

HOUSE BILL NO. 4991

September 18, 2019, Introduced by Reps. Liberati and Hauck and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 16226 (MCL 333.16226), as amended by 2018 PA 463.

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



1 following sanctions for each violation:

2 <u>Violations of Section 16221</u>	<u>Sanctions</u>
3 Subdivision (a), (b) (i), 4 (b) (ii), (b) (iii), (b) (iv), 5 (b) (v), (b) (vi), (b) (vii), 6 (b) (ix), (b) (x), (b) (xi), 7 or (b) (xii)	8 Probation, limitation, denial, 9 suspension, revocation, 10 permanent revocation, 11 restitution, or fine.
12 Subdivision (b) (viii)	13 Revocation, permanent revocation, 14 or denial.
15 Subdivision (b) (xiii)	16 Permanent revocation 17 for a violation described in 18 subsection (5); otherwise, 19 probation, limitation, denial, 20 suspension, revocation, 21 restitution, or fine.
22 Subdivision (b) (xiv)	23 Permanent revocation.
24 Subdivision (c) (i)	25 Denial, revocation, suspension, 26 probation, limitation, or fine.
27 Subdivision (c) (ii)	28 Denial, suspension, revocation, restitution, or fine.
29 Subdivision (c) (iii)	30 Probation, denial, suspension, 31 revocation, restitution, or fine.

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

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



1 probation, limitation,
2 suspension, revocation, or
3 permanent revocation.
4

5 **Subdivision (y) Fine.**

6 (2) Determination of sanctions for violations under this
7 section shall be made by a disciplinary subcommittee. If, during
8 judicial review, the court of appeals determines that a final
9 decision or order of a disciplinary subcommittee prejudices
10 substantial rights of the petitioner for 1 or more of the grounds
11 listed in section 106 of the administrative procedures act of 1969,
12 ~~1969 PA 306,~~ MCL 24.306, and holds that the final decision or order
13 is unlawful and is to be set aside, the court shall state on the
14 record the reasons for the holding and may remand the case to the
15 disciplinary subcommittee for further consideration.

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

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

29 (5) A disciplinary subcommittee shall impose the sanction of

1 permanent revocation for a violation of section 16221(b) (xiii) if the
2 violation occurred while the licensee or registrant was acting
3 within the health profession for which he or she was licensed or
4 registered.

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

14 Enacting section 1. This amendatory act does not take effect
15 unless all of the following bills of the 100th Legislature are
16 enacted into law:

17 (a) House Bill No. 4459.

18 (b) House Bill No. 4460.

19 (c) Senate Bill No. ____ or House Bill No. 4990 (request no.
20 04421'19) .

