Michigan Department of Community Health
**Bureau of Health Professions**
Health Regulatory Division
P.O. Box 30670
Lansing, Michigan 48909
(517) 373-4972
www.michigan.gov/healthlicense

DCH/HRD-801 (8/06)

| Board Use Only |
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# APPLICATION FOR REINSTATEMENT OF SUSPENDED/REVOKED LICENSE

Authority: Public Act 368 of 1978, as amended

| First Name | Middle Name | Last Name |
|---|---|---|
| Street Address | | |
| City | State | Zip Code |
| Michigan Professional License Number | Social Security Number | Date of Birth (MM/DD/YY) |
| **Signature** | | **Date** |

Check the profession for which you are requesting reinstatement. Please submit the appropriate fee indicated by the profession. Please make your check or money order payable to the STATE OF MICHIGAN. Do not send cash. Fees are earned upon receipt and can only be refunded under rules promulgated by the Department.

- ❒ AUDIOLOGISTS - $25.00 (16-01-50)
- ❒ D.C. - $25.00 (23-01-50)
- ❒ D.D.S. and/or SPECIALTY - $25.00 (29-01-50)
- ❒ R.D.H. - $20.00 (29-02-50)
- ❒ R.D.A. - $15.00 (29-03-50)
- ❒ M.F.T. - $30.00 (41-01-50)
- ❒ M.D. - $55.00 (43-01-50)
- ❒ L.P.N. - $24.00 (47-03-50)
- ❒ R.N. and/or SPECIALTY - $24.00 (47-04-50)
- ❒ N.H.A. - $15.00 (48-01-50)
- ❒ O.D. - $25.00 (49-01-50)
- ❒ D.O. - $55.00 (51-01-50)
- ❒ O.T. - $25.00 (52-01-50)
- ❒ PHARM - $40.00 (53-01-50)
- ❒ PHARM - CS - $25.00 (3757-50)
- ❒ R.Ph. - $25.00 (53-02-50)
- ❒ MANUF/WHOL - $55.00 (53-06-50)
- ❒ P.T. - $25.00 (55-01-50)
- ❒ P.A. - $35.00 (56-01-50)
- ❒ D.P.M. - $25.00 (59-01-50)
- ❒ Ph.D. - $55.00 (63-01-50)
- ❒ L.L.P. - $55.00 (63-02-50)
- ❒ L.P.C. - $55.00 (64-01-50)
- ❒ R.T. - $25.00 (44-01-50)
- ❒ SANITARIAN - $25.00 (67-01-50)
- ❒ C.S.W./S.W. - $20.00 (68-01-50)
- ❒ D.V.M. - $25.00 (69-01-50)
- ❒ VET TECH - $15.00 (69-02-50)

## Please Read Carefully:

1. Submit this application, along with the required supporting documents, to the address shown above.
2. All supporting affidavits **must be** originals **and must be notarized**.
3. All supporting documents **must be attached to this application**.
4. Submission of copies and/or separate mailing of the supporting documents is not acceptable and will cause rejection of your application.
5. The proper fee, as listed above, must accompany this application or it will be rejected.

**Supporting documents consist of a minimum of two (2) affidavits which attest to any or all of the following:**

A. that you are of good moral character
B. that you are able to resume the practice of your profession with reasonable skill and safety, and
C. that it is in the public interest that your license be reinstated.

**Affidavits are written statements by individuals, made on oath, before a notary public or other person authorized to administer oaths. At minimum, an affidavit must contain the following: Signature of the party making the sworn statement and the date of the signature, signature of notary public and date notarized, the typed, printed or stamped name of notary; and the state, county and expiration date of the notary's commission.**

Michigan Department of Community Health

## Bureau of Health Professions

## GUIDELINES ON REINSTATEMENT

In accordance with Section 16245(6) of the Public Health Code, 1978 P.A. 368, as amended, being 333.16245 of the Michigan Compiled Laws, the Department of Community Health, formerly the Department of Consumer and Industry Services, adopted the following guidelines on reinstatement on November 4, 1996:

## GUIDELINES

Unless otherwise provided, and in addition to other requirements set forth by statute, each applicant for reinstatement must establish his or her compliance with the following criteria, as applicable, by clear and convincing evidence before a licensing board or task force will consider reinstating his or her professional license or registration:

1. The applicant has participated in one or more community service or professional volunteer activities or programs since the revocation or suspension of his or her license or registration.

