

SENATE BILL No. 770

February 9, 2016, Introduced by Senators SCHUITMAKER and NOFS 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 2014 PA 412.

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:

<u>Violations of Section 16221</u>	<u>Sanctions</u>
5 Subdivision (a), (b) (i),	Probation, limitation, denial,
6 (b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
7 (b) (v), (b) (vi), (b) (vii),	permanent revocation,
8 (b) (ix), (b) (x), (b) (xi),	restitution, or fine.
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1 or (b) (xii)
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3 Subdivision (b) (viii) Revocation, permanent revocation,
4 or denial.
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11 Subdivision (b) (xiii) Permanent revocation
12 for a violation described in
13 subsection (5); otherwise,
14 probation, limitation, denial,
15 suspension, revocation,
16 restitution, or fine.
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20 Subdivision (c) (i) Denial, revocation, suspension,
21 probation, limitation, or fine.
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23 Subdivision (c) (ii) Denial, suspension, revocation,
24 restitution, or fine.
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26 Subdivision (c) (iii) Probation, denial, suspension,
27 revocation, restitution, or fine.
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29 Subdivision (c) (iv) Fine, probation, denial,

1 or (d) (iii) suspension, revocation, permanent
2 revocation, or restitution.
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4 Subdivision (d) (i) Reprimand, fine, probation,
5 or (d) (ii) denial, or restitution.
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7 Subdivision (e) (i), Reprimand, fine, probation,
8 (e) (iii), (e) (iv), (e) (v), limitation, suspension,
9 (h), or (s) revocation, permanent revocation,
10 denial, or restitution.
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12 Subdivision (e) (ii) Reprimand, probation, suspension,
13 or (i) revocation, permanent
14 revocation, restitution,
15 denial, or fine.
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22 Subdivision (e) (vi) Probation, suspension, revocation,
23 or (e) (vii) limitation, denial,
24 restitution, or fine.
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27 Subdivision (f) Reprimand, denial, limitation,
28 probation, or fine.
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1	Subdivision (g)	Reprimand or fine.
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8	Subdivision (j)	Suspension or fine.
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10	Subdivision (k), (p),	Reprimand, probation, suspension,
11	or (r)	revocation, permanent revocation,
12		or fine.
13		
14	Subdivision (l)	Reprimand, denial, or
15		limitation.
16		
17	Subdivision (m) or (o)	Denial, revocation, restitution,
18		probation, suspension,
19		limitation, reprimand, or fine.
20		
21	Subdivision (n)	Revocation or denial.
22		
23	Subdivision (q)	Revocation.
24		
25	Subdivision (t)	Revocation, permanent revocation,
26		fine, or restitution.

27 (2) Determination of sanctions for violations under this
28 section shall be made by a disciplinary subcommittee. If, during

1 judicial review, the court of appeals determines that a final
2 decision or order of a disciplinary subcommittee prejudices
3 substantial rights of the petitioner for 1 or more of the grounds
4 listed in section 106 of the administrative procedures act of
5 1969, 1969 PA 306, MCL 24.306, and holds that the final decision
6 or order is unlawful and is to be set aside, the court shall
7 state on the record the reasons for the holding and may remand
8 the case to the disciplinary subcommittee for further
9 consideration.

10 (3) A disciplinary subcommittee may impose a fine in an
11 amount that does not exceed \$250,000.00 for a violation of
12 section 16221(a) or (b). A disciplinary subcommittee shall impose
13 a fine of at least \$25,000.00 if the violation of section
14 16221(a) or (b) results in the death of 1 or more patients.

15 (4) A disciplinary subcommittee may require a licensee or
16 registrant or an applicant for licensure or registration who has
17 violated this article, article 7, or article 8 or a rule
18 promulgated under this article, article 7, or article 8 to
19 satisfactorily complete an educational program, a training
20 program, or a treatment program, a mental, physical, or
21 professional competence examination, or a combination of those
22 programs and examinations.

23 (5) **BEGINNING JANUARY 1, 2019, A DISCIPLINARY SUBCOMMITTEE**
24 **MAY ORDER A LICENSEE OR REGISTRANT OR AN APPLICANT FOR LICENSURE**
25 **OR REGISTRATION WHO HAS VIOLATED SECTION 7303A(3) MORE THAN 10**
26 **TIMES IN ANY 30-DAY PERIOD TO COMPLETE A PROGRAM OF REMEDIAL**
27 **CONTINUING EDUCATION FOCUSED ON PRESCRIPTION DRUG AND OPIOID**

1 ADDICTION, TO BE COMPLETED WITHIN 180 DAYS AFTER THE DEPARTMENT
2 NOTIFIES HIM OR HER OF ITS ORDER UNDER THIS SUBSECTION. A FAILURE
3 TO COMPLY WITH THE DEPARTMENT'S ORDER UNDER THIS SUBSECTION IS
4 CONSIDERED A SEPARATE VIOLATION OF THIS ARTICLE AND MAY RESULT IN
5 ADDITIONAL ADMINISTRATIVE ACTION BY THE DISCIPLINARY SUBCOMMITTEE
6 UNDER THIS PART.

7 (6) ~~(5)~~—A disciplinary subcommittee shall impose the
8 sanction of permanent revocation for a violation of section
9 16221(b) *(xiii)* if the violation occurred while the licensee or
10 registrant was acting within the health profession for which he
11 or she was licensed or registered.

12 (7) ~~(6)~~—Except as otherwise provided in subsection ~~(5)~~, ~~(6)~~,
13 a disciplinary subcommittee shall not impose the sanction of
14 permanent revocation under this section without a finding that
15 the licensee or registrant engaged in a pattern of intentional
16 acts of fraud or deceit resulting in personal financial gain to
17 the licensee or registrant and harm to the health of patients
18 under the licensee's or registrant's care.

19 Enacting section 1. This amendatory act does not take effect
20 unless Senate Bill No. 769

21 of the 98th Legislature is enacted into law.