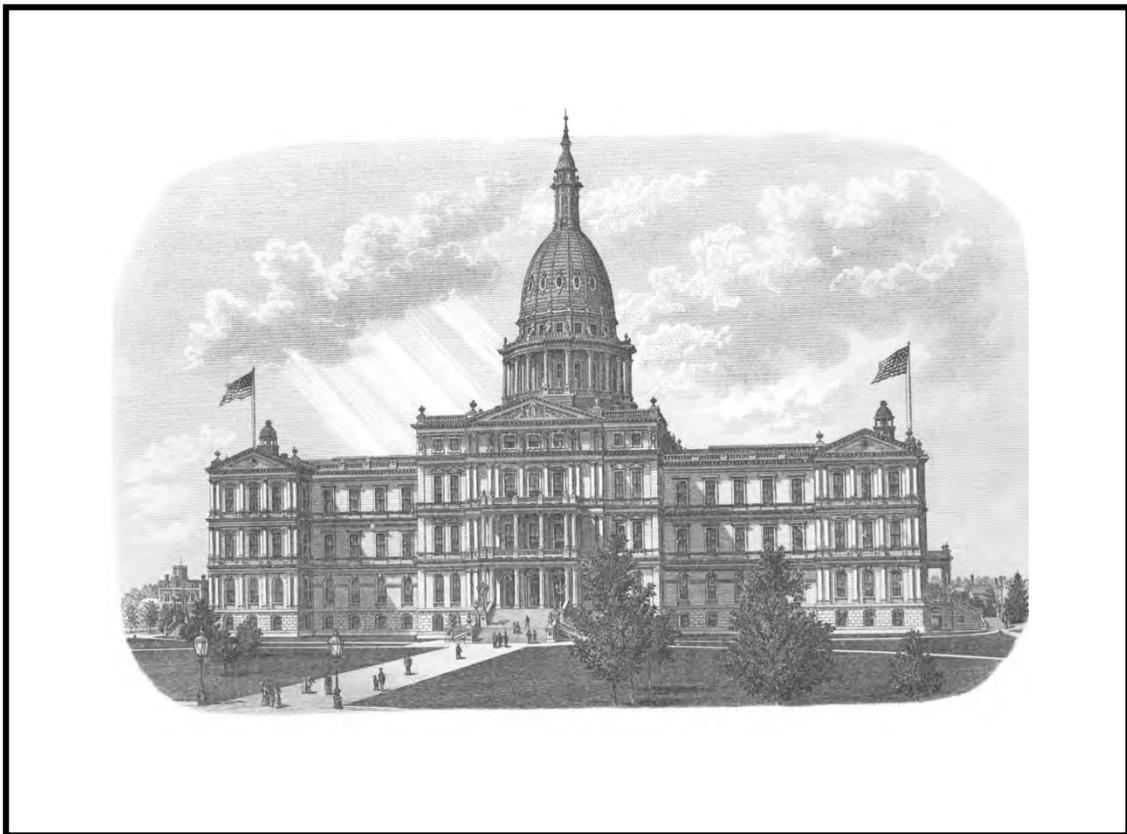


Michigan Register

Issue No. 8 – 2021 (Published May 15, 2021)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

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The Michigan Compiled Laws



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(This issue, published May 15, 2021, contains
documents filed from April 15, 2021 to May 1, 2021)

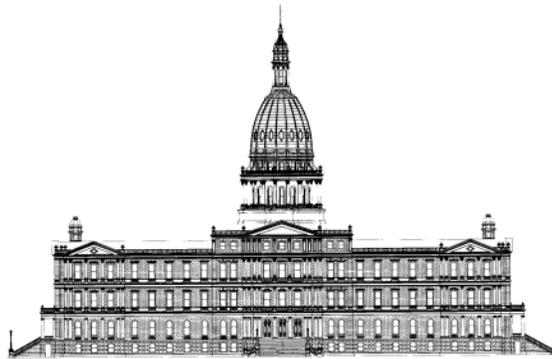
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Michigan Office of Administrative Hearings and Rules

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Deidre O’Berry, Administrative Rules Specialist for Operations and Publications.

Gretchen Whitmer, Governor



Garlin Gilchrist, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Michigan Office of Administrative Hearings and Rules publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2021 MR 1 refers to the year of issue (2021) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Michigan Office of Administrative Hearings and Rules for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Michigan Office of Administrative Hearings and Rules is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Michigan Office of Administrative Hearings and Rules, Ottawa Building – Second Floor, 611 W. Ottawa Street, Lansing, MI 48933.

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Michigan Office of Administrative Hearings and Rules, Ottawa Building –Second Floor, 611 W. Ottawa Street, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Michigan Office of Administrative Hearings and Rules (517) 335-2484.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the website of the Michigan Office of Administrative Hearings and Rules – Administrative Rules Division: www.michigan.gov/ard.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Michigan Office of Administrative Hearings and Rules website. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Executive Director,
Michigan Office of Administrative Hearings and Rules

2021 PUBLICATION SCHEDULE

| Issue No. | Closing Date for Filing or Submission Of Documents (5 p.m.) | Publication Date |
|-----------|---|--------------------|
| 1 | January 15, 2021 | February 1, 2021 |
| 2 | February 1, 2021 | February 15, 2021 |
| 3 | February 15, 2021 | March 1, 2021 |
| 4 | March 1, 2021 | March 15, 2021 |
| 5 | March 15, 2021 | April 1, 2021 |
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| 20 | November 1, 2021 | November 15, 2021 |
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| 24 | January 1, 2022 | January 15, 2022 |

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FILED WITH THE SECRETARY OF STATE**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PUBLIC HEALTH CODE – DISCIPLINARY RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the executive director of the department of licensing and regulatory affairs by section 33(3) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, section 16141 of the public health code, 1978 PA 368, MCL 333.16141, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.1603, R 338.1604, R 338.1608, R 338.1630, R 338.1631, and R 338.1632 of the Michigan Administrative Code are amended, R 338.1601a, R 338.1601b, R 338.1602a, R338.1607a, and R 338.1632a are added, and R 338.1605, R 338.1606, R 338.1607, R 338.1609, R 338.1612, and R 338.1615 are rescinded, as follows:

PART 1. GENERAL RULES

R 338.1601a Definitions.

Rule 1a. (1) As used in these rules:

- (a) "Board" means that term as defined in section 16103(1) of the public health code, 1978 PA 368, MCL 333.16103.
 - (b) "Bureau" means the bureau of professional licensing.
 - (c) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
 - (d) "Department" means the department of licensing and regulatory affairs.
 - (e) "Disciplinary subcommittee" means that term as defined in section 16104(5) of the code, MCL 333.16104.
 - (f) "Official record of the hearing," includes those records required in section 86 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.286.
 - (g) "Person" means that term as defined in section 1106(4) of the code, MCL 333.1106.
 - (h) "Respondent" means a person against whom an administrative complaint has been issued or filed.
 - (i) "Surrendered" means the permanent relinquishment of a license or registration to practice a health profession by a licensee or registrant as a disciplinary sanction in lieu of or in resolution of further disciplinary proceedings.
 - (j) "Task force" means that term as defined in section 16109(3) of the code, MCL 333.16109.
- (2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.1601b Disciplinary action; unlicensed or unregistered person.

Rule 1b. An unlicensed or unregistered person is subject to disciplinary action without regard to whether that person becomes licensed or registered or whether the department knew of the violation when the license or registration was issued or reinstated.

R 338.1602a Continuing duty to report name, address, or electronic mail address change.

Rule 2a. In addition to complying with section 16192(1) of the code, MCL 333.16192, a licensee or registrant whose license or registration has expired, lapsed, or been suspended, revoked, or surrendered must notify the department of a change of name, postal address, or electronic mail address within 30 days until the later of 1 of the following occurs:

- (a) Seven years after a change in license or registration status occurs.
- (b) Three years after all administrative complaints against the license or registration filed with the department have been closed.
- (c) The licensee or registrant is in full compliance with all final orders issued against the licensee or registrant.

PART 2. HISTORICAL RECORDS

R 338.1603 Historical records.

