



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5091

Sponsor: Representative Gerald Law

First House Committee: Regulatory Affairs

Second House Committee: Health Policy

Senate Committee: Health Policy and Senior Citizens

Date Completed: 10-23-95

SUMMARY OF HOUSE BILL 5091 as passed by the House:

The bill would amend the Public Health Code to remove a requirement that a health professional's license or registration be suspended if he or she is convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol. The bill provides instead that if a licensee or registrant were convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol that adversely affected the licensee's ability to practice in a safe and competent manner, the Department of Commerce could find that the public health, safety, or welfare required emergency action and, in accordance with the Administrative Procedures Act, could summarily suspend the licensee's license or registrant's registration.

Currently, under the Code, the Department of Commerce may investigate activities related to the practice of a health professional for violations of the Code's provisions. The findings of the Department must be reported to the disciplinary subcommittee of the health profession under which the licensee or registrant is licensed or registered. Each health profession's disciplinary subcommittee must impose sanctions as prescribed in the Code, for various offenses listed in the Code that require disciplinary action. The bill would delete a misdemeanor conviction involving the illegal delivery, possession, or use of alcohol from the offenses requiring disciplinary action. (Conviction of a misdemeanor involving the illegal possession, delivery, or use of a controlled substance still would be subject to sanctions by a disciplinary subcommittee and license or registration suspension by the Department.)

MCL 333.16221 & 333.16233

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would not significantly reduce the workload of the Department of Commerce. There would not be a fiscal impact on the State or local governmental units.

Fiscal Analyst: K. Lindquist

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.