



Senate Fiscal Agency
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House Bills 5839, 5840, and 5841 (as reported without amendment)
House Bill 5842 (Substitute S-2 as reported by the Committee of the Whole)
Sponsor: Representative Klint Kesto (H.B. 5839)
Representative Pat Somerville (H.B. 5840)
Representative Jeff Farrington (H.B. 5841)
Representative Peter Pettalia (H.B. 5842)

House Committee: Health Policy
Senate Committee: Health Policy

CONTENT

House Bill 5841 would amend the Public Health Code to include revocation or permanent revocation of a health professional's license or registration among the sanctions that a disciplinary subcommittee may impose when various grounds for discipline exist.

House Bill 5839 would amend the Code to define "permanent revocation" as the permanent cancelation or withdrawal of a license, registration, or authorization to engage in the practice of a health profession that is issued by the Department of Licensing and Regulatory Affairs (LARA), a board, or a task force. The bill also would refer to a registrant in addition to a licensee in the definition of "probation".

House Bill 5840 would amend the Code to include convictions for the following among the grounds for disciplinary action:

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

In addition, the bill provides that the following grounds for disciplinary action against a licensed health professional also would apply to a registered health professional:

- Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.
- Conviction of a misdemeanor that is reasonably related to or that adversely affects the licensee's ability to practice in a safe and competent manner.
- Unprofessional conduct consisting of a requirement by a licensee other than a physician that an individual purchase or secure a drug, device, treatment, procedure, or service from another person, place, facility, or business in which the licensee has a financial interest.

House Bill 5842 (S-2) would amend the Code to do the following:

- Provide that an individual whose license, registration, or authorization to engage in the practice of a health profession had been permanently revoked would be permanently ineligible for such a license, registration, or authorization.

- Prohibit the Department of Licensing and Regulatory Affairs (LARA) or a regulatory board or task force from issuing a license or registration to a person whose license, registration, or authorization had been permanently revoked, or otherwise authorizing such a person to engage in the practice of a health profession.
- Prohibit a board or task force from reinstating the license or registration of, or issuing a limited license or registration to, a person whose license or registration had been permanently revoked.
- Provide that a member of a board or task force created under Article 15 (Occupations) or the Health Professional Recovery Committee could not be a spouse, parent, child, or sibling of another member.
- Prohibit a board, task force, or Committee member from providing supervision or being under the supervision of another member.

The bill would also delay from December 22, 2014, until June 30, 2015, the effective date of a requirement that an individual be licensed or otherwise authorized by the Code to serve as a pharmacy technician.

All of the bills are tie-barred and would take effect 90 days after the date they were enacted.

MCL 333.16107 (H.B. 5839)
333.16221 (H.B. 5840)
333.16226 (H.B. 5841)
333.16245 et al. (H.B. 5842)

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Date Completed: 12-15-14

Fiscal Analyst: Josh Sefton

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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.