A bill to amend 1978 PA 368, entitled "Public health code,"

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 16146. (1) A board shall grant a license or registration to an applicant meeting the requirements for the license or registration as prescribed in this article and the rules promulgated under this article.

(2) A board which grants licenses may:
(a) Certify licensees in those health profession specialty fields within its scope of practice which are established in this article.

(b) Reclassify licenses on the basis of a determination that the addition or removal of conditions or restrictions is appropriate.

(C) UPON GOOD CAUSE, REQUEST THAT A LICENSEE OR REGISTRANT HAVE A CRIMINAL HISTORY CHECK CONDUCTED IN ACCORDANCE WITH SECTION 16174(3).

Sec. 16174. (1) An individual who is licensed or registered under this article shall meet all of the following requirements:

(a) Be 18 or more years of age.

(b) Be of good moral character.

(c) Have a specific education or experience in the health profession or in a health profession subfield or health profession specialty field of the health profession, or training equivalent, or both, as prescribed by this article or rules of a board necessary to promote safe and competent practice and informed consumer choice.

(d) Have a working knowledge of the English language as determined in accordance with minimum standards established for that purpose by the department.

(e) Pay the appropriate fees as prescribed in this article.

(2) In addition to the requirements of subsection (1), an applicant for licensure, registration, specialty certification, or a health profession specialty subfield license under this article shall meet all of the following requirements:
(a) Establish that disciplinary proceedings before a similar licensure, registration, or specialty licensure or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country are not pending against the applicant.

(b) Establish that if sanctions have been imposed against the applicant by a similar licensure, registration, or specialty licensure or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country based upon grounds that are substantially similar to those set forth in this article or article 7 or the rules promulgated under this article or article 7, as determined by the board or task force to which the applicant applies, the sanctions are not in force at the time of application.

(c) File with the board or task force a written, signed consent to the release of information regarding a disciplinary investigation involving the applicant conducted by a similar licensure, registration, or specialty licensure or specialty certification board of this or any other state, of the United States military, of the federal government, or of another country.

(3) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (1) AND (2), BEGINNING JANUARY 1, 2006, AN APPLICANT FOR INITIAL LICENSURE OR REGISTRATION OR FOR RENEWAL OF A LICENSE OR REGISTRATION SHALL SUBMIT A NOMINAL FEE AS DETERMINED BY THE DEPARTMENT BUT NOT TO EXCEED $2.00 FOR THE PROCESSING OF CRIMINAL HISTORY BACKGROUND CHECKS. BEGINNING JANUARY 1, 2006, AN APPLICANT FOR INITIAL LICENSURE OR REGISTRATION SHALL SUBMIT HIS OR HER FINGERPRINTS TO
THE DEPARTMENT OF STATE POLICE TO HAVE A CRIMINAL HISTORY CHECK
CONDUCTED AND REQUEST THAT THE DEPARTMENT OF STATE POLICE FORWARD
HIS OR HER FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR
A NATIONAL CRIMINAL HISTORY CHECK. THE DEPARTMENT OF STATE POLICE
SHALL CONDUCT A CRIMINAL HISTORY CHECK AND REQUEST THE FEDERAL
BUREAU OF INVESTIGATION TO MAKE A DETERMINATION OF THE EXISTENCE OF
ANY NATIONAL CRIMINAL HISTORY PERTAINING TO THE APPLICANT. THE
DEPARTMENT OF STATE POLICE SHALL PROVIDE THE BOARD AND THE
APPLICANT WITH A WRITTEN REPORT OF THE CRIMINAL HISTORY CHECK
INCLUDING ANY CRIMINAL HISTORY RECORD INFORMATION ON THE APPLICANT
MAINTAINED BY THE DEPARTMENT OF STATE POLICE. THE DEPARTMENT OF
STATE POLICE SHALL FORWARD THE RESULTS OF THE FEDERAL BUREAU OF
INVESTIGATION DETERMINATION TO THE BOARD AND THE APPLICANT. IF
THERE ARE ANY CHARGES FOR FINGERPRINTING, CONDUCTING THE CRIMINAL
HISTORY CHECK, OR A FEDERAL BUREAU OF INVESTIGATION DETERMINATION
UNDER THIS SUBSECTION, THE APPLICANT REQUESTING THE CRIMINAL
HISTORY CHECK SHALL PAY THOSE CHARGES. THE CRIMINAL HISTORY RECORD
INFORMATION OBTAINED UNDER THIS SUBSECTION SHALL BE USED ONLY FOR
THE PURPOSE OF EVALUATING AN APPLICANT'S QUALIFICATIONS FOR
LICENSURE OR REGISTRATION FOR WHICH HE OR SHE HAS APPLIED. A MEMBER
OF THE BOARD SHALL NOT DISCLOS THE REPORT OR ITS CONTENTS TO ANY
PERSON WHO IS NOT DIRECTLY INVOLVED IN EVALUATING THE APPLICANT'S
QUALIFICATIONS FOR LICENSURE OR REGISTRATION.

