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Senate Bills 234, 235, and 236 (as introduced 3-8-11)  
Sponsor: Senator Rick Jones  
Committee: Judiciary

Date Completed: 5-16-11

### **CONTENT**

**The bills would amend the Public Health Code to do all of the following:**

- **Allow a health profession disciplinary subcommittee to permanently revoke the license or registration of a health professional who was convicted of first-, second-, or third-degree criminal sexual conduct (CSC).**
- **Specify that a health professional whose license or registration was revoked for a first-, second-, or third-degree CSC conviction would be ineligible for reinstatement of his or her license or registration.**
- **Require the Department of Licensing and Regulatory Affairs (LARA) to return an application for license or registration reinstatement if the applicant were ineligible for reinstatement.**
- **Specify that LARA would not have to give an ineligible applicant for reinstatement an opportunity for a hearing before final rejection.**

The bills are tie-barred.

### **Senate Bill 234**

Under the Code, after finding the existence of one or more grounds for disciplinary action, listed in the Code, a disciplinary subcommittee must impose certain sanctions for each violation.

For a conviction of first-, second-, third-, or fourth-degree CSC, or assault with intent to commit CSC, a disciplinary subcommittee must impose one or more of the following sanctions:

- Probation.
- Limitation, denial, suspension, or revocation of a license or registration.
- Restitution.
- Community service.
- A fine.

Under the bill, a disciplinary subcommittee would have to impose one or more of those sanctions for a conviction of fourth-degree CSC or assault with intent to commit CSC. For a conviction of first-, second-, or third-degree CSC, a disciplinary subcommittee would have to impose one of the sanctions listed above or permanent revocation.

### **Senate Bill 235**

The Code authorizes LARA to investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The Department may hold hearings, administer oaths, and order relevant testimony to be taken and must report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee then must proceed with sanctions if it finds that one or more grounds exist.

The Code's list of grounds for sanctions includes a conviction for first-, second-, third-, or fourth-degree CSC, or assault with intent to commit CSC. Under the bill, a conviction of fourth-degree CSC or assault with intent to commit CSC would be listed separately from a conviction of first-, second-, or third-degree CSC.

### **Senate Bill 236**

Under the Code, an individual whose license or registration is limited, suspended, or revoked may apply to his or her board or task force for reinstatement of a revoked or suspended license or registration. In the case of revocation for any CSC offense, an applicant may not apply for reinstatement until five years after the effective date of revocation.

Under the bill, the five-year waiting period would apply to revocation for a conviction of fourth-degree CSC or assault with intent to commit CSC. In the case of a license or registration that was permanently revoked for a conviction of first-, second-, or third-degree CSC, the former licensee or registrant would be ineligible for reinstatement.

The Code requires LARA to return an application for reinstatement received before the end of the waiting period for reinstatement. The bill also would require LARA to return an application if the applicant were ineligible for reinstatement because of permanent revocation for a conviction for first-, second-, or third-degree CSC.

The Code requires LARA to provide an opportunity for a hearing before final rejection of an application for reinstatement. Under the bill, this would not be required if the application were returned because the applicant was ineligible for reinstatement.

MCL 333.16226 (S.B. 234)  
333.16221 (S.B. 235)  
333.16245 (S.B. 236)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills 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.