

SENATE BILL No. 1425

September 12, 2006, Introduced by Senator HAMMERSTROM and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16174, 17011, and 17511 (MCL 333.16174,
333.17011, and 333.17511), section 16174 as amended by 2006 PA 26
and section 17011 as amended by 1993 PA 79.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16174. (1) An individual who is licensed or registered
2 under this article shall meet all of the following requirements:
3 (a) Be 18 or more years of age.
4 (b) Be of good moral character.
5 (c) Have a specific education or experience in the health
6 profession or in a health profession subfield or health profession

1 specialty field of the health profession, or training equivalent,
2 or both, as prescribed by this article or rules of a board
3 necessary to promote safe and competent practice and informed
4 consumer choice.

5 (d) Have a working knowledge of the English language as
6 determined in accordance with minimum standards established for
7 that purpose by the department.

8 (e) Pay the appropriate fees as prescribed in this article.

9 (2) In addition to the requirements of subsection (1), an
10 applicant for licensure, registration, specialty certification, or
11 a health profession specialty subfield license under this article
12 shall meet all of the following requirements:

13 (a) Establish that disciplinary proceedings before a similar
14 licensure, registration, or specialty licensure or specialty
15 certification board of this or any other state, of the United
16 States military, of the federal government, or of another country
17 are not pending against the applicant.

18 (b) Establish that if sanctions have been imposed against the
19 applicant by a similar licensure, registration, or specialty
20 licensure or specialty certification board of this or any other
21 state, of the United States military, of the federal government, or
22 of another country based upon grounds that are substantially
23 similar to those set forth in this article or article 7 or the
24 rules promulgated under this article or article 7, as determined by
25 the board or task force to which the applicant applies, the
26 sanctions are not in force at the time of application. **THIS**

27 **SUBDIVISION DOES NOT APPLY TO AN APPLICATION FOR LICENSURE THAT THE**

1 **BOARD MAY GRANT UNDER SECTION 17011(4) OR 17511(2).**

2 (c) File with the board or task force a written, signed
3 consent to the release of information regarding a disciplinary
4 investigation involving the applicant conducted by a similar
5 licensure, registration, or specialty licensure or specialty
6 certification board of this or any other state, of the United
7 States military, of the federal government, or of another country.

8 (3) Beginning May 1, 2006, an applicant for initial licensure
9 or registration shall submit his or her fingerprints to the
10 department of state police to have a criminal history check
11 conducted and request that the department of state police forward
12 his or her fingerprints to the federal bureau of investigation for
13 a national criminal history check. The department of state police
14 shall conduct a criminal history check and request the federal
15 bureau of investigation to make a determination of the existence of
16 any national criminal history pertaining to the applicant. The
17 department of state police shall provide the department with a
18 written report of the criminal history check if the criminal
19 history check contains any criminal history record information. The
20 department of state police shall forward the results of the federal
21 bureau of investigation determination to the department within 30
22 days after the request is made. The department shall notify the
23 board and the applicant in writing of the type of crime disclosed
24 on the federal bureau of investigation determination without
25 disclosing the details of the crime. The department of state police
26 may charge a reasonable fee to cover the cost of conducting the
27 criminal history check. The criminal history record information

1 obtained under this subsection shall be used only for the purpose
2 of evaluating an applicant's qualifications for licensure or
3 registration for which he or she has applied. A member of the board
4 shall not disclose the report or its contents to any person who is
5 not directly involved in evaluating the applicant's qualifications
6 for licensure or registration. Information obtained under this
7 subsection is confidential, is not subject to disclosure under the
8 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and
9 shall not be disclosed to any person except for purposes of this
10 section or for law enforcement purposes.

11 (4) Before granting a license, registration, specialty
12 certification, or a health profession specialty field license to an
13 applicant, the board or task force to which the applicant applies
14 may do 1 of the following:

15 (a) Make an independent inquiry into the applicant's
16 compliance with the requirements described in subsection (2). If
17 **SUBSECTION (2) (B) APPLIES TO AN APPLICATION FOR LICENSURE AND** a
18 licensure or registration board or task force determines under
19 subsection (2) (b) that sanctions have been imposed and are in force
20 at the time of application, the board or task force shall not grant
21 a license or registration or specialty certification or health
22 profession specialty field license to the applicant.

23 (b) Require the applicant to secure from a national
24 association or federation of state professional licensing boards
25 certification of compliance with the requirements described in
26 subsection (2). **IF AN APPLICATION IS FOR LICENSURE THAT THE BOARD**
27 **MAY GRANT UNDER SECTION 17011(4) OR 17511(2), THE APPLICANT IS NOT**

1 **REQUIRED TO SECURE THE CERTIFICATION OF COMPLIANCE WITH RESPECT TO**
2 **THE REQUIREMENTS DESCRIBED IN SUBSECTION (2) (B) .**

3 (5) If, after issuing a license, registration, specialty
4 certification, or health profession specialty field license, a
5 board or task force or the department determines that sanctions
6 have been imposed against the licensee or registrant by a similar
7 licensure or registration or specialty licensure or specialty
8 certification board as described in subsection (2) (b), the
9 disciplinary subcommittee may impose appropriate sanctions upon the
10 licensee or registrant. The licensee or registrant may request a
11 show cause hearing before a hearing examiner to demonstrate why the
12 sanctions should not be imposed.

