

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.16226.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 *****

333.16226.amended Sanctions; determination; judicial review; maximum and minimum fine for violation of MCL 333.16221(a) or (b); completion of program or examination; permanent revocation; finding; violation of MCL 333.16221(b)(xiv) or (xv); disciplinary subcommittee.

Sec. 16226. (1) After finding the existence of 1 or more of the grounds for disciplinary subcommittee action listed in section 16221, a disciplinary subcommittee shall impose 1 or more of the following sanctions for each violation:

Violations of Section 16221

Sanctions

Subdivision (a), (b)(i),
(b)(ii), (b)(iii), (b)(iv),
(b)(v), (b)(vi), (b)(vii),
(b)(ix), (b)(x), (b)(xi),
or (b)(xii)

Probation, limitation, denial,
suspension, revocation,
permanent revocation,
restitution, or fine.

Subdivision (b)(viii)

Revocation, permanent revocation,
or denial.

Subdivision (b)(xiii)

Permanent revocation
for a violation described in
subsection (5); otherwise,
probation, limitation, denial,
suspension, revocation,
restitution, or fine.

Subdivision (b)(xiv) or (b)(xv)

Permanent revocation.

Subdivision (c)(i)

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

Subdivision (c)(ii)

Denial, suspension, revocation,
restitution, or fine.

Subdivision (c)(iii)

Probation, denial, suspension,
revocation, restitution, or fine.

Subdivision (c)(iv)
or (d)(iii)

Fine, probation, denial,
suspension, revocation, permanent
revocation, or restitution.

Subdivision (d)(i)
or (d)(ii)

Reprimand, fine, probation,
denial, or restitution.

Subdivision (e)(i),
(e)(iii), (e)(iv), (e)(v),
(h), or (r)

Reprimand, fine, probation,
limitation, suspension,
revocation, permanent revocation,
denial, or restitution.

Subdivision (e)(ii)
or (i)

Reprimand, probation, suspension,
revocation, permanent

	revocation, restitution, denial, or fine.
Subdivision (e)(vi), (e)(vii), or (e)(viii)	Probation, suspension, revocation, limitation, denial, restitution, or fine.
Subdivision (f)	Reprimand, denial, limitation, probation, or fine.
Subdivision (g)	Reprimand or fine.
Subdivision (j)	Suspension or fine.
Subdivision (k), (o), or (q)	Reprimand, probation, suspension, revocation, permanent revocation, or fine.
Subdivision (l)	Reprimand, denial, or limitation.
Subdivision (m) or (n)	Denial, revocation, restitution, probation, suspension, limitation, reprimand, or fine.
Subdivision (p)	Revocation.
Subdivision (s)	Revocation, permanent revocation, fine, or restitution.
Subdivision (t)	Denial, revocation, probation, suspension, limitation, reprimand, or fine.
Subdivision (u) or (w)	Probation, limitation, denial, fine, suspension, revocation, or permanent revocation.
Subdivision (v)	Denial, fine, reprimand, probation, limitation, suspension, revocation, or permanent revocation.
Subdivision (x)	Subject to subsection (7), fine.
Subdivision (y)	Fine.

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

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

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

(7) A disciplinary subcommittee shall impose a fine of not more than \$250.00 for each violation of section 16221(x).

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1986, Act 174, Imd. Eff. July 7, 1986;—Am. 1986, Act 195, Imd. Eff. July 8, 1986;—Am. 1986, Act 319, Imd. Eff. Dec. 26, 1986;—Am. 1987, Act 178, Imd. Eff. Nov. 19, 1987;—Am. 1989, Act 15, Imd. Eff. May 15, 1989;—Am. 1993, Act 79, Eff. Apr. 1, 1994;—Am. 1993, Act 133, Eff. Apr. 1, 1994;—Am. 1996, Act 273, Eff. Mar. 31, 1997;—Am. 1996, Act 540, Imd. Eff. Jan. 15, 1997;—Am. 1996, Act 594, Eff. Mar. 31, 1997;—Am. 1998, Act 109, Eff. Mar. 23, 1999;—Am. 2000, Act 29, Imd. Eff. Mar. 15, 2000;—Am. 2002, Act 643, Imd. Eff. Dec. 23, 2002;—Am. 2003, Act 234, Imd. Eff. Dec. 29, 2003;—Am. 2004, Act 48, Imd. Eff. Apr. 1, 2004;—Am. 2004, Act 214, Eff. Oct. 12, 2004;—Am. 2011, Act 224, Imd. Eff. Nov. 15, 2011;—Am. 2012, Act 499, Eff. Mar. 31, 2013;—Am. 2013, Act 268, Imd. Eff. Dec. 30, 2013;—Am. 2014, Act 97, Eff. July 1, 2014;—Am. 2014, Act 412, Eff. Mar. 30, 2015;—Am. 2016, Act 379, Eff. Mar. 22, 2017;—Am. 2017, Act 81, Eff. Oct. 9, 2017;—Am. 2017, Act 246, Imd. Eff. Dec. 27, 2017;—Am. 2017, Act 247, Imd. Eff. Dec. 27, 2017;—Am. 2017, Act 249, Imd. Eff. Dec. 27, 2017;—Am. 2018, Act 463, Eff. Mar. 27, 2019;—Am. 2020, Act 136, Imd. Eff. July 8, 2020;—Am. 2020, Act 233, Imd. Eff. Oct. 22, 2020;—Am. 2023, Act 48, Eff. Sept. 27, 2023;—Am. 2023, Act 209, Eff. Feb. 13, 2024.

Compiler's note: Section 3 of Act 174 of 1986 provides: "This amendatory act shall only apply to contested cases filed on or after July 1, 1986."

Popular name: Act 368