

Health Professional Disciplinary Reform FY 2015 Report to the Legislature

(Pursuant to PA 368 of 1978 as amended)

April 4, 2016

Prepared by

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Bureau of Professional Licensing

Reporting Period: October 1, 2014 to September 30, 2015



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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). These regulations require the Bureau of Professional Licensing to report the following regarding disciplinary actions taken against health professional licensees:

- Allegations Received
- Investigations Authorized
- Complaints Issued
- Cases Closed Without Disciplinary Action
- Disciplinary Actions Taken (By Type of Complaint and Health Profession)
- Actions Rendered by Disciplinary Subcommittee or Board
- Number of Cases Granted Extensions
- Recommendations made by Boards and Task Forces

These reports must provide this information as both a summary of all boards combined as well as by each individual board. With respect to cases that were granted extensions, the following is a description of the statutory time frames for processing complaints:

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 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.
2. **Compliance Conference Held to Hearing Held:** This 60-day time period is set forth in MCL 333.16231a(1) and 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:** The entire disciplinary process, from the initiation of an investigation to the final decision by the disciplinary subcommittee, must be completed within one year pursuant to MCL 333.16237(5).

Section 2: FY 2015 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 occupational 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 in the *FY 2015 Licensing 2000 Data Summary*, which is compiled from the License 2000 database used by the Bureau of Professional Licensing (BPL) The FY 2015 Legislative Report reflects actions taken during the 19th year of operation under the Health Professional Disciplinary Reform Legislation.

FY 2015 Data:

Below is the FY 2015 data reflecting actions taken by BHCS covering the period of October 1, 2014 to September 30, 2015:

1. Processed a total of 3,700 allegations (Section 3).
2. Out of the 3,700 allegations received in FY 2015, the most frequent were as follows:
 - Negligence-Incompetence (36%)
 - Sister State Disciplinary Actions (15%)
 - Criminal Conviction (11%)
 - No Jurisdiction (7%)

The 3,700 allegations received in FY 2015 represent a decrease (285 files) from the previous year. In addition to this increase in the 12 month allegation totals between this year's report and the 2014 report, a comparison of changes seen in the allegation category totals can also be made.

This report also reflects the trends in increased or decreased allegation totals or categories:

1. Between April 1, 1994 and September 30, 2015, there have been a total of 59,794 allegations received encompassing all licensing boards since the effective date of the Health Professional Disciplinary Reform Legislation.
2. The allegation data (Section 3) reveals both the FY 2015 BPL totals by category, as well as the individual board totals by category. The large increases or decreases from one year to the next in any allegation category usually represent normal fluctuations in the types of allegations received by the bureau.

3. The data (Section 3) shows there were 1,059 investigations authorized from the 3,700 allegations received in FY 2015, representing 29% of all allegations authorized for investigation.
 - In 2014, 25% of 3,985 allegations received were authorized for investigation.
4. There were 939 administrative complaints filed in FY 2015, compared to 1,021 in 2014.
 - Of these 939 administrative complaints, 80 were closed or dismissed in FY 2015.
5. There was also an increase of 102 files from FY 2014 to 2015 in the total number of disciplinary actions taken (Section 3).
6. The total number of disciplinary actions in FY 2015 was 1,222 (Section 3). The most frequent were:
 - Probation (34%)
 - Suspended License (26%)
 - Fine Imposed (21%)
7. A breakdown of the top 4 categories among the 280 files exceeding time frames in FY 2015 (Section 3) were in the following categories:
 - Negligence-Incompetence (70%)
 - Substance Abuse (5%)
 - Sexual Misconduct (5%)
 - Drug Diversion (5%)

These file categories represent the type of files that often require extensive documented research, subpoena requests, expert evaluations, and investigation. Due to the extensive amount of time needed for these types of investigations, the file often exceeds the Bureau's designated time frames where an extension is requested.

