

Health Professional Disciplinary Reform FY 2023 Report to the Legislature

(Pursuant to PA 368 of 1978 as amended)

April 1, 2024

Prepared by

Bureau of Professional Licensing

Reporting Period: October 1, 2022 to September 30, 2023



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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
- Case Extensions Granted
- Investigation Extensions Granted

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, 2024, the Bureau adopted an alternative metric of completing 100% of investigations within 120 days.

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 2023 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 2023 Health Professional Disciplinary Reform Report to the Legislature* reflects actions taken from October 1, 2022 to September 30, 2023, as a result of Michigan's Health Professional Disciplinary Reform Legislation.

FY 2023 Data Highlights: During FY 2023 (October 1, 2022 to September 30, 2023):

The Bureau:

- Received and processed a total of 6,371 new health profession complaints or “allegations” – adding to the approximately 3,275 cases opened prior to 10/1/2022, (Approximately 20% increase over FY 2022)
- Conducted 1,861 health profession investigations,
- Issued 868 administrative complaints,
- Dismissed or withdrew 83 administrative complaints,
- Summarily suspended 123 licensees.

The Boards and Disciplinary Subcommittees (DSC):

- Issued 82 orders related to licensing matters, including licensure, relicensure, reinstatements and reclassification decisions.
- Accepted 605 Consent Orders and Stipulations (Settlements), negotiated by the Department or the Attorney General's staff, on behalf of the Department.
- Issued an additional 121 final orders, with sanctions, when respondents failed to respond to administrative complaints or after a hearing in a contested case.
- The Board's DSCs issued a total of 726 final disciplinary orders that included 1,545 sanctions and 1,827 violations of the Public Health Code.
 - Sanctions: (More Details in Section 3)
 - Imposed 641 fines – 88% of all disciplinary orders included a fine.
 - Imposed 904 other sanctions on 726 disciplinary orders, including but not limited to:
 - 47 reprimands,
 - 328 probations,
 - 47 limitations/restriction,
 - 215 suspensions,
 - 31 revocations and 1 permanent revocation,
 - 52 voluntarily surrendered licenses.

- Violations: (More Details in Section 3)
 - The 726 final orders (consent orders and stipulations and final orders) issued by the DSCs represented 1,827 violations of the Public Health Code, including but not limited to:
 - 428 violations of negligence or negligence including impaired conduct, practice, or condition (23%),
 - 346 violations of incompetence (19%),
 - 180 violations of lack of good moral character, (10%)
 - 90 violations of drug diversion, (5%)
 - 7 violations related to continuing education, (<1%)
 - 12 violations of sexual misconduct and three (2) violations of criminal sexual misconduct (<1%)

The Bureau continues to development broader and more comprehensive reporting capabilities following the conversion to MiPLUS for all regulated professions.

