

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4373**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16226 (MCL 333.16226), as amended by 2020 PA
233.

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,



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

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

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



1 fine.

2

3 Subdivision (z) Fine.

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

14 (3) A disciplinary subcommittee may impose a fine in an amount
15 that does not exceed \$250,000.00 for a violation of section
16 16221(a) or (b). A disciplinary subcommittee shall impose a fine of
17 at least \$25,000.00 if the violation of section 16221(a) or (b)
18 results in the death of 1 or more patients.

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

27 (5) A disciplinary subcommittee shall impose the sanction of
28 permanent revocation for a violation of section 16221(b) (xiii) if the
29 violation occurred while the licensee or registrant was acting



1 within the health profession for which he or she was licensed or
2 registered.

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

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

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

16 Enacting section 2. This amendatory act does not take effect
17 unless House Bill No. 4372 of the 100th Legislature is enacted into
18 law.