Rule 3. In addition to the information required to be maintained in the historical record of a licensee or registrant pursuant to section 16211 of the code, MCL 333.16211, the department may obtain and maintain all of the following in a licensee's or registrant's individual historical record:

- (a) Reports or information disclosed by a health facility or agency consistent with sections 20175 and 21515 of the code, MCL 333.20175 and 333.21515.
- (b) Reports, information, or a final order from a state department or agency.
- (c) Reports or information from a professional association or professional society.
- (d) Reports or information from a national practitioner databank.
- (e) Reports or information from the secretary of state's office.
- (f) Reports or information related to prior allegations made against the licensee or registrant.
- (g) Reports or information from any federal, state, or local law enforcement agency.
- (h) Reports, information, or a final order from any federal, state, or local court or other adjudicating body.
- (i) Reports or information related to the individual's failure to satisfactorily participate in or complete a treatment plan under the health professional recovery program (HPRP).
- (j) For a period of 5 years following the individual's successful completion of the HPRP, records pertaining to the individual's participation in the HPRP, in compliance with section 16170a(3) of the code, MCL 333.16170a.

PART 3. INVESTIGATIONS

R 338.1604 Investigations.

Rule 4. The department's investigation conducted as required or permitted by section 16221 of the code, MCL 333.16221, may encompass possible violations other than those specifically identified when the investigation was initiated if the possible violations arise from the same conduct or incident described when the investigation was initiated.

R 338.1605 Rescinded.

R 338.1606 Rescinded.

R 338.1607 Rescinded.

PART 4. PLEADINGS

R 338.1607a Pleadings.

Rule 7a. (1) Until a notice of hearing has been issued, all original pleadings and related attachments must be filed with the department or office of the attorney general as set forth in the administrative complaint or notice of compliance conference.

(2) After a notice of hearing has been issued, all original pleadings and any related attachments must be filed with the Michigan office of administrative hearings and rules as required in the notice of hearing. A copy of all original pleadings and any related attachments must be transmitted to all other parties listed on the notice.

(3) An answer to an administrative complaint must be filed within 30 days from the date of receipt of the administrative complaint.

(4) An amended administrative complaint may be filed 31 or more days before the hearing or at any time with leave from the administrative law judge. A respondent must be given a reasonable time to file an amended answer and to prepare a defense before hearing if the allegations in the administrative complaint are substantially amended.

(5) All pleadings and any related attachments that are properly filed become a part of the official record of the hearing.

PART 5. COMPLIANCE CONFERENCE, REQUEST FOR ADJOURNMENT, AND HEARING TO ESTABLISH AN OFFICIAL RECORD FOR DETERMINATION OF DISCIPLINARY ACTION

R 338.1608 Compliance conference; request for adjournment; hearing to establish record for disciplinary action only.

Rule 8. (1) The department may conduct a compliance conference held pursuant to section 16231(5) of the code, MCL 333.16231, informally and not as an evidentiary hearing. A licensee or registrant may submit a written statement before the date of the compliance conference.

(2) A respondent may request and may be granted an adjournment of the compliance conference for good cause. As used in this subrule, “good cause” means that the respondent submitted a written request for adjournment to the department that provides legally sufficient grounds to warrant the adjournment, such as circumstances beyond the respondent’s control.

(3) If the parties agree on all issues except the terms of the appropriate disciplinary action, the department must schedule a hearing to establish an official record for consideration by the disciplinary subcommittee of the appropriate board or task force in making its determination of the appropriate disciplinary action. The disciplinary subcommittee must consider the parties’ agreement and the official record of the hearing when determining the appropriate disciplinary action.

R 338.1609 Rescinded.

R 338.1612 Rescinded.

R 338.1615 Rescinded.

PART 6. FINAL ORDER, RECONSIDERATION OF FINAL ORDER,

AND DUTY TO COMPLY WITH FINAL ORDER

R 338.1630 Final order; remand for additional evidence; revisions to findings; majority vote required; department review.

Rule 30. (1) If an agreement has been reached at an informal conference, the disciplinary subcommittee may accept the proposed disposition and enter a final order, suggest other terms, or require that administrative proceedings be commenced.

(2) In a contested case, the disciplinary subcommittee, board, or task force may enter a final order after reviewing the official record of the hearing.

(3) If the disciplinary subcommittee, board, or task force determines that additional testimony or evidence is necessary, it must issue an order remanding the case to the administrative law judge.

(a) The order remanding the case to the administrative law judge must specify what witnesses, evidence, or questions are to be addressed on remand without limiting the witnesses or evidence the parties may present.

(b) After the administrative law judge has held a hearing on the remanded matter, the administrative law judge must issue a proposal for decision on remand with findings of fact and conclusions of law to the disciplinary subcommittee, board, or task force having jurisdiction over the case.

(4) The disciplinary subcommittee, board, or task force may make revisions to the findings of fact and conclusions of law based on the evidence in the official record of the hearing. The revision must specifically identify the findings of fact or conclusions of law, or both, being modified or rejected and identify the evidence from the official record of the hearing that supports the revision.

(5) In its final order, a disciplinary subcommittee, board, or task force may adopt, modify, or reject, in whole or in part, the opinion or proposal for decision of the administrative law judge. If the disciplinary subcommittee, board, or task force modifies or rejects the opinion or proposal for decision, the reasons for that action must be stated in the final order.

(6) Except as provided in section 16221(b)(x) of the code, MCL 333.16221, a disciplinary subcommittee must not rely on any prior final order in determining whether grounds for discipline exist in the case under consideration. In determining an appropriate disciplinary action, a disciplinary subcommittee, board, or task force may review any prior final order, and the underlying administrative complaint, that imposed disciplinary action on the applicant, licensee, or registrant.

R 338.1631 Request for reconsideration of a final disciplinary subcommittee, board, or task force order.

Rule 31. (1) A person may file a written request for reconsideration of a final disciplinary subcommittee, board, or task force order.

(2) The bureau must receive the written request for reconsideration within 30 calendar days after the effective date of the final order. The bureau must deny an untimely request.

(3) The written request must state with specificity the material error claimed and the relief requested. A request for reconsideration that presents the same issues ruled on, either expressly or by reasonable implication, must not be granted.

(4) A properly submitted request must be forwarded to the appropriate disciplinary subcommittee, board, or task force for reconsideration. A request for a modification of a consent order may only be granted after agreement by the parties.

R 338.1632 Duty to comply with final order.

Rule 32. An applicant, licensee, or registrant must comply with a final order issued by a disciplinary subcommittee, board, or task force.

PART 7. APPLICATION DENIAL, REQUEST FOR HEARING, SURRENDERED LICENSE

R 338.1632a Denial of application; hearing; surrendered license or registration ineligible.

Rule 32a. (1) If the department determines that an applicant for licensure, relicensure, license renewal, registration, reregistration, or registration renewal has not met the requirements for licensure or registration, the department must serve upon the applicant a notice of intent to deny (NOID) the application for licensure or registration.

(2) An applicant may request a hearing to show that he or she has fulfilled the requirements for licensure or registration. The applicant's request for a hearing must be filed within 30 days after a NOID is served on the applicant. If the applicant fails to request a hearing within 30 days of service, the NOID becomes a final order of the board, disciplinary subcommittee, or task force denying the application for licensure or registration.

(3) The department may request that the attorney general prepare and present the grounds believed to support a denial of the application at the hearing.

(4) An applicant who has previously surrendered a license or registration to practice in this state is ineligible to apply for licensure, relicensure, registration, or reregistration in the same profession.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

VETERINARY MEDICINE - GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 16145, 16215, 16287, and 18813 of the public health code, 1978 PA 368, MCL 333.16145, 333.16215, 333.16287, and 333.18813, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.4901, R 338.4903, R 338.4904, R 338.4905, R 338.4906, R 338.4907, R 338.4909, R 338.4910, R 338.4911, R 338.4921, R 338.4931, and R 338.4933 of the Michigan Administrative Code are amended, R 338.4901a, R 338.4907a, R 338.4907b, and R 338.4907c are added, and R 338.4902, R 338.4908, R 338.4913, R 338.4914, R 338.4914a, R 338.4915, and R 338.4920 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.4901 Definitions.

Rule 1. (1) As used in these rules:

(a) "Animal patient" means an animal as defined in section 18802(2) of the code, MCL 333.18802.

(b) "Board" means the Michigan board of veterinary medicine created in section 18821 of the code, MCL 333.18821.

(c) "Client" means an owner, as defined in section 18802(3) of the code, MCL 333.18802, or a responsible party of the animal patient.

(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.4901a Telehealth services.

Rule 1a. (1) A veterinarian providing a telehealth service shall do all of the following:

(a) Ensure that the client knows the identity and contact information of the veterinarian providing the telehealth service. Upon request, the veterinarian shall provide his or her licensure information including the name of the state where he or she is licensed and his or her license number.

