HOUSE BILL No. 4468

February 26, 2009, Introduced by Reps. Rick Jones, Bettie Scott, Durhal, Walsh, Lori, Schuitmaker, Lund, Miller, LeBlanc, Lemmons, Espinoza, Haugh, Geiss, Gregory, Barnett, Robert Jones, Liss, Crawford, Haase, Kennedy, Knollenberg, Booher, Haines, Marleau, Meadows, Opsommer, Meekhof, Leland, Kowall, Moss, Denby, Johnson and Meltzer 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 2004 PA 214.

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
- 3 section 16221, a disciplinary subcommittee shall impose 1 or more
- 4 of the following sanctions for each violation:
- 5 <u>Violations of Section 16221</u> <u>Sanctions</u>
- **6** Subdivision (a), (b) (ii), Probation, limitation, denial,
- 7 (b) (iv), (b) (vi), or suspension, revocation,
- 8 (b) (vii) restitution, community service,

01997'09 KKR

1		or fine.
2	Subdivision	Revocation or denial.
3	(b) (viii) OR (B) (xiii)	
4	Subdivision (b) (i) ,	Limitation, suspension,
5	(b) (iii), (b) (v),	revocation, denial,
6	(b) (ix) , (b) (x) ,	probation, restitution,
7	(b) (xi), or (b) (xii)	community service, or fine.
8	Subdivision (c) (i)	Denial, revocation, suspension,
9		probation, limitation, community
10		service, or fine.
11	Subdivision (c) (ii)	Denial, suspension, revocation,
12		restitution, community service,
13		or fine.
14	Subdivision (c) (iii)	Probation, denial, suspension,
15		revocation, restitution,
16		community service, or fine.
17	Subdivision (c) (iv)	Fine, probation, denial,
18	or (d) (iii)	suspension, revocation, community
19		service, or restitution.
20	Subdivision (d) (i)	Reprimand, fine, probation,
21	or (d) (ii)	community service, denial,
22		or restitution.
23	Subdivision (e) (i)	Reprimand, fine, probation,
24		limitation, suspension, community
25		service, denial, or restitution.
26	Subdivision (e) (ii)	Reprimand, probation,
27	or (i) (H)	suspension, restitution,
28		community service, denial, or
29		fine.
30	Subdivision (e)(iii),	Reprimand, fine, probation,
31	(e) (iv) , or (e) (v)	suspension, revocation,

01997'09 KKR

1		limitation, community service,
2		denial, or restitution.
3	Subdivision (g) (F)	Reprimand or fine.
4	Subdivision $\frac{(h)}{(G)}$ or	Reprimand, probation, denial,
5	(s) (R)	suspension, revocation,
6		limitation, restitution,
7		community service, or fine.
8	Subdivision (j) (I)	Suspension or fine.
9	Subdivision (k) (J), (p) (O), or (r) (Q)	Reprimand or fine.
10	Subdivision $\frac{(l)}{(K)}$	Reprimand, denial, or
11		limitation.
12	Subdivision $ ext{(m)}$ (l) or	Denial, revocation, restitution,
13	(⊙) —(N)	probation, suspension,
14		limitation, reprimand, or fine.
15	Subdivision (n) (M)	Revocation or denial.
16	Subdivision (q) (P)	Revocation.
17	Subdivision (t) (S)	Revocation, fine, and
18		restitution.
19	(2) Determination of sa	anctions for violations under this
20	section shall be made by a d	isciplinary subcommittee. If, during
21	judicial review, the court o	f appeals determines that a final
22	decision or order of a disci	plinary subcommittee prejudices
23	substantial rights of the pe	titioner for 1 or more of the grounds
24	listed in section 106 of the	administrative procedures act of
25	1969, 1969 PA 306, MCL 24.30	6, and holds that the final decision

01997'09 KKR

26 or order is unlawful and is to be set aside, the court shall

28 the case to the disciplinary subcommittee for further

27 state on the record the reasons for the holding and may remand

- 1 consideration.
- 2 (3) A disciplinary subcommittee may impose a fine of up to,
- 3 but not exceeding, \$250,000.00 for a violation of section
- 4 16221(a) or (b).
- 5 (4) A disciplinary subcommittee may require a licensee or
- 6 registrant or an applicant for licensure or registration who has
- 7 violated this article or article 7 or a rule promulgated under
- 8 this article or article 7 to satisfactorily complete an
- 9 educational program, a training program, or a treatment program,
- 10 a mental, physical, or professional competence examination, or a
- 11 combination of those programs and examinations.
- 12 Enacting section 1. This amendatory act does not take effect
- 13 unless Senate Bill No. ____ or House Bill No. 4469(request no.
- 14 01996'09) of the 95th Legislature is enacted into law.

01997'09 Final Page KKR