

SUBSTITUTE FOR
HOUSE BILL NO. 5043

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16245 (MCL 333.16245), as amended by 2006 PA
26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16245. (1) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED, AN** individual
2 whose license is limited, suspended, or revoked under this part may
3 apply to his or her board or task force for a reinstatement of a
4 revoked or suspended license or reclassification of a limited
5 license pursuant to section 16247 or 16249.

6 (2) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED, AN** individual whose
7 registration is suspended or revoked under this part may apply to
8 his or her board for a reinstatement of a suspended or revoked
9 registration pursuant to section 16248.

10 (3) A board or task force shall reinstate a license or

1 registration suspended for grounds stated in section 16221(j) upon
2 payment of the installment.

3 (4) Except as otherwise provided in this subsection, in case
4 of a revoked license or registration, an applicant shall not apply
5 for reinstatement before the expiration of 3 years after the
6 effective date of the revocation. In the case of a license or
7 registration that was revoked for a violation of section
8 16221(b) (vii), a violation of section 16221(c) (iv) consisting of a
9 felony conviction, any other felony conviction involving a
10 controlled substance, or a violation of section 16221(q), an
11 applicant shall not apply for reinstatement before the expiration
12 of 5 years after the effective date of the revocation. **IN THE CASE**
13 **OF A LICENSE OR REGISTRATION THAT WAS PERMANENTLY REVOKED FOR A**
14 **VIOLATION OF SECTION 16221(B) (xiii), THE LICENSEE OR REGISTRANT IS**
15 **INELIGIBLE FOR REINSTATEMENT.** The department shall return an
16 application for reinstatement received before the expiration of the
17 applicable time period under this subsection **OR IF THE APPLICANT IS**
18 **INELIGIBLE FOR REINSTATEMENT UNDER THIS SUBSECTION.**

19 (5) The department shall provide an opportunity for a hearing
20 before final rejection of an application for reinstatement.

21 (6) Based upon the recommendation of the disciplinary
22 subcommittee for each health profession, the department shall adopt
23 guidelines to establish specific criteria to be met by an applicant
24 for reinstatement under this article or article 7. The criteria may
25 include corrective measures or remedial education as a condition of
26 reinstatement. If a board or task force, in reinstating a license
27 or registration, deviates from the guidelines adopted under this

1 subsection, the board or task force shall state the reason for the
2 deviation on the record.

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

9 (8) An individual who seeks reinstatement of a revoked or
10 suspended license or reclassification of a limited license pursuant
11 to this section shall have a criminal history check conducted in
12 accordance with section 16174 and submit a copy of the results of
13 the ~~background~~-**CRIMINAL HISTORY** check to the board with his or her
14 application for reinstatement or reclassification.

15 Enacting section 1. This amendatory act does not take effect
16 unless all of the following bills of the 95th Legislature are
17 enacted into law:

18 (a) House Bill No. 4468.

19 (b) House Bill No. 4469.