

# Guide to Filing an Allegation with the Bureau of Health Professions

## Q. What information is required to file an allegation?

A. The person filing the allegation must include:

- the **name** and **profession** of the licensee or registrant;
- a **description** of the alleged problem or incident, including dates and locations;
- as many **details and records** as possible to support your charge. Examples include medical records, hospital bills, or insurance claims; and
- **names** and **addresses** or **phone numbers** for anyone who can provide supporting information (e.g., pharmacist).

The name of the person filing the Allegation will be kept confidential unless he or she is required to testify at a hearing.

## Q. What happens after an allegation is filed?

A. Bureau of Health Professions (BHP) starts a process which could result in a disciplinary action against the licensee or registrant.

The steps in this process are described below. If the case is closed at any step in this process, BHP will notify you.

### ***The allegation is reviewed.***

BHP reviews your allegation. This is to determine if there may be a violation of the Public Health Code. Based on the nature of the case and the review, BHP may:

- (1) authorize the allegation for investigation, or
- (2) close the allegation with no further action.

### ***The allegation is investigated.***

If an investigation is authorized, trained investigation staff generally:

- interviews the person filing the allegation;
- interviews the licensed or registered healthcare professional;
- identifies and interviews other persons who may be able to provide additional information, such as coworkers or employers; and
- collects any other evidence that is needed for the case. If the evidence does not suggest that a violation has occurred, the case will be closed.

### ***An administrative complaint is filed.***

If the evidence suggests a violation of the Public Health Code, BHP will file a formal administrative complaint. The complaint lists the charges against the licensee or registrant.

**NOTE:** If BHP believes there could be an immediate risk to the public, it may issue a Summary Suspension of the license until a hearing is held.

### ***A settlement conference may be held.***

Based on the evidence gathered and the nature of the case, BHP may try to reach a settlement with the license/registrant. This is similar to a plea bargain in a court case.

Proposed settlements may include an agreement regarding fines, suspensions from practice, or other alternatives, such as additional education.

Proposed settlements must have the agreement of both BHP and the licensee/registrant. The proposed settlement is then reviewed by the disciplinary subcommittee (DSC) of the appropriate license board.

If a settlement is not reached—or if the DSC does not approve the proposed settlement—the case goes to a hearing.

### ***An administrative hearing is conducted.***

An administrative hearing is like a court proceeding. It is held to determine the facts of the case and the laws and rules that should be applied to the case. Witnesses may be called and questions can be asked.

An administrative law judge presides at the hearing. An assistant Attorney General represents the interests of the State. The licensee or registrant answering the Complaint may also have an attorney.

The person who filed the allegation and other witnesses may be called upon by the administrative law judge or the attorneys to answer questions about the facts of the case. As in a court case, the evidence and testimony are very important.

After the hearing, the administrative law judge writes a report that is sent to the DSC for review and a final decision. The report includes a summary of the testimony and evidence, the findings of fact, conclusions of law and a proposal for decision.

### ***The disciplinary subcommittee takes action.***

The DSC of the licensing board has five members. A public member of the board chairs the meetings. The DSC reviews the records, recommendations, and makes a decision on the case.

The DSC may take one or more of the following actions on behalf of the licensing board:

- Impose a monetary fine
- Require a period of probation
- Issue a professional reprimand
- Restrict the licensee's/registrant's practice
- Issue a condition for continuing licensing, such as additional education, community service, etc.
- Suspend or revoke the person's license to practice in Michigan
- Dismiss the complaint against the licensee

BHP implements the decisions of the DSC and monitors compliance with decision as needed.

## Q. Is this decision final?

A. This is the final step in the State's process. However, healthcare professionals may appeal these decisions to the Michigan Court of Appeals.

**NOTE:** This form has been modified from the original and focuses solely on the mail-order pharmacy issue. For a copy of the Bureau of Health Professions document "A Citizen's Guide to Filing an Allegation Against a Health Care Professional," visit the Bureau of Health Professions website at [www.michigan.gov/healthlicense](http://www.michigan.gov/healthlicense).