

HOUSE BILL NO. 4853

May 18, 2021, Introduced by Reps. Whiteford, Cambensy, Hood, Kuppa, O'Neal, Bezotte, Thanedar, Brenda Carter, Rogers, Cynthia Johnson, Pohutsky, Tyrone Carter, Peterson, Liberati, Damoose, Stone, Ellison, Glenn, Puri, Sabo, Yaroach, Farrington, Brixie, Aiyash, Whitsett, Scott, Manoogian, Anthony, LaGrand, Bolden, Calley, Young, Rendon, Alexander and Jones and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16213, 20175, 20175a, and 20199 (MCL
333.16213, 333.20175, 333.20175a, and 333.20199), sections 16213
and 20175a as added and section 20175 as amended by 2006 PA 481,
and by adding sections 16213a, 16429, 17029, 17529, 17829, 17909,

and 20175b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16213. (1) An individual licensed under this article
2 shall keep and maintain a record for each patient for whom he or
3 she has provided medical services, including a full and complete
4 record of tests and examinations performed, observations made, and
5 treatments provided. **If a medical service provided to a patient on**
6 **or after the effective date of the amendatory act that added this**
7 **sentence involves the vaginal or anal penetration of the patient,**
8 **an individual licensed under this article shall expressly state in**
9 **the patient's record that vaginal or anal penetration was performed**
10 **unless the medical service meets any of the circumstances described**
11 **in subsection (2) (b) (i) , (ii) , (iii) , or (iv) .**

12 (2) Unless a longer retention period is otherwise required
13 under federal or state laws or regulations or by generally accepted
14 standards of medical practice, a licensee shall keep and retain
15 each record ~~for~~**required under subsection (1) as follows:**

16 (a) **Except as otherwise provided in subdivision (b), for a**
17 **minimum of 7 years from the date of service to which the record**
18 **pertains.**

19 (b) **If the record is for a medical service performed on or**
20 **after the effective date of the amendatory act that added this**
21 **subdivision that involves the vaginal or anal penetration of a**
22 **patient, for a minimum of 15 years from the date of service to**
23 **which the record pertains. This subdivision does not apply to a**
24 **record for any of the following:**

25 (i) **A medical service that primarily relates to the patient's**
26 **urological, gastrointestinal, reproductive, gynecological, or**
27 **sexual health.**

1 (ii) A medical service that is necessary and associated with or
2 incident to a medical emergency. As used in this subparagraph,
3 "medical emergency" means a circumstance that, in the licensee's
4 good-faith medical judgment, creates an immediate threat of serious
5 risk to the life or physical health of the patient.

6 (iii) A medical service performed for the purpose of rectally
7 administering a drug or medicine.

8 (iv) A medical service performed to measure a patient's
9 temperature.

10 (3) The records ~~shall~~ **required under subsection (1)** must be
11 maintained in such a manner as to protect their integrity, to
12 ensure their confidentiality and proper use, and to ensure their
13 accessibility and availability to each patient or his or her
14 authorized representative as required by law.

15 (4) ~~A-Except as otherwise provided in subsection (7), a~~
16 licensee may destroy a record **required under subsection (1)** that is
17 less than 7 years old only if both of the following are satisfied:

18 (a) The licensee sends a written notice to the patient at the
19 last known address of that patient informing the patient that the
20 record is about to be destroyed, offering the patient the
21 opportunity to request a copy of that record, and requesting the
22 patient's written authorization to destroy the record.

23 (b) The licensee receives written authorization from the
24 patient or his or her authorized representative agreeing to the
25 destruction of the record.

26 (5) ~~(2)-~~ If a licensee is unable to comply with this section,
27 the licensee shall employ or contract, arrange, or enter into an
28 agreement with another health care provider, a health facility or
29 agency, or a medical records company to protect, maintain, and

1 provide access to those records required under subsection (1).

2 (6) ~~(3)~~ If a licensee or registrant sells or closes his or her
3 practice, retires from practice, or otherwise ceases to practice
4 under this article, the licensee or the personal representative of
5 the licensee, if the licensee is deceased, shall not abandon the
6 records required under this section and shall send a written notice
7 to the department that specifies who will have custody of the
8 medical records and how a patient may request access to or copies
9 of his or her medical records and shall do either of the following:

10 (a) Transfer the records required under subsection (1) to any
11 of the following:

12 (i) A successor licensee.

