

# **Health Professional Disciplinary Reform FY 2019 Report to the Legislature**

(Pursuant to PA 368 of 1978 as amended)

**June 7, 2021**

Prepared by

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**Bureau of Professional Licensing**

**Reporting Period: October 1, 2018 to September 30, 2019**



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## Section 1: Summary of Legislative Reporting Requirements

The reports in Section 2 and Section 3 fulfill the legislative reporting requirement pursuant to MCL 333.16241(8)(a), (b), (c), (d) and (e), with minor exception. These regulations require the Bureau of Professional Licensing to report, the following:

- Investigations Conducted, Complaints Issued, and Settlements Reached (Consent Orders and Stipulations)
- Investigations and Complaints Closed or Dismissed
- Disciplinary Actions Taken (Sanctions), including Final Orders Issued
- Recommendations by Boards and Task Forces
- Number of Cases Granted Extensions
- Extension Granted for Investigations

The following four (4) processes have associated statutory time frames:

1. **Investigation Authorized to Complaint Filed:** This is a 90-day time-period set forth in MCL 333.16231(6). Within 90 days after an investigation is initiated, the Department must do one (1) or more of the following: issue a formal complaint, conduct a compliance conference, issue a summary suspension, issue a cease-and-desist order, or dismiss the complaint. One 30-day extension, making a total of 120 days, is allowed during this period.  
Due to the complex nature of Public Health Code investigations, and because most investigations required an extension, beginning January 1, 2020 the Bureau adopted an alternative metric of completing 75% of investigations within 120 days. BPL currently meets or exceeds this metric.  
Not every completed investigation will result in the issuance of a formal administrative complaint; however, the Bureau completes every investigation initiated, with only a few exceptions of terminated investigations at the request of other law enforcement agencies. Investigations not completed are currently not tracked but will be in the future.
2. **Compliance Conference Held to Hearing Held:** This is a 60-day time-period set forth in MCL 333.16231a(1) that requires a hearing to be conducted within 60 days after a compliance conference at which an agreement is not reached or after the agreement is rejected by the disciplinary subcommittee.
3. **Hearing Record Received by Disciplinary Subcommittee (DSC) to Decision Rendered:** MCL 333.16232(3) requires a disciplinary subcommittee to meet and impose a penalty within 60 days after the receipt of the recommended findings of fact and conclusions of law from a hearings examiner.
4. **Investigation Authorized to Disciplinary Subcommittee Rendered Decision:** Pursuant to MCL 333.16237(5), the entire disciplinary process, from the initiation of an investigation to the final decision by the disciplinary subcommittee, must be completed within one year.

## Section 2: FY 2019 Legislative Report Overview

This report has been prepared pursuant to Public Act 368 of 1978. This act requires that the Michigan Department of Licensing and Regulatory Affairs (LARA) annually report to the legislature all investigations pursued and disciplinary actions taken with health professionals by their respective professional boards under the provisions of Article 7 and Article 15 of the Public Health Code, per MCL 333.16241(8)(a), (b), (c), (d) and (e). This information is summarized in Section 3 of this report, which is compiled from the databases used by the Bureau of Professional Licensing (BPL). The *FY 2019 Health Professional Disciplinary Reform Report to the Legislature* reflects actions taken from October 1, 2018 to September 30, 2019, as a result of Michigan's Health Professional Disciplinary Reform Legislation.

**FY 2019 Data Highlights:** During FY 2019 (October 1, 2018 to September 30, 2019):

### The Bureau:

- Received and processed a total of 5,472 complaints or “allegations”,
- Completed 2,079 investigations,
- Issued 1,400 administrative complaints,
- Dismissed or withdrew 360 administrative complaints,
- Summarily suspended 211 licensees.

Allegations and investigation continue to increase by 31% and 26%, respectively, over a two-year period (since 2017).

