

PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

***** 333.20175b.added THIS ADDED SECTION IS EFFECTIVE OCTOBER 10, 2023 *****

333.20175b.added Violations of record retention requirements for medical services involving vaginal or anal penetration; penalties.

Sec. 20175b. (1) Except as otherwise provided in subsections (2) and (3), a person that violates section 20175(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is subject to an administrative fine or guilty of a crime as follows:

(a) For a first violation, an administrative fine of not more than \$2,500.00.

(b) For a second violation, an administrative fine of not more than \$5,000.00.

(c) For a third or subsequent violation, a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$7,500.00, or both.

(2) A person that violates section 20175(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of \$10,000.00, or both, if the violation was the result of gross negligence.

(3) A person that intentionally violates section 20175(1) regarding the documentation of a medical service involving vaginal or anal penetration in a patient's medical record is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not more than \$10,000.00, or both.

(4) This section does not limit any other sanction the department is authorized to impose under section 20165.

History: Add. 2023, Act 62, Eff. Oct. 10, 2023.

Popular name: Act 368