

House Bills 4655 and 4656
Sponsor: Rep. Gary A. Newell
Committee: Health Policy

Complete to 6-27-03

A SUMMARY OF HOUSE BILLS 4655 AND 4656 AS INTRODUCED 5-7-03

The Michigan Penal Code makes it a criminal offense for a physician or other person to prescribe a drug, medication, or poison while intoxicated. The bills would amend the penal and health laws to, respectively, replace the prohibition on prescribing medication while intoxicated with a prohibition on engaging in the practice of a health care profession with a blood alcohol content (BAC) of .08 or more and expand the prohibition to apply to all licensed and registered health professionals, and provide for administrative sanctions. The bills are tie-barred to each other and would do the following:

House Bill 4656 would amend the Michigan Penal Code (MCL 750.430) to prohibit a licensed health care professional from engaging in the practice of his or her profession with a BAC of .08 or higher. The current prohibition on prescribing a poison, drug, or medication while intoxicated would be eliminated. The penalty for a violation would remain the same – a misdemeanor punishable by up to one year imprisonment, a fine of not more than \$1,000, or both. “Licensed health care professional” would mean an individual who was licensed or registered under Article 15 of the Public Health Code.

House Bill 4655 would amend the Public Health Code (MCL 333.16221 and 333.16226) so that a violation of the prohibition on practicing with a BAC of .08 or higher would be grounds for action by a disciplinary subcommittee. A certified copy of the court record would be conclusive evidence of a conviction. A sanction imposed by the disciplinary subcommittee could include a fine, community service, probation, restitution, or license sanctions such as limitation, suspension, revocation, or denial.

(The following health professionals must be licensed or registered under the Public Health Code: chiropractors; dentists, dental assistants, and dental hygienists; allopathic (M.D.) and osteopathic (D.O.) physicians; nurses – R.N., L.P.N., or trained attendant; nursing home administrators; optometrists; pharmacists; physical and occupational therapists; physician’s assistants; podiatrists; sanitarians; veterinarians; and marriage and family therapists, professional counselors, psychologists, and social workers. House Bill 4236, which has passed the House and is pending Senate floor action, would require the registration of respiratory therapists.)

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