

Health Professional Disciplinary Reform FY 2014 Report to the Legislature

(Pursuant to Public Acts 79, 80, and 87 of 1993)

April 1, 2015

Prepared by

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Bureau of Health Care Services

Reporting Period: October 1, 2013 to September 30, 2014



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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 Health Care Services 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 Allegation 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 2014 Legislative Report Overview

This report has been prepared pursuant to Public Act 79 of 1993. 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 2014 Licensing 2000 Data Summary*, which is compiled from the License 2000 database used by the Bureau of Health Care Services (BHCS). The FY 2014 Legislative Report reflects actions taken during the 18th year of operation under the Health Professional Disciplinary Reform Legislation.

FY 2014 Data:

Below is the FY 2014 data reflecting actions taken by BHCS covering the period of October 1, 2013 to September 30, 2014:

1. Processed a total of 3,985 allegations (Section 3).
2. Out of the 3,985 allegations received in FY 2014, the most frequent were as follows:
 - Negligence-Incompetence (37%)
 - Criminal Conviction (13%)
 - Sister State Disciplinary Actions (12%)
 - Continuing Education (8%)

The 3,985 allegations received in FY 2014 represent an increase (113 files) from the previous year. In addition to this increase in the 12 month allegation totals between this year's report and the 2013 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, 2014, there have been a total of 56,094 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 2014 BHCS 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 985 investigations authorized from the 3,985 allegations received in FY 2014, representing 25% of all allegations authorized for investigation.
 - In 2013, 27% of 3,872 allegations received were authorized for investigation.
4. There were 1,021 administrative complaints filed in FY 2014, compared to 1,098 in 2013.
 - Of these 1,021 administrative complaints, 70 were closed or dismissed in FY 2014.
5. There was also an increase of 272 files from FY 2013 to 2014 in the total number of disciplinary actions taken (Section 3).
6. The total number of disciplinary actions in FY 2014 was 1120 (Section 3). The most frequent were:
 - Probation (46%)
 - Suspended License (22%)
 - Fine Imposed (17%)
7. A breakdown of the top 3 categories among the 474 files exceeding time frames in FY 2014 (Section 3) were in the following categories:
 - Drug Diversion (14%)
 - Negligence-Incompetence (69%)
 - Practice outside scope (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.

Section 3: FY 2014 Licensing 2000 Data

Non-Behavioral Health Boards:

**LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
Annual Legislative Report - Other
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Allegations Received	ACU	AT	CHIRO	CNA	DENT	MED	MT	NHA	NURS	OPT	OST	PA	PHAR	POD	PT	RT	VET	TOT
Advertising	0	0	2	0	23	0	0	0	0	0	0	0	0	1	0	0	0	26
Betrayal of Professional Confidence	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2
Continuing Education	0	0	11	0	43	11	0	4	59	8	9	0	22	0	0	0	0	167
Criminal Conviction - Other	0	1	9	9	22	57	1	0	260	3	23	10	32	5	18	1	11	462
Drug Diversion	0	0	0	0	4	25	0	0	67	0	6	0	19	0	0	0	0	121
Failure to Meet Licensing Requirements	0	0	1	0	1	7	3	0	29	0	1	0	14	0	1	0	0	57
Failure to Report/Comply	0	0	0	0	0	7	0	0	0	0	4	0	0	0	0	0	0	11
Insurance Fraud	0	0	1	0	5	10	0	0	1	0	2	0	5	0	2	0	0	26
Lack of Good Moral Character	0	0	0	0	1	2	0	0	8	0	0	0	0	0	0	0	0	11
Mental or Physical Impairment	0	0	0	0	3	6	0	0	42	0	0	0	1	0	1	1	0	54
Misappropriation of Resident Property	0	0	0	9	0	0	0	0	1	0	0	0	0	0	0	0	0	10
Negligence	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Negligence - Incompetence	0	0	5	2	125	383	2	27	410	7	118	26	113	8	11	4	47	1288
Negligence - Incompetence/MALP	0	0	0	0	0	28	0	0	2	0	13	1	0	1	0	0	0	45
No Jurisdiction	0	0	5	19	9	54	0	0	52	0	22	6	4	0	4	0	1	176
Patient Abuse	0	0	0	90	0	0	0	0	0	0	0	0	0	0	0	0	0	90
Practice Outside Scope	0	0	1	0	0	0	0	0	15	0	0	3	0	1	4	0	0	24
Probation Violation	0	0	4	0	5	8	0	2	52	0	1	0	6	1	0	0	2	81
Promoting Unnecessary Services	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Refusal to Release Patient Records	0	0	1	0	1	11	0	0	0	0	8	0	0	2	0	0	1	24
Sexual Misconduct	0	0	1	0	1	10	1	0	6	1	2	0	1	0	1	0	0	24
Sister State Disciplinary Action	0	0	0	0	5	163	0	0	245	0	23	5	47	0	1	0	2	491
Substance Abuse	0	0	2	0	2	11	0	0	206	1	4	2	5	3	4	1	7	248
Technical Violation of Article 7	0	0	0	0	0	0	0	0	0	0	0	0	13	0	0	0	1	14
Unethical Business Practices	0	0	2	0	5	2	0	0	1	0	3	0	0	0	1	0	0	14
Unlicensed Person	1	0	0	0	4	1	0	0	5	0	1	0	1	1	1	0	2	17
Unsanitary Condition	0	0	0	0	2	5	0	0	1	0	1	0	0	2	0	0	2	13
Total	1	1	45	129	262	802	7	33	1463	20	242	53	283	25	49	7	76	3498

