEEDING FOR A VIOLATION
12 OF THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS
13 ARTICLE OR ARTICLE 7 BY REGULAR MAIL AND BY CERTIFIED MAIL,
14 RETURN RECEIPT REQUESTED, TO THE LICENSEE'S OR REGISTRANT'S LAST
15 KNOWN ADDRESS, SERVING THE NOTICE ON THE LICENSEE OR REGISTRANT,
16 OR MAKING A REASONABLE ATTEMPT TO SERVE THE NOTICE ON THE
17 LICENSEE OR REGISTRANT. FOR PURPOSES OF THIS SUBSECTION, IF
18 SERVICE IS BY MAIL, SERVICE IS EFFECTIVE AT THE TIME OF MAILING,
19 AND NONDELIVERY DOES NOT AFFECT THE VALIDITY OF THE SERVICE IF
20 THE NONDELIVERY WAS CAUSED BY THE REFUSAL OF THE LICENSEE OR REG-
21 ISTRANT TO ACCEPT SERVICE.

22 (3) ~~(2)~~ A license or registration is not transferable.

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

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

4 (3) The individual historical record may include other items
5 concerning a licensee's OR REGISTRANT'S record of practice THAT
6 the appropriate board determines will facilitate proper and
7 periodic review, but only those items as designated by ~~rules of~~
8 ~~the board~~ RULE.

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

14 (a) A notice of revocation, suspension, or limitation of
15 staff privileges by a licensed hospital.

16 (b) A written allegation ~~which~~ OF A VIOLATION OF THIS
17 ARTICLE, ARTICLE 7, OR A RULE PROMULGATED UNDER THIS ARTICLE OR
18 ARTICLE 7 THAT is substantiated after investigation.

19 (c) A notice of disciplinary action by a health professional
20 society.

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

22 (e) Written notice of ~~a conviction of a felony.~~ 1 OR MORE
23 OF THE FOLLOWING:

24 (i) A FELONY CONVICTION.

25 (ii) A MISDEMEANOR CONVICTION, IF THE MISDEMEANOR INVOLVES
26 THE ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A
27 CONTROLLED SUBSTANCE.

1 (F) NOTICE THAT A LICENSEE OR REGISTRANT IS INELIGIBLE TO
2 PARTICIPATE AS A PROVIDER IN A FEDERALLY FUNDED HEALTH INSURANCE
3 OR HEALTH BENEFITS PROGRAM BASED UPON THE LICENSEE'S OR
4 REGISTRANT'S FAILURE TO MEET THE PROGRAM'S STANDARDS OF PROFES-
5 SIONAL PRACTICE. A CERTIFIED COPY OF THE ACTION OR FINAL ORDER
6 MAKING THE LICENSEE OR REGISTRANT INELIGIBLE IS SUFFICIENT NOTICE
7 FOR PURPOSES OF THIS SUBDIVISION.

8 (G) A REPORT OR NOTICE UNDER SECTION 16222.

9 (5) The department shall retain written allegations ~~against~~
10 ~~a licensee which~~ THAT are unsubstantiated for ~~2~~ 5 years, after
11 which ~~they may be removed~~ THE DEPARTMENT SHALL REMOVE THE
12 ALLEGATIONS from the ~~registry, if approved by the appropriate~~
13 ~~board~~ FILE, IF NO FURTHER ALLEGATIONS AGAINST THE LICENSEE OR
14 REGISTRANT HAVE BEEN RECEIVED BY THE DEPARTMENT WITHIN THE 5-YEAR
15 PERIOD.

16 (6) Except as provided in section ~~16231(5)~~ 16231(7), a
17 licensee, REGISTRANT, or applicant may review his or her individ-
18 ual historical record.

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

1 (a) A violation of general duty, consisting of negligence or
2 failure to exercise due care, including negligent delegation to
3 or supervision of employees or other individuals, whether or not
4 injury results, or any conduct, practice, or condition which
5 impairs, or may impair, the ability to safely and skillfully
6 practice the health profession.

7 (b) Personal disqualifications, consisting of any of the
8 following:

9 (i) Incompetence.

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

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

15 (iv) Declaration of mental incompetence by a court of compe-
16 tent jurisdiction.

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

24 (vi) Lack of good moral character.

25 (vii) Conviction of a criminal offense under sections 520a
26 to 520l of the Michigan penal code, Act No. 328 of the Public
27 Acts of 1931, being sections 750.520a to 750.520l of the Michigan

1 Compiled Laws. A certified copy of the court record ~~shall be~~
2 IS conclusive evidence of the conviction.

3 (viii) Conviction of a violation of section 492a of the
4 Michigan penal code, Act No. 328 of the Public Acts of 1931,
5 being section 750.492a of the Michigan Compiled Laws. A certi-
6 fied copy of the court record ~~shall be~~ IS conclusive evidence
7 of the conviction.

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

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

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

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

23 (i) Fraud or deceit in obtaining or renewing a license.

24 (ii) Permitting the license to be used by an unauthorized
25 person.

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

1 (iv) Obtaining, possessing, or attempting to obtain or
2 possess a controlled substance as defined in section 7104 or a
3 drug as defined in section 7105 without lawful authority; or
4 selling, prescribing, giving away, or administering drugs for
5 other than lawful diagnostic or therapeutic purposes.

6 (d) Unethical business practices, consisting of any of the
7 following:

8 (i) False or misleading advertising.

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

12 (iii) Fraud or deceit in obtaining or attempting to obtain
13 third party reimbursement.

14 (e) Unprofessional conduct, consisting of any of the
15 following:

16 (i) Misrepresentation to a consumer or patient or in obtain-
17 ing or attempting to obtain third party reimbursement in the
18 course of professional practice.

19 (ii) Betrayal of a professional confidence.

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

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

26 (f) Failure to report a change of name or address within 30
27 days after the change occurs.

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

3 (h) Failure to comply with a subpoena issued pursuant to
4 this part, FAILURE TO RESPOND TO A COMPLAINT ISSUED UNDER THIS
5 ARTICLE OR ARTICLE 7, OR FAILURE TO APPEAR AT A COMPLIANCE CON-
6 FERENCE OR AN ADMINISTRATIVE HEARING.

7 (i) Failure to pay an installment of an assessment levied
8 pursuant to section 2504 of the insurance code of 1956, Act
9 No. 218 of the Public Acts of 1956, as amended, being section
10 500.2504 of the Michigan Compiled Laws, within 60 days after
11 notice by the appropriate board.

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

13 SEC. 16222. (1) A LICENSEE OR REGISTRANT HAVING KNOWLEDGE
14 THAT ANOTHER LICENSEE OR REGISTRANT HAS COMMITTED A VIOLATION
15 UNDER THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS
16 ARTICLE OR ARTICLE 7 SHALL REPORT THE CONDUCT AND THE NAME OF THE
17 SUBJECT OF THE REPORT TO THE DEPARTMENT. INFORMATION OBTAINED BY
18 THE DEPARTMENT UNDER THIS SUBSECTION IS CONFIDENTIAL AND IS
19 SUBJECT TO SECTIONS 16238 AND 16244(2). FAILURE OF A LICENSEE OR
20 REGISTRANT TO MAKE A REPORT UNDER THIS SUBSECTION DOES NOT GIVE
21 RISE TO A CIVIL CAUSE OF ACTION FOR DAMAGES AGAINST THE LICENSEE
22 OR REGISTRANT. THIS SUBSECTION DOES NOT APPLY TO A LICENSEE OR
23 REGISTRANT WHO OBTAINS THE KNOWLEDGE OF A VIOLATION WHILE PROVID-
24 ING PROFESSIONAL SERVICES TO THE LICENSEE OR REGISTRANT TO WHOM
25 THE KNOWLEDGE APPLIES, WHO IS SERVING ON A DULY CONSTITUTED
26 ETHICS COMMITTEE OF A PROFESSIONAL ASSOCIATION, OR WHO IS SERVING

1 ON A COMMITTEE ASSIGNED A PROFESSIONAL REVIEW FUNCTION IN A
2 HEALTH FACILITY OR AGENCY.

3 (2) UNLESS THE LICENSEE OR REGISTRANT MAKING THE REPORT OTH-
4 ERWISE AGREES IN WRITING, THE IDENTITY OF THE LICENSEE OR REGIS-
5 TRANT MAKING THE REPORT SHALL REMAIN CONFIDENTIAL UNLESS DISCI-
6 PLINARY PROCEEDINGS UNDER THIS PART ARE INITIATED AGAINST THE
7 SUBJECT OF THE REPORT AND THE LICENSEE OR REGISTRANT MAKING THE
8 REPORT IS REQUIRED TO TESTIFY IN THE PROCEEDINGS.

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

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

24 (2) THIS SECTION DOES NOT APPLY TO A LICENSEE OR REGISTRANT
25 WHO IS IN A BONA FIDE HEALTH PROFESSIONAL-PATIENT RELATIONSHIP
26 WITH A LICENSEE, REGISTRANT, OR APPLICANT BELIEVED TO BE
27 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 OR a board OR TASK FORCE is
 7 authorized to require under this part after reasonable notice and
 8 opportunity ~~—~~ FOR A HEARING constitutes a ground for DENIAL OR
 9 suspension of a license OR REGISTRATION until the examination is
 10 taken.

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

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

17 Violations of Section 16221

Sanctions

18 Subdivision (a), (b)(ii),

Probation, limitation, denial,

19 (b)(iv), (b)(vi), or

suspension, revocation,

20 (b)(vii)

restitution, COMMUNITY SERVICE,

21

or fine.

22 Subdivision (b)(viii)

Revocation OR DENIAL.

23 Subdivision (b)(i),

Limitation, suspension,

24 (b)(iii), (b)(v),

revocation, denial,

25 ~~or~~ (b)(ix),

probation, restitution,

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

- 1 or (e)(iv) suspension, revocation,
 2 limitation, COMMUNITY SERVICE,
 3 DENIAL, or restitution.
- 4 Subdivision (f) Reprimand or fine.
- 5 Subdivision (g) Reprimand, probation, denial,
 6 suspension, revocation, limita-
 7 tion, restitution, COMMUNITY
 8 SERVICE, or fine.
- 9 Subdivision (i) Suspension or fine.
- 10 Subdivision (j) Reprimand or fine.

11 (2) Determination of sanctions for violations under THIS
 12 section ~~16226~~ shall be made by a board. If, during judicial
 13 review, ~~a~~ THE court ~~holds~~ OF APPEALS DETERMINES that a
 14 ~~sanction is unlawful under~~ FINAL DECISION OR ORDER OF A BOARD
 15 PREJUDICES SUBSTANTIAL RIGHTS OF THE PETITIONER FOR ANY OF THE
 16 GROUNDS LISTED IN section 106 of the administrative procedures
 17 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
 18 tion 24.306 of the Michigan Compiled Laws, AND HOLDS THAT THE
 19 FINAL DECISION OR ORDER IS UNLAWFUL AND IS TO BE SET ASIDE, the
 20 court shall state on the record the reasons for the holding and
 21 may remand the case to the board for further consideration.

22 (3) A board ~~created under part 170 or 175~~ may impose a
 23 fine of up to, but not exceeding, \$250,000.00 for a violation of
 24 section 16221(a) or (b).

25 (4) A BOARD MAY REQUIRE A LICENSEE OR REGISTRANT OR AN
 26 APPLICANT FOR LICENSURE OR REGISTRATION WHO HAS VIOLATED THIS
 27 ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER THIS ARTICLE OR

1 ARTICLE 7 TO SATISFACTORILY COMPLETE AN EDUCATIONAL PROGRAM, A
2 TRAINING PROGRAM, OR A TREATMENT PROGRAM, A MENTAL, PHYSICAL, OR
3 PROFESSIONAL COMPETENCE EXAM, OR A COMBINATION OF THOSE PROGRAMS
4 AND EXAMS.