Section 3: FY 2015 Licensing 2000 Data

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Allegations Received	AT	AUD	CHIRO	CNA	COUN	DENT	MED	MFT	MT	NHA	NURS	OPT	OST	OT	PA	PHAR	POD	PSY	PT	RT	SPL	SW	VET	BUREAU	
Advertising	0	0	1	0	2	16	0	0	0	0	0	0	0	0	0	0	1	1	4	0	0	1	0	26	
Alcohol Related Conviction	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	
Betrayal of Professional Confidence	0	0	0	0	1	0	0	0	0	0	2	0	0	1	0	1	0	0	1	0	0	2	0	8	
Continuing Education	3	1	6	0	0	8	13	0	0	2	78	0	14	0	0	3	3	0	0	0	0	6	0	137	
Criminal Conviction - Other	1	1	10	7	4	15	61	0	1	1	214	0	19	3	9	19	5	10	9	0	1	13	4	407	
Drug Diversion	0	0	0	0	0	0	6	0	0	0	43	0	1	0	1	25	0	0	0	1	0	0	0	77	
Failure to Meet Licensing Requirements	0	0	0	0	2	0	2	0	9	0	10	1	1	1	1	14	1	1	0	2	0	2	0	47	
Failure to Report/Comply	0	0	1	0	0	1	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7	
Insurance Fraud	0	0	2	0	0	16	16	0	0	0	0	0	2	0	1	4	1	1	2	0	1	5	0	51	
Lack of Good Moral Character	0	0	0	0	0	0	3	0	1	0	11	0	0	0	1	2	0	1	0	1	0	2	0	22	
Mental or Physical Impairment	0	0	1	0	1	0	3	0	0	0	22	0	2	0	2	0	0	1	0	0	0	5	1	38	
Misappropriation of Resident Property	0	0	0	6	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	7
Negligence	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Negligence - Incompetence	2	0	8	0	9	120	372	2	2	34	371	3	99	1	32	112	10	30	13	6	2	52	52	1332	
Negligence - Incompetence/MALP	0	0	1	0	0	3	34	0	0	0	0	0	16	0	0	0	1	0	0	0	0	0	0	55	
No Jurisdiction	0	1	3	29	3	5	85	0	1	2	69	1	17	0	5	12	2	9	2	2	0	18	7	273	
Patient Abuse	0	0	0	88	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	92
Practice Outside Scope	0	0	0	0	2	0	3	0	0	0	15	1	0	0	2	2	0	2	1	1	0	6	1	36	
Probation Violation	0	0	6	0	1	6	11	0	0	0	61	1	4	1	1	5	1	1	1	0	0	24	1	125	
Promoting Unnecessary Services	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	
Refusal to Release Patient Records	0	0	0	0	0	2	16	0	0	0	0	0	3	0	0	0	1	1	0	0	0	0	0	23	
Sexual Misconduct	0	0	0	0	6	3	6	0	1	0	1	0	3	0	0	0	0	5	2	0	0	10	0	37	
Sister State Disciplinary Action	1	0	2	1	1	4	154	0	0	0	298	0	26	1	6	41	0	1	2	0	0	1	1	540	
Substance Abuse	1	1	0	0	1	8	8	0	0	0	187	0	6	0	1	13	1	0	4	8	1	4	2	246	
Technical Violation	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	2	
Technical Violation of Article 7	0	0	0	0	0	8	7	0	0	0	0	0	0	0	1	28	0	0	0	0	0	0	1	45	
Unethical Business Practices	0	0	0	0	0	6	6	0	0	0	0	1	3	1	1	0	0	0	0	0	0	0	1	19	
Unlicensed Person	0	0	1	0	2	3	1	0	2	0	6	0	0	0	0	3	0	1	1	0	1	6	2	29	
Unsanitary Condition	0	0	0	0	0	5	4	0	0	0	1	0	1	0	0	0	0	0	0	1	0	0	3	15	
Total	8	4	42	131	35	231	817	2	17	39	1395	8	218	9	64	285	27	65	42	22	6	157	76	3700	