**LICENSING AND REGULATORY AFFAIRS
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	ACU	AT	AUD	CHIRO	CNA	DENT	MED	NHA	NURS	OPT	OST	PA	PHAR	POD	PT	RT	VET	BUREAU
Investigations Authorized	1	0	0	8	0	63	172	21	340	1	67	7	125	2	9	2	35	853
Investigations Conducted	1	0	0	10	0	79	185	26	370	2	78	12	128	3	12	5	46	957
Extensions Granted																		
Advertising	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Betrayal of Professional Confidence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Conviction Other	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	17	0	30	0	5	1	14	1	0	0	0	68
Failure to Meet Licensing Requirements	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Insurance Fraud	0	0	0	1	0	1	1	0	0	0	1	0	1	0	0	0	0	5
Lack of Good Moral Character	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	4
Mental or Physical Impairment	0	0	0	0	0	1	2	0	1	0	0	1	0	0	0	1	1	7
Misappropriation of Resident Property	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligence-Incompetence	0	0	0	2	0	14	57	12	118	0	32	3	17	0	3	1	21	280
Negligence-Incompetence/MALP	0	0	0	0	0	0	3	0	0	0	0	2	0	0	0	0	0	5
Patient Abuse	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Practice Outside Scope	0	0	0	1	0	0	0	0	10	0	0	0	0	0	1	0	0	12
Promoting Unnecessary Services	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Misconduct	0	0	0	0	0	0	4	0	3	1	1	0	0	0	0	0	0	9
Substance Abuse	0	0	0	0	0	0	1	0	6	0	0	0	0	0	0	0	0	7
Technical Violation	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	1	0	0	0	0	1
Unethical Business Practices	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	2
Unlicensed Person	1	0	0	0	0	0	1	1	2	0	0	0	0	0	1	0	0	6
Unsanitary Conditions	0	0	0	0	0	1	2	0	0	0	0	0	1	0	0	0	0	4
Total	1	0	0	4	0	17	89	13	174	1	40	7	34	1	5	2	22	410
Complaints Issued																		
Total Complaints Filed	2	0	0	18	6	73	126	7	362	7	28	5	132	5	3	1	16	791
Settlements Reached By Department																		
Total Final Orders	0	0	0	26	3	78	120	7	504	9	42	11	114	5	17	13	14	900
Investigations and Complaints Closed or Dismissed																		
Complaints Dismissed	0	0	0	2	0	5	15	0	26	0	7	0	4	1	1	1	1	63
Actions Taken by Disciplinary Subcommittee or Board																		
Board Rendered Decision	0	0	0	1	0	4	0	14	0	5	0	11	0	0	0	0	1	36
DSC Rendered Decision	0	0	0	21	0	52	126	6	399	0	37	12	115	3	19	14	12	816

**LICENSING AND REGULATORY AFFAIRS
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	CHIR	CNA	DENT	MED	NHA	NURS	OPT	OST	PA	PHAR	POD	PT	RT	VET	BUREAU
Disciplinary Actions:															
CNA Flagged	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
Fine Imposed	5	0	8	39	1	61	0	11	2	47	0	0	3	4	181
License Denied	0	0	1	1	0	5	0	0	0	2	0	0	0	0	9
Limited / Restricted	2	0	1	9	0	5	0	4	1	10	0	0	0	2	34
Probation	9	0	47	25	3	222	9	8	3	25	2	6	5	4	368
Reclassification Denied	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Reinstated with Sanction	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1
Reinstatement Denied	0	0	0	1	0	7	0	2	0	2	0	0	0	0	12
Reprimanded	0	0	0	1	1	5	0	0	0	2	0	0	0	0	9
Revoked	1	0	0	3	1	6	0	3	1	2	1	2	0	0	20
Suspended	6	0	8	20	1	151	0	7	4	12	1	6	3	2	221
Voluntarily Surrendered	0	0	7	4	0	14	0	0	0	7	0	0	1	1	34
Total Disciplinary Actions	24	3	72	103	7	476	9	35	11	110	4	14	12	13	893