5 Sec. 16227. (1) A board shall deny or revoke a registration
6 for fraud or deceit in obtaining the registration or for violat-
7 ing ~~—~~ or aiding or abetting in a violation ~~—~~ of this article
8 or of rules promulgated under this article. A board shall sus-
9 pend or revoke ~~a~~ THE registration ~~permitted to~~ OF A REGIS-
10 TRANT WHO PERMITS HIS OR HER REGISTRATION TO be used by an unau-
11 thorized person.

12 (2) For an offense committed within 2 years after a previous
13 offense of the same kind, a board ~~shall~~ MAY suspend or revoke
14 the license or registration.

15 (3) Section 16226 and this section do not limit any other
16 sanction or additional ~~disciplinary~~ action a board is autho-
17 rized to impose or take.

18 Sec. 16231. (1) A person or governmental entity who
19 believes that a violation of this article or ARTICLE 7 OR a rule
20 promulgated under this article or ~~a ground for disciplinary~~
21 ~~action~~ ARTICLE 7 exists may ~~notify~~ MAKE AN ALLEGATION OF THAT
22 FACT TO the department in writing. ~~The department shall provide~~
23 ~~the appropriate board or its representative with the allegation 5~~
24 ~~days after its receipt.~~

25 ~~(2) If, upon reviewing an allegation, the board or its rep-~~
26 ~~resentative determines there is reasonable basis to believe a~~
27 ~~ground set forth in section 16221(a), (b)(i), (b)(v), or (c)(iii)~~

1 ~~exists, the department shall investigate. If a board or its~~
2 ~~representative does not make a determination within 30 days, the~~
3 ~~department shall make the determination.~~

4 (2) ~~(3)~~ If, upon reviewing an APPLICATION OR AN allegation
5 OR A LICENSEE'S FILE UNDER SECTION 16211(4), the department
6 determines there is a reasonable basis to believe the existence
7 of ~~grounds other than those listed in subsection (2)~~ A VIOLA-
8 TION OF THIS ARTICLE OR ARTICLE 7 OR A RULE PROMULGATED UNDER
9 THIS ARTICLE OR ARTICLE 7, the department shall investigate.

10 (3) ~~(4)~~ Upon the receipt of information reported pursuant
11 to section 16243(2) ~~which~~ THAT indicates 3 or more malpractice
12 settlements, awards, or judgments against a licensee in ~~any con-~~
13 ~~secutive 10-year~~ A period OF 5 CONSECUTIVE YEARS or 1 or more
14 malpractice settlements, awards, or judgments against a licensee
15 totaling more than \$200,000.00 in ~~any consecutive 10-year~~ A
16 period OF 5 CONSECUTIVE YEARS, whether or not a judgment or award
17 is stayed pending appeal, ~~a board shall notify the department,~~
18 ~~and~~ the department shall investigate.

19 (4) AT ANY TIME DURING AN INVESTIGATION OR FOLLOWING THE
20 ISSUANCE OF A COMPLAINT, THE DEPARTMENT MAY SCHEDULE A COMPLIANCE
21 CONFERENCE PURSUANT TO SECTION 92 OF THE ADMINISTRATIVE PROCE-
22 DURES ACT OF 1969, BEING SECTION 24.292 OF THE MICHIGAN COMPILED
23 LAWS. THE CONFERENCE MAY INCLUDE THE APPLICANT, LICENSEE, OR
24 REGISTRANT, THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S ATTOR-
25 NEY, 1 MEMBER OF THE DEPARTMENT'S STAFF, AND ANY OTHER INDIVIDU-
26 ALS APPROVED BY THE DEPARTMENT. ONE MEMBER OF THE APPROPRIATE
27 BOARD OR TASK FORCE MAY ATTEND THE CONFERENCE AND PROVIDE SUCH

1 ASSISTANCE AS NEEDED. AT THE COMPLIANCE CONFERENCE, THE
2 DEPARTMENT SHALL ATTEMPT TO REACH AGREEMENT. IF AN AGREEMENT IS
3 REACHED, THE DEPARTMENT SHALL SUBMIT A WRITTEN STATEMENT OUTLIN-
4 ING THE TERMS OF THE AGREEMENT, OR A STIPULATION AND FINAL ORDER,
5 IF APPLICABLE, OR A REQUEST FOR DISMISSAL TO THE APPROPRIATE
6 BOARD FOR APPROVAL. IF THE AGREEMENT OR STIPULATION AND FINAL
7 ORDER OR REQUEST FOR DISMISSAL IS REJECTED BY THE BOARD, OR IF NO
8 AGREEMENT IS REACHED, A HEARING BEFORE A HEARINGS EXAMINER SHALL
9 BE SCHEDULED. A PARTY SHALL NOT MAKE A TRANSCRIPT OF THE COMPLI-
10 ANCE CONFERENCE.

11 (5) Within ~~45~~ 90 days after ~~receipt of the allegation~~ AN
12 INVESTIGATION IS INITIATED UNDER SUBSECTION (2) OR (3), the
13 department shall ~~notify the person making the allegation in~~
14 ~~writing of actions taken. The department shall transmit a~~
15 ~~response to the appropriate board within 5 days after the date~~
16 ~~sent.~~ DO 1 OR MORE OF THE FOLLOWING:

- 17 (A) ISSUE A FORMAL COMPLAINT.
18 (B) CONDUCT A COMPLIANCE CONFERENCE UNDER SUBSECTION (4).
19 (C) ISSUE A SUMMARY SUSPENSION.
20 (D) ISSUE A CEASE AND DESIST ORDER.
21 (E) DISMISS THE COMPLAINT.
22 (F) PLACE IN THE COMPLAINT FILE A WRITTEN EXTENSION OF NOT
23 MORE THAN 30 DAYS TO TAKE ACTION UNDER THIS SUBSECTION.

24 (6) ~~The~~ UNLESS THE PERSON SUBMITTING THE ALLEGATION UNDER
25 SUBSECTION (1) OTHERWISE AGREES IN WRITING, THE DEPARTMENT SHALL
26 KEEP THE identity of a person submitting the allegation ~~shall~~
27 ~~remain~~ confidential until disciplinary proceedings under this

1 part are initiated against the subject of the allegation and the
2 person making the allegation is required to testify in the
3 proceedings.

4 (7) ~~The Michigan board of medicine created in part 170, or~~
5 ~~the Michigan board of osteopathic medicine and surgery created in~~
6 ~~part 175, or the official designee of either board shall review~~
7 ~~allegations on a priority basis. These allegations which are~~
8 ~~determined by the boards or their official designees to pose a~~
9 ~~serious risk to the public health and welfare shall be reviewed~~
10 ~~before all other allegations received by the boards or their~~
11 ~~representatives.~~ THE DEPARTMENT SHALL MAIL A COMPLAINT TO THE
12 APPLICANT, LICENSEE, OR REGISTRANT WHO IS THE SUBJECT OF THE COM-
13 PLAIN BY REGULAR MAIL AND BY CERTIFIED MAIL, RETURN RECEIPT
14 REQUESTED, AT THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S LAST
15 KNOWN ADDRESS, SERVE THE COMPLAINT UPON THE APPLICANT, LICENSEE,
16 OR REGISTRANT, OR MAKE A REASONABLE ATTEMPT TO SERVE THE COM-
17 PLAIN UPON THE APPLICANT, LICENSEE, OR REGISTRANT. FOR PURPOSES
18 OF THIS SUBSECTION, IF SERVICE IS BY MAIL, THEN SERVICE IS EFFEC-
19 TIVE 3 DAYS AFTER THE DATE OF MAILING, AND NONDELIVERY DOES NOT
20 AFFECT THE VALIDITY OF THE SERVICE IF THE NONDELIVERY WAS CAUSED
21 BY THE REFUSAL OF THE APPLICANT, LICENSEE, OR REGISTRANT TO
22 ACCEPT SERVICE. THE DEPARTMENT SHALL INCLUDE IN THE COMPLAINT A
23 NOTICE THAT THE APPLICANT, LICENSEE, OR REGISTRANT WHO IS THE
24 SUBJECT OF THE COMPLAINT HAS 30 DAYS FROM THE DATE OF RECEIPT TO
25 RESPOND IN WRITING TO THE COMPLAINT. THE DEPARTMENT OF COMMERCE
26 MAY CONSULT WITH THE DEPARTMENT OF ATTORNEY GENERAL BEFORE
27 PREPARING A COMPLAINT UNDER THIS SUBSECTION, AND MAY UTILIZE AN

1 ATTORNEY ON THE DEPARTMENT OF COMMERCE STAFF, AN ATTORNEY UNDER
2 CONTRACT TO THE DEPARTMENT OF COMMERCE, OR A DEPARTMENT OF COM-
3 MERCE PARALEGAL UNIT TO DRAFT COMPLAINTS.

4 (8) THE DEPARTMENT SHALL TREAT THE FAILURE OF THE APPLICANT,
5 LICENSEE, OR REGISTRANT TO RESPOND TO THE COMPLAINT WITHIN THE
6 30-DAY PERIOD SET FORTH IN SUBSECTION (7) AS AN ADMISSION OF THE
7 ALLEGATIONS CONTAINED IN THE COMPLAINT. THE DEPARTMENT SHALL
8 NOTIFY THE APPROPRIATE BOARD OR TASK FORCE OF THE INDIVIDUAL'S
9 FAILURE TO RESPOND AND SHALL FORWARD A COPY OF THE COMPLAINT TO
10 THAT BOARD OR TASK FORCE. SUBJECT TO SECTION 16231B, THE BOARD
11 OR TASK FORCE MAY THEN IMPOSE AN APPROPRIATE SANCTION UNDER THIS
12 ARTICLE OR ARTICLE 7.

13 SEC. 16231A. (1) IF AN AGREEMENT IS NOT REACHED AT A COM-
14 PLIANCE CONFERENCE HELD UNDER SECTION 16231(4), OR IF AN AGREE-
15 MENT IS REACHED BUT IS REJECTED BY A BOARD OR TASK FORCE AND THE
16 PARTIES DO NOT REACH A NEW AGREEMENT, THE DEPARTMENT SHALL HOLD A
17 HEARING BEFORE A HEARINGS EXAMINER EMPLOYED BY OR UNDER CONTRACT
18 TO THE DEPARTMENT. IF AN AGREEMENT IS REACHED BUT IS REJECTED BY
19 A BOARD OR TASK FORCE, THE DEPARTMENT SHALL NOT HOLD ANOTHER COM-
20 PLIANCE CONFERENCE, BUT MAY CONTINUE TO TRY AND REACH A NEW
21 AGREEMENT. THE HEARINGS EXAMINER SHALL CONDUCT THE HEARING
22 WITHIN 60 DAYS AFTER THE COMPLIANCE CONFERENCE AT WHICH AN AGREE-
23 MENT IS NOT REACHED OR AFTER THE AGREEMENT IS REJECTED BY THE
24 BOARD OR TASK FORCE, UNLESS A NEW AGREEMENT IS REACHED AND
25 APPROVED BY THE BOARD OR TASK FORCE. ONE MEMBER OF THE APPROPRI-
26 ATE BOARD OR TASK FORCE MAY ATTEND THE HEARING AND PROVIDE SUCH
27 ASSISTANCE AS NEEDED.

