

FINALITY OF DECISIONS MADE BY DISCIPLINARY SUBCOMMITTEES

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Senate Bill 578 (Substitute S-2)

Sponsor: Sen. Rick Jones

House Committee: Regulatory Reform

Senate Committee: Reforms, Restructuring and Reinventing

Complete to 2-17-14

A SUMMARY OF SENATE BILL 578 AS PASSED BY THE SENATE 11-7-13

The bill would amend Article 15 (Occupations) of the Public Health Code to establish when a decision of a disciplinary subcommittee of a board or task force would become a final decision and subject to judicial review. [Under Article 15, the chair of a board or task force can appoint one or more disciplinary subcommittees to investigate allegations of improper conduct by licensees.]

Under the bill, all of the following would apply to determine when a disciplinary subcommittee's decision that Articles 7 or 15 had been violated, or to impose a sanction under either article, becomes a final decision and subject to judicial review:

- The subcommittee would have to notify LARA of its decision and LARA would have to review it within 30 days after being notified.
- If a determination is made that the decision does not protect the health, safety, and welfare of the public, LARA could request that the board or task force review the decision within the 30-day time period.
- If LARA does not request a review, the decision of the subcommittee would become a final decision at the end of the 30-day period.

If a board or task force received a request to review a decision of its disciplinary subcommittee, the board or task force would have to review the decision within 30 days after receiving the request and do either of the following:

- If the board or task force agrees with the subcommittee's decision, it must notify LARA and the subcommittee, and the decision of the subcommittee would become final at the time of notification.
- If the board or task force disagrees with the subcommittee's decision, it must notify the subcommittee that it disagrees, give the reason(s) for disagreement, and specify what decision it recommends. The subcommittee would have to review the notification, and, after considering the recommendation, would have to make its final decision. A final decision of a subcommittee becomes final at the time it is made.

Beginning July 1, 2014, LARA would have to include on its public licensing and registration website each final decision where disciplinary action is taken against a licensee, including the reason for and description of the disciplinary action.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.