Behavioral Health Boards:

**LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES
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Allegations Received	COUN	MFT	OT	PSY	SPL	SW	TOT
Advertising	3	0	0	17	0	0	20
Betrayal of Professional Confidence	2	0	0	1	0	0	3
Continuing Education	0	0	0	0	0	152	152
Criminal Conviction - Other	8	1	11	4	2	32	58
Failure to Meet Licensing Requirements	1	0	0	1	0	4	6
Failure to Report/Comply	0	0	0	0	0	1	1
Insurance Fraud	1	0	0	1	0	1	3
Lack of Good Moral Character	0	0	1	0	0	1	2
Mental or Physical Impairment	1	0	0	1	0	1	3
Negligence - Incompetence	24	1	8	44	4	59	140
No Jurisdiction	2	2	5	5	0	13	27
Practice Outside Scope	0	0	0	3	0	1	4
Probation Violation	2	0	1	1	0	15	19
Refusal to Release Patient Records	0	0	0	1	0	0	1
Sexual Misconduct	2	0	0	5	0	8	15
Sister State Disciplinary Action	1	0	0	0	0	1	2
Substance Abuse	1	0	4	2	0	10	17
Unethical Business Practices	3	1	0	1	0	1	6
Unlicensed Person	0	1	2	0	1	4	8
Total	51	6	32	87	7	304	487

**LICENSING AND REGULATORY AFFAIRS
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	COUN	MFT	OT	PSY	SAN	SPL	SW	BUREAU
Investigations Authorized	30	1	8	32	0	3	58	132
Investigations Conducted	27	1	4	32	0	3	70	137
Extensions Granted								
Advertising	0	0	0	0	0	0	0	0
Betrayal of Professional Confidence	1	0	0	0	0	0	0	1
Criminal Conviction Other	0	0	0	0	0	0	0	0
Drug Diversion	0	0	0	0	0	0	0	0
Failure to Meet Licensing Requirements	0	0	0	0	0	0	0	0
Insurance Fraud	0	0	0	1	0	0	1	2
Lack of Good Moral Character	0	0	0	0	0	0	1	1
Mental or Physical Impairment	0	0	0	0	0	0	0	0
Misappropriation of Resident Property	0	0	0	0	0	0	0	0
Negligence-Incompetence	8	0	2	13	0	1	21	45
Negligence-Incompetence/MALP	0	0	0	0	0	0	0	0
Patient Abuse	0	0	0	0	0	0	0	0
Practice Outside Scope	0	0	0	2	0	0	1	3
Promoting Unnecessary Services	0	0	0	0	0	0	0	0
Sexual Misconduct	2	0	0	3	0	0	3	8
Substance Abuse	0	0	0	0	0	0	1	1
Technical Violation	0	0	0	0	0	0	0	0
Technical Violation of Article 7	0	0	0	0	0	0	0	0
Unethical Business Practices	0	0	0	0	0	0	0	0
Unlicensed Person	0	0	0	0	0	0	3	3
Unsanitary Conditions	0	0	0	0	0	0	0	0
Total	11	0	2	19	0	1	31	64
Complaints Issued								
Total Complaints Filed	5	1	4	15	0	1	204	230
Settlements Reached By Department								
Total Final Orders	12	2	3	18	0	0	203	231
Investigations and Complaints Closed or Dismissed								
Complaints Dismissed	0	0	0	0	0	0	7	7
Actions Taken by Disciplinary Subcommittee or Board								
Board Rendered Decision	1	0	0	0	0	0	5	6
DSC Rendered Decision	12	2	3	18	0	0	106	141

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	COU	MFT	OT	PSY	SW	BUREAU
Disciplinary Actions:						
Fine Imposed	2	0	1	3	4	10
License Denied	1	0	0	0	2	3
Limited / Restricted	1	0	0	3	9	13
Probation	3	1	0	2	144	150
Reprimanded	0	0	0	0	2	2
Revoked	2	0	0	1	1	4
Suspended	3	0	2	4	17	26
Voluntarily Surrendered	0	1	0	2	16	19
Total Disciplinary Actions	12	2	3	15	195	227

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
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