### The Boards and Disciplinary Subcommittees (DSC):

- Issued 93 orders related to licensing matters, including licensure, relicensure, reinstatements and reclassification decisions,
- Accepted 961 Consent Orders and Stipulations (Settlements), negotiated by the Department or the Attorney General's staff, on behalf of the Department,
- Issued an additional 271 final orders, with sanctions, when respondents failed to respond to administrative complaints or after a hearing in a contested case,
- The DSC's issued a total of 1,232 final disciplinary orders, with 2,527 sanctions and for 2,463 violations of the Public Health Code.
  - Sanctions: (More Details in Section 3)
    - Imposed 1,073 fines – 87% of all disciplinary orders included a fine,
    - Imposed 1,454 other sanctions on 1,232 disciplinary orders, including but not limited to:
      - 104 reprimands,
      - 604 probations,
      - 42 limitations/restriction,
      - 273 suspensions,
      - 28 revocations and 1 permanent revocation,
      - 126 voluntarily surrendered licensed.

- Violations: (More Details in Section 3)
  - The 1,232 final orders (consent orders and stipulations and final orders) issued by the DSCs represented 2,463 violations of the Public Health Code, including but not limited to:
    - 458 violations of negligence, including impaired conduct, practice or condition (18%),
    - 433 Continuing Education (18%),
    - 365 violations of incompetence (15%),
    - 192 violations of lack of good moral character, (8%)
    - 156 Drug Diversions (6%),
    - 153 Failure to Report or Comply (6%),
    - 97 Substance Use Disorder (4%),
    - 15 violations of sexual misconduct and three (5) violations criminal of sexual misconduct (<1%)

BPL is in the middle of a multi-year, four (4) phase conversion from two (2) software/database systems (Licensing 2000 (L2K) and COLA) to a single system (MiPLUS (Accela)) database. The information contained in this report differs moderately in content and presentation from past years due to both the unavailability of some data points due to conversion to MiPLUS and a restructuring of presentation to provide more details and improve representation of statutory reporting requirements.

