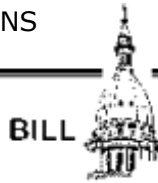




Senate Fiscal Agency  
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## BILL ANALYSIS

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Senate Bill 1425 (as introduced 9-12-06)  
Sponsor: Senator Bev Hammerstrom  
Committee: Health Policy

Date Completed: 9-13-06

**CONTENT**

**The bill would amend the Public Health Code to allow the licensure of a physician against whom sanctions imposed by an out-of-State regulatory body were pending, under certain circumstances.**

In addition to meeting other requirements, an applicant for licensure, registration, specialty certification, or a health profession specialty subfield license under the Code must establish that if sanctions have been imposed against him or her by a similar licensure, registration, or specialty licensure or specialty certification board of Michigan or any other state, of the United States military, of the Federal government, or of another country based upon grounds that are substantially similar to those set forth in the Code or rules promulgated under it, as determined by the board or task force to which the person applies, the sanctions are not in force at the time of the application.

The bill specifies that this provision would not apply to an application for licensure that the Board of Medicine or the Board of Osteopathic Medicine and Surgery may grant under Section 16186. Under that section, an individual who is licensed to practice a health profession in another state, or, until January 1, 2007, is licensed to practice a health profession in a province of Canada, who is registered in another state, or who holds a health profession specialty field license or specialty certification from another state, upon application, may be granted an appropriate license, registration, specialty certification, or health profession specialty field license in Michigan upon satisfying the applicable board or task force as to criteria specified in the Code.

The bill would allow the Board of Medicine or the Board of Osteopathic Medicine and Surgery, as applicable, to grant a license in accordance with Section 16186 after determining that each of the following conditions was satisfied:

- The applicant disclosed that a sanction was in force against him or her, and, considering the reasons for the sanction and the applicant's record of practice, experience, credentials, and competence to engage in the practice of medicine or osteopathic medicine and surgery, that sanction should not prevent him or her from being granted a license in Michigan.
- The sanction imposed by the other state was not permanent.
- If the applicant were required by the state that imposed the sanction to participate in and complete a probationary period or treatment plan as a condition of the continuation of his or her licensure, the applicant did not complete the probationary period or treatment plan because he or she ceased engaging in the practice of medicine or osteopathic medicine and surgery in that state.

- As a condition of licensure in Michigan, the applicant agreed voluntarily to complete a probationary period or treatment plan, the terms of which were no less stringent than those imposed by the state that imposed the sanction.

This would apply notwithstanding Section 16145 or rules promulgated under it. (Under that section, only a board or task force may promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.)

Under the Code, before granting a license, registration, specialty certification, or a health profession specialty field license to an applicant, the applicable board or task force may do one of the following:

- Make an independent inquiry into the applicant's compliance with the prescribed requirements, and, if the board or task force determines that sanctions have been imposed and are in force at the time of application, may not grant a license, registration, or specialty certification or health profession specialty field license to the applicant.
- Require the applicant to secure from a national association or federation of state professional licensing boards certification of compliance with the Code's requirements.

With regard to the provision authorizing the independent inquiry, the bill would prohibit the board or task force from granting the appropriate license, registration, or certification *if* the requirement to establish that sanctions are not in force applied to the application for licensure. Also, an applicant would not have to secure certification that sanctions were not in force at the time of application, if the application were for licensure that may be granted by the Board of Medicine or the Board of Osteopathic Medicine and Surgery under Section 16186.

MCL 333.16174 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

It is unlikely that implementation of these changes to the Public Health Code would result in a significant fiscal impact. The Department could see a small increase in fee revenue from increased applications from medical professionals seeking licensure through the provisions outlined in the bill. Individuals seeking licensure as a medical doctor or doctor of osteopathy must pay a one-time \$50 application processing fee and an annual \$90 license fee. Physicians assistant's are charged a one-time \$30 application processing fee and an annual \$50 license fee.

Fiscal Analyst: David Fosdick

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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.