2. The applicant has successfully completed one or more substance abuse treatment programs, which may include inpatient or outpatient care at a substance abuse facility, regular attendance at Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings, AA/NA sponsorship, regular or random witnessed alcohol/drug urine or blood screens, individual or group counseling or therapy, Caduceus or other professional support group attendance, an agreement with his or her employer for monitoring, or ongoing review by a primary care physician knowledgeable and experienced in the treatment of chemical dependency. This criterion applies only if the applicant's license or registration was suspended or revoked due to a substance abuse violation.

3. The applicant has participated in inpatient or outpatient treatment for mental, psychological, emotional and/or physical disorders. This criterion applies only if the applicant's license or registration was revoked due to a mental, psychological, emotional and/or physical disorder.

4. The applicant has complied with all terms of his or her order of discipline, including payment of fines and costs as set forth in said order.

5. The applicant has successfully completed one or more continuing education programs during the period of suspension or revocation, or consumed current literature concerning the practice of his or her particular profession.

6. The applicant has participated in didactic or clinical training, including remedial education in areas previously found deficient, or successfully completed an overall refresher course if the applicant has been out of practice for a significant period of time.

7. The applicant has submitted an assessment or evaluation of the applicant's professional skills and knowledge by an individual or entity who is trained or otherwise qualified to make such an evaluation.

8. The applicant desires in good faith to be restored to the privilege of practicing his or her profession in Michigan.

If a board or task force, in reinstating a license or registration, deviates from these guidelines, the board or task force shall state the reason for the deviation on the record.

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# AFFIDAVITS INFORMATION SHEET

**Please read carefully**

The statute governing the powers of a notary public reads in pertinent part:

> "Notaries public shall have authority to take the proof and acknowledgments of deed; to administer oaths and take affidavits in any matter or cause pending, or to be commenced...."

The law of the State of Michigan requires that signatures to certain legal instruments (in this case affidavits) be acknowledged before a person authorized by law to take acknowledgments, such as a notary public. This is required so that such instruments can be recorded. An example of how an acknowledgment is taken would be as follows:

> John Doe appears before a notary public with the unsigned instrument and, in the presence of the notary public, signs the instrument and then acknowledges to the notary public that the signature on the instrument is his, that he is the person indicated in the instrument and that he signed the instrument voluntarily and without duress. The notary public then certifies on the instrument itself that it was acknowledged in his presence. In the certification, the notary public is stating in his official capacity that the person so signing was the person he claimed to be. Obviously, when a notary public is not familiar with the person whose acknowledgment he is certifying, the notary public should request that some type of identification be shown.

**The signature and stamp of a notary is not sufficient for the affidavit to be acceptable to this Department. The notary must include the date of signature on the affidavit. The wording and format of the certification required to be placed on each affidavit is shown in the example below:**

Subscribed and sworn to before me this 1st day of April, 20 05.

(Notary signature here) Jane P. Doe

Notary Public (Notary name printed here) Jane P. Doe (County name) County

My Commission expires: (5/25/2007)

Additional Facts:

1. A notary public cannot certify the acknowledgment to an instrument to which he, himself, has an interest. A notary public may take the acknowledgment of a relative, including a spouse, however, in order to avoid questions of conflict of interest, an independent notary public should be used.

2. An affidavit is a written or printed declaration or statement of facts. It must be made voluntarily and confirmed by the oath or affirmation of the party making it, made before a notary public. The notary public must administer the oath or affirmation prior to the taking of the affidavit.