13 (ii) If requested by the patient or his or her authorized
14 representative, to the patient or a specific health facility or
15 agency or other health care provider licensed under article 15.

16 (iii) A health care provider, a health facility or agency, or a
17 medical records company with which the licensee had contracted or
18 entered into an agreement to protect, maintain, and provide access
19 to those records required under subsection (1).

20 (b) ~~In~~ **Except as otherwise provided in subsection (7), and in**
21 **accordance with subsection (1), subsections (1) to (4),** as long as
22 the licensee or the personal representative of the licensee, if the
23 licensee is deceased, sends a written notice to the last known
24 address of each patient for whom he or she has provided medical
25 services and receives written authorization from the patient or his
26 or her authorized representative, destroy the records required
27 under subsection (1). The notice ~~shall~~ **must** provide the patient
28 with 30 days to request a copy of his or her record or to designate
29 where he or she would like his or her medical records transferred

1 and ~~shall~~**must** request from the patient within 30 days written
 2 authorization for the destruction of his or her medical records. ~~If~~
 3 **Except as otherwise provided in subsection (7), if** the patient
 4 fails to request a copy or transfer of his or her medical records
 5 or to provide the licensee with written authorization for the
 6 destruction, then the licensee or the personal representative of
 7 the licensee shall not destroy those records that are less than 7
 8 years old but may destroy, in accordance with subsection ~~(4)~~**, (8)**,
 9 those that are 7 years old or older.

10 **(7) A licensee or the personal representative of a licensee,**
 11 **if the licensee is deceased, shall only destroy a record described**
 12 **in subsection (2)(b) in accordance with subsection (8).**

13 **(8) ~~(4)~~**Except as otherwise provided under this section or
 14 federal or state laws and regulations, records required to be
 15 maintained under subsection (1), **other than a record described in**
 16 **subsection (2)(b),** may be destroyed or otherwise disposed of after
 17 being maintained for 7 years **and records described in subsection**
 18 **(2)(b) may be destroyed or otherwise disposed of after being**
 19 **maintained for 15 years.** If records maintained in accordance with
 20 this section are subsequently destroyed or otherwise disposed of,
 21 those records ~~shall~~**must** be shredded, incinerated, electronically
 22 deleted, or otherwise disposed of in a manner that ensures
 23 continued confidentiality of the patient's health care information
 24 and any other personal information relating to the patient. If
 25 records are **not** destroyed or otherwise disposed of as provided
 26 under this subsection, the department may take action including,
 27 but not limited to, contracting for or making other arrangements to
 28 ensure that those records and any other confidential identifying
 29 information related to the patient are properly destroyed or

disposed of to protect the confidentiality of patient's health care information and any other personal information relating to the patient. Before the department takes action in accordance with this subsection, the department, if able to identify the licensee responsible for the improper destruction or disposal of the medical records at issue, shall send a written notice to that licensee at his or her last known address or place of business on file with the department and provide the licensee with an opportunity to properly destroy or dispose of those medical records as required under this subsection unless a delay in the proper destruction or disposal may compromise the patient's confidentiality. The department may assess the licensee with the costs incurred by the department to enforce this subsection.

(9) ~~(5) A~~ Except as otherwise provided in section 16213a, a person ~~who~~ that fails to comply with this section is subject to an administrative fine of not more than \$10,000.00 if the failure was the result of gross negligence or willful and wanton misconduct.

(10) ~~(6)~~ Nothing in this section shall be construed to create or change the ownership rights to any medical records.

(11) ~~(7)~~ As used in this section:

(a) "Medical record" or "record" means information, oral or recorded in any form or medium, that pertains to a patient's health care, medical history, diagnosis, prognosis, or medical condition and that is maintained by a licensee in the process of providing medical services.

(b) "Medical records company" means a person who contracts for or agrees to protect, maintain, and provide access to medical records for a health care provider or health facility or agency in accordance with this section.

(c) "Patient" means an individual who receives or has received health care from a health care provider or health facility or agency. Patient includes a guardian, if appointed, and a parent, guardian, or person acting in loco parentis, if the individual is a minor, unless the minor lawfully obtained health care without the consent or notification of a parent, guardian, or other person acting in loco parentis, in which case the minor has the exclusive right to exercise the rights of a patient under this section with respect to his or her medical records relating to that care.