(b) Ensure that the technology method and equipment used to provide telehealth services complies with all current privacy-protection laws.

(c) Employ sound professional judgment to determine whether using telehealth is an appropriate method for delivering medical advice or treatment to the animal patient.

(d) Have sufficient knowledge of the animal patient to render telehealth services demonstrated by satisfying 1 of the following:

(i) Have recently examined the animal patient in person or have obtained current knowledge of the animal patient through the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically.

(ii) Have conducted medically appropriate and timely visits to the premises where the group of animal patients is kept.

(e) Act within the scope of his or her practice.

(f) Exercise the same standard of care applicable to a traditional, in-person veterinary care service.

(g) Make himself or herself readily available to the animal patient for follow up veterinary services or ensure there is another suitable provider available for follow up care.

(2) Consent for medical advice and treatment shall be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(3) Evidence of consent for medical advice and treatment must be maintained in the animal patient's medical record.

(4) A veterinarian providing a telehealth service may prescribe a drug if the veterinarian is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285.

PART 2. EXAMINATION AND EDUCATION

R 338.4902 Rescinded.

R 338.4903 Examination; approval and adoption; passing score.

Rule 3. (1) The board approves and adopts the North American Veterinary Licensing Examination (NAVLE) developed by the International Council for Veterinary Assessment (ICVA) or its predecessor organization.

(2) The passing score for the NAVLE is the score determined by the ICVA or its predecessor organization.

R 338.4904 Approval of veterinary colleges; adoption of standards.

Rule 4. (1) The board approves and adopts by reference the standards for Accrediting Colleges of Veterinary Medicine adopted by the American Veterinary Medical Association (AVMA) Council on Education entitled "Accreditation Policies and Procedures of the AVMA Council on Education," September 2020.

(2) A copy of the "Accreditation Policies and Procedures of the AVMA Council on Education" is available at <https://www.avma.org/sites/default/files/2020-10/COE-pp-September-2020.pdf>. A copy is available for inspection and distribution at a cost of 10 cents per page from the Board of Veterinary Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

PART 3. LICENSURE

R 338.4905 Licensure by examination; requirements.

Rule 5. An applicant for a veterinary license by examination shall submit a completed application on a form provided by the department, together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy both of the following:

(a) Have satisfied 1 of the following educational requirements:

(i) Graduated from a veterinary college that satisfies the requirements of R 338.4904.

(ii) Obtained a certificate from the Educational Commission for Foreign Veterinary Graduates (ECFVG) of the AVMA.

(iii) Obtained a certificate from the Program for the Assessment of Veterinary Education Equivalence (PAVE) from the American Association of Veterinary State Boards (AAVSB).

(b) Have achieved a passing score on the examination adopted in R 338.4903.

R 338.4906 Licensure by endorsement; requirements.

Rule 6. (1) An applicant for a veterinary license by endorsement shall submit a completed application on a form provided by the department together with the required fee. In addition to meeting the requirements of the code, an applicant shall satisfy 1 of the following:

(a) An applicant who has been licensed as a veterinarian and actively practicing in another state of the United States for 5 or more years is presumed to have satisfied section 16186 of the code, MCL 333.16186.

(b) An applicant who has been licensed as a veterinarian for less than 5 years shall satisfy both of the following:

(i) Have achieved a passing score on the examination adopted under R 338.4903.

(ii) Have satisfied 1 of the following requirements:

(A) Graduated from a veterinary college that satisfies R 338.4904.

(B) Obtained a certificate from the ECFVG of the AVMA.

(C) Obtained a certificate from the PAVE from the AAVSB.

(2) The applicant's license in good standing must be verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license as a veterinarian. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

R 338.4907 Educational limited license; requirements; limitations.

Rule 7. (1) An applicant for an educational limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, an applicant shall meet both of the following:

(a) Achieve a passing score on the examination adopted in R 338.4903.

(b) Be admitted as a student to a postgraduate training program at a college of veterinary medicine that satisfies the requirements of R 338.4904.

(2) The holder of an educational limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of his or her postgraduate training program in the college of veterinary medicine approved by the board for the training.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907a Clinical academic limited license requirements; limitations.

Rule 7a. (1) An applicant for a clinical academic limited license shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant shall have been appointed to the academic faculty of a Michigan college of veterinary medicine that is approved by the board pursuant to R 338.4904.

(2) A clinical academic limited license authorizes the holder to engage in the practice of veterinary medicine only to the extent necessary to fulfill his or her employment obligations as a clinical instructor at a college of veterinary medicine approved by the board. The holder of a clinical academic limited license shall not do either of the following:

(a) Engage in the practice of veterinary medicine outside of the limitations specified by the college of veterinary medicine at the time of appointment to the academic faculty and in conjunction with the application for limited license.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

R 338.4907b Senior student limited license requirements; limitations.

Rule 7b. (1) An applicant for a senior student limited license issued pursuant to section 18812(1) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code, the applicant must be a senior student in a Doctor of Veterinary Medicine program at a college of veterinary medicine approved by the board pursuant to R 338.4904 and satisfy all of the following:

(a) Provide a letter of enrollment as a senior student in good standing from the dean of a veterinary school approved by the board pursuant to R 338.4904.

(b) Achieve a passing score on the examination adopted in R 338.4903.

(c) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A senior student limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(c) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The senior student limited license is granted for 1 year and may not be renewed.

R 338.4907c Graduate of nonapproved veterinary education program limited license; requirements; limitations.

Rule 7c. (1) An applicant for a graduate of a nonapproved veterinary education program limited license issued pursuant to section 18812(2) of the code, MCL 333.18812, shall submit a completed application on a form provided by the department, together with the requisite fee, and satisfy all of the following:

(a) Provide proof that he or she is a graduate of a veterinary education program. If documentation submitted pursuant to this subrule is in a language other than English, an original, official translation must also be submitted.

(b) Submit a form provided by the department that contains the name and signature of the Michigan-licensed supervising veterinarian acknowledging assumption of the supervisory responsibilities included in section 18802(4) of the code, MCL 333.18802.

(2) A graduate of a nonapproved veterinary education program limited licensee shall not do either of the following:

(a) Engage in the practice of veterinary medicine except under the supervision of the Michigan-licensed veterinarian who signed the form submitted to the department pursuant to subrule (1)(b) of this rule.

(b) Hold himself or herself out to the public as being independently engaged in the private practice of veterinary medicine.

(3) The graduate of a nonapproved education program limited license is granted for 1 year and may not be renewed.

R 338.4908 Rescinded.

R 338.4909 Relicensure.

Rule 9. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

| (1) For an applicant who has let his or her Michigan license lapse and is not currently licensed in another state or Canada. | | Lapsed 0-3 years | Lapsed more than 3 years |
|--|---|------------------|--------------------------|
| (a) | Application and fee: submit a completed application on a form provided by the department, together with the required fee. | √ | √ |
| (b) | Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) | Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933. | √ | √ |
| (e) | Examination: passage of the examination approved pursuant to R 338.4903 within 1 year prior to the application for relicensure. | | √ |
| (f) | License verification: an applicant's license in good standing shall be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |
| (2) For an applicant who has let his or her Michigan license lapse and is currently licensed in another state or Canada. | | Lapsed 0-3 years | Lapsed more than 3 years |
| (a) | Application and fee: submit a completed application on a form provided by the department, together with the required fee. | √ | √ |

| | | | |
|-----|---|---|---|
| (b) | Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) | Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.4933. | √ | √ |
| (e) | License verification: an applicant's license in good standing shall be verified by the licensing agency of each state or province of Canada in which the applicant holds or ever held a license as a veterinarian. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |

PART 4. SUPERVISION AND DELEGATION

R 338.4910 Supervision of veterinary student or limited licensee by veterinarian.

Rule 10. If a veterinarian is supervising a veterinary student or limited licensee, the veterinarian shall provide the supervision included in section 18802(4) of the code, MCL 333.18802, which requires that degree of close physical proximity necessary for the supervising veterinarian to directly observe and monitor the performance of the veterinary student or limited licensee to ensure that the student's or limited licensee's performance is within the scope of the order, assignment, or prescription of the veterinarian and being performed with the skill expected by the supervising veterinarian.

R 338.4911 Limitations on delegation; veterinarian supervision of delegatee's performance.