(4) (3) Before granting a license, registration, specialty
certification, or a health profession specialty field license to an
applicant, the board or task force to which the applicant applies
may do 1 of the following:
(a) Make an independent inquiry into the applicant's compliance with the requirements described in subsection (2). If a licensure or registration board or task force determines under subsection (2)(b) that sanctions have been imposed and are in force at the time of application, the board or task force shall not grant a license or registration or specialty certification or health profession specialty field license to the applicant.

(b) Require the applicant to secure from a national association or federation of state professional licensing boards certification of compliance with the requirements described in subsection (2).

(5) —(4)— If, after issuing a license, registration, specialty certification, or health profession specialty field license, a board or task force or the department determines that sanctions have been imposed against the licensee or registrant by a similar licensure or registration or specialty licensure or specialty certification board as described in subsection (2)(b), the disciplinary subcommittee may impose appropriate sanctions upon the licensee or registrant. The licensee or registrant may request a show cause hearing before a hearing examiner to demonstrate why the sanctions should not be imposed.

(6) —(5)— An applicant for licensure, registration, specialty certification, or a health profession specialty field license who is or has been licensed, registered, or certified in a health profession or specialty by another state or country shall disclose that fact on the application form.

Sec. 16245. (1) An individual whose license is limited,
suspended, or revoked under this part may apply to his or her board
or task force for a reinstatement of a revoked or suspended license
or reclassification of a limited license pursuant to section 16247
or 16249.

(2) An individual whose registration is suspended or revoked
under this part may apply to his or her board for a reinstatement
of a suspended or revoked registration pursuant to section 16248.

(3) A board or task force shall reinstate a license or
registration suspended for grounds stated in section 16221(i)
16221(J) upon payment of the installment.

(4) Except as otherwise provided in this subsection, in case
of a revoked license or registration, an applicant shall not apply
for reinstatement before the expiration of 3 years after the
effective date of the revocation. In the case of a license or
registration that was revoked for a violation of section
16221(b)(vii), a violation of section 16221(c)(iv) consisting of a
felony conviction, any other felony conviction involving a
controlled substance, or a violation of section 16221(p)
16221(Q), an applicant shall not apply for reinstatement before the
expiration of 5 years after the effective date of the revocation.
The department shall return an application for reinstatement
received before the expiration of the applicable time period under
this subsection.

(5) The department shall provide an opportunity for a hearing
before final rejection of an application for reinstatement.

(6) Based upon the recommendation of the disciplinary
subcommittee for each health profession, the department shall adopt
guidelines to establish specific criteria to be met by an applicant for reinstatement under this article or article 7. The criteria may include corrective measures or remedial education as a condition of reinstatement. If a board or task force, in reinstating a license or registration, deviates from the guidelines adopted under this subsection, the board or task force shall state the reason for the deviation on the record.

(7) An individual who seeks reinstatement or reclassification of a license or registration pursuant to this section shall pay the application processing fee as a reinstatement or reclassification fee. If approved for reinstatement or reclassification, the individual shall pay the per year license or registration fee for the applicable license or registration period.

(8) AN INDIVIDUAL WHO SEeks REINSTATEMENT OF A REVOKED OR SUSPENDED LICENSE OR RECLASSIFICATION OF A LIMITED LICENSE PURSUANT TO THIS SECTION SHALL HAVE A CRIMINAL HISTORY CHECK CONDUCTED IN ACCORDANCE WITH SECTION 16174 AND SUBMIT A COPY OF THE RESULTS OF THE BACKGROUND CHECK TO THE BOARD WITH HIS OR HER APPLICATION FOR REINSTATEMENT OR RECLASSIFICATION.