Section 3: FY 2023 Licensing Database Information

LARA/BPL
ANNUAL LEGISLATIVE REPORT
10/1/2022 - 9/30/2023

	Acupuncture	Athletic Trainers	Audiology	Applied Behavior Analysis	Chiropractic	Counseling	Dentistry	Marriage & Family Therapy	Massage Therapy	Medicine	Midwifery	Nursing	Nursing Home Administrators	Occupational Therapists	Optomety	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:	4	3	7	30	57	184	395	7	104	1659	17	1782	72	21	24	340	668	50	113	34	176	24	0	369	8	223	6371	
Investigations Conducted:	4	3	4	10	18	76	130	9	65	291	0	489	14	12	7	39	201	18	48	3	71	14	0	214	5	116	1861	
Complaints Issued:	2	2	0	3	4	13	45	0	23	125	1	389	3	6	4	25	94	15	7	1	14	7	0	57	1	27	868	
Complaints Closed/Dismissed:	0	0	0	0	0	2	8	0	2	12	0	23	2	0	1	7	7	1	0	0	0	0	0	3	13	2	83	
Licensing Actions Taken By Boards/Disciplinary Subcommittees																												
Licensing Actions:																												
Licensure/ReLicensure Granted:	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	3
Licensure/ReLicensure Denied:	0	0	0	0	0	7	1	0	0	3	0	3	0	0	0	0	5	0	0	0	1	2	0	1	0	0	0	23
Reinstatement Granted:	0	0	0	0	0	1	0	0	0	3	0	20	0	0	0	1	1	0	0	0	0	0	0	5	0	1	1	32
Reinstatement Denied:	0	0	0	0	0	0	0	0	0	1	0	4	0	0	0	1	0	3	0	0	0	0	0	0	0	0	0	9
Reclassification Granted:	0	0	0	0	0	3	0	0	1	0	0	2	0	1	0	1	2	1	1	0	0	0	0	1	0	0	0	13
Reclassification Denied:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
Total Licensing Orders:	0	0	0	0	0	12	1	0	1	8	0	29	0	1	0	3	10	5	1	0	1	2	0	7	0	1	82	
Summary Suspensions																												
Summary Suspensions:																												
Order of Summary Suspension:	0	0	0	0	0	2	2	0	1	10	0	68	1	0	1	4	16	5	0	0	3	1	0	6	0	3	123	
Order Dismissing OSS:	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Actions Taken By Boards/DSCs includes Consent Orders and Stipulations (CO&S) and Final Orders (FO)																												
Disciplinary Actions:																												
Consent Orders & Stipulations (Settlements Reached)	1	0	1	2	5	13	15	0	5	95	1	292	4	0	2	24	80	8	5	3	8	1	0	22	2	16	605	
Final Orders	0	0	0	1	1	2	3	0	2	11	0	69	0	0	0	3	13	2	0	0	4	0	0	8	0	2	121	
Total Final Orders (CO&S + Final Orders)	1	0	1	3	6	15	18	0	7	106	1	361	4	0	2	27	93	10	5	3	12	1	0	30	2	18	726	
Total Final Orders (CO&S + Final Orders): By Sanction																												
Disciplinary Actions:																												
Fine Imposed:	1	0	1	0	6	14	17	0	6	87	1	334	3	1	2	20	80	8	4	2	8	1	0	26	2	17	641	
Limitation /Restiction:	0	0	0	0	0	4	1	0	0	7	0	19	0	1	1	9	0	0	0	0	0	0	0	4	0	0	47	
Limitation Upon Reinstatement:	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	4	
Probation:	1	0	1	1	3	9	9	0	1	42	1	185	2	1	1	5	25	4	1	0	3	1	0	17	2	13	328	
Probation Upon Reinstatement:	0	0	0	1	0	0	1	0	1	3	0	39	0	0	0	2	1	1	0	0	1	0	0	2	0	1	53	
Reprimand:	0	0	0	0	0	1	0	1	8	0	15	0	0	0	4	14	0	1	0	1	0	0	1	0	1	1	47	
Restitution:	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0	0	0	0	0	0	4	
Revocation:	0	0	0	0	0	0	3	0	1	4	0	11	0	0	0	1	9	0	0	0	0	0	0	2	0	0	31	
Revocation, Permanent:	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	
Summary Suspension Disolved:	0	0	0	0	1	0	0	2	18	0	73	1	0	1	3	14	3	0	0	2	0	0	3	0	1	1	122	
