

HOUSE BILL No. 5235

October 16, 2001, Introduced by Reps. Raczkowski, Jacobs, Bogardus, Neumann, Whitmer, Bernero, Sheltrown, Hardman, Zelenko and DeWeese 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 2000 PA
29.

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 sec-
3 tion 16221, a disciplinary subcommittee shall impose 1 or more of
4 the following sanctions for each violation:

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6 <u>Violations of Section 16221</u>	<u>Sanctions</u>
7 Subdivision (a), (b)(ii),	Probation, limitation, denial,

1 (b)(iv), (b)(vi), or	suspension, revocation,
2 (b)(vii)	restitution, community service,
3	or fine.
4 Subdivision (b)(viii)	Revocation or denial.
5 Subdivision (b)(i),	Limitation, suspension,
6 (b)(iii), (b)(v),	revocation, denial,
7 (b)(ix),	probation, restitution,
8 (b)(x), or (b)(xi)	community service, or fine.
9 Subdivision (c)(i)	Denial, revocation, suspension,
10	probation, limitation, community
11	service, or fine.
12 Subdivision (c)(ii)	Denial, suspension, revocation,
13	restitution, community service,
14	or fine.
15 Subdivision (c)(iii)	Probation, denial, suspension,
16	revocation, restitution, commu-
17	nity service, or fine.
18 Subdivision (c)(iv)	Fine, probation, denial,
19	or restitution.

- 1 Subdivision (d)(i) Reprimand, fine, probation,
- 2 or (d)(ii) community service, denial,
- 3 or restitution.

- 4 Subdivision (e)(i) Reprimand, fine, probation,
- 5 limitation, suspension, community
- 6 service, denial, or restitution.

- 7 Subdivision (e)(ii) Reprimand, probation,
- 8 or (h) suspension, restitution, commu-
- 9 nity service, denial, or fine.

- 10 Subdivision (e)(iii) Reprimand, fine, probation,
- 11 or (e)(iv) suspension, revocation, limita-
- 12 tion, community service, denial,
- 13 or restitution.

- 14 Subdivision (f) Reprimand or fine.

- 15 Subdivision (g) Reprimand, probation, denial,
- 16 suspension, revocation, limita-
- 17 tion, restitution, community
- 18 service, or fine.

- 19 Subdivision (i) Suspension or fine.

1 Subdivision (j), (o), or

2 (q) Reprimand or fine.

3 Subdivision (k) Reprimand, denial, or

4 limitation.

5 Subdivision (l) or (n) Denial, revocation, restitution,

6 probation, suspension, limita-

7 tion, reprimand, or fine.

8 Subdivision (m) Revocation or denial.

9 Subdivision (p) Revocation.

10 SUBDIVISION (R) DENIAL, REVOCATION, RESTITUTION,

11 PROBATION, SUSPENSION, LIMITA-

12 TION, REPRIMAND, COMMUNITY SERV-

13 ICE, OR FINE

14 (2) Determination of sanctions for violations under this
15 section shall be made by a disciplinary subcommittee. If, during
16 judicial review, the court of appeals determines that a final
17 decision or order of a disciplinary subcommittee prejudices sub-
18 stantial rights of the petitioner for 1 or more of the grounds
19 listed in section 106 of the administrative procedures act of
20 1969, 1969 PA 306, MCL 24.306, and holds that the final decision
21 or order is unlawful and is to be set aside, the court shall
22 state on the record the reasons for the holding and may remand

1 the case to the disciplinary subcommittee for further
2 consideration.

3 (3) A disciplinary subcommittee may impose a fine of up to,
4 but not exceeding, \$250,000.00 for a violation of
5 section 16221(a) or (b).

6 (4) A disciplinary subcommittee may require a licensee or
7 registrant or an applicant for licensure or registration who has
8 violated this article or article 7 or a rule promulgated under
9 this article or article 7 to satisfactorily complete an educa-
10 tional program, a training program, or a treatment program, a
11 mental, physical, or professional competence examination, or a
12 combination of those programs and examinations.

13 Enacting section 1. This amendatory act does not take
14 effect unless House Bill No. 4936 of the 91st Legislature is
15 enacted into law.