

HOUSE BILL NO. 4858

May 18, 2021, Introduced by Reps. Rendon, Brixie, Scott, Rogers, Cambensy, Hood, Stone, Kupp, Brenda Carter, Bolden, Glenn, Sabo and Whitsett and referred to the Committee on Judiciary.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16226 (MCL 333.16226), as amended by 2020 PA
233.

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 section
3 16221, a disciplinary subcommittee shall impose 1 or more of the

1 following sanctions for each violation:

2	<u>Violations of Section 16221</u>	<u>Sanctions</u>
3	Subdivision (a), (b) (i),	Probation, limitation, denial,
4	(b) (ii), (b) (iii), (b) (iv),	suspension, revocation,
5	(b) (v), (b) (vi), (b) (vii),	permanent revocation,
6	(b) (ix), (b) (x), (b) (xi),	restitution, or fine.
7	or (b) (xii)	
8		
9	Subdivision (b) (viii)	Revocation, permanent revocation,
10		or denial.
11		
12	Subdivision (b) (xiii)	Permanent revocation
13		for a violation described in
14		subsection (5); otherwise,
15		probation, limitation, denial,
16		suspension, revocation,
17		restitution, or fine.
18		
19	Subdivision (b) (xiv) or	Permanent revocation.
20	(b) (xv)	
21		
22	Subdivision (c) (i)	Denial, revocation, suspension,
23		probation, limitation, or fine.
24		
25	Subdivision (c) (ii)	Denial, suspension, revocation,
26		restitution, or fine.
27		
28	Subdivision (c) (iii)	Probation, denial, suspension,

1 revocation, restitution, or fine.
2
3 Subdivision (c) (iv) Fine, probation, denial,
4 or (d) (iii) suspension, revocation, permanent
5 revocation, or restitution.
6
7 Subdivision (d) (i) Reprimand, fine, probation,
8 or (d) (ii) denial, or restitution.
9
10 Subdivision (e) (i), Reprimand, fine, probation,
11 (e) (iii), (e) (iv), (e) (v), limitation, suspension,
12 (h), or (s) revocation, permanent revocation,
13 denial, or restitution.
14
15 Subdivision (e) (ii) Reprimand, probation, suspension,
16 or (i) revocation, permanent
17 revocation, restitution,
18 denial, or fine.
19
20 Subdivision (e) (vi), Probation, suspension, revocation,
21 (e) (vii), or (e) (viii) limitation, denial,
22 restitution, or fine.
23
24 Subdivision (f) Reprimand, denial, limitation,
25 probation, or fine.
26
27 Subdivision (g) Reprimand or fine.
28

1	Subdivision (j)	Suspension or fine.
2		
3	Subdivision (k), (p),	Reprimand, probation, suspension,
4	or (r)	revocation, permanent revocation,
5		or fine.
6		
7	Subdivision (l)	Reprimand, denial, or
8		limitation.
9		
10	Subdivision (m) or (o)	Denial, revocation, restitution,
11		probation, suspension,
12		limitation, reprimand, or fine.
13		
14	Subdivision (n)	Revocation or denial.
15		
16	Subdivision (q)	Revocation.
17		
18	Subdivision (t)	Revocation, permanent revocation,
19		fine, or restitution.
20		
21	Subdivision (u)	Denial, revocation, probation,
22		suspension, limitation, reprimand,
23		or fine.
24		
25	Subdivision (v) or (x)	Probation, limitation, denial,
26		fine, suspension, revocation, or
27		permanent revocation.
28		
29	Subdivision (w)	Denial, fine, reprimand,

1 probaton, limitation,
2 suspension, revocation, or
3 permanent revocation.

4 Subdivision (y) Subject to subsection (7),
5 fine.

6
7 Subdivision (z) Fine.

8 (2) Determination of sanctions for violations under this
9 section ~~shall~~**must** be made by a disciplinary subcommittee. If,
10 during judicial review, the court of appeals determines that a
11 final decision or order of a disciplinary subcommittee prejudices
12 substantial rights of the petitioner for 1 or more of the grounds
13 listed in section 106 of the administrative procedures act of 1969,
14 MCL 24.306, and holds that the final decision or order is unlawful
15 and is to be set aside, the court shall state on the record the
16 reasons for the holding and may remand the case to the disciplinary
17 subcommittee for further consideration.

18 (3) A disciplinary subcommittee may impose a fine in an amount
19 that does not exceed \$250,000.00 for a violation of section
20 16221(a) or (b). A disciplinary subcommittee shall impose a fine of
21 at least \$25,000.00 if the violation of section 16221(a) or (b)
22 results in the death of 1 or more patients.

23 (4) A disciplinary subcommittee may require a licensee or
24 registrant or an applicant for licensure or registration who has
25 violated this article, article 7, or article 8 or a rule
26 promulgated under this article, article 7, or article 8 to
27 satisfactorily complete an educational program, a training program,
28 or a treatment program, a mental, physical, or professional
29 competence examination, or a combination of those programs and

1 examinations.

2 (5) A disciplinary subcommittee shall impose the sanction of
3 permanent revocation for a violation of section 16221(b) (xiii) if the
4 violation occurred while the licensee or registrant was acting
5 within the health profession for which he or she was licensed or
6 registered.

7 (6) Except as otherwise provided in subsection (5) and this
8 subsection, a disciplinary subcommittee shall not impose the
9 sanction of permanent revocation under this section without a
10 finding that the licensee or registrant engaged in a pattern of
11 intentional acts of fraud or deceit resulting in personal financial
12 gain to the licensee or registrant and harm to the health of
13 patients under the licensee's or registrant's care. This subsection
14 does not apply if a disciplinary subcommittee finds that a licensee
15 or registrant has violated section 16221(b) (xiv) **or (b) (xv)** .

16 (7) A disciplinary subcommittee shall impose a fine of not
17 more than \$250.00 for each violation of section 16221(y).

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

20 Enacting section 2. This amendatory act does not take effect
21 unless Senate Bill No. _____ or House Bill No. 4857 (request no.
22 01002'21) of the 101st Legislature is enacted into law.