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Investigations Authorized	0	0	0	4	0	19	89	209	3	16	319	1	64	7	3	16	147	2	22	13	13	0	3	86	23	1059	
Investigations Conducted	0	0	0	3	0	25	84	205	3	11	304	1	64	5	6	11	139	1	22	15	12	0	2	79	15	1007	
Extensions Granted																											
Advertising	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Betrayal of Professional Confidence	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2
Criminal Conviction Other	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
Drug Diversion	0	0	0	0	0	0	0	1	0	0	8	0	1	0	0	0	3	0	0	0	0	0	0	0	0	0	13
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
Insurance Fraud	0	0	0	0	0	0	4	1	0	0	1	0	2	0	0	0	2	0	0	2	0	0	0	0	0	0	12
Lack of Good Moral Character	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Mental or Physical Impairment	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	0	1
Misappropriation of Resident Property	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
Negligence-Incompetence	0	0	0	0	0	6	16	51	1	1	64	0	16	0	3	1	8	0	3	3	4	0	0	13	6	196	
Negligence-Incompetence/MALP	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	4
Patient Abuse	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
Practice Outside Scope	0	0	0	0	0	1	0	2	0	0	2	0	0	0	0	0	1	0	1	0	0	0	0	1	0	8	
Promoting Unnecessary Services	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Sexual Misconduct	0	0	0	0	0	1	0	3	0	0	1	0	1	0	0	0	0	0	2	0	0	0	0	0	5	0	13
Substance Abuse	0	0	0	0	0	0	0	1	0	0	11	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	14
Technical Violation	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
Technical Violation of Article 7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	4
Unethical Business Practices	0	0	0	0	0	1	0	0	0	0	0	0	1	0	0	1	0	0	0	1	0	0	0	1	0	5	
Unlicensed Person	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	4	
Unsanitary Conditions	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	0	1
Total	0	0	0	1	0	10	22	63	1	1	87	0	24	0	3	3	19	0	8	6	4	0	0	22	6	280	
Complaints Issued																											
Total Complaints Filed	0	0	1	15	3	10	43	136	1	3	388	2	45	12	5	7	155	6	14	8	6	0	5	57	17	939	
Settlements Reached By Department																											
Total Final Orders	2	1	1	31	5	10	75	189	1	8	595	3	63	9	9	13	145	7	21	12	4	0	4	90	19	1237	
Investigations and Complaints Closed or Dismissed																											
Complaints Dismissed	0	0	0	0	0	0	6	23	0	0	28	0	4	1	1	0	9	0	2	0	0	0	0	3	3	80	
Actions Taken by Disciplinary Subcommittee or Board																											
Board Rendered Decision	0	0	0	4	0	1	0	4	1	0	26	0	3	2	0	0	4	0	2	0	0	0	0	7	0	54	
DSC Rendered Decision	3	1	0	21	0	10	63	185	1	8	518	3	51	6	8	13	129	6	18	14	3	0	5	59	27	1152	

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Disciplinary Actions:																							
CNA Flagged	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Fine Imposed	0	0	6	0	0	6	68	0	2	0	79	0	18	3	3	58	0	5	3	1	4	6	262
License Denied	0	0	0	0	0	0	3	0	4	0	5	0	0	0	0	7	0	0	0	1	1	0	21
Limited/Restricted	0	0	0	0	0	6	12	0	0	0	14	0	4	0	0	4	0	4	2	0	10	2	58
Probation	0	1	17	0	4	35	31	0	3	3	228	1	18	4	4	29	2	3	3	1	25	5	417
Reclassification Denied	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Reinstatement Denied	0	0	0	0	0	0	1	1	0	0	4	0	1	0	0	2	0	0	0	0	2	0	11
Reprimanded	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	1	0	3
Revoked	0	0	0	0	1	1	17	0	1	0	6	0	3	0	1	4	1	0	1	0	4	0	40
Suspended	1	0	4	0	3	8	20	0	4	3	199	1	9	1	3	25	2	2	3	1	29	3	321
Voluntarily Surrendered	0	0	3	0	2	9	14	0	0	1	27	1	6	0	1	4	2	4	0	0	9	0	83
Total Disciplinary Actions	1	1	30	5	10	65	166	1	14	8	563	3	59	8	13	133	7	18	12	4	85	16	1222

Section 4: Definitions for Abbreviations in Licensing 2000 Data

<u>Abbreviation</u>	<u>Board</u>
ACU	Acupuncture
AT	Athletic Trainer
AUD	Audiology
CHIRO/CHR	Chiropractic
CNA	Certified Nurse Aide
COUN	Counseling
DENT	Dentistry
MED	Medicine
MT	Massage Therapy
MFT	Marriage and Family Therapy
NHA	Nursing Home Administrator
NURS	Nursing
OPT	Optometry
OST	Osteopathic Medicine and Surgery
OT	Occupational Therapy
PA	Physician's Assistant
PHAR	Pharmacy
POD	Podiatry
PSY	Psychology
PT	Physical Therapy
RT	Respiratory Therapy
SAN	Sanitarian
SPL	Speech-Language Pathology
SW	Social Work
VET	Veterinary Medicine