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BILL ANALYSIS

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House Bill 4771 (Substitute H-2 as reported with amendment)

Sponsor: Representative William Martin

House Committee: Public Health

Senate Committee: Health Policy

Date Completed: 3-3-88

RATIONALE

Health professionals who are licensed, registered, or certified in another state and are seeking licensure, registration, or certification in Michigan may be granted an appropriate State license or registration upon meeting certain requirements, as outlined in the Public Health Code. Among those requirements are those that require the applicant to show that disciplinary actions are not pending against the applicant in another state or sanctions have not been imposed on the applicant by another state's licensing or registration board. In addition to these requirements, the Michigan Board of Pharmacy has required applicants to obtain certification from a central data bank established as a national clearinghouse for boards of pharmacy, which indicates whether disciplinary actions are pending or sanctions are in force against an applicant. The Attorney General has advised the Board, however, that it and other health profession licensing boards in the State have no statutory authority to impose such a requirement on pharmacists or any other licensed health professional, and that the Public Health Code must be amended to grant that authority specifically.

CONTENT

The bill would amend the Public Health Code to permit a health profession licensing board, before licensing, registering, or certifying an applicant for licensure, to require the applicant to obtain certification from a "national association or federation of state professional licensing boards". The certification would have to state either that no disciplinary proceedings were pending against the applicant, or, if sanctions had been imposed, that they were not in force at the time of the application. The bill would take effect May 1, 1988. These provisions would apply to an applicant who is licensed to practice a health profession in another state or who is registered or holds specialty certification from another state.

Currently, the board is required to make an independent inquiry concerning possible disciplinary proceedings or sanctions imposed against an applicant.

MCL 333.16186

SENATE COMMITTEE ACTION

The Senate Committee on Health Policy adopted an amendment to give the bill an effective date of May 1, 1988.

FISCAL IMPACT

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

ARGUMENTS**Supporting Argument**

Under Federal law, state licensing boards must report to the U.S. Department of Health and Human Services licensing information on health care providers under the Medicare program who are seeking reimbursement for their services. The law also requires that central clearinghouses for various health professions be established to gather this licensing information. The National Association of Boards of Pharmacy already has established such a clearinghouse and other associations—such as the Federation of State Medical Boards and the National Council of State Boards of Nursing—are in the process of establishing clearinghouses for their respective professions. These clearinghouses would contain licensing information—such as whether any disciplinary proceedings were pending or sanctions had been imposed—on a person either seeking licensure in Michigan or a person licensed in Michigan and moving to another state. Under the current screening process for licensing applications, some applicants may fail to indicate that they were licensed in another state and may have had disciplinary proceedings pending or sanctions imposed. While this information may be discovered later, the process, in effect, makes it easier for some health professionals who have licensing problems to move from one state to Michigan and continue to practice even though disciplinary actions may have been taken. Permitting State licensing boards to use information compiled by central clearinghouses would allow these boards to have access to up-to-date information on applicants seeking licensing in Michigan. Furthermore, Michigan citizens would be protected from health professionals who move to the State but are not in good professional standing.

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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.

H.B. 4771 (3-3-88)