

Health Professional Disciplinary Reform FY 2020 Report to the Legislature

(Pursuant to PA 368 of 1978 as amended)

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Reporting Period: October 1, 2019 to September 30, 2020



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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 entirely 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 2020 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 2020 Health Professional Disciplinary Reform Report to the Legislature* reflects actions taken from October 1, 2019 to September 30, 2020, as a result of Michigan's Health Professional Disciplinary Reform Legislation.

FY 2020 Data Highlights: During FY 2020 (October 1, 2019 to September 30, 2020):

The Bureau:

- Received and processed a total of 5,768 complaints or “allegations”,
- Completed 1,807 investigations,
- Issued 1,222 administrative complaints,
- Dismissed or withdrew 360 administrative complaints,
- Summarily suspended 187 licensees.

Allegations and investigation continue to trend up from past years, at a relatively consistent rate of 13% and 11%, respectively, on average – since at least 2017.

The Boards and Disciplinary Subcommittees (DSC):

- Issued 81 orders related to licensing matters, including licensure, relicensure, reinstatements and reclassification decisions,
- Accepted 1,006 Consent Orders and Stipulations (Settlements), negotiated by the Department or the Attorney General's staff, on behalf of the Department,
- Issued an additional 261 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 1,267 final disciplinary orders, with 2,569 sanctions and for 2,648 violations of the Public Health Code.
 - Sanctions: (More Details in Section 3)
 - Imposed 1,117 fines – 88% of all disciplinary orders included a fine,
 - Imposed 1,452 other sanctions on 1,267 disciplinary orders, including but not limited to:
 - 97 reprimands,
 - 737 probations,
 - 54 limitations/restriction,
 - 227 suspensions,
 - 37 revocations and 1 permanent revocation,
 - 126 voluntarily surrendered licensed.

- Violations: (More Details in Section 3)
 - The 1,267 final orders (consent orders and stipulations and final orders) issued by the DSCs represented 2,648 violations of the Public Health Code, including but not limited to:
 - 526 violations of negligence, including impaired conduct, practice or condition (20%),
 - 402 violations of incompetence (15%),
 - 239 violations of lack of good moral character, (9%)
 - 26 violations of sexual misconduct and three (3) violations 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.

The Bureau continues to development broader and more comprehensive reporting capabilities in conjunction with the ongoing conversion to MiPLUS for all regulated professions. These developments will provide for increased information availability in the future, creating the opportunity for improved legislative and public reporting beyond statutory requirements, pursuant to the Governor's executive order for improved transparency and access to information.