Rule 11. (1) Except as limited by section 16215(1) of the code, MCL 333.16215, a veterinarian may delegate the performance of an act, task, or function that falls within the practice of veterinary medicine to an individual who is otherwise qualified to perform the act, task, or function.

(2) Before delegating an act, task, or function that falls within the practice of veterinary medicine, the veterinarian shall first examine the animal patient on which the delegated act, task, or function is to be performed and determine the appropriate treatment for the animal patient.

(3) The delegating veterinarian shall observe, monitor, and supervise the delegatee's performance to the extent necessary to ensure that the delegatee's performance is within the scope of the delegation given and being performed with the skill expected by the delegating veterinarian.

R 338.4913 Rescinded.

R 338.4914 Rescinded.

R 338.4914a Rescinded.

R 338.4915 Rescinded.

R 338.4920 Rescinded.

PART 5. MEDICAL RECORDS

R 338.4921 Medical records; requirements.

Rule 21. (1) A veterinarian who practices veterinary medicine in this state shall maintain a medical record for each animal patient, herd, flock, or other group of animals that accurately reflects the veterinarian's evaluation and treatment of the animal patient or group of animals rendered in person or through a telehealth service. Entries in the medical record must be made in a timely fashion.

(2) Records must be legible and retrievable. A record may be maintained in either a written, electronic, audio, or photographic format.

(3) A record for an individual animal patient, group, herd, flock, or other group of animals must document all of the following:

(a) Identification includes, but is not limited to, a tattoo, tag number, lot number, pen number, age, name, markings, sex, and species, as available.

(b) Date of the last veterinary service.

(c) Name, address, and telephone number of the client.

(d) Location of the animal patient or patients, if not at the location of the veterinary practice.

(e) Reason for the contact including, but not limited to, the case history, problem ~~and~~ or signs of a problem, and whether the contact was a routine health visit or an emergency call.

(f) Vaccination history, when appropriate and if known.

(g) Results of the physical examination and a list of abnormal findings.

(h) Laboratory reports and other reports, when appropriate.

(i) Diagnostic procedures utilized and the reports that pertain to these procedures.

(j) Procedures performed including, but not limited to, surgery and rectal palpations.

(k) Daily progress notes, if hospitalized.

(l) Documentation of informed consent, if appropriate.

(m) Documentation of diagnostic options and treatment plans.

(n) Records of any client communication deemed relevant.

(o) Documentation of prescribed medication.

(4) Records must be maintained for a minimum of 7 years from the date of the last veterinary service.

(5) Medical records are confidential and must not be released without the consent of the client or as required to protect public health or by law.

(6) Copies of medical records must be provided upon written request from the client.

PART 6. LICENSE RENEWAL AND CONTINUING EDUCATION

R 338.4931 License renewal; continuing education.

Rule 31. (1) Beginning with licenses that expire on December 31, 2022, and for all renewals thereafter, an applicant for license renewal shall have completed at least 45 hours of continuing education that satisfy the requirements of R 338.4933 in the 3 years preceding the application for renewal.

(2) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(4) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

R 338.4933 Acceptable continuing education; requirements; limitations.

Rule 33. (1) The 45 hours of continuing education required pursuant to R 338.4931(2) must comply with all of the following:

(a) Not more than 12 continuing education hours may be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period.

(c) A minimum of 30 hours of continuing education is scientific in nature. A continuing education program or activity is scientific in nature if it includes the science of diagnosis, treatment, and prevention of disease as it relates directly to an animal patient or topics such as public veterinary practice, epidemiology, food safety, public health, animal welfare, or antimicrobial stewardship.

(d) A minimum of 1 hour of continuing education must relate to medical records.

(e) A minimum of 1 hour of continuing education must relate to state veterinary law or federal or state controlled substance laws, or both.

(f) A maximum of 33 hours of continuing education may be completed in activities that use online, electronic, or printed format or by completing an activity that does not require or permit synchronous or live interaction during the activity.

(g) A minimum of 12 hours of continuing education must be completed by satisfying 1 of the following:

(i) Earning 12 hours of continuing education in an activity attended live and in person.

(ii) Earning not less than 6 hours of continuing education in an activity attended live and in person and earning the remainder of the 12 required hours of continuing education by completing an activity that requires or permits synchronous, live interaction with the presenter, other participants, or both during the activity.

(h) No more than 15 hours of continuing education may be earned collectively for activities in subrule (2)(d) to (h) of this rule.

(2) The following is acceptable continuing education:

| Activity Code | Activity and Proof of Completion | Number of continuing education hours granted/permitted |
|---------------|--|--|
| (a) | Attendance at or participation in a continuing education program or activity related to the practice of veterinary medicine or any non-clinical subject relevant to the practice of veterinary medicine, education, administration, management, or science which includes, but is not limited to, live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; or journal articles or | The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or approving organization for the specific program or activity. |

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| | <p>other self-study programs approved or offered by any of the following:</p> <ul style="list-style-type: none"> • AAVSB Registry of Continuing Education (RACE). • American Veterinary Medical Association (AVMA). • World Veterinary Association (WVA). • Michigan Veterinary Medical Association (MVMA). • A state veterinary board of another state. • Local, state, or regional professional organization. • Member institution of the Association of the American Veterinary Medical Colleges (AAVMC). • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Centers for Disease Control & Prevention (CDC). • The United States Department of Agriculture, Animal and Plant Health Inspection Service, if the program is a training module included in the National Veterinary Accreditation Program. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, the sponsor’s name or the name organization that approved the activity, and the date on which the program was held or the activity completed.</p> | |
| (b) | <p>Attendance at or participation in a continuing education program or activity related to the practice of veterinary profession which includes but is not limited to: live, in-person programs; interactive or monitored teleconferences; audio-conferences; web-based programs; online programs; and journal articles or other self-study programs, approved or offered by any of the following:</p> <ul style="list-style-type: none"> • American Medical Association (AMA). • Michigan State Medical Society (MSMS). • Accreditation Council for Continuing Medical Education (ACCME). • American Osteopathic Association (AOA). • Michigan Osteopathic Association (MOA). | <p>The number of continuing education hours for a specific activity or program is the number of hours approved by the sponsor or approving organization for the specific program or activity. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |

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| | <ul style="list-style-type: none"> • Michigan Pharmacy Association (MPA). • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • Accreditation Council for Pharmacy Education. <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, the sponsor’s name or the name of the organization that approved the activity, and the date on which the program was held or the activity completed.</p> | |
| (c) | <p>Initial presentation of a continuing education program related to the veterinary profession.</p> <p>To receive credit, the presentation must not be part of the licensee’s regular job description and must be approved or offered for continuing education by any of the following:</p> <ul style="list-style-type: none"> • AAVSB – RACE. • AVMA. • WVA. • MVMA. • A state veterinary board of another state. • AMA. • MSMS. • ACCME. • AOA. • MOA. • MPA. • Member institution of the AAVMC. • AVMA constituent allied organizations and recognized veterinary specialty organizations. • Educational courses offered by regionally accredited colleges and universities relating to the husbandry of food producing animals. • CDC. <p>Initial presentation of a scientific exhibit, poster, paper, or clinical demonstration to a veterinary medicine or veterinary technician program.</p> | <p>Two hours of continuing education are granted for each 50 to 60 minutes of presentation. No additional credit is granted for the preparation of the presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</p> |

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| | <p>To receive credit, the presentation must not be part of the licensee’s regular job description.</p> <p>If audited, the licensee shall submit a copy of the document presented with evidence of the presentation or a letter from the program sponsor verifying the length and date of the presentation.</p> | |
| (d) | <p>Initial publication of an article related to the practice of veterinary profession in a peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as the secondary author. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (e) | <p>Initial publication of a chapter related to the practice of veterinary profession in a professional or peer-reviewed textbook.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Five hours of continuing education are granted for serving as the primary author. Two hours of continuing education are granted for serving as a secondary author. A maximum of 15 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (f) | <p>Service as a clinical instructor for veterinary students engaged in an educational program that satisfies the requirements of R 338.4904.</p> <p>To receive credit, the clinical instructorship must not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee’s role.</p> | <p>Two hours of continuing education are granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture is not to be granted. A maximum of 15 hours may be earned for this activity in each renewal period.</p> |
| (g) | <p>Participation on a state or national committee, board, council, or association related to the veterinary profession. A committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the practice of veterinary medicine.</p> <p>If audited, the licensee shall submit documentation</p> | <p>Two hours of continuing education are granted for each committee, board, council, or association. A maximum of 2 hours of continuing education may be earned for this activity in each renewal period.</p> |

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| | verifying the licensee’s participation in at least 75% of the regularly scheduled meetings of the committee, board, council, or association. | |
| (h) | <p>Provide individual supervision to a disciplinarily limited veterinarian.</p> <p>If audited, the licensee shall provide documentation from the department confirming the number of hours and the dates that the licensee spent supervising the disciplinarily limited veterinarian.</p> | <p>One hour of continuing education credit is granted for each 50 to 60 minutes of supervision provided. A maximum of 5 hours of continuing education may be earned for this activity in each renewal period.</p> |

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

NURSING HOME ADMINISTRATORS

GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16178, 16287, and 17309 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16178, 333.16287, and 333.17309 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL- 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.14005, R 339.14008, R 339.14012, R 339.14020, R 339.14020a, R 339.14022, R 339.14024, R 339.14026, and R 339.14026a of the Michigan Administrative Code are amended, R 339.14003 is added, and R 339.14013 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.14003 Telehealth.

