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## BILL ANALYSIS



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Senate Bill 281 (as introduced 4-24-19)  
Sponsor: Senator Peter Macgregor  
Committee: Health Policy and Human Services

Date Completed: 1-14-20

**CONTENT**

**The bill would amend the Public Health Code to require the Department of Licensing and Regulatory Affairs (LARA), subject to certain confidentiality provisions of the Code, to report the name of a licensee or registrant to the law enforcement agency with jurisdiction over the area in which the licensee or registrant practiced his or her health profession if LARA determined that there was a reasonable basis to believe that the licensee or registrant had committed criminal sexual conduct (CSC).**

Under the bill, subject to the confidentiality provisions of Sections 16222(2) and 16231(7) of the Public Health Code, LARA would have to report the name of a licensee or registrant to the law enforcement agency with jurisdiction over the area in which the licensee or registrant practiced his or her health profession if LARA determined that there was reasonable basis to believe that the licensee or registrant had committed a violation of Section 520b, 520c, 520d, or 520e of the Michigan Penal Code, and LARA had issued a formal complaint against the licensee or registrant for the violation.

(Section 16222(2) of the Public Health Code requires the identity of the licensee or registrant making a report of a violation under the Code to remain confidential unless disciplinary proceedings are initiated against the subject of the report and the licensee or registrant making the report must testify. Section 16231(7) of the Code requires LARA to keep the identity of a person that submitted the allegation confidential until disciplinary proceedings are initiated against the subject of the allegation and the person that made the allegation is required to testify in the proceedings. Neither section applies if the licensee or registrant making the allegation or report otherwise agreed in writing to waive confidentiality.)

(Sections 520b, 520c, 520d, and 520e of the Penal Code prohibit first-, second-, third-, and fourth-degree CSC, and prescribe the penalties for a violation.)

MCL 333.16238 et al.

Legislative Analyst: Tyler VanHuyse

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.