1 (2) THE HEARINGS EXAMINER SHALL DETERMINE IF THERE ARE
2 GROUNDS FOR DISCIPLINARY ACTION UNDER SECTION 16221 OR IF THE
3 APPLICANT, LICENSEE, OR REGISTRANT HAS VIOLATED THIS ARTICLE OR
4 ARTICLE 7 OR THE RULES PROMULGATED UNDER THIS ARTICLE OR ARTICLE
5 7. THE HEARINGS EXAMINER SHALL PREPARE RECOMMENDED FINDINGS OF
6 FACT AND CONCLUSIONS OF LAW FOR TRANSMITTAL TO THE APPROPRIATE
7 BOARD OR TASK FORCE. THE HEARINGS EXAMINER SHALL NOT RECOMMEND
8 OR IMPOSE PENALTIES.

9 (3) THE APPLICANT, LICENSEE, OR REGISTRANT WHO IS THE
10 SUBJECT OF THE COMPLAINT OR THE DEPARTMENT OF ATTORNEY GENERAL
11 MAY REQUEST AND BE GRANTED NOT MORE THAN 1 CONTINUANCE BY THE
12 HEARINGS EXAMINER FOR GOOD CAUSE SHOWN.

13 (4) THE APPLICANT, LICENSEE, OR REGISTRANT MAY BE REPRESENTED AT THE HEARING BY LEGAL COUNSEL. THE DEPARTMENT SHALL BE REPRESENTED AT THE HEARING BY AN ASSISTANT ATTORNEY GENERAL FROM THE DEPARTMENT OF ATTORNEY GENERAL. THE ASSISTANT ATTORNEY GENERAL SHALL NOT BE THE SAME INDIVIDUAL ASSIGNED BY THE DEPARTMENT OF ATTORNEY GENERAL TO PROVIDE LEGAL COUNSEL TO THE BOARD.

19 (5) UNLESS A CONTINUANCE HAS BEEN GRANTED UNDER
20 SUBSECTION (3), FAILURE OF AN APPLICANT, LICENSEE, OR REGISTRANT
21 TO APPEAR OR BE REPRESENTED AT A SCHEDULED HEARING SHALL BE
22 TREATED BY THE HEARINGS EXAMINER AS A DEFAULT AND AN ADMISSION OF
23 THE ALLEGATIONS CONTAINED IN THE COMPLAINT. THE HEARINGS
24 EXAMINER SHALL NOTIFY THE APPROPRIATE BOARD OR TASK FORCE OF THE
25 INDIVIDUAL'S FAILURE TO APPEAR AND FORWARD A COPY OF THE COMPLAINT AND ANY OTHER RELEVANT RECORDS TO THE BOARD OR TASK

1 FORCE. THE BOARD OR TASK FORCE MAY THEN IMPOSE AN APPROPRIATE
2 SANCTION UNDER THIS ARTICLE OR ARTICLE 7.

3 (6) THE DEPARTMENT SHALL PROMULGATE RULES TO GOVERN HEARINGS
4 AND RELATED PRELIMINARY PROCEEDINGS.

5 SEC. 16231B. (1) THE CHAIR OF EACH BOARD OR TASK FORCE AND
6 THE DIRECTOR MAY APPOINT A DISCIPLINARY ADVISORY SUBCOMMITTEE
7 CONSISTING OF 2 PUBLIC MEMBERS AND 3 PROFESSIONAL MEMBERS. THE 3
8 PROFESSIONAL MEMBERS SHALL BE APPOINTED BY THE CHAIR OF THE BOARD
9 OR TASK FORCE. THE 2 PUBLIC MEMBERS SHALL NOT BE MEMBERS OF THE
10 BOARD OR TASK FORCE BUT SHALL BE APPOINTED BY THE DIRECTOR AND
11 SHALL BE EMPLOYEES OF THE DEPARTMENT.

12 (2) UPON RECEIPT BY A BOARD OR TASK FORCE OF FINDINGS OF
13 FACT AND CONCLUSIONS OF LAW FROM A HEARINGS EXAMINER UNDER SEC-
14 TION 16231A AND BEFORE A BOARD OR TASK FORCE IMPOSES AN APPROPRI-
15 ATE SANCTION BASED ON THE FINDINGS OF FACT AND CONCLUSIONS OF LAW
16 OR ON A LICENSEE'S OR REGISTRANT'S FAILURE TO RESPOND TO A COM-
17 PLAIN, ATTEND A COMPLIANCE CONFERENCE, OR ATTEND OR BE REPRE-
18 SENTED AT A SCHEDULED HEARING AS DESCRIBED IN SECTIONS 16231 AND
19 16231A, THE CHAIR OF THE BOARD OR TASK FORCE SHALL NOTIFY THE
20 DISCIPLINARY ADVISORY SUBCOMMITTEE APPOINTED UNDER SUBSECTION (1)
21 OF THE PENDING CASE.

22 (3) WITHIN 15 DAYS AFTER RECEIPT OF NOTICE UNDER SUBSECTION
23 (2), A DISCIPLINARY ADVISORY SUBCOMMITTEE APPOINTED UNDER SUBSEC-
24 TION (1) SHALL CONVENE AND REVIEW THE ALLEGATION, COMPLAINT, AND
25 OTHER INFORMATION PROVIDED BY THE DEPARTMENT OR THE FINDINGS OF
26 FACT AND CONCLUSIONS OF LAW PREPARED BY THE HEARINGS EXAMINER AND

1 ISSUE A RECOMMENDATION TO THE BOARD OR TASK FORCE REGARDING THE
2 DISPOSITION OF THE CASE.

3 (4) A BOARD OR TASK FORCE SHALL ADOPT THE RECOMMENDATION OF
4 A DISCIPLINARY ADVISORY SUBCOMMITTEE APPOINTED UNDER SUBSECTION
5 (1) AT A HEARING HELD UNDER SECTION 16232 UNLESS THE RECOMMENDA-
6 TION IS REJECTED AT THE HEARING BY A MAJORITY OF THE MEMBERS
7 APPOINTED TO AND SERVING ON THE BOARD OR TASK FORCE. IF THE
8 BOARD OR TASK FORCE REJECTS THE RECOMMENDATION OF THE DISCI-
9 PLINARY ADVISORY SUBCOMMITTEE, THE BOARD OR TASK FORCE SHALL
10 STATE THE REASONS FOR THE REJECTION IN WRITING.

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

17 (2) ~~An~~ THE DEPARTMENT SHALL PROVIDE AN opportunity for a
18 hearing ~~shall be provided~~ in connection with the denial,
19 LIMITATION, suspension, ~~or~~ revocation, OR REINSTATEMENT of a
20 registration or A proceeding to reprimand, ~~or~~ fine, ~~a~~
21 ~~registrant~~ ORDER COMMUNITY SERVICE OR RESTITUTION, OR PLACE A
22 REGISTRANT ON PROBATION.

23 (3) A BOARD OR TASK FORCE SHALL MEET WITHIN 60 DAYS AFTER
24 RECEIPT OF THE RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF
25 LAW FROM A HEARINGS EXAMINER TO IMPOSE A PENALTY.

1 (4) ONLY THE DEPARTMENT SHALL PROMULGATE RULES GOVERNING
2 HEARINGS UNDER THIS ARTICLE OR ARTICLE 7 AND RELATED PRELIMINARY
3 PROCEEDINGS.

4 Sec. 16233. (1) The department may conduct an investigation
5 necessary to administer and enforce this article. Investigations
6 may include written, oral, or practical tests of a licensee's OR
7 REGISTRANT'S competency.

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

16 (3) AN INDIVIDUAL ORDERED TO CEASE AND DESIST UNDER
17 SUBSECTION (2) IS ENTITLED TO A HEARING BEFORE A HEARINGS
18 EXAMINER IF THE INDIVIDUAL FILES A WRITTEN REQUEST FOR A HEARING
19 WITHIN 30 DAYS AFTER THE EFFECTIVE DATE OF THE CEASE AND DESIST
20 ORDER. THE DEPARTMENT SHALL SUBSEQUENTLY PRESENT THE NOTICE, IF
21 ANY, OF THE APPLICANT'S, LICENSEE'S, OR REGISTRANT'S FAILURE TO
22 RESPOND TO A COMPLAINT, OR ATTEND OR BE REPRESENTED AT A HEARING
23 AS DESCRIBED IN SECTIONS 16231 AND 16231A, OR THE RECOMMENDED
24 FINDINGS OF FACT AND CONCLUSIONS OF LAW TO THE APPROPRIATE BOARD
25 OR TASK FORCE TO DETERMINE WHETHER THE ORDER IS TO REMAIN IN
26 EFFECT OR BE DISSOLVED.

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

6 (5) ~~(3)~~ The ~~appropriate board~~ DEPARTMENT may summarily
7 suspend a license OR REGISTRATION if the public health, safety,
8 or welfare requires emergency action in accordance with section
9 92 of the administrative procedures act of 1969, BEING SECTION
10 24.292 OF THE MICHIGAN COMPILED LAWS. IF A LICENSEE OR REGIS-
11 TRANT IS CONVICTED OF A FELONY OR A MISDEMEANOR INVOLVING THE
12 ILLEGAL DELIVERY, POSSESSION, OR USE OF ALCOHOL OR A CONTROLLED
13 SUBSTANCE, THE APPROPRIATE BOARD OR TASK FORCE SHALL FIND THAT
14 THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION
15 AND SHALL SUSPEND THE LICENSEE'S LICENSE OR THE REGISTRANT'S
16 REGISTRATION.

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

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

24 Sec. 16234. (1) The department may ~~authorize a hearings~~
25 ~~examiner to~~ hold hearings and administer oaths ~~—~~ and order
26 testimony to be taken at a hearing or by deposition conducted
27 pursuant to the administrative procedures act of 1969.

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

3 Sec. 16235. (1) Upon application by the attorney general or
4 a party to a contested case, the circuit court may issue a sub-
5 poena requiring a person to appear before a hearings examiner in
6 a contested case or before the department in an investigation and
7 be examined with reference to a matter within the scope of that
8 contested case or investigation and to produce books, papers, or
9 documents pertaining to that contested case ~~—~~ or
10 investigation. A SUBPOENA ISSUED UNDER THIS SUBSECTION MAY
11 REQUIRE A PERSON TO PRODUCE ALL BOOKS, PAPERS, AND DOCUMENTS PER-
12 TAINING TO A LICENSEE'S OR REGISTRANT'S PATIENT IN A HEALTH
13 FACILITY ON A PARTICULAR DAY IF THE ALLEGATION THAT GAVE RISE TO
14 THE DISCIPLINARY PROCEEDING WAS MADE BY OR PERTAINS TO THAT
15 PATIENT.

16 (2) A copy of a record of ~~the council,~~ a board ~~,~~ or a
17 task force certified by a person designated by the director
18 ~~shall be~~ IS prima facie evidence of the matters recorded and
19 ~~shall be~~ IS admissible as evidence in a proceeding in this
20 state with the same force and effect as if the original were
21 produced.

22 Sec. 16236. (1) In a hearing OR AN INVESTIGATION where
23 mental or physical inability OR SUBSTANCE ABUSE under section
24 16221 OR IMPAIRMENT is alleged, the board OR TASK FORCE or A
25 hearings examiner may require the APPLICANT, licensee, OR
26 REGISTRANT to submit to a mental or physical examination
27 conducted by physicians or other appropriate health professionals

1 designated by the board OR THE DEPARTMENT. ~~This~~ AN examination
2 CONDUCTED UNDER THIS SUBSECTION shall be at the expense of the
3 ~~department~~ LICENSEE OR REGISTRANT.

