

Health Professional Disciplinary Reform FY 2021 Report to the Legislature

(Pursuant to PA 368 of 1978 as amended)

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Prepared by

Bureau of Professional Licensing

Deborah Gagliardi, Director

Reporting Period: October 1, 2020 to September 30, 2021



**GRETCHEN WHITMER
GOVERNOR**



**ORLENE HAWKS
DIRECTOR**

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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.

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 2021 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 2021 Health Professional Disciplinary Reform Report to the Legislature* reflects actions taken from October 1, 2020 to September 30, 2021, as a result of Michigan's Health Professional Disciplinary Reform Legislation.

FY 2021 Data Highlights: During FY 2021 (October 1, 2020 to September 30, 2021):

The Bureau:

- Received and processed a total of 5,046 complaints or “allegations”,
- Completed 1,978 investigations,
- Issued 1,170 administrative complaints,
- Dismissed or withdrew 161 administrative complaints,
- Summarily suspended 111 licensees.

The Boards and Disciplinary Subcommittees (DSC):

- Issued 107 orders related to licensing matters, including licensure, relicensure, reinstatements and reclassification decisions,
- Accepted 759 Consent Orders and Stipulations (Settlements), negotiated by the Department or the Attorney General's staff, on behalf of the Department,
- Issued an additional 155 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 914 final disciplinary orders, with 1,882 sanctions and for 2,315 violations of the Public Health Code.
 - Sanctions: (More Details in Section 3)
 - Imposed 811 fines – 88% of all disciplinary orders included a fine,
 - Imposed 1,071 other sanctions on 914 disciplinary orders, including but not limited to:
 - 51 reprimands,
 - 504 probations,
 - 39 limitations/restriction,
 - 226 suspensions,
 - 11 revocations and 2 permanent revocations,
 - 81 voluntarily surrendered licensed.

- Violations: (More Details in Section 3)
 - The 917 final orders (consent orders and stipulations and final orders) issued by the DSCs represented 2,315 violations of the Public Health Code, including but not limited to:
 - 528 violations of negligence, including impaired conduct, practice or condition (23%),
 - 394 violations of incompetence (17%),
 - 217 violations of lack of good moral character, (9%)
 - 161 violations related to continuing education, (7%)
 - 129 violations of drug diversion, (6%)
 - 21 violations of sexual misconduct and two (2) violations of criminal sexual misconduct (1%)

During the 2021 calendar year, BPL completed 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 an improved representation of statutory reporting requirements.

The Bureau continues to development broader and more comprehensive reporting capabilities following the 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.

