

# HOUSE BILL No. 4411

March 10, 2011, Introduced by Reps. Haines, Liss, Huuki, Durhal, Barnett and Haugh and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 16245 (MCL 333.16245), as amended by 2006 PA  
26.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 16245. (1) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**  
2       **SECTION, AN** individual whose license is limited, suspended, or  
3       revoked under this part may apply to his or her board or task force  
4       for a reinstatement of a revoked or suspended license or  
5       reclassification of a limited license pursuant to section 16247 or  
6       16249.  
7       (2) ~~An~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN**

1 individual whose registration is suspended or revoked under this  
2 part may apply to his or her board for a reinstatement of a  
3 suspended or revoked registration pursuant to section 16248.

4 (3) A board or task force shall reinstate a license or  
5 registration suspended for grounds stated in section 16221(j) upon  
6 payment of the installment.

7 (4) Except as otherwise provided in this subsection, in case  
8 of a revoked license or registration, an applicant shall not apply  
9 for reinstatement before the expiration of 3 years after the  
10 effective date of the revocation. In the case of a license or  
11 registration that was revoked for a violation of section  
12 16221(b) (vii), a violation of section 16221(c) (iv) consisting of a  
13 felony conviction, any other felony conviction involving a  
14 controlled substance, or a violation of section 16221(q), an  
15 applicant shall not apply for reinstatement before the expiration  
16 of 5 years after the effective date of the revocation. **IN THE CASE**  
17 **OF A LICENSE OR REGISTRATION THAT WAS PERMANENTLY REVOKED FOR A**  
18 **VIOLATION OF SECTION 16221(B) (xiii), THE FORMER LICENSEE OR**  
19 **REGISTRANT IS INELIGIBLE FOR REINSTATEMENT.** The department shall  
20 return an application for reinstatement received before the  
21 expiration of the applicable time period under this subsection **OR**  
22 **IF THE APPLICANT IS INELIGIBLE FOR REINSTATEMENT UNDER THIS**  
23 **SUBSECTION.**

24 (5) The department shall provide an opportunity for a hearing  
25 before final rejection of an application for reinstatement **UNLESS**  
26 **THE APPLICATION IS RETURNED BECAUSE THE APPLICANT IS INELIGIBLE FOR**  
27 **REINSTATEMENT UNDER SUBSECTION (4).**

1           (6) Based upon the recommendation of the disciplinary  
2 subcommittee for each health profession, the department shall adopt  
3 guidelines to establish specific criteria to be met by an applicant  
4 for reinstatement under this article or article 7. The criteria may  
5 include corrective measures or remedial education as a condition of  
6 reinstatement. If a board or task force, in reinstating a license  
7 or registration, deviates from the guidelines adopted under this  
8 subsection, the board or task force shall state the reason for the  
9 deviation on the record.

10           (7) An individual who seeks reinstatement or reclassification  
11 of a license or registration pursuant to this section shall pay the  
12 application processing fee as a reinstatement or reclassification  
13 fee. If approved for reinstatement or reclassification, the  
14 individual shall pay the per year license or registration fee for  
15 the applicable license or registration period.

16           (8) An individual who seeks reinstatement of a revoked or  
17 suspended license or reclassification of a limited license pursuant  
18 to this section shall have a criminal history check conducted in  
19 accordance with section 16174 and submit a copy of the results of  
20 the ~~background~~ **CRIMINAL HISTORY** check to the board with his or her  
21 application for reinstatement or reclassification.

22           Enacting section 1. This amendatory act does not take effect  
23 unless all of the following bills of the 96th Legislature are  
24 enacted into law:

25           (a) Senate Bill No. \_\_\_\_ or House Bill No. 4412(request no.  
26 01735'11).

27           (b) Senate Bill No. \_\_\_\_ or House Bill No. 4413(request no.

1 01736'11).