

**SUBSTITUTE FOR
SENATE BILL NO. 410**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16226 (MCL 333.16226), as amended by 2016 PA
379.

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>	6 <u>Sanctions</u>
7 Subdivision (a), (b) (i),	Probation, limitation, denial,
8 (b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
9 (b) (v), (b) (vi), (b) (vii),	permanent revocation,
10 (b) (ix), (b) (x), (b) (xi),	restitution, or fine.
10 or (b) (xii)	

1
2 Subdivision (b) (*viii*) Revocation, permanent revocation,
3 or denial.
4
5 Subdivision (b) (*xiii*) Permanent revocation
6 for a violation described in
7 subsection (5); otherwise,
8 probation, limitation, denial,
9 suspension, revocation,
10 restitution, or fine.
11
12 **SUBDIVISION (B) (*xiv*)** **PERMANENT REVOCATION.**
13
14 Subdivision (c) (*i*) Denial, revocation, suspension,
15 probation, limitation, or fine.
16
17 Subdivision (c) (*ii*) Denial, suspension, revocation,
18 restitution, or fine.
19
20 Subdivision (c) (*iii*) Probation, denial, suspension,
21 revocation, restitution, or fine.
22
23 Subdivision (c) (*iv*) Fine, probation, denial,
24 or (d) (*iii*) suspension, revocation, permanent
25 revocation, or restitution.
26
27 Subdivision (d) (*i*) Reprimand, fine, probation,
28 or (d) (*ii*) denial, or restitution.
29

1	Subdivision (e) (i) ,	Reprimand, fine, probation,
2	(e) (iii) , (e) (iv) , (e) (v) ,	limitation, suspension,
3	(h) , or (s)	revocation, permanent revocation,
4		denial, or restitution.
5		
6	Subdivision (e) (ii)	Reprimand, probation, suspension,
7	or (i)	revocation, permanent
8		revocation, restitution,
9		denial, or fine.
10		
11	Subdivision (e) (vi)	Probation, suspension, revocation,
12	or (e) (vii)	limitation, denial,
13		restitution, or fine.
14		
15	Subdivision (f)	Reprimand, denial, limitation,
16		probation, or fine.
17		
18	Subdivision (g)	Reprimand or fine.
19		
20	Subdivision (j)	Suspension or fine.
21		
22	Subdivision (k) , (p) ,	Reprimand, probation, suspension,
23	or (r)	revocation, permanent revocation,
24		or fine.
25		
26	Subdivision (l)	Reprimand, denial, or
27		limitation.
28		
29	Subdivision (m) or (o)	Denial, revocation, restitution,

Revocation or denial.

Revocation.

Revocation, permanent revocation,
fine, or restitution.

Denial, revocation, probation,
suspension, limitation, reprimand,
or fine.

(2) Determination of sanctions for violations under this section shall be made by a disciplinary subcommittee. If, during judicial review, the court of appeals determines that a final decision or order of a disciplinary subcommittee prejudices substantial rights of the petitioner for 1 or more of the grounds listed in section 106 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.306, and holds that the final decision or order is unlawful and is to be set aside, the court shall state on the record the reasons for the holding and may remand the case to the disciplinary subcommittee for further consideration.

(3) A disciplinary subcommittee may impose a fine in an amount that does not exceed \$250,000.00 for a violation of

1 section 16221(a) or (b). A disciplinary subcommittee shall impose
2 a fine of at least \$25,000.00 if the violation of section
3 16221(a) or (b) results in the death of 1 or more patients.

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

12 (5) A disciplinary subcommittee shall impose the sanction of
13 permanent revocation for a violation of section 16221(b) (xiii) if
14 the violation occurred while the licensee or registrant was
15 acting within the health profession for which he or she was
16 licensed or registered.

17 (6) Except as otherwise provided in subsection (5) **AND THIS**
18 **SUBSECTION**, a disciplinary subcommittee shall not impose the
19 sanction of permanent revocation under this section without a
20 finding that the licensee or registrant engaged in a pattern of
21 intentional acts of fraud or deceit resulting in personal
22 financial gain to the licensee or registrant and harm to the
23 health of patients under the licensee's or registrant's care.
24 **THIS SUBSECTION DOES NOT APPLY IF A DISCIPLINARY SUBCOMMITTEE**
25 **FINDS THAT A LICENSEE OR REGISTRANT HAS VIOLATED SECTION**
26 **16221 (B) (xiv) .**

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.

2 Enacting section 2. This amendatory act does not take effect
3 unless all of the following bills of the 99th Legislature are
4 enacted into law:

5 (a) Senate Bill No. 337.

6 (b) Senate Bill No. 368.

7 (c) House Bill No. 4639.