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Senate Bill 578 (as introduced 10-2-13)  
Sponsor: Senator Rick Jones  
Committee: Reforms, Restructuring and Reinventing

Date Completed: 10-22-13

### **CONTENT**

**The bill would amend the Public Health Code to establish when a decision of a disciplinary subcommittee of a board or task force within the Department of Licensing and Regulatory Affairs (LARA) would become a final decision and subject to judicial review.**

Article 15 of the Code governs occupations and establishes the scope of health profession licensing boards, registration boards, subfield task forces, and specialty field task forces. These entities generally are responsible for administering regulations for specific professions. The chair of each board or task force must appoint one or more disciplinary subcommittees for the board or task force.

A disciplinary subcommittee may find that an individual violated Article 7 or 15, and impose sanctions. (Article 7 governs controlled substances.) A majority vote is required for a final decision of a disciplinary subcommittee regarding a violation or sanction.

Under the bill, the following provisions would apply for purposes of determining when a disciplinary subcommittee's decision that Article 7 or 15 was violated, or when a decision made to impose a sanction, became a final decision of that subcommittee and subject to judicial review.

First, the disciplinary subcommittee would have to inform LARA of that decision.

The Department then would have to review the decision within 60 days after it was notified. If LARA determined that the decision did not protect the health, safety, and welfare of the public, it could, within the 60-day period, request the appropriate board or task force to review the decision. If LARA did not request a review, the subcommittee's decision would become final at the end of the 60-day period.

If a board or task force received a request for review of a decision within the 60-day period, it would have to review the decision within 180 days after it received the request. The board or task force then would have to either agree or disagree with the decision.

If the board or task force agreed with the disciplinary subcommittee's decision, it would have to notify LARA and the subcommittee. The decision would become a final decision at the time the subcommittee received the notice.

If the board or task force disagreed with the decision, it would have to notify the subcommittee: 1) that it disagreed; 2) the reason or reasons it disagreed; and 3) what

decision it recommended. The subcommittee would have to review the notification, and after considering the recommendation, make its decision. The decision would become a final decision when it was made.

MCL 333.16216

Legislative Analyst: Glenn Steffens

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.