

## SETTING ASIDE CERTAIN HEALTH PROFESSIONAL CONTINUING EDUCATION DISCIPLINARY RECORDS

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**House Bill 4926 (H-1) as reported from committee**

**Sponsor: Rep. Alicia St. Germaine**

**Committee: Rules**

**Complete to 11-12-25**

Analysis available at  
<http://www.legislature.mi.gov>

### SUMMARY:

House Bill 4926 would amend Article 15 (Occupations) of the Public Health Code to allow, beginning on year after the bill takes effect, a health professional licensee, registrant, or applicant to ask the Department of Licensing and Regulatory Affairs (LARA) to set aside a disciplinary record. LARA would have to set the record aside if all of the following apply:

- The individual submits the application at least five years after the date sanctions are no longer in force against them for the relevant violation (i.e., for the record sought to be set aside).
- The relevant violation was a failure to complete continuing education required for license or registration renewal, and the individual shows that they have since successfully completed the required continuing education.
- If the violation was discovered during an audit conducted by LARA, it was based on a one-time failure to complete the continuing education described above during the time frame that was the subject of the audit.
- The individual timely completed the sanction imposed for the relevant violation.
- The individual establishes that they have not been the subject of disciplinary action since the date the sanction was imposed for the relevant violation.
- The individual has not previously had a disciplinary record set aside under these provisions.

An individual whose disciplinary record is set aside could represent that no disciplinary record exists regarding the relevant violation. LARA would have to remove the record from its public licensing and registration website. The record would not be subject to disclosure under the Freedom of Information Act (FOIA). LARA would not be liable in a civil action for reporting a public record of discipline that has been set aside if the record was available as a public record on the date of the report.

LARA would establish the form and manner of the application to set aside a disciplinary record.

MCL 339.5539

### BRIEF DISCUSSION:

A 2025 LARA report on regulatory reform in Michigan<sup>1</sup> noted that “all disciplinary actions remain on a licensee’s record into perpetuity, no matter how minor the infraction,” and recommended allowing the set-aside of records of certain minor infractions. According to committee testimony, the failure to timely complete continuing education requirements in

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<sup>1</sup> [https://www.michigan.gov/lara/-/media/Project/Websites/lara/about/LARA\\_CuttingRedTapeReport-1.pdf](https://www.michigan.gov/lara/-/media/Project/Websites/lara/about/LARA_CuttingRedTapeReport-1.pdf)

particular can be due to a one-time issue at a crucial time, such as a family emergency, rather than being general evidence of poor professional practice.<sup>2</sup> The report and committee testimony both indicate that a licensee's having even minor disciplinary actions on their professional record can cause problems in finding employment or maintaining a career trajectory.

The LARA report specifically recommended legislation to “allow minor regulatory offenses, such as missing continuing education hours, to be removed from a permanent record after certain conditions are met,” noting that this flexibility would “allow licensees with minor offenses to more easily keep and earn employment and fill critical workforce needs.” The bill would make this change with regard to continuing education infractions by health care professionals, and as described above it includes conditions for such things as the time frame for applying for a set-aside and how often licensees can use these provisions.

Health professions with continuing education or professional development requirements under Article 15 of the Public Health Code include, among others, acupuncturists, athletic trainers, audiologists, chiropractors, dental assistants, dental hygienists, dentists, doctors (medical and osteopathic), massage therapists, midwives, nurses, nursing home administrators, occupational therapists, optometrists, pharmacists, physical therapists, podiatrists, psychologists, social workers, speech language pathologists, and veterinarians.

#### **FISCAL IMPACT:**

House Bill 4926 would have an indeterminate fiscal impact on the Department of Licensing and Regulatory Affairs. LARA indicated that the bill would require a new process that would take additional staff time, though the department does not anticipate the changes requiring additional staff. Therefore, any costs associated with this bill would likely be absorbed by existing appropriations.

#### **POSITIONS:**

The following entities indicated support for the bill (10-30-25):

- Michigan State Medical Society
- Michigan Academy of Family Physicians
- Mackinac Center for Public Policy

The Department of Licensing and Regulatory Affairs indicated opposition to the bill in the absence of funding to implement its provisions. (11-6-25)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>2</sup> Article 15 generally allows a health professional board to waive continuing education requirements upon application if the failure to complete them was due to disability, military service, being out of the country, or circumstances beyond the licensee's control that the board considers sufficient cause for a waiver.

<https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-16205>