

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4412

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16226 (MCL 333.16226), as amended by 2004 PA
214.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16226. (1) After finding the existence of 1 or more of
2 the grounds for disciplinary subcommittee action listed in
3 section 16221, a disciplinary subcommittee shall impose 1 or more
4 of the following sanctions for each violation:

5	<u>Violations of Section 16221</u>	<u>Sanctions</u>
6	Subdivision (a), (b) (ii),	Probation, limitation, denial,
7	(b) (iv), (b) (vi), or	suspension, revocation,
8	(b) (vii)	restitution, community service,
9		or fine.

1	Subdivision	Revocation or denial.
2	(b) (viii)	
3	Subdivision (b) (i) ,	Limitation, suspension,
4	(b) (iii) , (b) (v) ,	revocation, denial,
5	(b) (ix) , (b) (x) ,	probation, restitution,
6	(b) (xi) , or (b) (xii)	community service, or fine.
7	SUBDIVISION (B) (xiii)	PROBATION, LIMITATION, DENIAL,
8		SUSPENSION, REVOCATION,
9		RESTITUTION, COMMUNITY SERVICE,
10		FINE, OR, SUBJECT TO SUBSECTION
11		(5) , PERMANENT REVOCATION.
12	Subdivision (c) (i)	Denial, revocation, suspension,
13		probation, limitation, community
14		service, or fine.
15	Subdivision (c) (ii)	Denial, suspension, revocation,
16		restitution, community service,
17		or fine.
18	Subdivision (c) (iii)	Probation, denial, suspension,
19		revocation, restitution,
20		community service, or fine.
21	Subdivision (c) (iv)	Fine, probation, denial,
22	or (d) (iii)	suspension, revocation, community
23		service, or restitution.
24	Subdivision (d) (i)	Reprimand, fine, probation,
25	or (d) (ii)	community service, denial,
26		or restitution.
27	Subdivision (e) (i)	Reprimand, fine, probation,
28		limitation, suspension, community
29		service, denial, or restitution.
30	Subdivision (e) (ii)	Reprimand, probation,
31	or (i)	suspension, restitution,

1		community service, denial, or
2		fine.
3	Subdivision (e) (iii),	Reprimand, fine, probation,
4	(e) (iv), or (e) (v)	suspension, revocation,
5		limitation, community service,
6		denial, or restitution.
7	Subdivision (g)	Reprimand or fine.
8	Subdivision (h) or	Reprimand, probation, denial,
9	(s)	suspension, revocation,
10		limitation, restitution,
11		community service, or fine.
12	Subdivision (j)	Suspension or fine.
13	Subdivision (k), (p), or	Reprimand or fine.
	(r)	
14	Subdivision (l)	Reprimand, denial, or
15		limitation.
16	Subdivision (m) or	Denial, revocation, restitution,
17	(o)	probation, suspension,
18		limitation, reprimand, or fine.
19	Subdivision (n)	Revocation or denial.
20	Subdivision (q)	Revocation.
21	Subdivision (t)	Revocation, fine, and
22		restitution.

23 (2) Determination of sanctions for violations under this

24 section shall be made by a disciplinary subcommittee. If, during

25 judicial review, the court of appeals determines that a final

26 decision or order of a disciplinary subcommittee prejudices

27 substantial rights of the petitioner for 1 or more of the grounds

28 listed in section 106 of the administrative procedures act of

29 1969, 1969 PA 306, MCL 24.306, and holds that the final decision

1 or order is unlawful and is to be set aside, the court shall
2 state on the record the reasons for the holding and may remand
3 the case to the disciplinary subcommittee for further
4 consideration.

5 (3) A disciplinary subcommittee may impose a fine of up to,
6 but not exceeding, \$250,000.00 for a violation of section
7 16221(a) or (b).

8 (4) A disciplinary subcommittee may require a licensee or
9 registrant or an applicant for licensure or registration who has
10 violated this article or article 7 or a rule promulgated under
11 this article or article 7 to satisfactorily complete an
12 educational program, a training program, or a treatment program,
13 a mental, physical, or professional competence examination, or a
14 combination of those programs and examinations.

15 (5) A DISCIPLINARY SUBCOMMITTEE SHALL NOT IMPOSE THE
16 SANCTION OF PERMANENT REVOCATION FOR A VIOLATION OF SECTION
17 16221(B) (xiii) UNLESS THE VIOLATION OCCURRED WHILE THE LICENSEE OR
18 REGISTRANT WAS ACTING WITHIN THE HEALTH PROFESSION FOR WHICH HE
19 OR SHE WAS LICENSED OR REGISTERED.

20 Enacting section 1. This amendatory act does not take effect
21 unless all of the following bills of the 96th Legislature are
22 enacted into law:

23 (a) Senate Bill No. 235.

24 (b) House Bill No. 4411.