

HOUSE BILL NO. 6542

December 01, 2022, Introduced by Rep. Yaroach and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 16237 (MCL 333.16237), as amended by 2013 PA
268.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16237. (1) In imposing a penalty under section 16232(3),
- 2 a disciplinary subcommittee shall review the recommended findings
- 3 of fact and conclusions of law of the hearings examiner.
- 4 (2) The department of attorney general may assign an

1 independent special assistant attorney general who is under
2 contract to the department of attorney general and is not a member
3 of the state classified civil service to advise the disciplinary
4 subcommittees on matters of law and provide other legal assistance
5 as necessary. A special assistant attorney general assigned to the
6 disciplinary subcommittees under this subsection ~~shall~~**must** not be
7 the same individual who represented the department before a
8 hearings examiner under section 16231a(4).

9 (3) In reviewing the recommended findings of fact and
10 conclusions of law of the hearings examiner and the record of the
11 hearing, a disciplinary subcommittee may request the hearings
12 examiner to take additional testimony or evidence on a specific
13 issue or may revise the recommended findings of fact and
14 conclusions of law as determined necessary by the disciplinary
15 subcommittee, or both. ~~A-Except as otherwise provided in subsection~~
16 **(7), a** disciplinary subcommittee shall not conduct its own
17 investigation or take its own additional testimony or evidence
18 under this subsection.

19 (4) If a disciplinary subcommittee finds that a preponderance
20 of the evidence supports the recommended findings of fact and
21 conclusions of law of the hearings examiner indicating that grounds
22 exist for disciplinary action, the disciplinary subcommittee shall
23 impose an appropriate sanction under any combination of this
24 article, article 7, or article 8. If the disciplinary subcommittee
25 finds that a preponderance of the evidence does not support the
26 findings of fact and conclusions of law of the hearings examiner
27 indicating that grounds exist for disciplinary action, the
28 disciplinary subcommittee shall dismiss the complaint. A
29 disciplinary subcommittee shall report final action taken by it in

1 writing to the appropriate board or task force.

2 (5) The compliance conference, the hearing before the hearings
3 examiner, and final disciplinary subcommittee action ~~shall~~**must** be
4 completed within 1 year after the department initiates an
5 investigation under section 16231(2) or (3). The department shall
6 note in its annual report any exceptions to the 1-year requirement.

7 (6) A final decision of a disciplinary subcommittee rendered
8 ~~after the effective date of the amendatory act that added this~~
9 ~~section~~**April 1, 1994** but before January 1, 1995 may be appealed
10 only in the manner provided in sections 103 to 106 of the
11 administrative procedures act of 1969, ~~1969 PA 306, MCL 24.301~~**MCL**
12 **24.303** to 24.306. A final decision of a disciplinary subcommittee
13 rendered on or after January 1, 1995 may be appealed only to the
14 court of appeals. An appeal filed under this subsection is by
15 right.

16 (7) **A person or governmental entity that has filed a complaint**
17 **against a licensee or registrant must have an opportunity to attend**
18 **a meeting of the disciplinary subcommittee at which the**
19 **disciplinary subcommittee reviews the recommended findings of fact**
20 **and conclusions of law of the hearings examiner under subsection**
21 **(3) and participate in the disciplinary subcommittee's discussion**
22 **by providing any of the following:**

23 (a) **A statement of agreement or disagreement with the findings**
24 **of fact or conclusions of law of the hearings examiner.**

25 (b) **An answer to any question that the disciplinary**
26 **subcommittee may have about the findings of fact made by the**
27 **hearings examiner.**

28 (c) **Any other information that the disciplinary subcommittee**
29 **considers helpful in making its determination under subsection (3)**

1 or (4) .