# ADMINISTRATIVE RULES, HEALTH CODE DISCIPLINARY PROCEEDINGS

**R 338.1635 License; registration; duration of suspension; standards and procedures for reinstatement after revocation or suspension.**

Rule 35. (1) The suspension of a license shall continue until the expiration of the period of suspension set forth in the order or until the license or registration is reinstated pursuant to this rule, whichever is later. The period of suspension set forth in the order is a minimum period.

(2) A petition for reinstatement of a license or registration that has been suspended or revoked shall be made in accordance with this rule.

(3) If a license or registration has been suspended for 6 months or less, it will be presumed that the petitioner meets the requirements of section 7316, 16247(1), or 16248 of the code, unless 1 of the following provisions applies:

(a) The order imposing the suspension provides otherwise.

(b) Another complaint has been filed and is pending at the end of the minimum suspension period.

(c) A subsequent disciplinary order has been entered.

(d) A petition with supporting affidavit has been filed by a complaining party alleging that the petitioner has failed to fulfill a term of the suspension order.

(4) The presumption described in subrule (3) of this rule is made solely for the issue of reinstatement and shall not be used in any subsequent or collateral proceedings.

(5) If a license or registration has been suspended for more than 6 months, or if the petitioner is not entitled to a resumption pursuant to subrule (3) of this rule, the license or registration shall not be reinstated until the board or task force finds that the petitioner meets the requirements of section 7316, 16247, or 16248 of the code, as follows:

(a) The petitioner shall file a petition for reinstatement not sooner than 90 days before the end of the minimum suspension period. The petition shall be accompanied by supporting affidavits.

(b) Within 30 days after the petition has been filed, a complaining party may file a response to the petition. If the response opposes the reinstatement, a hearing shall be scheduled. If the petitioner fails to appear at the scheduled hearing, either in person or by counsel, the petitioner shall be deemed in default. If a response is not filed, or if the response does not oppose reinstatement, the board or task force shall review the petition with supporting affidavits and shall determine whether the requirements of section 7316, 16247 or 16248 of the code have been met. If it is found that the requirements have not been met, the petitioner shall be notified and, within 30 days after service of the notice, may request a hearing. The petition for reinstatement shall be deemed denied if the petitioner does not file a timely request for a hearing.

(6) A petition for reinstatement of a revoked license or registration shall be considered in accordance with the standards and procedures set forth in subrule (5) of this rule. The petition shall not be accpeted sooner than 3 years after the effective date of the revocation, except that where the license or registration was revoked pursuant to section 16221(b)(vii) or (c)(iv) of the code for a felony conviction or was revoked for any other felony conviction involving controlled substances, the petition shall not be accpeted sooner than 5 years after the effective date of the revocation. A period of summary suspension is not included in calculating the revocation period.

(7) Before reinstating a license or registration, the board or task force shall consider the following in assessing a petitioner's ability to practice and the public interest:

(a) The board or task force shall determine whether the petitioner has complied with the guidelines adopted by the department pursuant to section 16245(6) of the code. If, in reinstating the license or registration, the board or task force deviates from the guidelines, it shall state in its order the reasons for the deviation.

(b) If the disciplinary subcommittee's final order included corrective measures, remedial education, or training as a condition of reinstatement, the board or task force shall consider the extent of the petitioner's compliance with the conditions set forth in the final order. In addition, the board or task force may impose other requirements for reinstatement as deemed appropriate, including additional training, education, or supervision.

(c) If the final order of the disciplinary subcommittee did not address corrective measures, remedial education, or training as a condition of reinstatement, the board or task force, in determining a petitioner's ability to practice safely and competently, may consider the need for additional training and education in determining if the petitioner has met the criteria established in section 16247(1) of the code.

