

## ALLOW PERMANENT REVOCATION OF HEALTH PROFESSIONAL LICENSES

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**House Bill 5839**  
**Sponsor: Rep. Clint Kesto**

**House Bill 5841**  
**Sponsor: Rep. Jeff Farrington**

**House Bill 5840**  
**Sponsor: Rep. Pat Somerville**

**House Bill 5842**  
**Sponsor: Rep. Peter Pettalia**

**Committee: Health Policy**  
**Complete to 9-29-14**

### A SUMMARY OF HOUSE BILLS 5839-5842 AS INTRODUCED 9-23-14

Briefly, the bills amend various provisions of the Public Health Code to do the following:

- Allow for the permanent revocation of a health profession license or registration for certain conduct if the person engaged in a pattern of intentional fraudulent acts for personal gain and in so doing, harmed patients under his or her care.
- Increase the types of violations by health care professionals that could result in revocation or permanent revocation as described above.
- Make certain assaultive crimes, including 1st- and 2nd degree murder, grounds for license or registration sanctions (including permanent revocation under certain circumstances).
- Specify that an individual whose license, registration, or authorization to engage in a health profession was permanently revoked under the Public Health Code is permanently ineligible for a license, registration, or authorization to engage in the practice of a health profession.
- Define "permanent revocation."

The bills would take effect 90 days after enactment and are tie-barred to each other, meaning none can take effect unless all are enacted.

House Bill 5839 amends Section 16107 of the Public Health Code (MCL 333.16107) to define "permanent revocation" as the permanent cancellation or withdrawal of a license, registration, or authorization to engage in the practice of a health profession under Article 15 that is issued by the Department of Licensing and Regulatory Affairs (LARA), board, or task force. The bill also adds a reference to a "registrant" to the definition of the term "probation" to apply to a sanction imposed against a licensee or a registrant.

House Bill 5840 amends Section 16221 of the Code (MCL 333.16221). Section 16221 requires LARA to investigate an allegation that one or more grounds for disciplinary subcommittee action exists. In addition, LARA may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or

registration. After the investigation is completed, LARA must provide the appropriate disciplinary subcommittee with a copy of the administrative complaint. The disciplinary subcommittee must proceed under Section 16226 if it finds that one or more of the listed grounds exist. (Section 16226 contains the types of sanctions that the disciplinary subcommittee may impose for a particular violation.)

The bill would add a conviction for any of the following as grounds for action by a disciplinary subcommittee, and would require permanent revocation if the violation occurred while the licensee or registrant was acting within the health profession for which the person was licensed or registered:

- Assault with intent to commit murder.
- Assault with intent to do great bodily harm less than murder, or assault by strangulation or suffocation.
- First- or second-degree murder.
- Manslaughter.

Further, the bill would add the term "registrant" to several provisions that currently reference only licensees and makes several revisions or additions of a technical nature.

House Bill 5841 amends Section 16226 (MCL 333.16226) to restrict a disciplinary subcommittee from imposing a sanction of permanent revocation unless there is a finding that the licensee or registrant engaged in a pattern of intentional acts of fraud or deceit that resulted in personal financial gain to the licensee or registrant and resulted in harm to the health of patients under the licensee's or registrant's care.

However, this provision would not restrict the imposition of permanent revocation for a conviction of criminal sexual conduct or the assaultive crimes added by House Bill 5840 if the violation occurred while the licensee or registrant was acting within the health profession for which he or she was licensed or registered.

In addition, the bill would include permanent revocation as a possible license or registration sanction by a disciplinary subcommittee for a variety of actions that currently trigger lesser sanctions.

Further, currently a disciplinary subcommittee may currently impose only a reprimand or a fine on a physician who fails to inform a patient of alternative breast cancer treatments, a physician or a designee who fails to obtain written consent of the test subject before ordering a genetic test, or a physician who fails to provide certain required information to a patient diagnosed with a terminal illness. The bill would increase the types of sanctions that could be imposed for one of these violations to include probation, suspension, revocation, or permanent revocation.

House Bill 5842 amends the Public Health Code (MCL 333.16245 et al.). The bill eliminates current language regarding a person's ineligibility for reinstatement after a permanent revocation for a criminal sexual conduct violation occurring within the

practice of the licensed or registered health profession. Instead, the bill broadens the language to apply to all instances in which a license or registration is permanently revoked by specifying that an individual whose license is permanently revoked under Section 16221 (revised by House Bill 5840) is ineligible for reinstatement. LARA would be required to return an application for reinstatement that it received if the applicant is ineligible for reinstatement under this provision.

The bill would also add a complementary new section to specify that in addition to any other penalty, remedy, or sanction under the Code, an individual whose license, registration, or authorization to engage in the practice of a health profession has been permanently revoked is permanently ineligible for a license, registration, or authorization by LARA or a board or task force to engage in the practice of a health profession.

In addition, the bill specifically prohibits LARA or a board or task force from issuing a license or registration to an individual whose license, registration, or authorization to engage in the practice of a health profession has been permanently revoked. LARA or a board or task force could not otherwise authorize an individual to engage in the practice of a health profession if that individual's license, registration, or authorization has been permanently revoked under Article 15 of the Code.

Further, a board or task force could not reinstate a license or registration, or issue a limited license or registration, to an individual whose license has been permanently revoked under Section 16221 (revised by House Bill 5840).

**FISCAL IMPACT:**

House Bills 5839 through 5842, as introduced, would not have a significant fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.