# Section 3: FY 2019 Licensing Database Information

LARA/BPL  
ANNUAL LEGISLATIVE REPORT  
10/1/2018 - 9/30/2019

	Acupuncture	Athletic Trainers	Audiology	Applied Behavior Analysis	Chiropractic	Counseling	Dentistry	Marriage & Family Therapy	Massage Therapy	Medicine	Midwifery	Nursing	Nursing Home Administrators	Occupational Therapists	Optometry	Osteopathic Medicine & Surgery	Pharmacy	Physical Therapy	Physician's Assistants	Podiatric Medicine & Surgery	Psychology	Respiratory Care	Sanitarians	Social Work	Speech-Language Pathology	Veterinary Medicine	Totals	
Complaints/Allegations Received:	5	5	2	0	61	104	314	5	61	1553	0	1759	69	11	20	297	565	39	102	24	112	39	0	229	9	87	5472	
Investigations Conducted:	0	2	1	0	23	47	149	2	34	426	0	591	92	4	7	117	259	9	68	1	59	8	0	119	2	59	2079	
Complaints Issued:	0	5	2	0	32	31	78	0	16	242	0	457	22	1	2	55	146	6	10	6	20	7	0	245	1	16	1400	
Complaints Closed/Dismissed:	0	3	0	0	6	0	37	0	0	131	0	88	4	0	0	34	20	0	1	3	1	0	0	26	0	6	360	
<b>Licensing Actions: Licensing Actions Taken By Boards/Disciplinary Subcommittees</b>																												
Licensure/ReLicensure Granted:	0	0	0	0	0	2	0	0	0	1	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	5
Licensure/ReLicensure Denied:	0	0	0	0	0	9	4	0	1	1	0	4	0	0	0	0	5	0	0	0	4	0	0	3	0	0	31	
Reinstatement Granted:	0	0	0	0	0	0	0	0	0	3	0	18	0	1	1	0	2	0	1	0	0	0	0	0	0	0	26	
Reinstatement Denied:	0	0	0	0	0	0	0	1	0	6	0	3	0	0	0	0	2	0	0	0	0	0	0	3	0	0	15	
Reclassification Granted:	0	0	0	0	0	2	1	0	0	6	0	2	0	0	0	0	4	0	0	0	1	0	0	0	0	0	16	
Reclassification Denied:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>Total Licensing Orders:</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>13</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>17</b>	<b>0</b>	<b>28</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>93</b>	
<b>Summary Suspensions: Summary Suspensions</b>																												
Order of Summary Suspension:	0	0	0	0	2	3	5	0	3	17	0	125	0	0	0	4	29	2	2	1	2	3	0	11	0	2	211	
Order Dismissing OSS:	0	0	0	0	0	2	1	0	0	2	0	9	0	0	0	0	3	1	0	0	0	1	0	0	0	1	20	
<b>Disciplinary Actions: Actions Taken By Boards/DSCs includes Consent Orders and Stipulations (CO&amp;S) and Final Orders (FO)</b>																												
Consent Orders & Stipulations (Settlements Reached)	0	1	2	0	12	11	64	0	1	199	0	337	16	1	2	44	122	8	8	4	18	3	0	92	2	14	961	
Final Orders	0	0	0	0	2	3	9	0	5	31	0	153	1	0	0	10	26	1	1	1	3	2	0	21	0	2	271	
<b>Total Final Orders (CO&amp;S + Final Orders)</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>14</b>	<b>14</b>	<b>73</b>	<b>0</b>	<b>6</b>	<b>230</b>	<b>0</b>	<b>490</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>54</b>	<b>148</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>21</b>	<b>5</b>	<b>0</b>	<b>113</b>	<b>2</b>	<b>16</b>	<b>1232</b>	
<b>Disciplinary Actions: Total Final Orders (CO&amp;S + Final Orders): By Sanction</b>																												
Fine Imposed:	0	0	0	0	14	11	61	0	6	204	0	439	9	1	2	51	131	9	8	1	17	5	0	86	2	16	1073	
Licensure/ReLicensure Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Limitation /Restriction:	0	0	0	0	3	3	0	0	15	0	7	0	0	0	2	7	0	0	0	2	0	0	3	0	0	0	42	
Limitation Upon Reinstatement:	0	0	0	0	1	0	0	0	2	0	2	0	0	0	0	2	0	0	0	1	0	0	0	0	0	0	8	
Probation:	0	0	2	0	11	8	46	0	2	116	0	218	8	1	1	33	49	5	1	0	13	3	0	75	1	11	604	
Probation Upon Reinstatement:	0	0	0	0	1	1	1	0	0	4	0	74	0	0	0	0	7	0	1	1	1	1	0	2	0	0	94	
Reprimand:	0	0	0	0	2	4	0	0	33	0	15	0	0	1	7	33	0	1	0	1	0	0	3	1	3	104		
Restitution:	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	4		
