

SENATE BILL NO. 684

October 30, 2025, Introduced by Senators HAUCK and BELLINO and referred to Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16211, 16216, 16238, and 16315 (MCL 333.16211, 333.16216, 333.16238, and 333.16315), section 16211 as amended and section 16238 as added by 1993 PA 79, section 16216 as amended by 2014 PA 413, and section 16315 as amended by 2020 PA 169, and by adding section 16211a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16211. (1) The department shall create and maintain a

1 permanent historical record for each licensee and registrant with
2 respect to information and data transmitted pursuant to law.

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

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

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

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

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

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

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

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

25 (i) A felony conviction.

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

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

1 substance.

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

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

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

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

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

22 **Sec. 16211a. (1) Beginning 1 year after the effective date of**
23 **the amendatory act that added this section, a licensee, registrant,**
24 **or applicant may submit an application to the department to set**
25 **aside a disciplinary record of the licensee, registrant, or**
26 **applicant. The application must be in a form and manner required by**
27 **the department. The department shall set aside a disciplinary**
28 **record of a licensee, registrant, or applicant if the licensee,**
29 **registrant, or applicant demonstrates all of the following to the**

1 department:

2 (a) The licensee, registrant, or applicant submits the
3 application to the department no sooner than 5 years after the date
4 that sanctions are no longer in force against the licensee,
5 registrant, or applicant for the disciplinary record the licensee,
6 registrant, or applicant is seeking to set aside.

7 (b) The licensee, registrant, or applicant establishes that
8 the licensee, registrant, or applicant has not been the subject of
9 disciplinary action since the date the sanction was imposed for the
10 disciplinary record the licensee, registrant, or applicant is
11 seeking to set aside.

12 (c) The licensee, registrant, or applicant timely completed
13 the sanction imposed by the board or task force for the
14 disciplinary record the licensee, registrant, or applicant is
15 seeking to set aside.

16 (d) The licensee, registrant, or applicant has not previously
17 had a disciplinary record set aside under this section.

18 (e) The disciplinary record that the licensee, registrant, or
19 applicant is seeking to set aside involves a violation that meets
20 all of the following:

21 (i) The violation was a failure to complete continuing
22 education required for the renewal of the license or registration
23 held by the licensee, registrant, or applicant.

24 (ii) The violation occurred not more than 30 years before the
25 effective date of the amendatory act that added this section.

26 (iii) If the violation was discovered during an audit conducted
27 by the department, the violation was based on a 1-time failure to
28 complete the continuing education described in subparagraph (i)
29 during the time frame that was the subject of the audit.

1 (2) If the department sets aside a disciplinary record under
2 this section, the department shall do both of the following not
3 later than 90 days after setting aside the disciplinary record:

4 (a) Report the setting aside of the disciplinary record to the
5 National Practitioner Databank maintained by the United States
6 Department of Health and Human services in accordance with federal
7 regulations.

8 (b) Remove the disciplinary record from any website maintained
9 by the department that allows for the public to search for a
10 licensee, registrant, or applicant by name.

11 (3) A licensee, registrant, or applicant whose disciplinary
12 record is set aside under this section may represent that no
13 disciplinary record exists regarding the subject matter of the
14 disciplinary record that is set aside.

15 (4) A disciplinary record that is set aside under this section
16 is not subject to disclosure under the freedom of information act,
17 1976 PA 442, MCL 15.231 to 15.246.

18 (5) The department may charge a reasonable fee for the
19 administrative processing of setting aside a disciplinary record
20 under this section that does not exceed the costs incurred by the
21 department in setting aside the disciplinary record.

22 (6) The department is not liable in a civil action for
23 reporting a public record of discipline that has been set aside
24 under this section, if that record was available as a public record
25 on the date of the report.

26 (7) This section does not impose a duty on the department to
27 take any action regarding a disciplinary record that has been set
28 aside, or a record related to that disciplinary record, other than
29 the duties described in this section.

1 **(8) The department may promulgate rules to implement this**
2 **section.**

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

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

12 (3) A final decision of a disciplinary subcommittee imposing a
13 sanction under this article, article 7, or article 8 or a final
14 decision of a disciplinary subcommittee other than a final decision
15 described in subsection (2) requires a majority vote of the members
16 appointed and serving on the disciplinary subcommittee with an
17 affirmative vote by at least 1 public member.

18 (4) The chair of a board or task force shall appoint a public
19 member of the disciplinary subcommittee of that board or task force
20 as the chairperson of that disciplinary subcommittee. The chair of
21 a board or task force shall not serve as a member of the
22 disciplinary subcommittee of that board or task force.

23 (5) The department may review a final decision of a
24 disciplinary subcommittee within 30 days after the date of the
25 disciplinary subcommittee's decision. If the department determines
26 that the action taken by a disciplinary subcommittee does not
27 protect the health, safety, and welfare of the public, the
28 department, with the approval of the board chair, may set aside the
29 decision of the disciplinary subcommittee and issue a different

1 final action. The final action of the department serves as the
 2 final action on the matter and is subject to judicial review in the
 3 same manner as the final decision of the disciplinary subcommittee.