4 (2) For purposes of this section, an individual licensed OR
5 REGISTERED under this part who accepts the privilege of practic-
6 ing in this state, by so practicing or by receiving a license or
7 renewal to practice OR BY RECEIVING REGISTRATION, AND AN INDIVID-
8 UAL WHO APPLIES FOR LICENSURE OR REGISTRATION, consents to submit
9 to a mental or physical examination UNDER SUBSECTION (1) when
10 directed to do so in writing by a board or TASK FORCE, A hearings
11 examiner, ~~conducting the hearing and~~ OR THE DEPARTMENT. THE
12 INDIVIDUAL waives all objections to the admissibility of the tes-
13 timony or examination reports of the examining health profes-
14 sional on the ground that the testimony or reports constitute
15 privileged communications.

16 SEC. 16237. (1) IN IMPOSING A PENALTY UNDER SECTION
17 16232(3), A BOARD OR TASK FORCE SHALL REVIEW THE RECOMMENDED
18 FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE HEARINGS
19 EXAMINER.

20 (2) IN REVIEWING THE RECOMMENDED FINDINGS OF FACT AND CON-
21 CLUSIONS OF LAW OF THE HEARINGS EXAMINER AND THE RECORD OF THE
22 HEARING, A BOARD OR TASK FORCE MAY REQUEST OF A PARTY ADDITIONAL
23 TESTIMONY OR EVIDENCE ON A SPECIFIC ISSUE OR MAY REVISE THE REC-
24 OMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW AS DETERMINED
25 NECESSARY BY THE BOARD OR TASK FORCE, OR BOTH.

26 (3) IF A BOARD OR TASK FORCE FINDS THAT A PREPONDERANCE OF
27 THE EVIDENCE SUPPORTS THE RECOMMENDED FINDINGS OF FACT AND

1 CONCLUSIONS OF LAW OF THE HEARINGS EXAMINER INDICATING THAT
2 GROUNDS EXIST FOR DISCIPLINARY ACTION, THE BOARD OR TASK FORCE
3 SHALL IMPOSE AN APPROPRIATE SANCTION UNDER THIS ARTICLE OR ARTI-
4 CLE 7. IF THE BOARD OR TASK FORCE FINDS THAT A PREPONDERANCE OF
5 THE EVIDENCE DOES NOT SUPPORT THE FINDINGS OF FACT AND CONCLU-
6 SIONS OF LAW OF THE HEARINGS EXAMINER INDICATING THAT GROUNDS
7 EXIST FOR DISCIPLINARY ACTION, THE BOARD OR TASK FORCE SHALL DIS-
8 MISS THE COMPLAINT.

9 (4) THE COMPLIANCE CONFERENCE, THE HEARING BEFORE THE HEAR-
10 INGS EXAMINER, AND FINAL BOARD OR TASK FORCE ACTION SHALL BE COM-
11 PLETED WITHIN 1 YEAR AFTER THE DEPARTMENT INITIATES AN INVESTIGA-
12 TION UNDER SECTION 16231(2) OR (3). THE DEPARTMENT SHALL NOTE IN
13 ITS ANNUAL REPORT ANY EXCEPTIONS TO THE 1-YEAR REQUIREMENT.

14 (5) A FINAL DECISION OF A BOARD OR TASK FORCE MAY BE
15 APPEALED TO THE COURT OF APPEALS. AN APPEAL FILED UNDER THIS
16 SUBSECTION SHALL BE BY RIGHT.

17 SEC. 16238. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
18 13(1)(U)(i) AND (ii) OF THE FREEDOM OF INFORMATION ACT, ACT
19 NO. 442 OF THE PUBLIC ACTS OF 1976, BEING SECTION 15.243 OF THE
20 MICHIGAN COMPILED LAWS, THE INFORMATION INCLUDING, BUT NOT
21 LIMITED TO, PATIENT NAMES, OBTAINED IN AN INVESTIGATION BEFORE A
22 COMPLAINT IS ISSUED, IS CONFIDENTIAL AND SHALL NOT BE DISCLOSED
23 EXCEPT TO THE EXTENT NECESSARY FOR THE PROPER FUNCTIONING OF A
24 HEARINGS EXAMINER, A BOARD OR TASK FORCE, OR THE DEPARTMENT.

25 (2) A COMPLIANCE CONFERENCE CONDUCTED UNDER THIS PART SHALL
26 BE CLOSED TO THE PUBLIC.

1 SEC. 16239. EACH LICENSEE OR REGISTRANT WHO IS IN PRIVATE
2 PRACTICE SHALL MAKE AVAILABLE UPON REQUEST OF A PATIENT A
3 PAMPHLET PROVIDED BY THE DEPARTMENT OUTLINING THE PROCEDURE FOR
4 FILING AN ALLEGATION WITH THE DEPARTMENT UNDER SECTION 16231.
5 THE DEPARTMENT SHALL PREPARE AND PRINT THE PAMPHLET IN LANGUAGES
6 THAT ARE APPROPRIATE TO THE ETHNIC COMPOSITION OF THE PATIENT
7 POPULATION WHERE THE PAMPHLET WILL BE AVAILABLE.

8 Sec. 16241. (1) After administrative disciplinary action is
9 final, the department of ~~licensing and regulation~~ COMMERCE
10 shall publish a list of the names and addresses of disciplined
11 individuals. THE DEPARTMENT OF COMMERCE SHALL INDICATE ON THE
12 LIST THAT A FINAL ADMINISTRATIVE DISCIPLINARY ACTION IS SUBJECT
13 TO JUDICIAL REVIEW. The department of ~~licensing and regulation~~
14 COMMERCE shall report disciplinary action to the department of
15 public health, the commissioner of insurance, the state and fed-
16 eral agencies responsible for fiscal administration of federal
17 health care programs, and the appropriate professional
18 association.

19 (2) ONCE EACH CALENDAR YEAR, THE DEPARTMENT OF COMMERCE
20 SHALL TRANSMIT TO THE LIBRARY OF MICHIGAN SUFFICIENT COPIES OF A
21 COMPILATION OF THE LISTS REQUIRED UNDER SUBSECTION (1) FOR THE
22 IMMEDIATELY PRECEDING 3 CALENDAR YEARS. THE LIBRARY OF MICHIGAN
23 SHALL DISTRIBUTE THE COMPILATION TO EACH DEPOSITORY LIBRARY IN
24 THE STATE.

25 (3) ~~-(2)-~~ The department of public health shall report the
26 disciplinary actions to appropriate licensed health facilities
27 and agencies. The commissioner of insurance shall report the

1 disciplinary actions received from the department of ~~licensing~~
2 ~~and regulation~~ COMMERCE to insurance carriers providing profes-
3 sional liability insurance.

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

12 (5) A LICENSEE OR REGISTRANT WHOSE LICENSE OR REGISTRATION
13 IS REVOKED OR IS SUSPENDED FOR MORE THAN 90 DAYS UNDER THIS ARTI-
14 CLE SHALL NOTIFY IN WRITING EACH PATIENT OR CLIENT WHO IS UNDER
15 THE LICENSEE'S OR REGISTRANT'S CARE ON THE DATE OF THE FINAL
16 ORDER IMPOSING THE REVOCATION OR SUSPENSION AND EACH INDIVIDUAL
17 WHO CONTACTS THE LICENSEE OR REGISTRANT FOR PROFESSIONAL SERVICES
18 DURING THE TERM OF THE REVOCATION OR SUSPENSION. THE NOTICE
19 SHALL BE ON A FORM PROVIDED BY THE LICENSEE'S OR REGISTRANT'S
20 BOARD OR TASK FORCE AND SHALL STATE, AT A MINIMUM, THE NAME,
21 ADDRESS, AND LICENSE OR REGISTRATION NUMBER OF THE LICENSEE OR
22 REGISTRANT, THE FACT THAT HIS OR HER LICENSE OR REGISTRATION HAS
23 BEEN REVOKED OR SUSPENDED, THE EFFECTIVE DATE OF THE REVOCATION
24 OR SUSPENSION, AND THE TERM OF THE REVOCATION OR SUSPENSION.
25 EACH BOARD OR TASK FORCE SHALL DEVELOP A NOTICE FORM THAT MEETS
26 AT LEAST THE MINIMUM REQUIREMENTS OF THIS SUBSECTION. THE
27 LICENSEE OR REGISTRANT SHALL SEND THE NOTICE TO EACH PATIENT OR

1 CLIENT WHO IS UNDER THE LICENSEE'S OR REGISTRANT'S CARE ON THE
2 DATE OF THE FINAL ORDER IMPOSING THE REVOCATION OR SUSPENSION
3 WITHIN 30 DAYS AFTER THE DATE OF THE FINAL ORDER IMPOSING THE
4 REVOCATION OR SUSPENSION AND SHALL SIMULTANEOUSLY TRANSMIT A COPY
5 OF THE NOTICE TO THE DEPARTMENT. THE LICENSEE OR REGISTRANT
6 SHALL NOTIFY EACH INDIVIDUAL WHO CONTACTS THE LICENSEE OR REGIS-
7 TRANT FOR PROFESSIONAL SERVICES DURING THE TERM OF THE REVOCATION
8 OR SUSPENSION AT THE TIME OF CONTACT. THE LICENSEE OR REGISTRANT
9 SHALL ALSO PROVIDE A COPY OF THE NOTICE WITHIN 10 DAYS AFTER THE
10 DATE OF THE FINAL ORDER IMPOSING THE REVOCATION OR SUSPENSION TO
11 HIS OR HER EMPLOYER, IF ANY, AND TO EACH HOSPITAL, IF ANY, IN
12 WHICH THE LICENSEE OR REGISTRANT IS ADMITTED TO PRACTICE.

13 (6) A LICENSEE OR REGISTRANT WHO IS REPRIMANDED, FINED,
14 PLACED ON PROBATION, OR ORDERED TO PAY RESTITUTION UNDER THIS
15 ARTICLE OR AN APPLICANT WHOSE APPLICATION FOR LICENSURE OR REGIS-
16 TRATION IS DENIED UNDER THIS ARTICLE SHALL NOTIFY HIS OR HER
17 EMPLOYER AND EACH HOSPITAL IN WHICH HE OR SHE IS ADMITTED TO
18 PRACTICE, IN THE SAME MANNER AS PROVIDED FOR NOTICE OF REVOCATION
19 OR SUSPENSION UNDER SUBSECTION (5), WITHIN 10 DAYS AFTER THE DATE
20 OF THE FINAL ORDER IMPOSING THE SANCTION.

21 (7) THE DEPARTMENT OF COMMERCE SHALL ANNUALLY REPORT TO THE
22 LEGISLATURE AND TO EACH BOARD AND TASK FORCE ON DISCIPLINARY
23 ACTIONS TAKEN UNDER THIS ARTICLE AND ARTICLE 7. THE REPORT SHALL
24 CONTAIN, AT A MINIMUM, ALL OF THE FOLLOWING INFORMATION:

25 (A) INVESTIGATIONS CONDUCTED, COMPLAINTS ISSUED, AND SETTLE-
26 MENTS REACHED BY THE DEPARTMENT OF COMMERCE, SEPARATED OUT BY
27 TYPE OF COMPLAINT AND HEALTH PROFESSION.

1 (B) INVESTIGATIONS AND COMPLAINTS CLOSED OR DISMISSED.

2 (C) ACTIONS TAKEN BY EACH BOARD AND TASK FORCE, SEPARATED
3 OUT BY TYPE OF COMPLAINT, HEALTH PROFESSION, AND FINAL ORDER
4 ISSUED.

5 (D) RECOMMENDATIONS BY BOARDS AND TASK FORCES.

