

HOUSE BILL No. 5790

April 12, 2018, Introduced by Reps. Rendon, Kesto, Geiss, Greimel, Pagan, Hornberger and Clemente and referred to the Committee on Law and Justice.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16226 (MCL 333.16226), as amended by 2017 PA
249.

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 section
3 16221, a disciplinary subcommittee shall impose 1 or more of the
4 following sanctions for each violation:

5	Violations of Section 16221	Sanctions
6	Subdivision (a), (b) (i),	Probation, limitation, denial,
7	(b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
8	(b) (v), (b) (vi), (b) (vii),	permanent revocation,
9	(b) (ix), (b) (x), (b) (xi),	restitution, or fine.
10	or (b) (xii)	
11		

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

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

1	Subdivision (l)	Reprimand, denial, or
2		limitation.
3		
4	Subdivision (m) or (o)	Denial, revocation, restitution,
5		probation, suspension,
6		limitation, reprimand, or fine.
7		
8	Subdivision (n)	Revocation or denial.
9		
10	Subdivision (q)	Revocation.
11		
12	Subdivision (t)	Revocation, permanent revocation,
13		fine, or restitution.
14		
15	Subdivision (u)	Denial, revocation, probation,
16		suspension, limitation, reprimand,
17		or fine.
18		
19	Subdivision (v) or (x)	Probation, limitation, denial,
20		fine, suspension, revocation, or
21		permanent revocation.
22		
23	Subdivision (w)	Denial, fine, reprimand,
24		probation, limitation,
25		suspension, revocation, or
26		permanent revocation.
27	(2) Determination of sanctions for violations under this	

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

10 (3) A disciplinary subcommittee may impose a fine in an amount
11 that does not exceed \$250,000.00 for a violation of section
12 16221(a) or (b). A disciplinary subcommittee shall impose a fine of
13 at least \$25,000.00 if the violation of section 16221(a) or (b)
14 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 program,
20 or a treatment program, a mental, physical, or professional
21 competence examination, or a combination of those programs and
22 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 acting
26 within the health profession for which he or she was licensed or
27 registered.

(6) Except as otherwise provided in subsection (5) and this subsection, a disciplinary subcommittee shall not impose the sanction of permanent revocation under this section without a finding that the licensee or registrant engaged in a pattern of intentional acts of fraud or deceit resulting in personal financial gain to the licensee or registrant and harm to the health of patients under the licensee's or registrant's care. This subsection does not apply if a disciplinary subcommittee finds that a licensee or registrant has violated section 16221(b) (xiv) **OR (B) (xv)** .

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

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

(a) Senate Bill No. _____ or House Bill No. 5787 (request no. 06052'18).

(b) Senate Bill No. _____ or House Bill No. 5789 (request no. 06104'18).