Rule 3. (1) Consent must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(2) Evidence of the consent obtained pursuant to subrule (1) of this rule must be maintained in a patient's medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A nursing home administrator providing a telehealth service shall do both of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

PART 2. EDUCATION

R 339.14005 Accreditation standards; adoption by reference.

Rule 5. (1) The department, in consultation with the board, adopts by reference the procedures and criteria for recognizing accrediting organizations of the council of higher education accreditation (CHEA), effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602 (2010). The CHEA recognition standards may be obtained from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained at no cost from the United States Department of Education's website at: <http://www.ed.gov>.

(2) Copies of the standards and criteria recognizing accrediting agencies used by CHEA and the department of education are available for inspection and distribution at cost of 10 cents per page from the Board of Nursing Home Administrators, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

PART 3. LICENSURE

R 339.14008 Application for nursing home administrator license; requirements.

Rule 8. (1) The department shall issue a nursing home administrator license to an applicant who, in addition to satisfying the requirements of the code, satisfies all of the following:

- (a) Submits a completed application on a form provided by the department.
- (b) Pays the required fee to the department.
- (c) Complies with either of the following:
 - (i) Completed a course of instruction and training that meets the requirements of R 339.14007.
 - (ii) Had been employed as a chief executive or administrative officer at a state-licensed hospital for not less than 5 of the 7 years immediately preceding the date of applying for a nursing home administrator license, as provided in section 17309(3) of the code, MCL 333.17309.

(2) In addition to meeting the requirements of subrule (1) of this rule, an applicant shall, within 2 years after the date of the application, pass both of the following examinations:

(a) The National Association of Long-term Care Administrator Board's (NAB) Core of Knowledge Examination for Long Term Care Administrators (CORE) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.

(b) The NAB National Nursing Home Administrators Line of Service Examination (NHA LOS) administered by the professional examination service of the NAB or its successor organization, pursuant to R 339.14011.

(3) An applicant may sit for the CORE and the NHA LOS examinations a maximum of 4 times each.

R 339.14012 Training standards for identifying victims of human trafficking; requirements.

Rule 12. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content must cover all of the following:
 - (i) Understanding the types and venues of human trafficking in Michigan or the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual’s name.

(b) A self-certification statement by an individual. The certification statement must include the individual’s name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply to all license renewals and for initial licenses issued on or after March 17, 2021.

R 339.14013 Rescinded.

R 339.14020 Relicensure.

Rule 20. An applicant for relicensure whose Michigan license has lapsed, under the provisions of 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements as noted by (√):

| (1) An applicant who has let his or her Michigan license lapse and who does not hold a current and valid nursing home administrator license in another state of the United States or province of Canada: | Lapsed 0-3 Years. | Lapsed More than 3 Years. |
|--|-------------------|---------------------------|
| (a) Submits a completed application on a form provided by the department, together with the requisite fee. | √ | √ |
| (b) Establishes that the applicant is of good moral character. | | √ |
| (c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) Passed the CORE and NHA LOS examinations. | | √ |
| (e) Completed 36 hours of approved continuing education credits as required by R 339.14022 and R 339.14024 during the 2 years immediately preceding the application for relicensure. | √ | √ |
| (f) If applicable, provide proof of any nursing home administrator license previously held: An applicant’s nursing home administrator | √ | √ |

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| <p>license in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant has ever held a nursing home administrator license.</p> <p>Verification must include the record of any disciplinary action taken or pending against the applicant.</p> | | |
|--|--|--|

| (2) An applicant who has let his or her Michigan license lapse and who is currently licensed or registered in another state of the United States or province of Canada may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following: | Lapsed 0-3 Years. | Lapsed More than 3 Years. |
|--|-------------------|---------------------------|
| (a) Submits a completed application on a form provided by the department, together with the requisite fee. | √ | √ |
| (b) Establishes that the applicant is of good moral character. | | √ |
| (c) Submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174. | | √ |
| (d) Completed 36 hours of approved continuing education credits as required by R 339.14022 and R 339.14024 during the 2 years immediately preceding the application for relicensure. | √ | √ |
| <p>(e) Provides proof of a current and valid nursing home administrator license:</p> <p>An applicant’s nursing home administrator license in good standing must be verified by the licensing agency of any state of the United States or province of Canada in which the applicant holds or has ever held a nursing home administrator’s license.</p> <p>Verification must include the record of any disciplinary action taken or pending against the applicant.</p> | √ | √ |

R 339.14020a Licensure by endorsement.

Rule 20a. (1) An applicant for a nursing home administrator license by endorsement, in addition to meeting the requirements of the code and these rules, shall submit the required fee and a completed application on a form provided by the department.

(2) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for 5 years or more immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant is presumed to meet the requirements of section 16186(1)(b) of the code, MCL 333.16186.

(3) If an applicant has been registered or licensed as a nursing home administrator in 1 or more state for less than 5 years immediately preceding the date of filing an application for a Michigan nursing home administrator license, then the applicant shall meet the requirements for initial licensure as specified in R 339.14008.

(4) An applicant shall have his or her license or registration in good standing verified by the licensing agency of any state of the United States in which the applicant holds or ever held a license or registration as a nursing home administrator. Verification must include the record of any disciplinary action taken or pending against the applicant.

PART 4. CONTINUING EDUCATION

R 339.14022 Required continuing education; certification; documentation.

Rule 22. (1) A licensee shall accumulate not less than 36 hours of continuing education credits during each license cycle from courses approved pursuant to R 339.14026 or R 339.14026a.

(2) A licensee's renewal submission is the certification that he or she has accumulated 36 hours of continuing education during the preceding, 2-year licensing cycle.

(3) The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule.

(4) The licensee shall retain documentation of the approved continuing education credit hours earned for a period of 4 years after renewal of the license.

(5) The department may select and audit a sample of renewal applications and request a licensee to produce documentation proving that the licensee complied with continuing education requirement in subrule (1) of this rule.

(6) The department shall receive a request for a waiver under section 16205 of the code, MCL 333.16205, before the expiration date of the license.

R 339.14024 Credits earned; limit on distance learning credits; required credits.

Rule 24. (1) As used in this rule, "participation" means education time, exclusive of any break.

(2) One continuing education credit hour is earned for each 50 to 60 minutes of participation in an approved continuing education course. After completion of the initial 60 minutes, continuing education credit may be earned in tenth of an hour increments for each additional 6-minutes of participation in an approved continuing education course.

(3) Fifteen continuing education credit hours are earned for each semester credit hour earned from an accredited college or university.

(4) Ten continuing education credit hours are earned for each academic quarter credit hour earned from an accredited college or university.

(5) A maximum of 20 continuing education credit hours may be earned through online or electronic media, such as videos, internet web-based seminars, video conference, online continuing education programs, or through any other media that do not permit live interaction between the presenter and the licensee.

(6) A minimum of 2 continuing education credit hours must be earned in pain and symptom management during each renewal cycle, as required under section 16204 of the code, MCL 333.16204.

(7) A minimum of 1 continuing education credit hour must be earned in state specific laws and regulations pertaining to licensed nursing home and nursing care facilities during each renewal cycle.

R 339.14026 Approved continuing education courses.

Rule 26. If a continuing education course covers a qualifying subject specified in R 339. 14032, the following continuing education courses are approved by the board:

- (a) A course approved by the NAB.
- (b) A course offered by a college or university that meets the accreditation standards adopted in R 339.14005.