6 (E) THE NUMBER OF EXTENSIONS AND DELAYS GRANTED BY THE
7 DEPARTMENT THAT WERE IN EXCESS OF THE TIME LIMITS REQUIRED UNDER
8 THIS ARTICLE FOR EACH PHASE OF THE DISCIPLINARY PROCESS, AND THE
9 TYPES OF CASES FOR WHICH THE EXTENSIONS AND DELAYS WERE GRANTED.

10 (8) WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDA-
11 TORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT OF COMMERCE
12 SHALL SUBMIT A PUBLIC REPORT TO THE LEGISLATURE ON THE EFFECTIVE-
13 NESS OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. THE
14 REPORT SHALL INCLUDE A REVIEW AND EVALUATION OF THE DISCIPLINARY
15 PROCESS AND THE REPORTING REQUIREMENTS OF THIS ARTICLE AND
16 ARTICLE 17 AND RECOMMENDED ADMINISTRATIVE OR STATUTORY CHANGES,
17 IF ANY.

18 Sec. 16243. (1) ~~A board~~ THE DEPARTMENT may request and
19 SHALL receive the following reports: ~~and shall evaluate the~~
20 ~~reports, determine whether grounds for disciplinary action exist,~~
21 ~~and apply appropriate sanctions.~~

22 (a) Information from a licensed health care facility as to
23 disciplinary action taken by it ~~which~~ THAT results in the
24 change of employment status or privileges of practice of a
25 licensee, and a summary of the information pertinent to the
26 change, ~~where~~ IF the DISCIPLINARY action is related to the
27 safety and competence of practice.

1 (b) Information from an insurer providing professional
2 liability insurance as to claims or actions for damages against a
3 licensee; settlements in any amount; final disposition not
4 resulting in payment on behalf of the insured; and a personal
5 injury claimed to have been caused by an error, omission, or neg-
6 ligence in the performance of the insured professional services.

7 AN INSURER THAT RECEIVES A REQUEST UNDER THIS SUBDIVISION SHALL
8 SUBMIT THE INFORMATION REQUESTED DIRECTLY TO THE DEPARTMENT.

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

13 (D) A REPORT BY A LICENSEE OR REGISTRANT UNDER
14 SECTION 16222.

15 (E) INFORMATION PROVIDED BY THE INSURANCE BUREAU UNDER SEC-
16 TIONS 2477, 2477B, AND 2477C OF THE INSURANCE CODE, ACT NO. 218
17 OF THE PUBLIC ACTS OF 1956, BEING SECTIONS 500.2477, 500.2477B,
18 AND 500.2477C OF THE MICHIGAN COMPILED LAWS, INFORMATION PROVIDED
19 BY THE NATIONAL PRACTITIONER DATA BANK, AND REPORTS FROM THE
20 MICHIGAN HEALTH CARE ARBITRATION PROGRAM.

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

26 (2) Within 10 days after the entry of a judgment against a
27 licensee finding the licensee negligent in an action for

1 malpractice or the approval by a court of a settlement in an
2 action for malpractice, the clerk of the court in which the judg-
3 ment was entered or the settlement approved shall prepare and
4 immediately forward to the ~~appropriate board~~ DEPARTMENT on a
5 form prescribed by the department a report setting forth the name
6 of the licensee and the amount of damages awarded or the amount
7 of the approved settlement.

8 Sec. 16244. (1) A person, including a state or county
9 health professional organization, a committee of the organi-
10 zation, or an employee or officer of the organization furnishing
11 information to, or on behalf of, the organization, acting in good
12 faith who makes a report; assists in originating, investigating,
13 or preparing a report; or assists a board OR TASK FORCE, A HEAR-
14 INGS EXAMINER, THE COMMITTEE, or the department in carrying out
15 its duties under this article ~~shall be~~ IS immune from civil or
16 criminal liability ~~which~~ INCLUDING, BUT NOT LIMITED TO, LIABIL-
17 ITY IN A CIVIL ACTION FOR DAMAGES THAT might otherwise be
18 incurred thereby and ~~shall be~~ IS protected under the
19 whistleblowers' protection act, Act No. 469 of the Public Acts of
20 1980, being sections 15.361 to 15.369 of the Michigan Compiled
21 Laws. A person making or assisting in making a report, or
22 assisting a board OR TASK FORCE 2221, A HEARINGS EXAMINER, THE
23 COMMITTEE, or the department, ~~shall be~~ IS presumed to have
24 acted in good faith. ~~This~~ THE immunity from civil or criminal
25 liability GRANTED UNDER THIS SUBSECTION extends only to acts done
26 pursuant to this article or section 21513(e).

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

17 Sec. 16245. (1) An individual whose license is limited,
18 suspended, or revoked under this part may apply to ~~the~~ HIS OR
19 HER board OR TASK FORCE for a reinstatement of a revoked or sus-
20 pended license ~~or reclassification of a limited license~~ pursu-
21 ant to section 16247 ~~, 16248,~~ or 16249.

22 (2) An individual whose registration is suspended or revoked
23 under this part may apply to ~~the~~ HIS OR HER board for a rein-
24 statement of a suspended or revoked registration pursuant to sec-
25 tion 16248.

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

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

14 (5) ~~An~~ A BOARD OR TASK FORCE SHALL PROVIDE AN opportunity
15 for a hearing ~~shall be provided~~ before final rejection of an
16 application for reinstatement.

17 (6) An individual who seeks reinstatement or reclassifica-
18 tion of a license or registration pursuant to this section shall
19 pay the application processing fee as a reinstatement or reclas-
20 sification fee. If approved for reinstatement or reclassifica-
21 tion, the individual shall pay the per year license or registra-
22 tion fee for the applicable license or registration period.

23 Sec. 16247. (1) A board OR TASK FORCE may reinstate a
24 license or issue a limited license to an individual whose license
25 has been suspended or revoked under this part if ~~—~~ after a
26 hearing ~~—~~ the board OR TASK FORCE is satisfied BY CLEAR AND
27 CONVINCING EVIDENCE that the applicant is of good moral

1 character, is able to practice the profession with reasonable
2 skill and safety to patients, and should be permitted in the
3 public interest to resume practice. As a condition of reinstatement,
4 ~~the~~ A board OR TASK FORCE may impose a disciplinary or
5 corrective measure authorized under this part and require that
6 the licensee attend a school or program selected by the board OR
7 TASK FORCE to take designated courses or training to become com-
8 petent or proficient in those areas of practice in which the
9 board OR TASK FORCE finds the licensee to be deficient. The
10 board OR TASK FORCE may require a statement on a form approved by
11 it from the chief administrator of the school or program attended
12 or the person responsible for the training certifying that the
13 licensee has achieved the required competency or proficiency.

14 (2) A BOARD OR TASK FORCE SHALL NOT REINSTATE A license sus-
15 pended or revoked for grounds stated in section 16221(b)(i),
16 (iii), or (iv) ~~shall not be reinstated until the board~~ UNTIL IT
17 finds that the licensee ~~has become~~ IS mentally or physically
18 able to practice with reasonable skill and safety to patients.
19 The board OR TASK FORCE may ~~conduct~~ REQUIRE further examination
20 of the licensee, at the licensee's expense, necessary to verify
21 that the licensee ~~has become~~ IS mentally or physically able. A
22 licensee affected by this section shall be afforded the opportu-
23 nity at reasonable intervals to demonstrate that he or she can
24 resume competent practice in accordance with standards of accept-
25 able and prevailing practice.

26 Sec. 16248. A REGISTRATION board may reinstate a
27 registration revoked or suspended under this part if, after a

1 hearing, ~~the board~~ IT is satisfied BY CLEAR AND CONVINCING
2 EVIDENCE that the individual is of good moral character, has the
3 education and experience as required in this article, and ~~that~~
4 ~~the individual~~ will use the title lawfully and act in accordance
5 with this article.

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

24 Sec. 16291. (1) Upon a violation of this article or of a
25 rule or order of a board OR TASK FORCE or the department, the
26 circuit court for the county in which the violation occurs may
27 restrain and enjoin a person from the violation. A board OR TASK

1 FORCE or THE department shall seek injunctive relief through the
2 attorney general or the prosecuting attorney of the county in
3 which the violation occurs. This proceeding may be in addition
4 to and is not in lieu of a criminal prosecution or proceeding as
5 to a license or registration.

6 (2) The department, or a board OR TASK FORCE ~~or both,~~ may
7 request the attorney general or prosecuting attorney to prosecute
8 a person violating this article. The attorney general or the
9 prosecuting attorney may prosecute a violation of this article.

10 Sec. 16294. Except as provided in section 16215, an indi-
11 vidual ~~—~~ who practices or holds himself or herself out as prac-
12 ticing a health profession regulated by this article ~~—~~ without
13 a license OR REGISTRATION or under a suspended, revoked, LAPSED,
14 or fraudulently obtained license OR REGISTRATION, or outside the
15 provisions of a limited OR RESTRICTED license OR REGISTRATION, or
16 who uses as his or her own the license OR REGISTRATION of another
17 person, is guilty of a felony.

18 Sec. 16301. (1) Fees for licenses and registrations issued
19 and other services performed BY THE DEPARTMENT shall be as pre-
20 scribed in ~~the state license fee act, Act No. 152 of the Public~~
21 ~~Acts of 1979, being sections 338.2201 to 338.2277 of the Michigan~~
22 ~~Compiled Laws~~ THIS ARTICLE.

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

1 (3) If the department terminates a contract with a person
2 who has been administering a licensing or registration
3 examination to applicants for licensure or registration in a spe-
4 cific profession — and the department itself begins to adminis-
5 ter the examination, the department shall not charge an applicant
6 a fee greater than the fee charged under the terminated contract
7 unless the examination fee for that profession is increased under
8 ~~the state license fee act, Act No. 152 of the Public Acts of~~
9 ~~1979, being sections 338.2201 to 338.2277 of the Michigan~~
10 ~~Compiled Laws~~ THIS ARTICLE.

11 SEC. 16315. (1) THE HEALTH PROFESSIONS REGULATORY FUND IS
12 ESTABLISHED IN THE STATE TREASURY. THE STATE TREASURER SHALL
13 CREDIT THE FEES COLLECTED UNDER SECTIONS 16319 TO 16349 TO THE
14 HEALTH PROFESSIONS REGULATORY FUND. THE MONEY IN THE FUND SHALL
15 BE EXPENDED ONLY AS PROVIDED IN SUBSECTIONS (2) TO (5).

16 (2) THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE
17 HEALTH PROFESSIONS REGULATORY FUND. INTEREST AND EARNINGS FROM
18 FUND INVESTMENT SHALL BE CREDITED TO THE FUND.

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

22 (4) THE FUND MAY RECEIVE GIFTS AND DEVICES AND OTHER MONEY
23 AS PROVIDED BY LAW.

24 (5) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
25 DEPARTMENT SHALL USE THE FUND ONLY TO CARRY OUT ITS POWERS AND
26 DUTIES UNDER THIS ARTICLE. OF THE MONEY IN THE HEALTH
27 PROFESSIONS REGULATORY FUND THAT IS ATTRIBUTABLE TO ANNUAL

1 LICENSE FEES COLLECTED UNDER SECTION 16327, UP TO \$2.00 OF EACH
2 INDIVIDUAL ANNUAL LICENSE FEE COLLECTED SHALL BE USED TO ESTAB-
3 LISH AND OPERATE AN OFFICE OF NURSING.

4 SEC. 16317. (1) AT THE BEGINNING OF EACH STATE FISCAL YEAR,
5 THE DEPARTMENT MAY INCREASE THE FEES COLLECTED UNDER SECTIONS
6 16319 TO 16349 BY A PERCENTAGE AMOUNT EQUAL TO NOT MORE THAN THE
7 AVERAGE PERCENTAGE WAGE AND SALARY INCREASE GRANTED FOR THAT
8 FISCAL YEAR TO CLASSIFIED CIVIL SERVICE EMPLOYEES EMPLOYED BY THE
9 DEPARTMENT.

