

HOUSE BILL No. 6553

November 9, 2010, Introduced by Rep. Corriveau and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 20958 (MCL 333.20958), as amended by 2000 PA
375.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 20958. (1) The department may deny, revoke, or suspend an
2 emergency medical services personnel license upon finding that an
3 applicant or licensee meets 1 or more of the following:

4 (a) Is guilty of fraud or deceit in procuring or attempting to
5 procure licensure.

6 (b) Has illegally obtained, possessed, used, or distributed
7 drugs.

8 (c) Has practiced after his or her license has expired or has

1 been suspended.

2 (d) Has knowingly violated, or aided or abetted others in the
3 violation of, this part or rules promulgated under this part.

4 (e) Is not performing in a manner consistent with his or her
5 education, licensure, or approved medical control authority
6 protocols.

7 (f) Is physically or mentally incapable of performing his or
8 her prescribed duties.

9 (g) Has been convicted of a criminal offense under sections
10 520a to 520l of the Michigan penal code, 1931 PA 328, MCL 750.520a
11 to 750.520l. A certified copy of the court record is conclusive
12 evidence of the conviction.

13 (h) Has been convicted of a misdemeanor or felony reasonably
14 related to and adversely affecting the ability to practice in a
15 safe and competent manner. A certified copy of the court record is
16 conclusive evidence of the conviction.

17 (2) The department shall provide notice of intent to deny,
18 revoke, or suspend an emergency services personnel license and
19 ~~opportunity for a hearing according to section 20166~~ **BY CERTIFIED**
20 **MAIL OR PERSONAL SERVICE. THE NOTICE OF INTENT SHALL SET FORTH THE**
21 **PARTICULAR REASONS FOR THE PROPOSED ACTION AND SHALL ADVISE THE**
22 **APPLICANT OR LICENSEE THAT HE OR SHE IS ENTITLED TO THE OPPORTUNITY**
23 **FOR A HEARING BEFORE THE DIRECTOR OR THE DIRECTOR'S AUTHORIZED**
24 **REPRESENTATIVE. IF THE PERSON TO WHOM THE NOTICE IS SENT DOES NOT**
25 **MAKE A WRITTEN REQUEST TO THE DEPARTMENT FOR A HEARING WITHIN 30**
26 **DAYS OF RECEIVING THE NOTICE, THE LICENSE IS CONSIDERED DENIED,**
27 **REVOKED, OR SUSPENDED AS STATED IN THE NOTICE. IF REQUESTED, THE**

1 HEARING SHALL BE CONDUCTED PURSUANT TO THE ADMINISTRATIVE
2 PROCEDURES ACT OF 1969 AND RULES PROMULGATED BY THE DEPARTMENT. A
3 FULL AND COMPLETE RECORD SHALL BE KEPT OF THE PROCEEDING AND SHALL
4 BE TRANSCRIBED WHEN REQUESTED BY AN INTERESTED PARTY, WHO SHALL PAY
5 THE COST OF PREPARING THE TRANSCRIPT. ON THE BASIS OF A HEARING OR
6 ON THE DEFAULT OF THE APPLICANT OR LICENSEE, THE DEPARTMENT MAY
7 ISSUE, DENY, SUSPEND, OR REVOKE A LICENSE.

8 (3) THE DEPARTMENT MAY ESTABLISH PROCEDURES, HOLD HEARINGS,
9 ADMINISTER OATHS, ISSUE SUBPOENAS, OR ORDER TESTIMONY TO BE TAKEN
10 AT A HEARING OR BY DEPOSITION IN A PROCEEDING PENDING AT ANY STAGE
11 OF THE PROCEEDING. A PERSON MAY BE COMPELLED TO APPEAR AND TESTIFY
12 AND TO PRODUCE BOOKS, PAPERS, OR DOCUMENTS IN A PROCEEDING.

13 (4) IN CASE OF DISOBEDIENCE OF A SUBPOENA, A PARTY TO A
14 HEARING MAY INVOKE THE AID OF THE CIRCUIT COURT OF THE JURISDICTION
15 IN WHICH THE HEARING IS HELD TO REQUIRE THE ATTENDANCE AND
16 TESTIMONY OF WITNESSES. THE CIRCUIT COURT MAY ISSUE AN ORDER
17 REQUIRING AN INDIVIDUAL TO APPEAR AND GIVE TESTIMONY. FAILURE TO
18 OBEY THE ORDER OF THE CIRCUIT COURT MAY BE PUNISHED BY THE COURT AS
19 A CONTEMPT.