Sec. 16213a. (1) Except as otherwise provided in subsections (2) and (3), a person that violates section 16213(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is subject to an administrative fine or guilty of a crime as follows:

(a) For a first violation, an administrative fine of not more than \$1,000.00.

(b) For a second violation, an administrative fine of not more than \$2,500.00.

(c) For a third or subsequent violation, a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$5,000.00, or both.

(2) A person that violates section 16213(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of \$5,000.00, or both, if the violation was the result of gross negligence.

(3) A person that intentionally violates section 16213(1) regarding the documentation of a medical service involving vaginal

1 or anal penetration in a patient's medical record is guilty of a
2 felony punishable by imprisonment for not more than 2 years or a
3 fine of not more than \$7,500.00, or both.

4 (4) This section does not limit any other sanction or
5 additional action a disciplinary subcommittee is authorized to
6 impose or take.

7 Sec. 16429. (1) The board shall create a document that
8 provides guidance to licensees on generally accepted standards of
9 practice for services involving vaginal or anal penetration,
10 including internal pelvic floor treatments. In creating the
11 document described in this subsection, the board shall consult with
12 appropriate professional associations and other interested
13 stakeholders.

14 (2) The board shall make the document required under
15 subsection (1) publicly available by 1 year after the effective
16 date of the amendatory act that added this section.

17 Sec. 17029. (1) The board shall create a document that
18 provides guidance to licensees on generally accepted standards of
19 medical practice for medical services involving vaginal or anal
20 penetration, including internal pelvic floor treatments but
21 excluding medical services that primarily relate to a patient's
22 urological, gastrointestinal, reproductive, gynecological, or
23 sexual health, that are performed to measure a patient's
24 temperature, or that are performed for the purpose of rectally
25 administering a drug or medicine. In creating the document
26 described in this subsection, the board shall consult with
27 appropriate professional associations and other interested
28 stakeholders.

29 (2) The board shall make the document required under

1 subsection (1) publicly available by 1 year after the effective
2 date of the amendatory act that added this section.

3 Sec. 17529. (1) The board shall create a document that
4 provides guidance to licensees on generally accepted standards of
5 medical practice for medical services involving vaginal or anal
6 penetration, including internal pelvic floor treatments but
7 excluding medical services that primarily relate to a patient's
8 urological, gastrointestinal, reproductive, gynecological, or
9 sexual health, that are performed to measure a patient's
10 temperature, or that are performed for the purpose of rectally
11 administering a drug or medicine. In creating the document
12 described in this subsection, the board shall consult with
13 appropriate professional associations and other interested
14 stakeholders.

15 (2) The board shall make the document required under
16 subsection (1) publicly available by 1 year after the effective
17 date of the amendatory act that added this section.

18 Sec. 17829. (1) The board shall create a document that
19 provides guidance to licensees on generally accepted standards of
20 practice for services involving vaginal or anal penetration,
21 including internal pelvic floor treatments. In creating the
22 document described in this subsection, the board shall consult with
23 appropriate professional associations and other interested
24 stakeholders.

25 (2) The board shall make the document required under
26 subsection (1) publicly available by 1 year after the effective
27 date of the amendatory act that added this section.

28 Sec. 17909. (1) The board shall create a document that
29 provides guidance to licensees on generally accepted standards of

1 practice for services involving vaginal or anal penetration,
2 including internal pelvic floor treatments. In creating the
3 document described in this subsection, the board shall consult with
4 appropriate professional associations and other interested
5 stakeholders.

6 (2) The board shall make the document required under
7 subsection (1) publicly available by 1 year after the effective
8 date of the amendatory act that added this section.

9 Sec. 20175. (1) A health facility or agency shall keep and
10 maintain a record for each patient, including a full and complete
11 record of tests and examinations performed, observations made,
12 treatments provided, and in the case of a hospital, the purpose of
13 hospitalization. If a medical service provided to a patient on or
14 after the effective date of the amendatory act that added this
15 sentence involves the vaginal or anal penetration of the patient, a
16 health facility or agency shall ensure that the patient's medical
17 record expressly states that vaginal or anal penetration was
18 performed unless the medical service meets any of the circumstances
19 described in subsection (2) (b) (i) (A), (B), (C), or (D).