10 (2) IF THE DEPARTMENT INCREASES FEES UNDER SUBSECTION (1),
11 THE INCREASE SHALL BE EFFECTIVE FOR THAT FISCAL YEAR. THE
12 INCREASED FEES SHALL BE USED BY THE DEPARTMENT AS THE BASIS FOR
13 CALCULATING FEE INCREASES IN SUBSEQUENT FISCAL YEARS.

14 (3) BY AUGUST 1 OF EACH YEAR THE DEPARTMENT SHALL PROVIDE TO
15 THE DIRECTOR OF THE DEPARTMENT OF MANAGEMENT AND BUDGET AND THE
16 CHAIRPERSONS OF THE APPROPRIATIONS COMMITTEES OF THE SENATE AND
17 HOUSE OF REPRESENTATIVES A COMPLETE SCHEDULE OF FEES TO BE COL-
18 LECTED UNDER THE SECTIONS LISTED IN SUBSECTION (1) FOR THE FOL-
19 LOWING FISCAL YEAR.

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

- 25 (A) APPLICATION PROCESSING FEE.....\$10.00
- 26 (B) LICENSE FEE, PER YEAR.....75.00

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

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

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

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

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

12 (B) EXAMINATION FEES:

13 (i) COMPLETE EXAMINATION..... 100.00

14 (ii) PER PART..... 15.00

15 (iii) EXAMINATION REVIEW..... 20.00

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

17 (D) TEMPORARY LICENSE..... 25.00

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

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

22 (A) APPLICATION PROCESSING FEES:

23 (i) DENTIST.....\$ 20.00

24 (ii) DENTAL ASSISTANT..... 10.00

25 (iii) DENTAL HYGIENIST..... 15.00

26 (iv) DENTAL SPECIALTY..... 20.00

1	(B) EXAMINATION FEES:	
2	(i) DENTAL ASSISTANT'S EXAMINATION, COMPLETE.....	70.00
3	(ii) DENTAL ASSISTANT'S EXAMINATION, PER PART.....	35.00
4	(iii) DENTAL SPECIALTY EXAMINATION, COMPLETE.....	300.00
5	(iv) DENTAL SPECIALTY EXAMINATION, PER PART.....	100.00
6	(C) LICENSE FEES, PER YEAR:	
7	(i) DENTIST.....	90.00
8	(ii) DENTAL ASSISTANT.....	10.00
9	(iii) DENTAL HYGIENIST.....	20.00
10	(iv) DENTAL SPECIALTY.....	15.00
11	(D) TEMPORARY LICENSE FEES:	
12	(i) DENTIST.....	20.00
13	(ii) DENTAL ASSISTANT.....	5.00
14	(iii) DENTAL HYGIENIST.....	10.00
15	(E) LIMITED LICENSE FEE, PER YEAR:	
16	(i) DENTIST.....	25.00
17	(ii) DENTAL ASSISTANT.....	5.00
18	(iii) DENTAL HYGIENIST.....	10.00
19	(F) EXAMINATION REVIEW FEES:	
20	(i) DENTAL PRECLINICAL OR SPECIALTY.....	50.00
21	(ii) DENTAL ASSISTANT.....	20.00
22	SEC. 16325. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE	
23	TO ENGAGE IN THE PRACTICE OF MEDICINE UNDER PART 170 ARE AS	
24	FOLLOWS:	
25	(A) APPLICATION PROCESSING FEE.....	\$ 50.00
26	(B) LICENSE FEE, PER YEAR.....	90.00

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

3 SEC. 16327. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 4 TO PRACTICE NURSING AS A REGISTERED NURSE, A LICENSED PRACTICAL
 5 NURSE, OR A TRAINED ATTENDANT UNDER PART 172 ARE AS FOLLOWS:

- 6 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 7 (B) LICENSE FEE, PER YEAR.....20.00
- 8 (C) TEMPORARY LICENSE..... 10.00
- 9 (D) LIMITED LICENSE, PER YEAR..... 10.00
- 10 (E) SPECIALTY CERTIFICATION FOR REGISTERED NURSE:
- 11 (i) APPLICATION PROCESSING FEE.....20.00
- 12 (ii) SPECIALTY CERTIFICATION, PER YEAR..... 10.00

13 SEC. 16329. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 14 TO ENGAGE IN THE PRACTICE OF OPTOMETRY UNDER PART 174 ARE AS
 15 FOLLOWS:

- 16 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 17 (B) EXAMINATION FEES:
- 18 (i) COMPLETE EXAMINATION..... 200.00
- 19 (ii) EXAMINATION, PER PART..... 50.00
- 20 (iii) EXAMINATION REVIEW..... 20.00
- 21 (C) LICENSE FEE, PER YEAR.....90.00
- 22 (D) LIMITED LICENSE, PER YEAR..... 25.00
- 23 (E) TEMPORARY LICENSE..... 25.00
- 24 (F) CERTIFICATION TO USE TOPICAL OCULAR DIAGNOSTIC PHARMACEUTI-
- 25 CAL AGENTS:
- 26 (i) APPLICATION PROCESSING FEE..... 20.00

1	(ii) CERTIFICATION.....	55.00
2	SEC. 16331. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE	
3	TO ENGAGE IN THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY	
4	UNDER PART 175 ARE AS FOLLOWS:	
5	(A) APPLICATION PROCESSING FEE.....	\$ 50.00
6	(B) EXAMINATION FEES:	
7	(i) COMPLETE EXAMINATION.....	150.00
8	(ii) EXAMINATION, PER SUBJECT.....	45.00
9	(C) LICENSE FEE, PER YEAR.....	90.00
10	(D) TEMPORARY LICENSE FEE.....	25.00
11	(E) LIMITED LICENSE FEE, PER YEAR.....	30.00
12	SEC. 16333. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE	
13	TO ENGAGE IN THE PRACTICE OF PHARMACY OR OTHER PRACTICES REGU-	
14	LATED UNDER PART 177 ARE AS FOLLOWS:	
15	(A) APPLICATION PROCESSING FEES:	
16	(i) PHARMACIST.....	\$ 20.00
17	(ii) PHARMACY.....	35.00
18	(iii) DRUG CONTROL.....	20.00
19	(iv) MANUFACTURER OR WHOLESALER.....	50.00
20	(v) CLINICAL THERMOMETER.....	50.00
21	(B) EXAMINATION FEES:	
22	JURISPRUDENCE EXAMINATION.....	30.00
23	(C) LICENSE FEES, PER YEAR:	
24	(i) PHARMACIST.....	30.00
25	(ii) PHARMACY.....	50.00
26	(iii) DRUG CONTROL.....	15.00

- 1 (iv) MANUFACTURER OR WHOLESALER..... 25.00
- 2 (v) CLINICAL THERMOMETER..... 25.00
- 3 (D) TEMPORARY LICENSE FOR PHARMACIST..... 25.00
- 4 (E) LIMITED LICENSE FOR PHARMACIST, PER YEAR..... 15.00

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

- 8 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 9 (B) EXAMINATION FEES:
- 10 JURISPRUDENCE EXAMINATION ONLY..... 25.00
- 11 (C) LICENSE FEE, PER YEAR.....50.00
- 12 (D) TEMPORARY LICENSE..... 20.00
- 13 (E) LIMITED LICENSE, PER YEAR..... 25.00

14 SEC. 16337. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 15 TO ENGAGE IN PRACTICE AS A PHYSICIAN'S ASSISTANT UNDER EITHER
 16 PART 170 OR PART 175 ARE AS FOLLOWS:

- 17 (A) APPLICATION PROCESSING FEE.....\$ 30.00
- 18 (B) LICENSE FEE, PER YEAR.....50.00
- 19 (C) TEMPORARY LICENSE..... 35.00
- 20 (D) LIMITED LICENSE, PER YEAR..... 25.00

21 SEC. 16339. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 22 TO ENGAGE IN THE PRACTICE OF PODIATRIC MEDICINE AND SURGERY UNDER
 23 PART 180 ARE AS FOLLOWS:

- 24 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 25 (B) LICENSE FEE, PER YEAR.....90.00
- 26 (C) TEMPORARY LICENSE..... 15.00

1 (D) LIMITED LICENSE, PER YEAR..... 25.00
 2 SEC. 16341. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 3 TO ENGAGE IN THE PRACTICE OF COUNSELING UNDER PART 181 ARE AS
 4 FOLLOWS:

- 5 (A) APPLICATION PROCESSING FEE.....\$ 50.00
- 6 (B) LICENSE FEE, PER YEAR.....55.00
- 7 (C) LIMITED LICENSE FEE, PER YEAR..... 25.00

8 SEC. 16343. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 9 TO ENGAGE IN THE PRACTICE OF PSYCHOLOGY UNDER PART 182 ARE AS
 10 FOLLOWS:

- 11 (A) APPLICATION PROCESSING FEE.....\$ 50.00
- 12 (B) LICENSE FEE, PER YEAR:
- 13 (i) FULL DOCTORAL.....90.00
- 14 (ii) LIMITED DOCTORAL..... 30.00
- 15 (iii) MASTERS LIMITED.....60.00
- 16 (iv) TEMPORARY LIMITED..... 15.00
- 17 (C) LIMITED LICENSE, PER YEAR..... 40.00
- 18 (D) TEMPORARY LICENSE..... 15.00
- 19 (E) EXAMINATION REVIEW FEE..... 20.00

20 SEC. 16345. FEES FOR A PERSON REGISTERED OR SEEKING REGIS-
 21 TRATION AS A CERTIFIED OCCUPATIONAL THERAPIST OR A CERTIFIED
 22 OCCUPATIONAL THERAPIST ASSISTANT UNDER PART 183 ARE AS FOLLOWS:

- 23 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 24 (B) REGISTRATION FEE, PER YEAR.....60.00

25 SEC. 16347. FEES FOR A PERSON REGISTERED OR SEEKING REGIS-
 26 TRATION AS A REGISTERED SANITARIAN UNDER PART 184 ARE AS
 27 FOLLOWS:

- 1 (A) APPLICATION PROCESSING FEE.....\$ 20.00
- 2 (B) REGISTRATION FEE, PER YEAR.....50.00
- 3 (C) LIMITED REGISTRATION, PER YEAR..... 10.00
- 4 (D) TEMPORARY REGISTRATION..... 15.00

5 SEC. 16349. FEES FOR A PERSON LICENSED OR SEEKING LICENSURE
 6 TO ENGAGE IN THE PRACTICE OF VETERINARY MEDICINE OR LICENSED OR
 7 SEEKING LICENSURE TO PRACTICE AS A VETERINARY TECHNICIAN UNDER
 8 PART 188 ARE AS FOLLOWS:

9 (A) APPLICATION PROCESSING FEES:

- 10 (i) VETERINARIAN.....\$ 20.00
- 11 (ii) VETERINARY TECHNICIAN..... 10.00

12 (B) EXAMINATION FEES:

- 13 (i) VETERINARY TECHNICIAN, COMPLETE..... 130.00
- 14 (ii) VETERINARY TECHNICIAN, PER PART..... 65.00

15 (C) LICENSE FEES, PER YEAR:

- 16 (i) VETERINARIAN.....50.00
- 17 (ii) VETERINARY TECHNICIAN.....20.00

18 (D) TEMPORARY LICENSE FEES:

- 19 (i) VETERINARIAN..... 25.00
- 20 (ii) VETERINARY TECHNICIAN..... 10.00

21 (E) LIMITED LICENSES, PER YEAR:

- 22 (i) VETERINARIAN..... 25.00
- 23 (ii) VETERINARY TECHNICIAN..... 10.00

- 24 (F) EXAMINATION REVIEW..... 20.00

25 Sec. 16421. The Michigan board of chiropractic is created
 26 in the department and shall consist of the following ~~7~~ 9 voting

1 members who shall meet the requirements of part 161: 5
2 chiropractors and ~~2~~ 4 public members.