R 339.14026a Application for board approval of continuing education course.

Rule 26a. (1) If a continuing education course is not approved pursuant to R 339.14026, the sponsor of the course may seek board approval by complying with both of the following:

(a) Completing and submitting an application on the form provided by the department not less than 120 days before the first date of instruction.

(b) Submitting with the application all of the following materials:

- (i) A detailed course outline that must include the length of time designated for each topic.
- (ii) A list of instructional materials.
- (iii) A copy of each instructor's résumé.
- (iv) A description of the methodology to be used to monitor and verify attendance and the sponsor's policy for retention of documents verifying course completion.
- (v) A written policy describing the sponsor's refund policy.

(2) If the sponsor of the course is seeking approval for credits that may be used to satisfy the pain and symptom management continuing education required by R 339.14024(6), the board may approve credit or credits that could be applied toward that requirement based on the length of time the topic will be covered in the course.

(3) At the conclusion of each board-approved course, the sponsor of the course shall award to each participant a certificate or written evidence of attendance that indicates all of the following:

- (a) The participant's name.
- (b) The date the course was offered.
- (c) The location of where the course offered.
- (d) The sponsor approval number.
- (e) The number of hours of continuing education earned.
- (f) If applicable, the hours of continuing education earned that may satisfy the pain and symptom management continuing education required by R 339.14024(6).

(4) The sponsor of the course shall maintain attendance records for 4 years from the date of the course.

(5) The board shall not approve any application that was filed after the first date of instruction.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

LANDSCAPE ARCHITECTS – GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 205, 2203, and 2205 of the occupational code, 1980 PA 299, MCL 339.205, 339.2203, and 339.2205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2007-17, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2023, and 445.2030.)

R 339.19041 of the Michigan Administrative Code is amended, R 339.19002, R 339.19004, R 339.19006, R 339.19008, R 339.19010, R 339.19012, R 339.19014, R 339.19016, and R 339.19018 are added, and R 339.19023 and R 339.19025 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.19002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(b) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

PART 2. EDUCATION AND EXAMINATION

R 339.19004 Adoption by reference; accreditation.

Rule 4. (1) The department adopts by reference the Landscape Architectural Accreditation Board's (LAAB) "Accreditation Standards for First-Professional Programs in Landscape Architecture," March 2016. The LAAB's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAB's website at

https://www.asla.org/uploadedFiles/CMS/Education/Accreditation/LAAB_ACCREDITATION_STANDARDS_March2016.pdf

(2) The department adopts by reference the Landscape Architecture Accreditation Council's (LAAC) "Manual of Accreditation Standards and Procedures for Canadian Programs of Landscape Architectural Education," March 2017. The LAAC's standards for accreditation are available for inspection and distribution at a cost of 10 cents per page from the Department of Licensing and Regulatory Affairs,

Bureau of Professional Licensing, 611 Ottawa St., P.O. Box 30670, Lansing, Michigan 48909, or at no cost from the LAAC's website at <https://www.csla-aapc.ca/csla-aapc>.

(3) A landscape architect education program accredited by the LAAB or the LAAC is approved by the department.

(4) A credentials evaluation provided by a current member of the National Association of Credential Evaluation Services that verifies that an applicant's education satisfies the requirements of a landscape architect education program accredited by the LAAB or the LAAC adopted by reference in subrules (1) and (2) of this rule is approved by the department.

R 339.19006 Examination adoption; passing score.

Rule 6. (1) The department approves and adopts the Landscape Architect Registration Examination (LARE) prepared and scored by the Council of Landscape Architects Registration Boards (CLARB).

(2) The passing score for the LARE is the score established by the CLARB.

PART 3. LICENSURE

R 339.19008 Licensure by examination.

Rule 8. (1) An applicant for a landscape architect license by examination shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all the requirements in subrules (2) to (5) of this rule.

(2) The applicant shall possess a minimum of 7 years of training and experience in the actual implementation and practice of landscape architecture by satisfying 1 of the following:

(a) The applicant earned a baccalaureate degree from a program approved pursuant to R 339.19004 and completed at least 3 years of experience by working a minimum of 4,500 hours over a 3-year period. As used in this rule, "experience" means applying accepted principles of landscape architecture in a non-academic and non-internship setting under the supervision of a landscape architect who is licensed or registered in this state or another state. Experience must be verified by the supervising landscape architect.

(b) The applicant earned a baccalaureate degree and a master's degree from a program approved pursuant to R 339.19004, and completed at least 2 years of experience by working a minimum of 3,000 hours over a 2-year period. Experience must be verified by the supervising landscape architect.

(c) The applicant completed 1 or both of the following for a total of 7 years of training and experience:

(i) The applicant completed 1 year of education from a program approved pursuant to R 339.19004 by passing a minimum of 30 semester hours or 45 quarter hours per year for each year of training credit earned. A maximum of 5 years of credit may be earned.

(ii) The applicant completed 1 year of experience demonstrated by working a minimum of 1,500 hours per year for each year of experience earned. A maximum of 7 years of credit may be earned. Experience hours must be verified by the supervising landscape architect.

(3) The applicant shall provide documentation to demonstrate that he or she has established a CLARB Council Record.

(4) The applicant shall pass all parts of the LARE administered through the CLARB.

(5) The applicant shall provide not less than 5 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 3 references must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

R 339.19010 Licensure for an applicant currently licensed, registered, or otherwise credentialed in another state or country.

Rule 10. (1) An applicant for licensure who is currently licensed, registered, or otherwise credentialed in another state or country shall submit a completed application on a form provided by the department together with the requisite fee. In addition to satisfying the requirements of the code, the applicant shall satisfy all of the requirements in subrules (2) to (4) of this rule.

(2) The applicant shall satisfy 1 of the following:

(a) Possess a current valid CLARB certification.

(b) Demonstrate that the requirements for the license, registration, or other credential he or she holds had requirements that are substantially equivalent to R 339.19008, as required by MCL 339.2209.

(3) The applicant shall provide not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(4) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

R 339.19012 Relicensure.

Rule 12. (1) An applicant whose license has lapsed for less than 3 years before the date of application for relicensure may be relicensed under section 411(3) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and both of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(2) An applicant whose license has been lapsed for 3 years or more preceding the date of application may be relicensed under section 411(4) of the code, MCL 339.411, if the applicant satisfies the requirements of the code and all of the following:

(a) The applicant submits the required fee and a completed application on a form provided by the department.

(b) The applicant establishes that he or she has met all of the requirements for initial licensure under the code and these rules.

(c) The applicant submits proof to the department of accumulating not less than 24 hours of continuing education credit that meets the requirements of R 339.19014 during the 2 years immediately preceding the date of application for relicensure. If the department determines that the amount of continuing education hours submitted with the application is deficient, the applicant has 1 year from the date of the application to provide proof of completing the deficient hours.

(d) The applicant provides not less than 3 references from individuals unrelated to the applicant who have knowledge of the applicant's experience in the practice of landscape architecture. At least 1 reference must be from a licensed or registered landscape architect and must document the applicant's experience in the practice of landscape architecture.

(3) The applicant's license, registration, or other credential in good standing in landscape architecture must be verified by each licensing agency where the applicant holds, or has ever held, a landscape

architect license, registration, or other credential. If applicable, verification must include the records of any disciplinary action taken or pending against the applicant.

PART 4. LICENSE RENEWAL, CONTINUING EDUCATION, SANCTIONS FOR FAILURE TO COMPLETE CONTINUING EDUCATION

R 339.19014 License renewal; required continuing education; limitations; retention of documentation; waiver.

Rule 14. (1) This rule applies to an application for renewal of a landscape architect license beginning 2 years after the date of promulgation of this rule.

(2) An applicant for license renewal who has been licensed for the 2-year period preceding the expiration of his or her current license shall have completed 24 hours of continuing education that satisfies the requirements of R 339.19016.

