

SENATE BILL No. 702

September 27, 2011, Introduced by Senator MOOLENAAR and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16174 (MCL 333.16174), as amended by 2006 PA
398.

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
7 specialty field of the health profession, or training equivalent,
8 or both, as prescribed by this article or rules of a board

1 necessary to promote safe and competent practice and informed
2 consumer choice.

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

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

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

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

16 (b) Establish that if sanctions have been imposed against the
17 applicant by a similar licensure, registration, or specialty
18 licensure or specialty certification board of this or any other
19 state, of the United States military, of the federal government, or
20 of another country based upon grounds that are substantially
21 similar to those set forth in this article or article 7 or the
22 rules promulgated under this article or article 7, as determined by
23 the board or task force to which the applicant applies, the
24 sanctions are not in force at the time of application. This
25 subdivision does not apply to an application for licensure that the
26 board may grant under section 17011(4) or 17511(2).

27 (c) File with the board or task force a written, signed

1 consent to the release of information regarding a disciplinary
2 investigation involving the applicant conducted by a similar
3 licensure, registration, or specialty licensure or specialty
4 certification board of this or any other state, of the United
5 States military, of the federal government, or of another country.

6 (3) Beginning ~~May 1, 2006,~~ **OCTOBER 1, 2008,** an applicant for
7 initial licensure or registration shall submit his or her
8 fingerprints to the department of state police to have a criminal
9 history check conducted and request that the department of state
10 police forward his or her fingerprints to the federal bureau of
11 investigation for a national criminal history check. The department
12 of state police shall conduct a criminal history check and request
13 the federal bureau of investigation to make a determination of the
14 existence of any national criminal history pertaining to the
15 applicant. The department of state police shall provide the
16 department with a written report of the criminal history check if
17 the criminal history check contains any criminal history record
18 information. The department of state police shall forward the
19 results of the federal bureau of investigation determination to the
20 department within 30 days after the request is made. The department
21 shall notify the board and the applicant in writing of the type of
22 crime disclosed on the federal bureau of investigation
23 determination without disclosing the details of the crime. The
24 department of state police may charge a reasonable fee to cover the
25 cost of conducting the criminal history check. The criminal history
26 record information obtained under this subsection shall be used
27 only for the purpose of evaluating an applicant's qualifications

1 for licensure or registration for which he or she has applied. A
2 member of the board shall not disclose the report or its contents
3 to any person who is not directly involved in evaluating the
4 applicant's qualifications for licensure or registration.

5 Information obtained under this subsection is confidential, is not
6 subject to disclosure under the freedom of information act, 1976 PA
7 442, MCL 15.231 to 15.246, and shall not be disclosed to any person
8 except for purposes of this section or for law enforcement
9 purposes.

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

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

22 (b) Require the applicant to secure from a national
23 association or federation of state professional licensing boards
24 certification of compliance with the requirements described in
25 subsection (2). If an application is for licensure that the board
26 may grant under section 17011(4) or 17511(2), the applicant is not
27 required to secure the certification of compliance with respect to

1 the requirements described in subsection (2)(b).

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

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