3 Sec. 16648. (1) Information relative to the care and treat-
4 ment of a dental patient acquired as a result of providing pro-
5 fessional dental services shall be confidential and privileged.
6 Except with the written consent of the patient or the patient's
7 attorney in fact or personal representative, a dentist or a
8 person employed by the dentist shall not disclose or be required
9 to disclose that information.

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

12 (a) Disclosure as part of the defense to a claim in a court
13 or administrative agency challenging the dentist's professional
14 competence.

15 (b) Disclosure pursuant to Act No. 270 of the Public Acts of
16 1967, being sections 331.531 to 331.533 of the Michigan Compiled
17 Laws.

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

19 (d) Disclosure to a third party payer of information relat-
20 ing to fees for services in the course of a good faith examina-
21 tion of the dentist's records to determine the amount and cor-
22 rectness of fees or the type and volume of services furnished
23 pursuant to provisions for payment established by a third party
24 payer, or information required for a third party payer's prede-
25 terminations, post treatment reviews, or audits. For purposes of
26 this subdivision, "third party payer" includes a nonprofit dental
27 care corporation, ~~nonprofit hospital service corporation,~~

1 ~~nonprofit medical care corporation,~~ nonprofit health care
2 corporation, insurer, benefit fund, health maintenance organi-
3 zation, and a dental capitation plan.

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

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

7 (G) DISCLOSURE MADE PURSUANT TO SECTION 16222 IF THE
8 LICENSEE REASONABLY BELIEVES IT IS NECESSARY TO DISCLOSE THE
9 INFORMATION TO COMPLY WITH SECTION 16222.

10 Sec. 17011. (1) An individual shall not engage in the prac-
11 tice of medicine or practice as a physician's assistant unless
12 licensed or otherwise authorized by this article. An individual
13 shall not engage in teaching or research that requires the prac-
14 tice of medicine unless the individual is licensed or otherwise
15 authorized by this article.

16 (2) Notwithstanding section 16145 or rules promulgated pur-
17 suant to that section, the board may grant a license to an indi-
18 vidual who meets the requirements of section 16186 or 17031(2)
19 after reviewing the applicant's record of practice, experience,
20 and credentials and determining that the applicant is competent
21 to practice medicine.

22 (3) FOR INDIVIDUALS APPLYING FOR LICENSURE UNDER
23 SECTION 16186, THE BOARD SHALL NOT IMPOSE REQUIREMENTS ON GRADU-
24 ATES OF MEDICAL SCHOOLS LOCATED OUTSIDE THE UNITED STATES OR THE
25 DOMINION OF CANADA THAT EXCEED THE REQUIREMENTS IMPOSED ON GRADU-
26 ATES OF MEDICAL SCHOOLS LOCATED IN THE UNITED STATES OR THE
27 DOMINION OF CANADA. THE BOARD SHALL REQUIRE GRADUATES OF MEDICAL

1 SCHOOLS LOCATED OUTSIDE THE UNITED STATES OR THE DOMINION OF
2 CANADA WHOSE FIRST LANGUAGE IS NOT ENGLISH TO PASS A SPOKEN
3 ENGLISH PROFICIENCY TEST.

4 Sec. 17021. (1) The Michigan board of medicine is created
5 in the department and shall consist of the following ~~14~~ 15
6 voting members who shall meet the requirements of part 161: 10
7 physicians, 1 physician's assistant, and ~~3~~ 4 public members.

8 (2) The requirement of section 16135(d) that a board member
9 shall have practiced that profession for 2 years immediately
10 before appointment is waived ~~for 2 years after the effective~~
11 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
12 board licensed in a health profession subfield created by this
13 part.

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

16 Sec. 17221. The Michigan board of nursing is created in the
17 department and shall consist of the following ~~17~~ 19 voting mem-
18 bers who shall meet the requirements of part 161: 9 registered
19 professional nurses, 1 nurse midwife, 1 nurse anesthetist, 1
20 nurse practitioner, 3 licensed practical nurses, and ~~2~~ 4 public
21 members. Three of the registered professional nurse members
22 shall be engaged in nursing education, 1 of whom shall be in less
23 than a baccalaureate program, 1 in a baccalaureate or higher pro-
24 gram and 1 in a licensed practical nurse program and each of whom
25 shall have a master's degree from an accredited college with a
26 major in nursing. Three of the registered professional nurse
27 members shall be engaged in nursing practice or nursing

1 administration, each of whom shall have a baccalaureate degree in
2 nursing from an accredited college. Three of the registered pro-
3 fessional nurse members shall be engaged in nursing practice or
4 nursing administration, each of whom shall be a nonbaccalaureate
5 registered nurse. The 3 licensed practical nurse members shall
6 have graduated from a state approved program for the preparation
7 of individuals to practice as licensed practical nurses. The
8 nurse midwife, the nurse anesthetist, and the nurse practitioner
9 shall each have a specialty certification issued by the depart-
10 ment in his or her respective specialty field.

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

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

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

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

4 Sec. 17721. The Michigan board of pharmacy 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: 6 pharma-
7 cists and ~~2~~ 3 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 AND ARTICLE 7.

24 (4) A DRUG CONTROL LICENSE AUTOMATICALLY LAPSES IF A BOARD
25 SUSPENDS OR REVOKES THE LICENSEE'S HEALTH PROFESSIONAL LICENSE.

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

1 licensee on probation, or deny, limit, suspend, or revoke the
2 license of a pharmacist for a violation or abetting in a viola-
3 tion of this part or rules promulgated under this part, or for
4 any of the following grounds:

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

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

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

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

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

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

21 Sec. 17768. (1) In a manner consistent with part 161, the
22 board may fine, reprimand, or place on probation, a person
23 licensed under this part, or deny, limit, suspend, or revoke a
24 person's license OR ORDER RESTITUTION OR COMMUNITY SERVICE for a
25 violation of this part or rules promulgated under this part.

26 (2) In addition to the grounds set forth in subsection (1),
27 and in a manner consistent with part 161, the board may fine,

1 reprimand, or place on probation a person licensed under this
2 part, or deny, limit, suspend, or revoke a license issued under
3 this part OR ORDER RESTITUTION OR COMMUNITY SERVICE if the board
4 finds that any of the following categories apply to an applicant
5 or a partner, officer, or member of the board of directors of a
6 pharmacy, manufacturer, or wholesale distributor licensed under
7 this part or a stockholder of a pharmacy, manufacturer, or whole-
8 sale distributor which is a privately held corporation licensed
9 under this part:

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

12 (b) ~~The~~ SUBJECT TO SUBSECTION (3), THE applicant or other
13 person described in this subsection has been convicted of a mis-
14 demeanor or a felony under a state or federal law relating to a
15 controlled substance or the practice of pharmacy.

16 (c) The applicant or other person described in this subsec-
17 tion has furnished false or fraudulent material information or
18 has knowingly omitted material information in an application
19 filed under this part.

20 (d) The applicant or other person described in this subsec-
21 tion has previously maintained a financial interest in a pharma-
22 cy, manufacturer, or wholesale distributor which has been denied
23 a license or federal registration, has had its license or federal
24 registration limited, suspended, or revoked, or been subject to
25 any other criminal, civil, or administrative penalty.

1 (e) The applicant or other person described in this
2 subsection is not in compliance with article 7 or the rules
3 promulgated under article 7.

4 (3) Except for a conviction for a misdemeanor under section
5 7404 (2)(d) or a local ordinance that is substantially similar to
6 section 7404 (2)(d), subsection (2)(b) applies only to a convic-
7 tion for a misdemeanor ~~which~~ THAT is directly related to the
8 manufacture, delivery, possession, possession with intent to man-
9 ufacture or deliver, use, distribution, prescription, or dispens-
10 ing of a controlled substance. Subsection (2)(b) does not apply
11 to a conviction for a misdemeanor based upon an unintentional
12 error or omission involving a clerical or record-keeping
13 function.

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

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

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

25 (a) Six members of the board shall be engaged in the prac-
26 tice of counseling and shall consist of: 3 members who are
27 engaged primarily in providing counseling techniques, behavior

1 modification techniques, or preventive techniques to clients; 2
2 members who are engaged primarily in teaching, training, or
3 research in counseling; and 1 member who is engaged primarily in
4 the administration of counseling services.

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

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

11 Sec. 18117. For the purposes of this part, the confidential
12 relations and communications between a licensed professional
13 counselor or a limited licensed counselor and a client of the
14 licensed professional counselor or a limited licensed counselor
15 are privileged communications, and nothing in this part ~~shall~~
16 ~~require~~ REQUIRES any privileged communication to be disclosed,
17 except as otherwise provided by law. Confidential information
18 may be disclosed only upon consent of the client OR PURSUANT TO
19 SECTION 16222 IF THE LICENSEE REASONABLY BELIEVES IT IS NECESSARY
20 TO DISCLOSE THE INFORMATION TO COMPLY WITH SECTION 16222.

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

1 Sec. 18237. A psychologist licensed or allowed to use the
2 title under this part or AN individual under his or her
3 supervision shall not be compelled to disclose confidential
4 information acquired from an individual consulting the psycholo-
5 gist in his or her professional capacity and which information is
6 necessary to enable the psychologist to render services.
7 Information may be disclosed with the consent of the individual
8 consulting, or if the individual consulting is a minor, with the
9 consent of the minor's guardian, OR PURSUANT TO SECTION 16222 IF
10 THE PSYCHOLOGIST REASONABLY BELIEVES IT IS NECESSARY TO DISCLOSE
11 THE INFORMATION TO COMPLY WITH SECTION 16222. In a contest on
12 the admission of a deceased individual's will to probate, an heir
13 at law of the decedent, whether a proponent or contestant of the
14 will, and the personal representative of the decedent may waive
15 the privilege created by this section.

16 Sec. 18305. The Michigan board of occupational therapists
17 is created in the department and shall consist of the following
18 ~~5~~ 9 voting members who shall meet the requirements of part
19 161: ~~3~~ 5 certified occupational therapists and ~~2~~ 4 public
20 members.

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

25 Sec. 18821. (1) The Michigan board of veterinary medicine
26 is created in the department and shall consist of the following
27 ~~8~~ 9 members who shall meet the requirements of part 161: 5

1 veterinarians, 1 veterinary technician, and ~~2~~ 3 public
2 members. The chief of the animal health division of the depart-
3 ment of agriculture is an ex officio member without vote.

4 (2) The requirement of section 16135(d) that a board member
5 shall have practiced that profession for 2 years immediately
6 before appointment is waived ~~for 2 years after the effective~~
7 ~~date of this part~~ UNTIL SEPTEMBER 30, 1980 for members of the
8 board who are licensed in a health profession subfield created by
9 this part.

10 Sec. 18835. In addition to the grounds set forth in part
11 161, the board may fine, reprimand, or place a licensee on proba-
12 tion, or deny, limit, suspend, or revoke the license of a veteri-
13 narian for fraudulent use or misuse of a health certificate,
14 inspection certificate, vaccination certificate, test chart, meat
15 inspection stamp, or other blank form used in the practice of
16 veterinary medicine that might lead to the dissemination of dis-
17 ease, unlawful transportation of diseased animals, or the sale of
18 inedible products of animal origin for human consumption.