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

9 Sec. 16238. (1) Except as otherwise provided in section
 10 ~~13(1)(u) (i) and (ii)~~ **13(1)(t) (i) and (ii)** of the freedom of
 11 information act, ~~Act No. 442 of the Public Acts of 1976, being~~
 12 ~~section 15.243 of the Michigan Compiled Laws, 1976 PA 442, MCL~~
 13 **15.243**, the information including, but not limited to, patient
 14 names, obtained in an investigation or a compliance conference
 15 before a complaint is issued, is confidential and ~~shall~~ **must** not be
 16 disclosed except to the extent necessary for the proper functioning
 17 of a hearings examiner, a disciplinary subcommittee, or the
 18 department.

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

21 Sec. 16315. (1) The health professions regulatory fund is
 22 established in the state treasury. Except as otherwise provided in
 23 this section, the state treasurer shall credit the fees collected
 24 under sections 16319 to 16349 **and section 16211a** to the health
 25 professions regulatory fund. Except as otherwise provided in this
 26 section, the money in the health professions regulatory fund ~~shall~~
 27 **must** be expended only as provided in subsection (5).

28 (2) The state treasurer shall direct the investment of the
 29 health professions regulatory fund. Interest and earnings from

1 health professions regulatory fund investment ~~shall~~**must** be
2 credited to the health professions regulatory fund.

3 (3) The unencumbered balance in the health professions
4 regulatory fund at the close of the fiscal year ~~shall remain~~
5 **remains** in the health professions regulatory fund and ~~shall~~**does**
6 not ~~revert-lapse~~ to the general fund.

7 (4) The health professions regulatory fund may receive gifts
8 and devises and other money as provided by law.

9 (5) The department shall use the health professions regulatory
10 fund to carry out its powers and duties under this article, article
11 7, and article 8, including, but not limited to, reimbursing the
12 department of attorney general for the reasonable cost of services
13 provided to the department under this article, article 7, and
14 article 8.

15 (6) The nurse professional fund is established in the state
16 treasury. Of the money that is attributable to per-year license
17 fees collected under section 16327, the state treasurer shall
18 credit \$8.00 of each individual annual license fee collected to the
19 nurse professional fund. The money in the nurse professional fund
20 ~~shall~~**must** be expended only as provided in subsection (9).

21 (7) The state treasurer shall direct the investment of the
22 nurse professional fund, and shall credit interest and earnings
23 from the investment to the nurse professional fund. The nurse
24 professional fund may receive gifts and devises and other money as
25 provided by law.

26 (8) The unencumbered balance in the nurse professional fund at
27 the close of the fiscal year ~~shall remain~~**remains** in the nurse
28 professional fund and ~~shall~~**does** not ~~revert-lapse~~ to the general
29 fund.

1 (9) The department of health and human services shall use the
2 nurse professional fund each fiscal year only as follows:

3 (a) To promote safe patient care in all nursing practice
4 environments.

5 (b) To advance the safe practice of the nursing profession.

6 (c) To ensure a continuous supply of high-quality direct care
7 nurses, nursing faculty, and nursing education programs.

8 (d) To operate a nursing scholarship program.

9 (10) The pain management education and controlled substances
10 electronic monitoring and antidiversion fund is established in the
11 state treasury.

12 (11) The state treasurer shall direct the investment of the
13 pain management education and controlled substances electronic
14 monitoring and antidiversion fund. Interest and earnings from
15 investment of the pain management education and controlled
16 substances electronic monitoring and antidiversion fund ~~shall~~**must**
17 be credited to the pain management education and controlled
18 substances electronic monitoring and antidiversion fund.

19 (12) The unencumbered balance in the pain management education
20 and controlled substances electronic monitoring and antidiversion
21 fund at the close of the fiscal year ~~shall remain~~**remains** in the
22 pain management education and controlled substances electronic
23 monitoring and antidiversion fund and ~~shall~~**does** not ~~revert~~**lapse**
24 to the general fund. The pain management education and controlled
25 substances electronic monitoring and antidiversion fund may receive
26 gifts and devises and other money as provided by law. Twenty
27 dollars of the license fee received by the department under section
28 16319 ~~shall~~**must** be deposited with the state treasurer to the
29 credit of the pain management education and controlled substances

1 electronic monitoring and antidiversion fund. The department shall
2 use the pain management education and controlled substances
3 electronic monitoring and antidiversion fund only in connection
4 with programs relating to pain management education for health
5 professionals, preventing the diversion of controlled substances,
6 and development and maintenance of the electronic monitoring system
7 for controlled substances data required by section 7333a.

8 (13) For the fiscal year ending September 30, 2020 only,
9 \$10,000,000.00 of the money in the health professions regulatory
10 fund is transferred to and must be deposited into the general fund.