

HOUSE BILL NO. 4384

March 14, 2019, Introduced by Reps. Garrett, Pagan, Glenn, Hornberger, Alexander, Witwer, Pohutsky, Anthony, Brixie, Clemente, Ellison, Guerra, Hoadley, Hammoud, Garza, Whiteford, Neeley, LaGrand, Rendon, Kuppa, Sabo, Elder, Sowerby, Camilleri, Bolden, Whitsett, Hertel, Kennedy, Koleszar, Sneller, Tyrone Carter, Shannon, Hauck, Tate, Lasinski, Warren, Greig, Rabhi, Gay-Dagnogo, Wittenberg and Jones and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16241 (MCL 333.16241), as amended by 2014 PA
280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16241. (1) After administrative disciplinary action is
2 final, the department shall publish a list of the names and
3 addresses of disciplined individuals. The department shall indicate



1 on the list that a final administrative disciplinary action is
 2 subject to judicial review. The department shall report
 3 disciplinary action to the department of ~~community~~-health **and human**
 4 **services**, the department of insurance and financial services, the
 5 state and federal agencies responsible for fiscal administration of
 6 federal health care programs, and the appropriate professional
 7 association.

8 (2) Once each calendar year, the department shall transmit to
 9 the library of Michigan sufficient copies of a compilation of the
 10 lists required under subsection (1) for the immediately preceding 3
 11 calendar years. The library of Michigan shall distribute the
 12 compilation to each depository library in this state. The
 13 department shall also transmit the compilation to each county clerk
 14 in this state once each calendar year.

15 (3) The department of ~~community~~-health **and human services**
 16 shall report the disciplinary actions to appropriate licensed
 17 health facilities and agencies. The department of insurance and
 18 financial services shall report the disciplinary actions received
 19 from the department to insurance carriers providing professional
 20 liability insurance.

21 (4) In case of a summary suspension of a license under section
 22 16233(5), the department shall report the name and address of the
 23 individual whose license has been suspended to the department of
 24 ~~community~~-health **and human services**, the department of insurance
 25 and financial services, the state and federal agencies responsible
 26 for fiscal administration of federal health care programs, and the
 27 appropriate professional association. In case of a summary
 28 suspension of a license under section 16233(6), the department
 29 shall report the name and address of the pharmacy license that has



1 been suspended to the department of ~~community~~ health **and human**
 2 **services**, the department of insurance and financial services, the
 3 state and federal agencies responsible for fiscal administration of
 4 federal health care programs, and the appropriate professional
 5 association.

6 (5) A licensee or registrant **who has been placed on probation**
 7 **under this article or** whose license or registration is revoked or
 8 suspended under this article shall give notice of the **probation**,
 9 revocation, or suspension to each patient who contacts the licensee
 10 or registrant for professional services during the term of the
 11 **probation**, revocation, or suspension. The licensee or registrant
 12 may give the notice required under this subsection orally and shall
 13 give the notice required under this subsection at the time of
 14 contact.

15 (6) A licensee or registrant **who is placed on probation under**
 16 **this article or** whose license or registration is revoked or is
 17 suspended for more than 60 days under this article shall notify in
 18 writing each patient or client to whom the licensee or registrant
 19 rendered professional services in the licensee's or registrant's
 20 private practice during the 120 days immediately preceding the date
 21 of the final order imposing the **probation**, revocation, or
 22 suspension and to each individual who is already scheduled for
 23 professional services during the first 120 days after the date of
 24 the final order imposing the **probation**, revocation, or suspension.
 25 The notice must be on a form provided by the licensee's or
 26 registrant's board or task force and state, at a minimum, the name,
 27 address, and license or registration number of the licensee or
 28 registrant, the fact that **he or she has been placed on probation or**
 29 **that** his or her license or registration has been revoked or



1 suspended, the effective date of the **probation**, revocation, or
2 suspension, and the term of the **probation**, revocation, or
3 suspension. Each board or task force shall develop a notice form
4 that meets at least the minimum requirements of this subsection.
5 The licensee or registrant shall send the notice to each patient or
6 client to whom the licensee or registrant rendered professional
7 services in the licensee's or registrant's private practice during
8 the 120 days immediately preceding the date of the final order
9 imposing the **probation**, revocation, or suspension within 30 days
10 after the date of the final order imposing the **probation**,
11 revocation, or suspension and shall simultaneously transmit a copy
12 of the notice to the department. The licensee or registrant orally
13 shall notify each individual who contacts the licensee or
14 registrant for professional services during the first 120 days
15 after the date of the final order imposing the **probation**,
16 revocation, or suspension. The licensee or registrant shall also
17 provide a copy of the notice within 10 days after the date of the
18 final order imposing the **probation**, revocation, or suspension to
19 his or her employer, if any, and to each hospital, if any, in which
20 the licensee or registrant is admitted to practice.

21 (7) A licensee or registrant who is reprimanded, fined, ~~placed~~
22 ~~on probation~~, or ordered to pay restitution under this article or
23 an applicant whose application for licensure or registration is
24 denied under this article shall notify his or her employer, if any,
25 and each hospital, if any, in which he or she is admitted to
26 practice, in the same manner as provided for notice of **probation**,
27 revocation, or suspension to an employer or hospital under
28 subsection (6), within 10 days after the date of the final order
29 imposing the sanction.



1 (8) The department shall annually report to the legislature
2 and to each board and task force on disciplinary actions taken
3 under this article, article 7, and article 8. The department shall
4 include, at a minimum, all of the following information in the
5 report required under this subsection:

6 (a) Investigations conducted, complaints issued, and
7 settlements reached by the department, separated out by type of
8 complaint and health profession.

9 (b) Investigations and complaints closed or dismissed.

10 (c) Actions taken by each disciplinary subcommittee, separated
11 out by type of complaint, health profession, and final order
12 issued.

13 (d) Recommendations by boards and task forces.

14 (e) The number of extensions and delays granted by the
15 department that were in excess of the time limits required under
16 this article for each phase of the disciplinary process, and the
17 types of cases for which the extensions and delays were granted.

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