Section 3: FY 2021 Licensing Database Information

LARA/BPL
ANNUAL LEGISLATIVE REPORT
10/1/2020 - 9/30/2021

	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:	9	3	5	27	101	89	333	22	75	1474	7	1370	54	4	30	267	506	46	82	29	125	13	0	209	4	162	5046
Investigations Conducted:	4	4	3	6	86	45	173	5	49	421	3	466	25	1	18	65	232	9	36	8	82	5	0	146	2	84	1978
Complaints Issued:	3	0	2	4	0	11	45	4	39	242	3	369	22	0	5	43	211	0	20	3	45	0	0	45	2	52	1170
Complaints Closed/Dismissed:	0	3	1	0	1	5	2	0	0	82	0	18	4	0	0	30	7	0	0	0	4	0	0	1	0	3	161
Licensing Actions: Licensing Actions Taken By Boards/Disciplinary Subcommittees																											
Licensure/Relicensure Granted:	0	0	0	0	0	0	0	1	2	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	7
Licensure/Relicensure Denied:	0	0	0	0	0	5	2	0	0	6	0	8	0	0	0	2	9	0	0	0	0	0	0	1	0	0	33
Reinstatement Granted:	0	1	0	0	0	2	0	0	0	2	0	27	0	0	0	4	3	1	0	3	0	0	0	2	0	0	45
Reinstatement Denied:	0	0	0	0	0	1	0	0	3	0	5	0	0	0	0	1	2	0	0	0	0	0	0	0	0	0	12
Reclassification Granted:	0	0	0	0	0	2	0	0	1	0	2	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	9
Reclassification Denied:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Total Licensing Orders:	0	1	0	0	0	9	3	0	1	14	0	42	0	0	0	7	18	1	0	3	3	0	0	5	0	107	
Summary Suspensions: Summary Suspensions																											
Order of Summary Suspension:	0	0	1	0	0	0	2	0	11	12	0	60	0	0	0	5	10	2	0	0	0	1	0	5	0	2	111
Order Dismissing OSS:	0	0	1	0	0	0	0	0	1	2	0	4	0	0	0	1	2	0	0	0	0	0	0	0	0	1	12
Disciplinary Actions: Actions Taken By Boards/DSCs includes Consent Orders and Stipulations (CO&S) and Final Orders (FO)																											
Consent Orders & Stipulations (Settlements Reached)	0	0	6	0	4	12	26	2	12	170	0	325	4	1	1	32	90	7	11	2	12	1	0	28	2	11	759
Final Orders	0	0	1	0	3	1	6	0	4	11	0	92	0	1	0	1	22	1	0	0	3	1	0	5	0	3	155
Total Final Orders (CO&S + Final Orders)	0	0	7	0	7	13	32	2	16	181	0	417	4	2	1	33	112	8	11	2	15	2	0	33	2	14	914
Disciplinary Actions: Total Final Orders (CO&S + Final Orders): By Sanction																											
Fine Imposed:	0	0	7	0	6	11	31	0	15	145	0	387	4	1	1	28	96	8	10	2	14	1	0	29	2	13	811
Licensure/Relicensure Denied	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Limitation /Restriction:	0	0	0	0	0	1	0	0	0	11	0	9	0	0	0	1	6	0	1	0	1	0	0	0	0	1	31
Limitation Upon Reinstatement:	0	0	0	0	1	0	1	0	0	0	0	4	0	0	0	0	2	0	0	0	0	0	0	0	0	0	8
Probation:	0	0	7	0	5	3	19	2	4	92	0	208	3	1	0	19	25	5	5	2	6	1	0	18	2	4	431
Probation Upon Reinstatement:	0	0	0	0	1	1	2	0	0	2	0	61	0	0	0	1	2	0	0	0	1	0	0	2	0	0	73
Reprimand:	0	0	0	0	0	0	0	0	1	14	0	8	0	0	1	0	19	0	1	0	0	0	0	3	1	3	51
Restitution:	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Revocation:	0	0	0	0	1	0	0	0	1	2	0	0	0	1	0	0	4	0	0	0	1	0	1	0	0	0	11
Revocation, Permanent:	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Summary Suspension Dissolved:	0	0	0	0	1	4	2	0	8	12	0	85	0	1	0	4	25	3	0	0	1	1	0	6	0	2	155
Suspension:	0	0	0	0	1	5	5	0	8	11	0	134	0	0	0	4	38	3	0	0	6	0	0	8	0	3	226
Voluntarily Surrendered:	0	0	0	0	2	0	0	1	36	0	19	1	0	0	0	4	10	0	2	0	1	0	0	5	0	0	81
Disciplinary Actions: Total Final Orders (CO&S + Final Orders): By Violation																											
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	1	0	2	2	2	0	1	1	0	54	0	0	0	1	2	1	2	0	2	0	0	1	0	1	73
Betrayal of Professional Confidence:	0	0	0	0	0	0	1	0	0	1	0	5	0	0	0	1	0	0	0	0	3	0	0	3	0	0	14
Continuing Education:	0	0	5	0	3	1	61	0	0	80	0	0	1	0	0	7	0	0	0	0	1	0	0	2	0	0	161
Criminal Conviction:	0	0	1	0	0	1	2	0	2	8	0	13	1	0	0	3	2	3	0	0	1	1	0	0	0	0	38
Criminal Sexual Conduct:	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2
Drug Diversion:	0	0	1	0	0	1	0	0	1	8	0	85	0	1	0	5	22	1	1	1	0	0	0	1	0	1	129
Drug Related Conviction:	0	0	0	0	0	0	0	1	1	0	6	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	10
Failure to Comply with Subpoena:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1
Failure to Meet Licensing Requirements:	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Failure to Report or Comply:	0	0	1	0	3	3	5	0	4	20	0	63	0	0	0	3	4	1	2	0	2	1	0	0	0	2	114
Fraud or Deceit in Obtaining /Renewing License:	0	0	0	0	0	1	0	0	1	0	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Impaired Conduct, Practice or Condition:	0	0	0	0	1	3	0	0	2	2	0	43	0	1	0	2	5	3	1	0	1	1	0	1	0	0	66
Incompetence:	0	0	0	0	2	8	10	2	9	41	0	207	3	1	0	12	50	4	5	1	9	1	0	21	2	6	394
Lack of Good Moral Character:	0	0	0	0	2	4	5	0	5	22	0	120	1	0	0	5	30	3	1	1	4	1	0	11	1	1	217
Mental or Physical Inability to Practice:	0	0	0	0	1	2	1	0	2	4	0	56	0	1	0	2	8	2	0	0	1	0	0	3	0	0	83
Negligence:	0	0	0	0	2	20	16	1	5	42	0	107	3	1	0	12	13	3	4	1	5	1	0	20	2	6	264
Negligence - Impaired Conduct, Practice, or Cond.:	0	0	1	0	1	1	4	1	6	19	0	150	0	0	0	6	51	1	4	1	6	0	0	10	0	2	264
Order Violation (Probation Violation):	0	0	0	0	0	4	5	0	0	9	0	70	0	1	0	3	7	2	2	0	0	0	0	0	0	0	103
Practice Outside of Scope:	0	0	0	0	0	0	2	0	0	1	0	20	0	0	0	4	0	0	0	0	0	0	0	0	1	0	28
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	1	0	0	0	5	4	0	2	0	0	0	1	0	0	0	0	1	0	0	7	0	0	21
Sister State Disciplinary Action:	0	0	0	0	0	1	1	0	0	26	0	26	0	0	1	0	5	0	1	0	1	0	0	1	0	2	65
Substance Use Disorder:	0	0	0	0	1	1	1	0	1	4	0	62	0	1	0	2	7	2	1	1	1	0	0	1	0	1	87
Technical Violation of Article 7:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27	0	0	0	0	0	0	0	0	0	27
Technical Violation of the Michigan PHC:	0	0	0	0	1	5	10	1	5	12	0	13	0	1	0	7	36	2	4	1	3	0	0	8	0	5	114
Unauthorized Prescribing:	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	1
Unethical Business Practices:	0	0	0	0	0	1	1	0	0	5	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	9
Unlicensed Person:	0	0	0	0	1	1	0	0	2	1	0	3	0	0	0	0	0	0	0	0	0	0	0	2	1	1	12
Unprofessional Conduct:	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	1	1	0	0	0	0	0	0	1	0	0	6
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
TOTALS	0	0	10	0	21	59	130	5	51	316	0	1113	9	8	1	76	276	29	28	7	42						