

**SUBSTITUTE FOR
SENATE BILL NO. 578**

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16216 (MCL 333.16216), as added by 1993 PA 87.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16216. (1) The chair of each board or task force shall
2 appoint 1 or more disciplinary subcommittees for that board or task
3 force. A disciplinary subcommittee for a board or task force shall
4 consist of 2 public members and 3 professional members from the
5 board or task force. The chair of a board or task force shall not
6 serve as a member of a disciplinary subcommittee.

7 (2) A final decision of the disciplinary subcommittee finding
8 a violation of this article or article 7 shall be by a majority
9 vote of the members appointed and serving on the disciplinary
10 subcommittee.

1 (3) A final decision of the disciplinary subcommittee imposing
2 a sanction under this article or article 7 or a final decision of
3 the disciplinary subcommittee other than a final decision described
4 in subsection (2) requires a majority vote of the members appointed
5 and serving on the disciplinary subcommittee with an affirmative
6 vote by at least 1 public member.

7 (4) The chairperson of each disciplinary subcommittee shall be
8 a public member and shall be appointed by the chair of the board or
9 task force.

10 (5) ALL OF THE FOLLOWING APPLY FOR PURPOSES OF DETERMINING
11 WHEN A DECISION OF A DISCIPLINARY SUBCOMMITTEE MADE FOR PURPOSES OF
12 SUBSECTION (2) THAT THIS ARTICLE OR ARTICLE 7 WAS VIOLATED, OR A
13 DECISION MADE FOR PURPOSES OF SUBSECTION (3) THAT IMPOSES A
14 SANCTION UNDER THIS ARTICLE OR ARTICLE 7, BECOMES A FINAL DECISION
15 OF THAT SUBCOMMITTEE AND SUBJECT TO JUDICIAL REVIEW:

16 (A) IF A DISCIPLINARY SUBCOMMITTEE MAKES A DECISION FOR
17 PURPOSES OF SUBSECTION (2) THAT THIS ARTICLE OR ARTICLE 7 WAS
18 VIOLATED, OR MAKES A DECISION FOR PURPOSES OF SUBSECTION (3) THAT
19 IMPOSES A SANCTION UNDER THIS ARTICLE OR ARTICLE 7, THE
20 DISCIPLINARY SUBCOMMITTEE SHALL NOTIFY THE DEPARTMENT OF ITS
21 DECISION. THE DEPARTMENT SHALL REVIEW A DECISION OF A DISCIPLINARY
22 SUBCOMMITTEE DESCRIBED IN THIS SUBSECTION WITHIN 30 DAYS AFTER IT
23 IS NOTIFIED OF THE DECISION. IF THE DEPARTMENT DETERMINES THAT THE
24 DECISION OF THE DISCIPLINARY SUBCOMMITTEE DOES NOT PROTECT THE
25 HEALTH, SAFETY, AND WELFARE OF THE PUBLIC, THE DEPARTMENT MAY,
26 WITHIN THAT 30-DAY PERIOD, REQUEST THAT THE APPROPRIATE BOARD OR
27 TASK FORCE REVIEW THE DECISION. IF THE DEPARTMENT DOES NOT REQUEST

1 A REVIEW UNDER THIS SUBDIVISION, THE DECISION OF THE DISCIPLINARY
2 SUBCOMMITTEE BECOMES A FINAL DECISION AT THE END OF THAT 30-DAY
3 TIME PERIOD.

4 (B) IF A BOARD OR TASK FORCE RECEIVES A REQUEST FOR REVIEW OF
5 A DECISION OF ITS DISCIPLINARY SUBCOMMITTEE UNDER SUBDIVISION (A)
6 WITHIN THE 30-DAY TIME PERIOD DESCRIBED IN THAT SUBDIVISION, THE
7 BOARD OR TASK FORCE SHALL REVIEW THE DISCIPLINARY SUBCOMMITTEE'S
8 DECISION WITHIN 30 DAYS AFTER IT RECEIVES THE REQUEST AND DO 1 OF
9 THE FOLLOWING:

10 (i) IF THE BOARD OR TASK FORCE AGREES WITH THE DECISION, IT
11 SHALL NOTIFY THE DEPARTMENT AND DISCIPLINARY SUBCOMMITTEE, AND THE
12 DECISION OF THE DISCIPLINARY SUBCOMMITTEE BECOMES A FINAL DECISION
13 AT THE TIME THE DISCIPLINARY SUBCOMMITTEE RECEIVES THAT
14 NOTIFICATION.

15 (ii) IF THE BOARD OR TASK FORCE DISAGREES WITH THE DECISION, IT
16 SHALL NOTIFY THE DISCIPLINARY SUBCOMMITTEE THAT IT DISAGREES, THE
17 REASON OR REASONS IT DISAGREES, AND WHAT DECISION IT RECOMMENDS.
18 THE DISCIPLINARY SUBCOMMITTEE SHALL REVIEW THE NOTIFICATION FROM
19 THE BOARD OR TASK FORCE, AND AFTER CONSIDERING THE RECOMMENDATION
20 OF THE BOARD OR TASK FORCE, MAKE ITS FINAL DECISION. A FINAL
21 DECISION OF A DISCIPLINARY SUBCOMMITTEE UNDER THIS SUBPARAGRAPH
22 BECOMES A FINAL DECISION WHEN IT IS MADE.

23 (6) BEGINNING JULY 1, 2014, THE DEPARTMENT SHALL INCLUDE ON
24 ITS PUBLIC LICENSING AND REGISTRATION WEBSITE EACH FINAL DECISION
25 WHERE DISCIPLINARY ACTION IS TAKEN AGAINST A LICENSEE, INCLUDING
26 THE REASON FOR AND DESCRIPTION OF THAT DISCIPLINARY ACTION.