(3) A minimum of 16 of the 24 hours of required continuing education must be earned in a program or activity pertaining to the subject of public health, safety, or welfare (HSW). HSW subjects include, but are not limited to the following:

- (a) Building codes.
- (b) Code of ethics.
- (c) Codes, acts, laws, and regulations governing the practice of landscape architecture.
- (d) Construction administration, including construction contracts.
- (e) Construction documents.
- (f) Design of environmental systems.
- (g) Environmental process and analysis.
- (h) Erosion control methods.
- (i) Grading.
- (j) Horticulture.
- (k) Irrigation methods.
- (l) Land planning and use.
- (m) Landscape preservation, landscape restoration and adaptive reuse.
- (n) Lateral forces.
- (o) Natural hazards-impact of earthquake, hurricane, fire, or flood related to site design.
- (p) Pedestrian and vehicular circulation.
- (q) Planting design.
- (r) Resource conservation and management.
- (s) Roadway design principles.
- (t) Site accessibility, including Americans with Disabilities Act standards for accessible site design.
- (u) Site and soils analysis.
- (v) Site design and engineering, including materials, methods, technologies, and applications.
- (w) Site security and safety.
- (x) Storm water management and surface and subsoil drainage.
- (y) Structural systems considerations.
- (z) Surveying methods and techniques as they affect landscape architecture.
- (aa) Sustainable design, including techniques related to energy efficiency.
- (bb) Use of site materials and methods of site construction.
- (cc) Vegetative management.
- (dd) Wetlands.
- (ee) Zoning as it relates to the improvement or protection of the public health, safety, and welfare.

(4) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The department may require a licensee to submit evidence to demonstrate compliance with this rule.

(5) The continuing education credit earned during 1 license cycle may not be carried forward to the next license cycle.

(6) The licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of application for license renewal.

(7) A request for a continuing education waiver filed pursuant to section 204(2), MCL 339.204, must be received by the department before the expiration date of the license.

R 339.19016 Approved continuing education; limitations.

Rule 16. (1) The department shall grant credit for continuing education hours as provided in the chart below:

| | Activity and Proof Required | Number of Continuing Education Hours Granted for Activity |
|-----|--|--|
| (a) | <p>Completion of an approved continuing education program related to landscape architecture, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • Landscape Architecture Continuing Education System. • The American Society of Landscape Architects (ASLA). • A state chapter of the ASLA. <p>If audited, the applicant shall submit documentation or certificate of completion showing the applicant’s name, total continuing education credits earned, sponsor name and contact information, program title, and the date the program was held or completed.</p> | <p>The number of continuing education hours designated by the approving entity.</p> <p>If the program was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.</p> |
| (b) | <p>Passing an academic course related to landscape architecture offered by a college or university that offers a baccalaureate degree or higher degree in landscape architecture and is accredited by the LAAB.</p> <p>If audited, the applicant shall submit a copy of the transcript showing the number of credit hours of the academic courses related to landscape architect.</p> | <p>Fifteen hours of continuing education may be earned for each semester of credit.</p> <p>Ten hours of continuing education hours may be earned for each quarter credit.</p> |
| (c) | <p>Attending a seminar, in-house course, workshop, or professional or technical</p> | <p>One hour of continuing education may be earned</p> |

| | | |
|-----|---|--|
| | <p>presentation related to landscape architecture.</p> <p>If audited, the applicant shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee’s name listed as a presenter or attendee, and the name of the organization that approved or offered the presentation.</p> | <p>for every 50 minutes of participation.</p> |
| (d) | <p>Teaching, instructing, or presenting a subject related to landscape architecture.</p> <p>If audited, the applicant shall submit documentation by the college or university confirming the licensee as the teacher, instructor, or presenter of the academic course, the dates of the course or presentation, the number of classroom hours spent teaching, instructing, or presenting, and the course title.</p> | <p>One hour of continuing education may be earned for every 50 minutes of teaching, instruction, or presenting.</p> <p>A maximum of 12 hours of continuing education may be earned for this activity during each renewal period.</p> |
| (e) | <p>Initial publication of a peer-reviewed paper, article, or book related to landscape architecture.</p> <p>If audited, the applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p> | <p>Six hours of continuing education may be earned for this activity.</p> <p>A maximum of 18 hours of continuing education may be earned for this activity during each renewal period.</p> |
| (f) | <p>Participation in professional examination writing.</p> <p>If audited, the applicant shall submit documentation by the testing developer confirming the applicant as an examination writer, the dates the examination writing, and the number of hours spent writing the examination questions.</p> | <p>One hour of continuing education may be earned for every 50 minutes of examination writing.</p> <p>A maximum of 5 hours of continuing education may be earned for this activity during each renewal period.</p> |
| (g) | <p>Providing professional expertise to a non-profit or public board, commission, council, or committee.</p> <p>If audited, the applicant shall submit documentation from the board, commission, or committee confirming the applicant’s service, the dates of service, and the number of hours of service provided.</p> | <p>One hour of continuing education hour may be earned for each 50 minutes of meetings attended.</p> <p>A maximum of 10 hours of continuing education hour may be earned for this activity during each renewal period.</p> |

| | | |
|-----|--|---|
| (h) | <p>Completion of a self-study course presented by correspondence or electronically ending with an examination or other verification process.</p> <p>If audited, the applicant shall submit documentation of the examination or other verification process result and a statement of the dates, number of minutes, and materials covered in completing the course.</p> | <p>One hour of continuing education may be earned for every 50 minutes of participation.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p> |
| (i) | <p>Participating in a company-sponsored or hosted seminar or training that is designed to enhance professional development in the applicant’s area of professional practice.</p> <p>If audited, the applicant shall submit documentation or a certificate of completion issued by the company presenting the seminar or training showing the applicant’s name, company name, subject of seminar or training, and the date on which the seminar or training was held.</p> | <p>One hour of continuing education may be earned for every 50 minutes of participation in the seminar or training.</p> <p>A maximum of 4 hours of continuing education may be earned for this activity during each renewal period.</p> |

(2) Continuing education hours are not granted for a program or activity that has substantially the same content of a program or activity for which the applicant has already earned continuing education hours during the same renewal period.

R 339.19018 Sanctions for failure to complete required continuing education.

Rule 18. (1) A licensee who fails to comply with the continuing education requirements of R 339.19014 is subject to all of the following:

(a) A fine of \$250.00, plus \$50.00 for each continuing education hour, or on a pro-rata basis for a fractional hour, the licensee is deficient, payable by a date determined by the department.

(b) Probation for a minimum period of 1 day, not to exceed a period of 1 year, until the licensee has completed the continuing education hours that he or she was deficient during the audit period. The continuing education hours used to satisfy these sanctions do not apply in computing the licensee's compliance with current continuing education requirements for license renewal. Probation automatically terminates upon completion of the required deficient hours and payment of the fine.

(2) Failure to pay the fine or complete the deficient continuing education hours within the time allotted pursuant to subrule (1) of this rule will result in suspension of the license.

(3) Suspension pursuant to subrule (2) of this rule will be automatically lifted upon compliance with the consent order, provided that such compliance occurs before the license expires. If the licensee fails to comply with the consent order before the license expires, the licensee shall apply for relicensure.

(4) Instead of the sanctions provided in subrule (1) of this rule, the department may accept permanent surrender of the license.

R 339.19023 Rescinded.

R 339.19025 Rescinded.

PART 5. SEAL REQUIREMENTS

R 339.19041 Requirements of seal; use of seal.

Rule 41. (1) Pursuant to section 2210(1) of the code, MCL 339.2210, each licensee shall have a seal that states the name of the licensee, his or her landscape architect license number, and bear the words “licensed landscape architect” and “state of Michigan.”

(2) The design of the seal to be used by each licensee is as follows:



(3) The licensee shall obtain the seal when he or she is licensed and shall submit an imprint of the seal to the department within 30 days of licensure. If a new seal is obtained at a later time, the licensee shall submit an imprint of the new seal to the department within 30 days.

(4) The seal must be used only on work that has been prepared by or under the personal supervision of the licensee.

