

**PERMANENT REVOCATION OF  
OCCUPATIONAL LICENSE IF CONVICTED  
OF FEMALE GENITAL MUTILATION**

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**Senate Bill 410 (passed by the Senate as S-1)**  
**Sponsor: Sen. Patrick Colbeck**

**House Bill 4639 (passed by the Senate as S-2)**  
**Sponsor: Rep. Klint Kesto**

**House Committee: Law and Justice**  
**Senate Committee: Judiciary**  
**Complete to 6-19-17**

**SUMMARY:**

Taken together, Senate Bill 410 and House Bill 4639 would amend the disciplinary section of the Public Health Code to require the permanent revocation of the health care license or registration of a person convicted of offenses related to female genital mutilation (FGM) being created in the Michigan Penal Code. A certified copy of the court record would be conclusive evidence of the conviction.

The proposed Penal Code amendments specifically would (1) prohibit a person from knowingly circumcising, excising, or infibulating the whole or any part of the labia majora or labia minora or clitoris of a person less than 18 years of age—the definition of FGM—and (2) knowingly facilitating such conduct or knowingly transporting a person from this state for the purpose of such conduct. These amendments are found in House Bills 4636 and 4637 and Senate Bills 337 and 368.

**Senate Bill 410** would amend the sanctions list under Section 16226 of the Public Health Code (PHC) to note that permanent revocation would be the penalty for the conduct described in **House Bill 4639**. That bill would amend Section 16221 of the Public Health Code to cite the Michigan Penal Code provisions related to FGM and specify that a certified copy of the court record would be conclusive evidence of the conviction under the Penal Code.

The two bills are tie-barred to each other and to Senate Bills 337 and 368, which would amend the Penal Code.

Under provisions of the PHC, a licensed or registered healthcare professional (or applicant) can be subject to administrative sanctions for engaging in certain conduct or prohibited acts, as specified in the code. For example, negligence or failure to exercise due care, incompetence, practice outside the scope of a license, or conviction of certain criminal offenses can result in sanctions levied against the person's license or registration. These

sanctions include denial, suspension, or revocation of the license or registration; reprimand; fines; restitution; and community service.

Currently, the following healthcare professions are licensed or registered under Article 15 of the Public Health Code: acupuncturists, chiropractors, dentists, dental assistants, dental hygienists, audiologists, marriage and family therapists, physicians (M.D.s and D.O.s), nurses, nursing home administrators, optometrists, speech-language pathologists, pharmacists, physical therapists and physical therapy assistants, physician's assistants, athletic trainers, massage therapists, podiatrists, counselors, psychologists, occupational therapists and occupational therapy assistants, dietitians and nutritionists, sanitarians, social workers and social service technicians, respiratory therapists, and veterinarians and veterinarian technicians.

The Department of Community Health has authority to investigate activities of licensed or registered healthcare professionals and applicants for licensure or registration. This includes conducting hearings, administering oaths, and ordering relevant testimony to be given. The findings of the investigation are then reported to the appropriate disciplinary subcommittee. Disciplinary subcommittees are required to impose one or more of the sanctions that apply to a specific violation.

#### **FISCAL IMPACT:**

The bill would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs.

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