

HOUSE BILL No. 5043

June 4, 2009, Introduced by Reps. Liss, Rick Jones, Bettie Scott and Constan and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending sections 16245 and 16631 (MCL 333.16245 and 333.16631), section 16245 as amended by 2006 PA 26 and section 16631 as added by 2008 PA 503.

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

1 registration pursuant to section 16248.

2 (3) A board or task force shall reinstate a license or
3 registration suspended for grounds stated in section ~~16221(j)~~
4 **16221(I)** upon payment of the installment.

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9 registration that was revoked for a violation of section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15 **IN THE CASE OF A LICENSE OR REGISTRATION THAT WAS REVOKED FOR A**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

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

24 (6) Based upon the recommendation of the disciplinary
25 subcommittee for each health profession, the department shall adopt
26 guidelines to establish specific criteria to be met by an applicant
27 for reinstatement under this article or article 7. The criteria may

1 include corrective measures or remedial education as a condition of
2 reinstatement. If a board or task force, in reinstating a license
3 or registration, deviates from the guidelines adopted under this
4 subsection, the board or task force shall state the reason for the
5 deviation on the record.

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

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

18 Sec. 16631. (1) Except as otherwise provided, this section
19 applies to a dentist who uses dental amalgam and to a dentist who
20 removes dental amalgam. This section does not apply to any of the
21 following:

- 22 (a) Oral and maxillofacial surgeons.
- 23 (b) Oral and maxillofacial radiologists.
- 24 (c) Oral pathologists.
- 25 (d) Orthodontists.
- 26 (e) Periodontists.
- 27 (f) Dentists while providing services in a dental school, in a

1 hospital, or through a local health department.

2 (2) On or before December 31, 2013, a dentist described in
3 subsection (1) shall install or have installed and use on each
4 wastewater drain in the dentist's office that is used to discharge
5 dental amalgam a separator that has an efficiency of 95% or more as
6 determined through testing in accordance with standards published
7 by the international organization for standardization in ISO
8 11143:2008 ~~"Dental equipment"~~ **"DENTISTRY** - Amalgam separators".

9 (3) On or before ~~the expiration of 90 days after the effective~~
10 ~~date of this section~~ **APRIL 13, 2009**, the department, in
11 consultation with the department of environmental quality, shall
12 promulgate rules regarding best management practice for dental
13 amalgam collection, disposal, and recycling and the retention and
14 inspection of dental office records regarding the following:

15 (a) The make, model, and type of dental amalgam separator
16 installed and in use in the office.

17 (b) The method used to dispose of or recycle the dental
18 amalgam waste collected.

19 (c) The shipping or other delivery records documenting the
20 transfer of the dental amalgam waste collected to licensed
21 recyclers or disposers.

22 (d) The proper operation of the dental amalgam separator,
23 including scheduled maintenance as specified in the manufacturer's
24 owner's manual for that separator.

25 (e) Compliance with dental amalgam best management practices.

26 (4) A violation of subsection (1) or (2) or a rule promulgated
27 under subsection (3) is a violation of section ~~16221(h)~~ **16221(G)**.

1 (5) Beginning on ~~the effective date of this section~~ **JANUARY**
2 **13, 2009** and subject to this subsection, this section preempts and
3 supersedes any local ordinance, regulation, or resolution that
4 imposes conflicting, different, or additional standards or
5 requirements on dentists than those contained in this section or
6 rules promulgated by the board under this section. A local unit of
7 government may enact, adopt, maintain, amend, or enforce an
8 ordinance, regulation, or resolution that requires implementation
9 of the requirement in subsections (2) and (3) before the date
10 required in subsection (2). A local unit of government shall not
11 enact, adopt, maintain, or enforce an ordinance, regulation, or
12 resolution that imposes conflicting, different, or additional
13 standards or requirements on dentists than those contained in this
14 section or rules promulgated ~~by the board~~ under this section,
15 including, but not limited to, the requirement to obtain a permit
16 that limits the discharge of mercury into wastewater with a
17 limitation greater than that capable of being achieved by full
18 compliance with this section.

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

22 (a) House Bill No. 4468.

23 (b) House Bill No. 4469.