

Health Professional Disciplinary Reform FY 2018 Report to the Legislature

(Pursuant to PA 368 of 1978 as amended)

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Reporting Period: October 1, 2017 to September 30, 2018



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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 2018 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, which is compiled from the health occupations database used by the

Bureau of Professional Licensing (BPL). The *FY 2018 Health Professional Disciplinary Reform Report to the Legislature* reflects actions taken from October 1, 2017 to September 30, 2018 as a result of Michigan's Health Professional Disciplinary Reform Legislation.

FY 2018 Data:

Below is the FY 2018 data reflecting actions taken by BPL covering the period of October 1, 2017 to September 30, 2018:

1. Processed a total of 5,237 allegations (Section 3).
2. Out of the 5,237 allegations received in FY 2018, the four most frequent were as follows:
 - Negligence-Incompetence (28%)
 - Sister State Disciplinary Action (14%)
 - No Jurisdiction (9%)
 - Criminal Conviction - Other (6%)

The 5,237 allegations received in FY 2018 represent an increase (1083 files) from the previous year. In addition to this increase in the 12-month allegation totals between this year's report and the 2017 report, a similar pattern of changes can be seen in the individual allegation category totals.

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

1. Between April 1, 1994 and September 30, 2018, there have been a total of 73,586 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 2018 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 1,563 investigations authorized from the 5,237 allegations received in FY 2018, representing 30% of all allegations authorized for investigation.
 - In FY 2017, 39% of 4,154 allegations received were authorized for investigation.
4. There were 1,324 administrative complaints filed in FY 2018, compared to 1,133 in FY 2017.
 - While there were 1,324 administrative complaints, 2,542 complaints (allegations) were closed or dismissed in FY 2018.
5. There was also a decrease of 268 files from FY 2017 to FY 2018 in the total number of disciplinary actions taken (Section 3).
6. The total number of disciplinary actions in FY 2018 was 1,922 (Section 3). The most frequent were:
 - Fine Imposed (41%)
 - Probation (17%)
 - Suspended (9%)

- Summary Suspension (8%)
7. A breakdown of the top 4 categories among the 239 files exceeding time frames in FY 2018 (Section 3) were in the following categories:
 - Negligence-Incompetence (57%)
 - Negligence-Incompetence Malpractice (20%)
 - Sexual Misconduct (6%)
 - Unlicensed Person (3%)

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.

8. In FY 2018 there were 1,563 Investigations Authorized, and 1,448 Investigations Conducted.
9. In FY 2018 there were 1,324 Complaints Issued, and 1,563 Investigations Authorized. There are more investigations authorized in FY 2018 than complaints issued due to a carry-over of complaints that were issued in FY 2017 that resulted in investigations being authorized in FY 2018.
10. In FY 2018 there were 1,922 Disciplinary Actions rendered, while the fiscal year also contained 1,038 DSC Rendered Decisions. The volume of Disciplinary Actions, compared to DSC Rendered Decisions, is attributable to the fact that 1 DSC (Disciplinary Subcommittee) Rendered Decision, often contains more than one Disciplinary Action.
11. Please note, the information contained within this report contains corrected data that was compiled after the Bureau recognized an error in the manner with which information regarding continuing education allegations was previously being compiled for this fiscal year. This revised report, completed in January of 2020, represents corrected disciplinary information for FY 2018.