20 (2) Unless a longer retention period is otherwise required
21 under federal or state laws or regulations or by generally accepted
22 standards of medical practice, a health facility or agency shall
23 keep and retain each record ~~for~~ required under subsection (1) as
24 follows:

25 (a) Except as otherwise provided in subdivision (b), for a
26 minimum of 7 years from the date of service to which the record
27 pertains.

28 (b) For a minimum of 15 years from the date of service to
29 which the record pertains if the service is performed on or after

1 the effective date of the amendatory act that added this
2 subdivision and 1 of the following applies:

3 (i) The record includes a medical service involving the vaginal
4 or anal penetration of a patient. This subparagraph does not apply
5 to a record for any of the following:

6 (A) A medical service that primarily relates to the patient's
7 urological, gastrointestinal, reproductive, gynecological, or
8 sexual health.

9 (B) A medical service that is necessary and associated with or
10 incident to a medical emergency. As used in this sub-subparagraph,
11 "medical emergency" means a circumstance that, in the good-faith
12 medical judgment of a health professional who is licensed under
13 article 15, creates an immediate threat of serious risk to the life
14 or physical health of the patient.

15 (C) A medical service performed for the purpose of rectally
16 administering a drug or medicine.

17 (D) A medical service performed to measure a patient's
18 temperature.

19 (ii) The patient has filed a complaint with the health facility
20 or agency alleging sexual misconduct by an individual who is
21 employed by, under contract to, or granted privileges by the health
22 facility or agency. As used in this subparagraph, "sexual
23 misconduct" means the conduct described in section 90, 136, 145a,
24 145b, 145c, 520b, 520c, 520d, 520e, or 520g of the Michigan penal
25 code, 1931 PA 328, MCL 750.90, 750.136, 750.145a, 750.145b,
26 750.145c, 750.520b, 750.520c, 750.520d, 750.520e, or 750.520g,
27 regardless of whether the conduct resulted in a criminal
28 conviction.

29 (3) A health facility or agency shall maintain the records

1 **required under subsection (1)** in such a manner as to protect their
2 integrity, to ensure their confidentiality and proper use, and to
3 ensure their accessibility and availability to each patient or his
4 or her authorized representative as required by law.

5 (4) ~~A~~**Except as otherwise provided in subsection (6),** a health
6 facility or agency may destroy a record **required under subsection**
7 **(1)** that is less than 7 years old only if both of the following are
8 satisfied:

9 (a) The health facility or agency sends a written notice to
10 the patient at the last known address of that patient informing the
11 patient that the record is about to be destroyed, offering the
12 patient the opportunity to request a copy of that record, and
13 requesting the patient's written authorization to destroy the
14 record.

15 (b) The health facility or agency receives written
16 authorization from the patient or his or her authorized
17 representative agreeing to the destruction of the record.

18 (5) Except as otherwise provided under federal or state laws
19 and regulations, records required to be maintained under ~~this~~
20 subsection **(1), other than a record described in subsection (2) (b),**
21 may be destroyed or otherwise disposed of after being maintained
22 for 7 years, **and records described in subsection (2) (b) may be**
23 **destroyed or otherwise disposed of after being maintained for 15**
24 **years.** If records maintained in accordance with this section are
25 subsequently destroyed or otherwise disposed of, those records
26 ~~shall~~**must** be shredded, incinerated, electronically deleted, or
27 otherwise disposed of in a manner that ensures continued
28 confidentiality of the patient's health care information and any
29 other personal information relating to the patient. If records are

1 **not** destroyed or otherwise disposed of as provided under this
 2 subsection **or subsection (4)**, the department may take action
 3 including, but not limited to, contracting for or making other
 4 arrangements to ensure that those records and any other
 5 confidential identifying information related to the patient are
 6 properly destroyed or disposed of to protect the confidentiality of
 7 patient's health care information and any other personal
 8 information relating to the patient. Before the department takes
 9 action in accordance with this subsection, the department, if able
 10 to identify the health facility or agency responsible for the
 11 improper destruction or disposal of the medical records at issue,
 12 shall send a written notice to that health facility or agency at
 13 the last known address on file with the department and provide the
 14 health facility or agency with an opportunity to properly destroy
 15 or dispose of those medical records as required under this
 16 subsection **or subsection (4)**, unless a delay in the proper
 17 destruction or disposal may compromise the patient's
 18 confidentiality. The department may assess the health facility or
 19 agency with the costs incurred by the department to enforce this
 20 subsection. In addition to the sanctions set forth in section
 21 20165, a hospital that fails to comply with this subsection **or**
 22 **subsection (4)** is subject to an administrative fine of \$10,000.00.