(8) After a hearing has been completed, the board or task force shall determine whether the petitioner has satisfied section 7315, 16247, or 16248 of the code. The board or task force may deny the petition or grant the petition subject to terms and conditions that it deems appropriate.

(9) A subsequent petition for reinstatement may not be filed with the bureau for at least 1 year after the effective date of the order denying reinstatement.

History: 1996 MR 7, Eff. Aug. 1, 1996.

**R 338.1637 Affidavits.**

Rule 37. (1) An affidavit in support of a petition for reinstatement or reclassification shall set forth the facts which would support a finding that the requirements and conditions have been satisfied and shall be executed by a person who is able to competently testify to the facts.

(2) Affidavits submitted in support of a petition for reinstatement or reclassification are not considered as evidence in an administrative hearing unless offered and accepted as evidence.

History: 1996 MR 7, Eff. Aug. 1, 1996.

**333.16245 Reinstatement of limited, suspended, or revoked license or registration; application; payment; time; hearing; fees.**

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 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) 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 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, or any other felony conviction involving a controlled substance, 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 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.

History: 1978, Act 368, Eff. Sept. 30, 1978;-Am. 1986, Act 174, Imd. Eff. July 7, 1986;-Am. 1988, Act 462, Eff. Sept. 1, 1989;-Am. 1993, Act 79, Eff. Apr. 1, 1994;-Am. 1993, Act 87, Eff. Apr. 1, 1994.
Compiler's note: Section 3 of Act 174 of 1986 provides: "This amendatory act shall only apply to contested cases filed on or after July 1, 1986."

**333.16247 Reinstatement of license or registration of limited license; requirements.**

Sec. 16247. (1) A board or task force may reinstate a license or issue a limited license to an individual whose license has been suspended or revoked under this part if after a hearing the board or task force is satisfied by clear and convincing evidence that the applicant is of good moral character, is able to practice the profession with reasonable skill and safety to patients, has met the criteria in the rules promulgated in section 16245(6), and should be permitted in the public interest to resume practice. Pursuant to the rules promulgated under section 16245(6), as a condition of reinstatement, a disciplinary subcommittee, upon the recommendation of a board or task force, may impose a disciplinary or corrective measure authorized under this part and require that the licensee attend a school or program selected by the board or task force to take designated courses or training to become competent or proficient in those areas of practice in which the board or task force find the licensee to be deficient. The board or task force may require a statement on a form approved by it from the chief administrator of the school or program attended or the person responsible for the training certifying that the licensee has achieved the required competency or proficiency.

(2) As a condition of reinstatement, a board or task force shall place the licensee on probation for 1 year under conditions set by the board or task force. If a licensee whose license has been revoked cannot apply for reinstatement for 5 years after the date of revocation, then, as a condition of reinstatement, the board or task force shall require the licensee to take and pass the current licensure examination.

(3) A board or task force shall not reinstate a license suspended or revoked for grounds stated in section 16221(b)(i), (iii), or (iv) until it finds that the licensee is mentally or physically able to practice with reasonable skill and safety to patients. The board or task force may require further examination of the licensee, at the licensee's expense, necessary to verify that the licensee is mentally or physically able. A licensee affected by this section shall be afforded the opportunity at reasonable intervals to demonstrate that he or she can resume competent practice in accordance with standards of acceptable and prevailing practice.

History: 1978, Act 368, Eff. Sept. 30, 1978;-Am. 1993, Act 79, Eff. Apr. 1, 1994.

**333.16248 Reinstatement of registration; requirements.**

Sec. 16248. A registration board may reinstate a registration revoked or suspended under this part if, after a hearing, the board is satisfied by clear and convincing evidence that the individual is of good moral character, has the education and experience as required in this article, has met the criteria in the rules promulgated under section 16245(6), and will use the title lawfully and act in accordance with this article.

History: 1978, Act 368, Eff. Sept. 30, 1978;-Am. 1993, Act 79, Eff. Apr. 1, 1994.