19 Sec. 20175. (1) A health facility or agency shall keep and
20 maintain a record for each patient including a full and complete
21 record of tests and examinations performed, observations made,
22 treatments provided, and in the case of a hospital, the purpose
23 of hospitalization. In addition to the sanctions set forth in
24 section 20165, a hospital ~~which~~ THAT fails to comply with this
25 subsection ~~shall be~~ IS subject to ~~a civil~~ AN ADMINISTRATIVE
26 fine of \$10,000.00.

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

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

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

12 (5) A health facility or agency ~~with a medical staff~~ THAT
13 EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO A HEALTH PROFES-
14 SIONAL LICENSED OR REGISTERED UNDER ARTICLE 15 shall report THE
15 FOLLOWING to the ~~appropriate licensing board and to the~~ depart-
16 ment OF COMMERCE not more than 30 days after ~~any disciplinary~~
17 ~~action has been taken against a member of the medical staff, and~~
18 ~~the relevant circumstances, for any of the grounds set forth in~~
19 ~~section 16221~~ IT OCCURS:

20 (A) DISCIPLINARY ACTION TAKEN BY THE HEALTH FACILITY OR
21 AGENCY AGAINST A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER
22 ARTICLE 15 BASED ON THE LICENSEE'S OR REGISTRANT'S PROFESSIONAL
23 COMPETENCE OR CONDUCT THAT ADVERSELY AFFECTS THE LICENSEE'S OR
24 REGISTRANT'S CLINICAL PRIVILEGES FOR A PERIOD OF MORE THAN 15
25 DAYS. AS USED IN THIS SUBDIVISION, "ADVERSELY AFFECTS" MEANS THE
26 REDUCTION, RESTRICTION, SUSPENSION, REVOCATION, DENIAL, OR

1 FAILURE TO RENEW THE CLINICAL PRIVILEGES OF A LICENSEE OR
2 REGISTRANT BY A HEALTH FACILITY OR AGENCY.

3 (B) RESTRICTION OR ACCEPTANCE OF THE SURRENDER OF THE CLINI-
4 CAL PRIVILEGES OF A LICENSEE OR REGISTRANT UNDER EITHER OF THE
5 FOLLOWING CIRCUMSTANCES:

6 (i) THE LICENSEE OR REGISTRANT IS UNDER INVESTIGATION BY THE
7 HEALTH FACILITY OR AGENCY.

8 (ii) THERE IS AN AGREEMENT IN WHICH THE HEALTH FACILITY OR
9 AGENCY AGREES NOT TO CONDUCT AN INVESTIGATION INTO THE LICENSEE'S
10 OR REGISTRANT'S ALLEGED PROFESSIONAL INCOMPETENCE OR IMPROPER
11 PROFESSIONAL CONDUCT.

12 (6) UPON REQUEST BY ANOTHER HEALTH FACILITY OR AGENCY SEEK-
13 ING A REFERENCE FOR PURPOSES OF CHANGING OR GRANTING STAFF PRIVI-
14 LEGES, CREDENTIALS, OR EMPLOYMENT, A HEALTH FACILITY OR AGENCY
15 THAT EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVILEGES TO HEALTH PRO-
16 FESSIONALS LICENSED OR REGISTERED UNDER ARTICLE 15 SHALL NOTIFY
17 THE REQUESTING HEALTH FACILITY OR AGENCY OF ANY DISCIPLINARY OR
18 OTHER ACTION REPORTABLE UNDER SUBSECTION (5) THAT IT HAS TAKEN
19 AGAINST A HEALTH PROFESSIONAL LICENSED OR REGISTERED UNDER ARTI-
20 CLE 15 AND EMPLOYED BY, UNDER CONTRACT TO, OR GRANTED PRIVILEGES
21 BY THE HEALTH FACILITY OR AGENCY.

22 (7) UPON REQUEST BY THE DEPARTMENT OF COMMERCE, A HEALTH
23 FACILITY OR AGENCY THAT EMPLOYS, CONTRACTS WITH, OR GRANTS PRIVI-
24 LEGES TO HEALTH PROFESSIONALS LICENSED OR REGISTERED UNDER ARTI-
25 CLE 15 THAT HAS TAKEN DISCIPLINARY OR OTHER ACTION REPORTABLE
26 UNDER SUBSECTION (5) AGAINST A HEALTH PROFESSIONAL LICENSED OR
27 REGISTERED UNDER ARTICLE 15 WHO IS EMPLOYED BY, UNDER CONTRACT

1 TO, OR GRANTED PRIVILEGES BY THE HEALTH FACILITY OR AGENCY SHALL
2 PROVIDE THE DEPARTMENT OF COMMERCE INFORMATION PERTAINING TO THE
3 DISCIPLINARY OR OTHER ACTION REPORTABLE UNDER SUBSECTION (5). A
4 HEALTH FACILITY OR AGENCY SHALL INCLUDE ONLY THE FOLLOWING IN THE
5 INFORMATION PROVIDED UNDER THIS SUBSECTION:

6 (A) THE NAME OF THE LICENSEE OR REGISTRANT AGAINST WHOM DIS-
7 CIPLINARY ACTION HAS BEEN TAKEN.

8 (B) A DESCRIPTION OF THE DISCIPLINARY ACTION TAKEN.

9 (C) THE SPECIFIC GROUNDS FOR THE DISCIPLINARY ACTION TAKEN.

10 (D) THE DATE OF THE INCIDENT THAT IS THE BASIS FOR THE DIS-
11 CIPLINARY ACTION.

12 (8) ~~(6)~~ The records, data, and knowledge collected for or
13 by individuals or committees assigned a professional review func-
14 tion in a health facility or agency are confidential, shall be
15 used only for the purposes provided in this article, are not
16 public records, and are not subject to court subpoena.

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

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

1 (B) ACTS AS AN EXPERT WITNESS IN A CIVIL ACTION INVOLVING
2 MEDICAL MALPRACTICE OR IN AN ADMINISTRATIVE ACTION.

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

7 SEC. 20194. A HEALTH FACILITY OR AGENCY, EXCEPT A HEALTH
8 FACILITY OR AGENCY LICENSED UNDER PART 209, AND INCLUDING A
9 HEALTH FACILITY THAT IS NOT LICENSED UNDER THIS ARTICLE BUT HOLDS
10 ITSELF OUT AS PROVIDING MEDICAL SERVICES, SHALL CONSPICUOUSLY
11 DISPLAY IN THE PATIENT WAITING AREAS OR OTHER COMMON AREAS OF THE
12 HEALTH FACILITY OR AGENCY A NOTICE THAT THE HEALTH FACILITY OR
13 AGENCY HAS AVAILABLE COPIES OF A PAMPHLET PROVIDED BY THE DEPART-
14 MENT OF PUBLIC HEALTH OUTLINING THE PROCEDURE FOR FILING A COM-
15 PLAINT AGAINST A HEALTH FACILITY OR AGENCY WITH THE DEPARTMENT OF
16 PUBLIC HEALTH AND THE PROCEDURE FOR FILING A COMPLAINT WITH THE
17 DEPARTMENT OF COMMERCE AGAINST A LICENSEE EMPLOYED BY, UNDER CON-
18 TRACT TO, OR GRANTED PRIVILEGES BY THE HEALTH FACILITY OR
19 AGENCY. THE PAMPHLET SHALL BE PREPARED BY THE DEPARTMENT OF
20 PUBLIC HEALTH IN CONSULTATION WITH THE DEPARTMENT OF COMMERCE AND
21 APPROPRIATE PROFESSIONAL ASSOCIATIONS. THE DEPARTMENT OF PUBLIC
22 HEALTH SHALL PRINT THE PAMPHLETS IN LANGUAGES THAT ARE APPROPRI-
23 ATE TO THE ETHNIC COMPOSITION OF THE PATIENT POPULATION WHERE THE
24 PAMPHLET WILL BE DISPLAYED.

25 Sec. 21006. "Insurance bureau" means the unit in the
26 department of ~~licensing and regulation~~ COMMERCE headed by the
27 commissioner of insurance.

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

3 (a) Are responsible for all phases of the operation of the
4 hospital, selection of the medical staff, and quality of care
5 rendered in the hospital.

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

10 (c) Shall assure that physicians and dentists admitted to
11 practice in the hospital are granted hospital privileges consis-
12 tent with their individual training, experience, and other
13 qualifications.

14 (d) Shall assure that physicians and dentists admitted to
15 practice in the hospital are organized into a medical staff to
16 enable an effective review of the professional practices in the
17 hospital for the purpose of reducing morbidity and mortality and
18 improving the care provided in the hospital for patients. This
19 review shall include the quality and necessity of the care pro-
20 vided and the preventability of complications and deaths occur-
21 ring in the hospital.

22 (e) Shall notify the ~~appropriate board~~ DEPARTMENT OF
23 COMMERCE as to disciplinary action taken by the hospital for any
24 of the grounds set forth in section 16221 ~~which~~ THAT results in
25 a change of employment status or privileges of practice of a
26 ~~physician or dentist~~ HEALTH PROFESSIONAL LICENSED OR REGISTERED
27 UNDER ARTICLE 15 WHO IS EMPLOYED BY OR UNDER CONTRACT TO THE

1 HOSPITAL OR admitted to practice in the hospital, including ~~an~~
2 ~~offer by the hospital to permit the physician or dentist to~~
3 ~~resign in lieu~~ A CASE IN WHICH A HEALTH PROFESSIONAL RESIGNS OR
4 TERMINATES A CONTRACT OR WHOSE CONTRACT IS NOT RENEWED INSTEAD of
5 the hospital taking disciplinary action against the ~~physician or~~
6 ~~dentist~~ HEALTH PROFESSIONAL. The notice shall contain a summary
7 of the information pertinent to the change and shall be transmit-
8 ted in writing to the ~~appropriate board~~ DEPARTMENT OF COMMERCE
9 within ~~30~~ 15 days after the ~~change~~ DISCIPLINARY ACTION
10 occurs. ~~As used in this subdivision, "board" means a licensing~~
11 ~~board created pursuant to article 15.~~

12 (f) After December 31, 1989, shall not discriminate because
13 of race, religion, color, national origin, age, or sex in the
14 operation of the hospital including employment, patient admission
15 and care, room assignment, and professional or nonprofessional
16 selection and training programs, and shall not discriminate in
17 the selection and appointment of individuals to the physician
18 staff of the hospital or its training programs on the basis of
19 licensure or registration or professional education as doctors of
20 medicine, osteopathic medicine and surgery, or podiatry.

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

23 Section 2. Sections 16123, 16134, 16151, 16152, 16154,
24 16155, 16156, 16183, 17058, 17086, and 17088 of Act No. 368 of
25 the Public Acts of 1978, being sections 333.16123, 333.16134,
26 333.16151, 333.16152, 333.16154, 333.16155, 333.16156, 333.16183,

1 333.17058, 333.17086, and 333.17088 of the Michigan Compiled
2 Laws, are repealed.

3 Section 3. This amendatory act shall not take effect unless
4 all of the following bills of the 87th Legislature are enacted
5 into law:

6 (a) Senate Bill No. _____ or House Bill No. 4289 (request
7 no. 01135'93 *).

8 (b) Senate Bill No. _____ or House Bill No. 4290 (request
9 no. 01136'93 *).

10 (c) Senate Bill No. _____ or House Bill No. 4291 (request
11 no. 01137'93 *).

12 (d) Senate Bill No. _____ or House Bill No. 4292 (request
13 no. 01142'93 *).

14 (e) Senate Bill No. _____ or House Bill No. 4293 (request
15 no. 01143'93 *).

16 (f) Senate Bill No. _____ or House Bill No. 4294 (request
17 no. 01144'93 *).