23 **(6) A health facility or agency shall only destroy a record**
 24 **described in subsection (2)(b) in accordance with subsection (5).**

25 **(7) ~~(2)~~**A hospital shall take precautions to ~~assure~~**ensure**
 26 that the records required ~~by~~**under** subsection (1) are not
 27 wrongfully altered or destroyed. A hospital that fails to comply
 28 with this subsection is subject to an administrative fine of
 29 \$10,000.00.

1 (8) ~~(3)~~—Unless otherwise provided by law, the licensing and
2 certification records required by this article are public records.

3 (9) ~~(4)~~—Departmental officers and employees shall respect the
4 confidentiality of patient clinical records and shall not divulge
5 or disclose the contents of records in a manner that identifies an
6 individual except pursuant to court order or as otherwise
7 authorized by law.

8 (10) ~~(5)~~—A health facility or agency that employs, contracts
9 with, or grants privileges to a health professional licensed or
10 registered under article 15 shall report the following to the
11 department not more than 30 days after it occurs:

12 (a) Disciplinary action taken by the health facility or agency
13 against a health professional licensed or registered under article
14 15 based on the licensee's or registrant's professional competence,
15 disciplinary action that results in a change of employment status,
16 or disciplinary action based on conduct that adversely affects the
17 licensee's or registrant's clinical privileges for a period of more
18 than 15 days. As used in this subdivision, "adversely affects"
19 means the reduction, restriction, suspension, revocation, denial,
20 or failure to renew the clinical privileges of a licensee or
21 registrant by a health facility or agency.

22 (b) Restriction or acceptance of the surrender of the clinical
23 privileges of a licensee or registrant under either of the
24 following circumstances:

25 (i) The licensee or registrant is under investigation by the
26 health facility or agency.

27 (ii) There is an agreement in which the health facility or
28 agency agrees not to conduct an investigation into the licensee's
29 or registrant's alleged professional incompetence or improper

1 professional conduct.

2 (c) A case in which a health professional resigns or
3 terminates a contract or whose contract is not renewed instead of
4 the health facility **or agency** taking disciplinary action against
5 the health professional.

6 **(11)** ~~(6)~~—Upon request by another health facility or agency
7 seeking a reference for purposes of changing or granting staff
8 privileges, credentials, or employment, a health facility or agency
9 that employs, contracts with, or grants privileges to health
10 professionals licensed or registered under article 15 shall notify
11 the requesting health facility or agency of any disciplinary or
12 other action reportable under subsection ~~(5)~~ **(10)** that it has taken
13 against a health professional licensed or registered under article
14 15 and employed by, under contract to, or granted privileges by the
15 health facility or agency.

16 **(12)** ~~(7)~~—For the purpose of reporting disciplinary actions
17 under this section, a health facility or agency shall include only
18 the following in the information provided:

19 (a) The name of the licensee or registrant against whom
20 disciplinary action has been taken.

21 (b) A description of the disciplinary action taken.

22 (c) The specific grounds for the disciplinary action taken.

23 (d) The date of the incident that is the basis for the
24 disciplinary action.

25 **(13)** ~~(8)~~—The records, data, and knowledge collected for or by
26 individuals or committees assigned a professional review function
27 in a health facility or agency, or an institution of higher
28 education in this state that has colleges of osteopathic and human
29 medicine, are confidential, ~~shall~~ **must** be used only for the

1 purposes provided in this article, are not public records, and are
2 not subject to court subpoena.

3 Sec. 20175a. (1) If a health facility or agency is unable to
4 comply with section 20175, the health facility or agency shall
5 employ or contract, arrange, or enter into an agreement with
6 another health facility or agency or a medical records company to
7 protect, maintain, and provide access to those records required
8 under section 20175(1).

9 (2) If a health facility or agency closes or otherwise ceases
10 operation, the health facility or agency shall not abandon the
11 records required to be maintained under section 20175(1) and shall
12 send a written notice to the department that specifies who will
13 have custody of the medical records and how a patient may request
14 access to or copies of his or her medical records and shall do
15 either of the following:

16 (a) Transfer the records required under section 20175(1) to
17 any of the following:

18 (i) A successor health facility or agency.