13 (6) An applicant for licensure, registration, specialty
14 certification, or a health profession specialty field license who
15 is or has been licensed, registered, or certified in a health
16 profession or specialty by another state or country shall disclose
17 that fact on the application form.

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

24 (2) Notwithstanding section 16145 or rules promulgated
25 ~~pursuant to~~ **UNDER** that section, the board may grant a license to
26 an individual who meets the requirements of section 16186 or
27 17031(2) after reviewing the applicant's record of practice,

1 experience, and credentials and determining that the applicant is
2 competent to practice medicine.

3 (3) For individuals applying for licensure under section
4 16186, the board shall not impose requirements on graduates of
5 medical schools located outside the United States or Canada that
6 exceed the requirements imposed on graduates of medical schools
7 located in the United States or Canada.

8 (4) NOTWITHSTANDING SECTION 16145 OR RULES PROMULGATED UNDER
9 THAT SECTION, THE BOARD MAY GRANT A LICENSE IN ACCORDANCE WITH
10 SECTION 16186 AFTER DETERMINING THAT EACH OF THE FOLLOWING
11 CONDITIONS IS SATISFIED:

12 (A) THE APPLICANT HAS DISCLOSED THAT A SANCTION IS IN FORCE
13 AGAINST HIM OR HER AS DESCRIBED IN SECTION 16174(2)(B) AND
14 CONSIDERING THE REASONS FOR THE SANCTION AND THE APPLICANT'S RECORD
15 OF PRACTICE, EXPERIENCE, CREDENTIALS, AND COMPETENCE TO ENGAGE IN
16 THE PRACTICE OF MEDICINE, THAT SANCTION SHOULD NOT PREVENT THE
17 APPLICANT FROM BEING GRANTED A LICENSE IN THIS STATE.

18 (B) THE SANCTION IMPOSED BY THE OTHER STATE IS NOT PERMANENT.

19 (C) IF THE APPLICANT WAS REQUIRED BY THE STATE THAT IMPOSED
20 THE SANCTION TO PARTICIPATE IN AND COMPLETE A PROBATIONARY PERIOD
21 OR TREATMENT PLAN AS A CONDITION OF THE CONTINUATION OF HIS OR HER
22 LICENSURE, THE APPLICANT DID NOT COMPLETE THE PROBATIONARY PERIOD
23 OR TREATMENT PLAN BECAUSE THE APPLICANT CEASED ENGAGING IN THE
24 PRACTICE OF MEDICINE IN THAT STATE.

25 (D) AS A CONDITION OF LICENSURE UNDER THIS SUBSECTION, THE
26 APPLICANT VOLUNTARILY AGREES TO COMPLETE A PROBATIONARY PERIOD OR
27 TREATMENT PLAN, THE TERMS OF WHICH ARE NO LESS STRINGENT THAN THOSE

1 IMPOSED BY THE STATE THAT IMPOSED THE SANCTION.

2 Sec. 17511. (1) A person shall not engage in the practice of
3 osteopathic medicine and surgery or practice as a physician's
4 assistant unless licensed or otherwise authorized by this article.

5 (2) NOTWITHSTANDING SECTION 16145 OR RULES PROMULGATED UNDER
6 THAT SECTION, THE BOARD MAY GRANT A LICENSE IN ACCORDANCE WITH
7 SECTION 16186 AFTER DETERMINING THAT EACH OF THE FOLLOWING
8 CONDITIONS IS SATISFIED:

9 (A) THE APPLICANT HAS DISCLOSED THAT A SANCTION IS IN FORCE
10 AGAINST HIM OR HER AS DESCRIBED IN SECTION 16174(2)(B) AND
11 CONSIDERING THE REASONS FOR THE SANCTION AND THE APPLICANT'S RECORD
12 OF PRACTICE, EXPERIENCE, CREDENTIALS, AND COMPETENCE TO ENGAGE IN
13 THE PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY, THAT SANCTION
14 SHOULD NOT PREVENT THE APPLICANT FROM BEING GRANTED A LICENSE IN
15 THIS STATE.

16 (B) THE SANCTION IMPOSED BY THE OTHER STATE IS NOT PERMANENT.

17 (C) IF THE APPLICANT WAS REQUIRED BY THE STATE THAT IMPOSED
18 THE SANCTION TO PARTICIPATE IN AND COMPLETE A PROBATIONARY PERIOD
19 OR TREATMENT PLAN AS A CONDITION OF THE CONTINUATION OF HIS OR HER
20 LICENSURE, THE APPLICANT DID NOT COMPLETE THE PROBATIONARY PERIOD
21 OR TREATMENT PLAN BECAUSE THE APPLICANT CEASED ENGAGING IN THE
22 PRACTICE OF OSTEOPATHIC MEDICINE AND SURGERY IN THAT STATE.

23 (D) AS A CONDITION OF LICENSURE UNDER THIS SUBSECTION, THE
24 APPLICANT VOLUNTARILY AGREES TO COMPLETE A PROBATIONARY PERIOD OR
25 TREATMENT PLAN, THE TERMS OF WHICH ARE NO LESS STRINGENT THAN THOSE
26 IMPOSED BY THE STATE THAT IMPOSED THE SANCTION.