

HOUSE BILL NO. 4926

September 11, 2025, Introduced by Reps. St. Germaine, Martin, Borton, Wozniak, Schuette and Alexander and referred to Committee on Rules.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16211, 16216, and 16238 (MCL 333.16211,
333.16216, and 333.16238), section 16211 as amended and section
16238 as added by 1993 PA 79 and section 16216 as amended by 2014
PA 413, and by adding section 16211a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 16211. (1) The department shall create and maintain a
- 2 permanent historical record for each licensee and registrant with

1 respect to information and data transmitted pursuant to law.

2 (2) The individual historical record ~~shall~~**must** include a
3 written allegation against the licensee or registrant that is
4 substantiated after investigation.

5 (3) The individual historical record may include other items
6 concerning a licensee's or registrant's record of practice that the
7 appropriate board determines will facilitate proper and periodic
8 review, but only those items as designated by rule.

9 (4) ~~The~~**Subject to section 16211a, the** department shall
10 promptly review the entire file of a licensee or registrant,
11 including all prior matters with respect to which no action was
12 taken at the time, with respect to whom there is received 1 or more
13 of the following:

14 (a) A notice of revocation, suspension, or limitation of staff
15 privileges or a change in employment status due to disciplinary
16 action by a licensed health facility.

17 (b) A written allegation of a violation of this article,
18 article 7, or a rule promulgated under this article or article 7
19 that is substantiated after investigation.

20 (c) A notice of disciplinary action by a health professional
21 society.

22 (d) An adverse malpractice settlement, award, or judgment.

23 (e) Written notice of 1 or more of the following:

24 (i) A felony conviction.

25 (ii) A misdemeanor conviction punishable by imprisonment for a
26 maximum term of 2 years.

27 (iii) A misdemeanor conviction, if the misdemeanor involves the
28 illegal delivery, possession, or use of alcohol or a controlled
29 substance.

1 (f) Notice that a licensee or registrant is ineligible to
2 participate as a provider in a federally funded health insurance or
3 health benefits program based upon the licensee's or registrant's
4 failure to meet the program's standards of professional practice. A
5 certified copy of the action or final order making the licensee or
6 registrant ineligible is sufficient notice for purposes of this
7 subdivision.

8 (g) A report or notice under section 16222.

9 (h) Notice of a disciplinary action by a licensure,
10 registration, disciplinary, or specialty certification board in
11 another state.

12 (5) The department shall retain written allegations that are
13 unsubstantiated for 5 years, after which the department shall
14 remove the allegations from the file, if no further allegations
15 against the licensee or registrant have been received by the
16 department within the 5-year period.

17 (6) Except as provided in section ~~16231(6)~~, **16231(7)**, a
18 licensee, registrant, or applicant may review ~~his or her~~ **the**
19 individual historical record **of the licensee, registrant, or**
20 **applicant.**

21 **Sec. 16211a. (1) Beginning January 1, 2027, a licensee,**
22 **registrant, or applicant may submit an application to the**
23 **department to set aside a disciplinary record of the licensee,**
24 **registrant, or applicant. The application must be in a form and**
25 **manner required by the department. The department shall set aside a**
26 **disciplinary record of a licensee, registrant, or applicant if the**
27 **licensee, registrant, or applicant demonstrates both of the**
28 **following to the department:**

29 (a) The disciplinary record that the licensee, registrant, or

1 applicant is seeking to set aside involves a violation that was a
2 failure to complete continuing education required for the renewal
3 of the license or registration held by the licensee, registrant, or
4 applicant.

5 (b) The licensee, registrant, or applicant demonstrates to the
6 satisfaction of the department that the licensee, registrant, or
7 applicant has since successfully completed the continuing education
8 requirement that was the subject of the disciplinary record.

9 (2) If the department sets aside a disciplinary record under
10 this section for a licensee, registrant, or applicant, the
11 department shall remove the disciplinary record from the
12 department's public licensing and registration website described in
13 section 16216, and the licensee, registrant, or applicant may
14 represent that no disciplinary record exists regarding the subject
15 matter of the disciplinary record that was set aside.

16 Sec. 16216. (1) The chair of each board or task force shall
17 appoint 1 or more disciplinary subcommittees for that board or task
18 force. A disciplinary subcommittee for a board or task force ~~shall~~
19 **must** consist of 2 public members and 3 professional members from
20 the board or task force.

21 (2) A final decision of a disciplinary subcommittee finding a
22 violation of this article, article 7, or article 8 requires a
23 majority vote of the members appointed and serving on the
24 disciplinary subcommittee.

25 (3) A final decision of a disciplinary subcommittee imposing a
26 sanction under this article, article 7, or article 8 or a final
27 decision of a disciplinary subcommittee other than a final decision
28 described in subsection (2) requires a majority vote of the members
29 appointed and serving on the disciplinary subcommittee with an

1 affirmative vote by at least 1 public member.

2 (4) The chair of a board or task force shall appoint a public
3 member of the disciplinary subcommittee of that board or task force
4 as the chairperson of that disciplinary subcommittee. The chair of
5 a board or task force shall not serve as a member of the
6 disciplinary subcommittee of that board or task force.

7 (5) The department may review a final decision of a
8 disciplinary subcommittee within 30 days after the date of the
9 disciplinary subcommittee's decision. If the department determines
10 that the action taken by a disciplinary subcommittee does not
11 protect the health, safety, and welfare of the public, the
12 department, with the approval of the board chair, may set aside the
13 decision of the disciplinary subcommittee and issue a different
14 final action. The final action of the department serves as the
15 final action on the matter and is subject to judicial review in the
16 same manner as the final decision of the disciplinary subcommittee.

17 (6) ~~Beginning January 1, 2015,~~ **Except as otherwise provided in**
18 **section 16211a**, the department shall include on its public
19 licensing and registration website each final decision that imposes
20 disciplinary action against a licensee, including the reason for
21 and description of that disciplinary action.

22 Sec. 16238. (1) Except as otherwise provided in section
23 ~~13(1)(u) (i) and (ii)~~ **13(1)(t) (i) and (ii)** of the freedom of
24 information act, ~~Act No. 442 of the Public Acts of 1976, being~~
25 ~~section 15.243 of the Michigan Compiled Laws,~~ **1976 PA 442, MCL**
26 **15.243**, the information including, but not limited to, patient
27 names, obtained in an investigation or a compliance conference
28 before a complaint is issued, is confidential and ~~shall~~ **must** not be
29 disclosed except to the extent necessary for the proper functioning

1 of a hearings examiner, a disciplinary subcommittee, or the
2 department.

3 (2) A compliance conference conducted under this part before a
4 complaint is issued ~~shall be~~ **is** closed to the public.

5 (3) **A disciplinary record that is set aside under section**
6 **16211a is not subject to disclosure under the freedom of**
7 **information act, 1976 PA 442, MCL 15.231 to 15.246.**