Revocation:	0	0	0	0	1	0	0	0	2	6	0	4	0	0	0	3	11	0	0	0	1	0	0	0	0	0	28	
Revocation, Permanent:	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Summary Suspension Disolved:	0	0	0	0	1	1	3	0	3	15	0	90	0	0	0	6	33	1	1	1	4	2	0	9	0	0	170	
Suspension:	0	1	0	0	2	6	0	1	17	0	188	1	0	0	5	27	2	3	0	3	2	0	12	0	1	273		
Voluntarily Surrendered:	0	0	0	0	0	1	10	0	0	28	0	32	8	0	0	4	17	0	0	2	2	0	0	22	0	0	126	
<b>Disciplinary Actions: Total Final Orders (CO&amp;S + Final Orders): By Violation</b>																												
Advertising:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Alcohol Related Conviction:	0	0	0	0	1	2	3	0	0	3	0	34	0	1	0	2	3	0	1	0	0	0	0	5	0	1	56	
Betrayal of Professional Confidence:	0	0	0	0	1	1	0	0	0	1	0	5	0	0	0	0	1	0	0	0	2	0	0	5	0	0	16	
Continuing Education:	0	0	2	0	11	0	38	0	0	110	0	148	13	0	1	20	20	0	0	1	0	0	0	69	0	0	433	
Criminal Conviction:	0	0	0	0	1	2	0	0	4	0	28	0	0	0	1	8	0	0	1	1	0	0	4	0	0	0	50	
Criminal Sexual Conduct:	0	0	0	0	0	0	0	0	3	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Drug Diversion:	0	0	0	0	0	2	0	0	10	0	104	0	0	0	6	28	1	0	0	1	1	0	1	0	2	156		
Drug Related Conviction:	0	0	0	0	0	0	2	0	0	1	0	12	0	0	0	2	3	0	0	0	0	0	0	1	0	1	22	
Failure to Comply with Subpoena:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Failure to Meet Licensing Requirements:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Failure to Report or Comply:	0	0	0	0	1	2	7	0	2	40	0	67	1	1	0	4	15	0	2	1	1	1	0	5	1	2	153	
Fraud or Deceit in Obtaining/Renewing License:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Impaired Conduct, Practice or Condition:	0	0	0	0	1	1	0	0	1	0	37	0	0	0	0	3	2	1	0	1	1	0	2	0	0	0	50	
Incompetence:	0	1	0	0	1	6	7	0	4	42	0	177	2	0	0	16	49	3	4	1	12	4	0	24	0	12	365	
Lack of Good Moral Character:	0	0	0	0	1	3	3	0	3	14	0	109	0	0	0	7	34	2	2	1	4	1	0	7	0	1	192	
Mental or Physical Inability to Practice:	0	0	0	0	0	1	0	0	0	4	0	50	0	0	0	1	4	2	0	0	1	2	0	4	0	0	69	
Negligence:	0	0	0	0	2	8	21	0	3	54	0	91	3	0	0	17	28	4	5	2	15	3	0	26	0	10	292	
Negligence - Impaired Conduct, Practice, or Cond.:	0	1	0	0	0	1	2	0	1	11	0	110	1	0	0	6	27	1	0	0	0	1	0	2	0	2	166	
Order Violation (Probation Violation):	0	0	0	0	0	1	0	2	2	0	51	0	0	0	3	2	2	0	1	1	0	0	6	0	0	71		
Practice Outside of Scope:	0	0	0	0	0	2	2	0	0	0	13	1	0	0	0	3	0	0	0	1	0	0	1	0	1	0	25	
Prohibited Conduct:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Sexual Misconduct:	0	0	0	0	0	0	0	1	5	0	0	0	0	0	2	0	0	1	0	3	0	0	3	0	0	15		
Sister State Disciplinary Action:	0	0	0	0	0	0	4	0	0	44	0	25	0	0	1	15	0	2	0	1	0	0	0	2	2	97		
Substance Use Disorder:	0	0	0	0	0	0	0	0	3	0	45	0	0	0	1	4	1	1	0	0	2	0	4	0	1	62		
Technical Violation of Article 7:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	41	0	0	0	0	0	0	0	0	0	0	41	
Technical Violation of the Michigan PHC:	0	0	0	0	1	3	8	0	0	4	0	5	0	0	0	3	35	2	1	0	6	1	0	15	0	6	90	
Unauthorized Prescribing:	0	0	0	0	0	0	0	0	4	0	1	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	9	
Unethical Business Practices:	0	0	0	0	0	1	1	0	0	4	0	1	0	0	0	2	1	1	0	1	1	0	0	2	0	0	15	
Unlicensed Person:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Unprofessional Conduct:	0	0	0	0	0	0	0	0	0	6	0	1	0	0	0	2	1	0	0	1	1	0	0	1	0	0	13	
Misrepresentation to Patient:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Promoting Unnecessary Services:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
<b>TOTALS</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>19</b>	<b>32</b>	<b>104</b>	<b>0</b>	<b>19</b>	<b>368</b>	<b>0</b>	<b>1115</b>	<b>21</b>	<b>2</b>	<b>2</b>	<b>100</b>	<b>325</b>	<b>21</b>	<b>20</b>	<b>10</b>	<b></b>							