19 (ii) If designated by the patient or his or her authorized
20 representative, to the patient or a specific health facility or
21 agency or a health care provider licensed or registered under
22 article 15.

23 (iii) A health facility or agency or a medical records company
24 with which the health facility or agency had contracted or entered
25 into an agreement to protect, maintain, and provide access to those
26 records required under section 20175(1).

27 (b) ~~In~~ **Except as otherwise provided in section 20175(6) and in**
28 accordance with section 20175(1) **to (5)**, as long as the health
29 facility or agency sends a written notice to the last known address

1 of each patient for whom he or she has provided medical services
2 and receives written authorization from the patient or his or her
3 authorized representative, destroy the records required under
4 section 20175(1). The notice ~~shall~~**must** provide the patient with 30
5 days to request a copy of his or her record or to designate where
6 he or she would like his or her medical records transferred and
7 ~~shall~~**must** request from the patient within 30 days written
8 authorization for the destruction of his or her medical records. ~~If~~
9 **Except as otherwise provided in section 20175(6), if** the patient
10 fails to request a copy or transfer of his or her medical records
11 or to provide the health facility or agency with written
12 authorization for the destruction, then the health facility or
13 agency shall not destroy those records that are less than 7 years
14 old but may destroy, in accordance with section 20175(1) **to (5)**,
15 those that are 7 years old or older.

16 (3) Nothing in this section shall be conducted to create or
17 change the ownership rights to any medical records.

18 (4) A person that fails to comply with this section is subject
19 to an administrative fine of not more than \$10,000.00 if the
20 failure was the result of gross negligence or willful and wanton
21 misconduct.

22 (5) As used in this section:

23 (a) "Medical record" or "record" means information, oral or
24 recorded in any form or medium, that pertains to a patient's health
25 care, medical history, diagnosis, prognosis, or medical condition
26 and that is maintained by a licensee in the process of providing
27 medical services.

28 (b) "Medical records company" means a person who contracts for
29 or agrees to protect, maintain, and provide access to medical

1 records for a health facility or agency in accordance with section
2 20175.

3 (c) "Patient" means an individual who receives or has received
4 health care from a health care provider or health facility or
5 agency. Patient includes a guardian, if appointed, and a parent,
6 guardian, or person acting in loco parentis, if the individual is a
7 minor, unless the minor lawfully obtained health care without the
8 consent or notification of a parent, guardian, or other person
9 acting in loco parentis, in which case the minor has the exclusive
10 right to exercise the rights of a patient under this section with
11 respect to his or her medical records relating to that care.

12 **Sec. 20175b. (1) Except as otherwise provided in subsections**
13 **(2) and (3), a person that violates section 20175(1) regarding the**
14 **documentation of a medical service involving vaginal or anal**
15 **penetration in a patient's medical record is subject to an**
16 **administrative fine or guilty of a crime as follows:**

17 (a) For a first violation, an administrative fine of not more
18 than \$2,500.00.

19 (b) For a second violation, an administrative fine of not more
20 than \$5,000.00.

21 (c) For a third or subsequent violation, a misdemeanor
22 punishable by imprisonment for not more than 180 days or a fine of
23 not more than \$7,500.00, or both.

24 (2) A person that violates section 20175(1) regarding the
25 documentation of a medical service involving vaginal or anal
26 penetration in a patient's medical record is guilty of a
27 misdemeanor punishable by imprisonment for not more than 180 days
28 or a fine of \$10,000.00, or both, if the violation was the result
29 of gross negligence.

(3) A person who intentionally violates section 20175(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both.

(4) This section does not limit any other sanction the department is authorized to impose under section 20165.

Sec. 20199. (1) Except as **otherwise** provided in subsection (2) ~~or section 20142,~~ **or this article,** a person ~~who~~ **that** violates this article or a rule promulgated or an order issued under this article is guilty of a misdemeanor, punishable by **a** fine of not more than \$1,000.00 for each day the violation continues or, in case of a violation of sections 20551 to 20554, a fine of not more than \$1,000.00 for each occurrence.

(2) A person ~~who~~ **that** violates sections 20181 to 20184 is guilty of a misdemeanor ~~,~~ punishable by imprisonment for not more than 6 months ~~,~~ or a fine of not more than \$2,000.00, or both.

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