

HOUSE BILL No. 5841

September 23, 2014, Introduced by Rep. Farrington and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2014 PA 97.

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:

| <u>Violations of Section 16221</u> | <u>Sanctions</u> |
|--|--------------------------------|
| 5 Subdivision (a), (B) (i) , | Probation, limitation, denial, |
| 6 (b) (ii), (B) (iii) , (b) (iv), | suspension, revocation, |
| 7 (B) (v) , (b) (vi), or (b) (vii), | PERMANENT REVOCATION, |
| 8 (B) (ix) , (B) (x) , (B) (xi) , | restitution, or fine. |
| 9 | |

1 OR (B) (xii)

2

3 Subdivision (b) (viii) Revocation, **PERMANENT REVOCATION**,

4 or denial.

5

6 ~~Subdivision (b) (i),~~ Limitation, ~~suspension,~~

7 ~~(b) (iii), (b) (v),~~ revocation, ~~denial,~~

8 ~~(b) (ix), (b) (x),~~ probation, ~~restitution,~~

9 ~~(b) (xi), or (b) (xii)~~ or fine.

10

11 Subdivision (b) (xiii) Permanent revocation

12 for a violation described in

13 subsection (5); otherwise,

14 probation, limitation, denial,

15 suspension, revocation, ~~or~~

16 restitution, ~~—A OR~~ fine. ~~may~~

17 ~~also be assessed.~~

18

19

20 Subdivision (c) (i) Denial, revocation, suspension,

21 probation, limitation, or fine.

22

23 Subdivision (c) (ii) Denial, suspension, revocation,

24 restitution, or fine.

25

26 Subdivision (c) (iii) Probation, denial, suspension,

27 revocation, restitution, or fine.

28

29 Subdivision (c) (iv) Fine, probation, denial,

1 or (d) (iii) suspension, revocation, **PERMANENT**
2 **REVOCAATION**, or restitution.
3
4 Subdivision (d) (i) Reprimand, fine, probation,
5 or (d) (ii) denial, or restitution.
6
7 Subdivision (e) (i), Reprimand, fine, probation,
8 **(E) (iii), (E) (iv), (E) (v),** limitation, suspension,
9 **(H), OR (S)** **REVOCAATION, PERMANENT REVOCAATION,**
10 denial, or restitution.
11
12 Subdivision (e) (ii) Reprimand, probation, suspension,
13 or (i) **REVOCAATION, PERMANENT**
14 **REVOCAATION,** restitution,
15 denial, or fine.
16
17 ~~Subdivision (e) (iii),~~ Reprimand, ~~fine, probation,~~
18 ~~(e) (iv), or (e) (v)~~ ~~suspension, revocation,~~
19 ~~limitation, denial, or~~
20 ~~restitution.~~
21
22 Subdivision (e) (vi) Probation, suspension, revocation,
23 or (e) (vii) limitation, denial, ~~or~~
24 restitution, ~~A OR~~ fine. ~~may~~
25 ~~also be assessed.~~
26
27 Subdivision (f) Reprimand, denial, limitation,
28 probation, or fine.
29

| | | |
|----|-----------------------------------|---|
| 1 | Subdivision (g) | Reprimand or fine. |
| 2 | | |
| 3 | Subdivision (h) or (s) | Reprimand, probation, denial, |
| 4 | | suspension, revocation, |
| 5 | | limitation, restitution, |
| 6 | | or fine. |
| 7 | | |
| 8 | Subdivision (j) | Suspension or fine. |
| 9 | | |
| 10 | Subdivision (k), (p), | Reprimand, PROBATION, SUSPENSION, |
| 11 | or (r) | REVOCATION, PERMANENT REVOCATION, |
| 12 | | or fine. |
| 13 | | |
| 14 | Subdivision (l) | Reprimand, denial, or |
| 15 | | limitation. |
| 16 | | |
| 17 | Subdivision (m) or (o) | Denial, revocation, restitution, |
| 18 | | probation, suspension, |
| 19 | | limitation, reprimand, or fine. |
| 20 | | |
| 21 | Subdivision (n) | Revocation or denial. |
| 22 | | |
| 23 | Subdivision (q) | Revocation. |
| 24 | | |
| 25 | Subdivision (t) | Revocation, PERMANENT REVOCATION, |
| 26 | | fine, and OR restitution. |

27 (2) Determination of sanctions for violations under this
28 section shall be made by a disciplinary subcommittee. If, during

1 judicial review, the court of appeals determines that a final
2 decision or order of a disciplinary subcommittee prejudices
3 substantial rights of the petitioner for 1 or more of the grounds
4 listed in section 106 of the administrative procedures act of
5 1969, 1969 PA 306, MCL 24.306, and holds that the final decision
6 or order is unlawful and is to be set aside, the court shall
7 state on the record the reasons for the holding and may remand
8 the case to the disciplinary subcommittee for further
9 consideration.

10 (3) A disciplinary subcommittee may impose a fine in an
11 amount that does not exceed \$250,000.00 for a violation of
12 section 16221(a) or (b). A disciplinary subcommittee shall impose
13 a fine of at least \$25,000.00 if the violation of section
14 16221(a) or (b) results in the death of 1 or more patients.

15 (4) A disciplinary subcommittee may require a licensee or
16 registrant or an applicant for licensure or registration who has
17 violated this article, article 7, or article 8 or a rule
18 promulgated under this article, article 7, or article 8 to
19 satisfactorily complete an educational program, a training
20 program, or a treatment program, a mental, physical, or
21 professional competence examination, or a combination of those
22 programs and examinations.

23 (5) A disciplinary subcommittee shall impose the sanction of
24 permanent revocation for a violation of section 16221(b) (xiii) if
25 the violation occurred while the licensee or registrant was
26 acting within the health profession for which he or she was
27 licensed or registered.

1 (6) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5), A
2 DISCIPLINARY SUBCOMMITTEE SHALL NOT IMPOSE THE SANCTION OF
3 PERMANENT REVOCATION UNDER THIS SECTION WITHOUT A FINDING THAT
4 THE LICENSEE OR REGISTRANT ENGAGED IN A PATTERN OF INTENTIONAL
5 ACTS OF FRAUD OR DECEIT RESULTING IN PERSONAL FINANCIAL GAIN TO
6 THE LICENSEE OR REGISTRANT AND HARM TO THE HEALTH OF PATIENTS
7 UNDER THE LICENSEE'S OR REGISTRANT'S CARE.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless all of the following bills of the 97th Legislature are
12 enacted into law:

13 (a) Senate Bill No. ____ or House Bill No. 5839 (request no.
14 05248'14).

15 (b) Senate Bill No. ____ or House Bill No. 5840 (request no.
16 05249'14).

17 (c) Senate Bill No. ____ or House Bill No. 5842 (request no.
18 05252'14).