Suspension:	0	0	0	2	2	2	0	0	2	22	0	135	0	0	1	7	15	6	3	0	6	0	0	10	0	2	215	
Voluntarily Surrendered:	0	0	0	0	0	1	0	0	2	10	0	19	2	0	0	4	7	1	1	1	3	0	0	1	0	0	52	
Total Final Orders (CO&S + Final Orders): By Violation																												
Disciplinary Actions:																												
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	0	1	1	0	0	5	0	34	0	0	0	1	2	1	0	0	0	0	0	1	0	2	48	
Betrayal of Professional Confidence:	0	0	0	0	0	1	0	0	0	3	0	2	0	0	0	1	2	0	0	0	0	0	0	4	0	0	13	
Continuing Education:	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	1	0	1	0	7	
Criminal Conviction:	0	0	0	0	1	0	0	0	1	16	0	18	0	0	0	3	0	1	0	0	0	0	0	0	0	0	40	
Criminal Sexual Conduct:	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	2	
Drug Diversion:	0	0	0	0	0	0	1	0	0	6	0	63	1	0	1	3	14	0	0	0	0	0	0	0	0	0	90	
Drug Related Conviction:	0	0	0	0	0	0	0	0	1	0	11	0	0	0	1	1	2	0	0	0	0	0	1	0	1	1	18	
Failure to Comply with Subpoena:	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	1	3	
Failure to Meet Licensing Requirements:	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	
Failure to Report or Comply:	0	0	0	0	1	1	1	0	3	18	0	51	0	0	1	2	5	0	1	0	0	0	2	0	2	2	88	
Fraud or Deceit in Obtaining /Renewing License:	0	0	0	0	0	0	0	0	0	0	11	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	13	
Impaired Conduct, Practice or Condition:	0	0	0	0	1	1	0	1	4	0	32	0	0	0	0	0	1	0	0	1	0	0	2	0	0	0	43	
Inadequate Informed Consent:	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
Incompetence:	0	0	1	3	3	10	8	0	3	50	0	156	3	0	1	14	41	4	2	1	8	1	0	22	1	14	346	
Insurance Fraud:	0	0	0	0	1	0	1	0	0	8	0	4	0	0	0	3	1	0	0	0	0	0	0	1	1	0	20	
Lack of Good Moral Character:	1	0	0	0	2	5	4	0	2	18	0	98	1	0	0	7	21	4	0	1	4	0	9	1	2	1	180	
MAPS Violation:	0	0	0	0	0	0	0	0	0	20	2	0	0	1	0	3	0	0	1	0	0	0	0	0	0	1	28	
Mental or Physical Inability to Practice:	0	0	0	0	0	1	2	0	1	6	0	50	1	0	0	1	4	1	0	0	1	0	0	1	0	0	69	
Negligence:	0	0	1	2	2	6	10	0	2	34	0	85	2	0	1	12	12	4	1	1	7	1	0	16	1	15	215	
Negligence - Impaired Conduct, Practice, or Cond.:	0	0	0	1	1	5	1	0	2	34	1	106	2	1	0	6	38	1	1	1	3	0	0	7	0	2	213	
Order Violation (Probation Violation):	0	0	0	0	0	1	1	0	1	8	0	79	0	0	0	5	8	0	1	1	0	0	0	1	0	0	106	
Practice Outside of Scope:	0	0	0	0	0	0	0	0	0	0	0	13	0	0	0	0	1	0	0	1	0	0	0	0	0	0	15	
Sexual Misconduct:	0	0	0	0	1	1	0	0	1	1	0	2	0	0	0	2	0	1	0	0	1	0	0	2	0	0	12	
Sister State Disciplinary Action:	0	0	0	0	0	0	3	0	1	26	0	30	0	0	0	3	6	0	2	0	0	0	0	0	0	0	71	
Substance Use Disorder:	0	0	0	0	0	1	1	0	1	6	0	45	1	0	0	1	2	1	0	0	0	0	0	2	0	0	61	
Technical Violation of Article 7:	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0	0	0	0	0	0	0	0	3	
Technical Violation of the Michigan PHC:	0	0	1	0	1	4	3	0	4	5	0	4	0	1	0	1	41	2	1	0	1	0	0	12	0	7	88	
Unauthorized Prescribing:	0	0	0	0	0	0	0	0	1	0	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	4	
Unethical Business Practices:	0	0	0	0	0	0	0	0	1	2	0	1	0	0	0	0	0	0	0	0	1	0	0	1	0	1	7	
Uncensured Person:	0	0	0	0	0	0	1	0	1	1	0	5	0	0	0	1	1	0	0	0	3	0	0	2	0	0	15	
Unprofessional Conduct:	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	0	1	
Misrepresentation to Patient:	0	0	0	0																								