(5) Pursuant to section 2210(2) of the code, MCL 339.2210, any plan, specification, or report prepared by the licensee, or under his or her supervision, and filed with a public authority must be stamped with the licensee’s seal.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

DENTISTRY - GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16178, 16182, 16186, 16201, 16204, 16205, 16215, 16608, 16611, 16625, 11626, 16631, 16644, 16651, 16652, 16653, 16654, 16655, 16656, 16657, and 16658 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16201, 333.16204, 333.16205, 333.16215, 333.16608, 333.16611, 333.16625, 333.16626, 333.16631, 333.16644, 333.16651, 333.16652, 333.16653, 333.16654, 333.16655, 333.16656, 333.16657, and 333.16658, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.11101, R 338.11103, R 338.11120, R 338.11121, R 338.11201, R 338.11202, R 338.11203, R 338.11221, R 338.11223, R 338.11233, R 338.11235, R 338.11239, R 338.11247, R 338.11253, R 338.11255, R 338.11259, R 338.11261, R 338.11267, R 338.11301, R 338.11303, R 338.11307, R 338.11401, R 338.11501, R 338.11512, R 338.11513, R 338.11515, R 338.11517, R 338.11519, R 338.11521, R 338.11523, R 338.11525, R 338.11527, R 338.11601, R 338.11602, R 338.11603, R 338.11605, R 338.11701, R 338.11703, R 338.11704, R 338.11704a, R 338.11705, R 338.11801, R 338.11811, R 338.11813, R 338.11815, R 338.11817, R 338.11819, and R 338.11821 of the Michigan Administrative Code are amended, R 338.11209, R 338.11213, R 338.11218, R 338.11257, R 338.11263, R 338.11265, R 338.11269, R 338.11271, R 338.11302, R 338.11302a, R 338.11411, R 338.11415, R 338.11417, and R 338.11419 are added, and R 338.11107, R 338.11117, R 338.11123, R 338.11222, R 338.11241, R 338.11245, R 338.11402, R 338.11403, R 338.11404, R 338.11404a, R 338.11405, R 338.11405a, R 338.11405b, R 338.11405c, R 338.11406, R 338.11408, R 338.11409, R 338.11410, R 338.11505, R 338.11604, R 338.11704b, and R 338.11704c are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.11101 Definitions.

Rule 1101. (1) As used in these rules:

- (a) “Allied dental personnel” means the supporting team who receives appropriate delegation from a dentist or dental therapist to participate in dental treatment.
- (b) “Analgesia” means the diminution or elimination of pain in the conscious patient as a result of the administration of an agent including, but not limited to, local anesthetic, nitrous oxide, and pharmacological and non-pharmacological methods.
- (c) “Approved course” means a course offered by either a dental, dental therapy, dental hygiene, or dental assistant program accredited by the Commission on Dental Accreditation (CODA) of the American Dental Association (ADA) that meets the requirements in section 16611 of the code, MCL 333.16611.
- (d) “Assistant” means a nonlicensed person who may perform basic supportive procedures under the supervision of a dentist as provided in these rules.
- (e) “Board” means the Michigan board of dentistry.
- (f) “Conscious sedation” means a minimally depressed level of consciousness that retains a patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command and that is produced by a pharmacological or a non-pharmacological method or a combination of both.
- (g) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
- (h) “Dental therapist” means a person licensed under part 166 of the code, MCL 333.16601 to 333.16659, to provide the care and services and perform any of the duties described in section 16656 of the code, MCL 333.16656.
- (i) “Dentist” means, except as otherwise provided in R 338.11801, a person licensed by the board under the code and these rules to engage in the practice of dentistry.
- (j) “Department” means the department of licensing and regulatory affairs.
- (k) “Enteral” means any technique of administration in which the agent is absorbed through the gastrointestinal or oral mucosa.
- (l) “General anesthesia” means the elimination of all sensations accompanied by a state of unconsciousness and loss of reflexes necessary to maintain a patent airway.
- (m) “Licensed” means the possession of a full license to practice, unless otherwise stated by the code or these rules.
- (n) “Local anesthesia” means the elimination of sensation, especially pain, in 1 part of the body by the topical application or regional injection of a drug.
- (o) “Office” means the building or suite in which dental treatment is performed.
- (p) “Parenteral” means a technique of administration in which the drug bypasses the gastrointestinal (gi) tract, including intramuscular (im), intravenous (iv), intranasal (in), submucosal (sm), subcutaneous (sc), and intraocular (io).
- (q) “Registered dental assistant” (RDA) means a person licensed as a registered dental assistant by the board under the code and these rules. A dental hygienist may perform the functions of a registered dental assistant if he or she is licensed by the board as a registered dental assistant.
- (r) “Registered dental hygienist” (RDH) means a person licensed as ~~such~~ a registered dental hygienist by the board under the code and these rules.
- (s) “Second pair of hands” means acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist at the direction of a dentist, dental therapist, or registered dental hygienist who is in the process of rendering dental services and treatment to a patient. The acts, tasks, functions, and procedures performed by a dental assistant, registered dental assistant, or registered dental hygienist are ancillary to the procedures performed by the dentist, dental therapist, or registered dental hygienist and intended to provide help and assistance at the time the procedures are performed. This definition does not expand the duties of the dental assistant, registered

dental assistant, or registered dental hygienist as provided by the code and rules promulgated by the board.

(t) “Sedation” means the calming of a nervous, apprehensive individual, without inducing loss of consciousness, through the use of systemic drugs. Agents may be given orally, parenterally, or by inhalation.

(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.11103 Identification, written consent.

Rule 1103. At the inception of care for a patient, both of the following must occur:

(a) Each dentist, dental therapist, dental assistant, registered dental assistant, and registered dental hygienist shall identify himself or herself to the patient as a dentist, dental therapist, dental assistant, registered dental assistant, or registered dental hygienist.

(b) The patient shall be provided with a written consent for treatment.

R 338.11107 Rescinded.

R 338.11117 Rescinded.

R 338.11120 Dental treatment records; requirements.

Rule 1120. (1) A dentist or dental therapist shall make and maintain a dental treatment record on each patient.

(2) A dental treatment record must include all of the following information:

(a) Medical and dental history.

(b) The patient’s existing oral health care status and the results of any diagnostic aids used.

(c) Diagnosis and treatment plan.

(d) Dental procedures performed upon the patient, including both of the following:

(i) The date the procedure was performed.

(ii) Identity of the dentist, dental therapist, or allied dental personnel performing each procedure.

(e) Progress notes that include a chronology of the patient’s progress throughout the course of all treatment.

(f) The date, dosage, and amount of any drug prescribed, dispensed, or administered to the patient.

(g) Radiographic images taken in the course of treatment. If radiographic images are transferred to another dentist, the name and address of that dentist must be entered in the treatment record.

(3) All dental treatment records must be maintained for not less than 10 years from the date of the last treatment.

R 338.11121 Scheduled controlled substances; inventory record requirements.

Rule 1121. (1) When a controlled substance, as described in article 7 of the code, MCL 333.7101 to 333.7545, is stocked in a dental office for dispensing or administering to a patient, the dentist shall maintain an accurate inventory record of the drug that includes all of the following information:

(a) The date and quantity of the drug purchased.

(b) The amount of the drug, dosage of the drug, and the date the drug was dispensed or administered.

(c) The name of the patient to whom the drug was dispensed or administered.

(2) The inventory record must be available for inspection for not less than 10 years.

(3) The dentist shall keep an inventory record in addition to the dental treatment records required by R 338.11120.

R 338.11123 Rescinded.

PART 2. LICENSURE

R 338.11201 Licensure by examination to practice dentistry; graduates of programs in compliance with board standards.

Rule 1201. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dentist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:

(a) Graduate from a dental educational program that complies with the standards in R 338.11301, in which he or she has obtained a doctor of dental surgery (DDS) degree or doctor of dental medicine (DMD) degree.

(b) Pass all parts of the national board examination that is conducted and scored by the Joint Commission on National Dental Examinations (JCND), to qualify for the licensing examination in subdivision (c) or (d) of this rule.

(c) Subject to subdivision (d) of this rule, pass a dental simulated clinical written examination that is conducted the Commission on Dental Competency Assessments (CDCA), previously known as North East Regional Board (NERB), or a successor organization, and 1 of the following:

(i) Pass all parts of a clinical examination that is conducted and scored by the CDCA or a successor organization, or pass all parts of a clinical examination that is conducted by a regional testing agency if the examination is substantially equivalent, as provided in R 338.11255(5) and (6), to the dental simulated clinical written examination conducted by the CDCA, or a successor organization.

(ii) Pass all parts of a clinical examination developed and scored by a state or other entity that is substantially equivalent, as provided in R 338.11255(5) and (6), to the clinical examination of the CDCA or a successor organization.

(d) Pass all parts, written and clinical, of the American Board of Dental Examiners, Inc (ADEX) clinical examination that is conducted by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (c) of this rule.

(e) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.

(f) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

R 338.11202 Licensure to practice dentistry; graduates of programs not meeting board standards; requirements.

Rule 1202. An applicant for dentist licensure by examination who graduated from a dental educational program that does not comply with the standards provided in R 338.11301 shall submit a completed application, on a form provided by the department, together with the requisite fee and meet all of the following requirements:

(a) Comply with section 16174 of the code, MCL 333.16174.

(b) Submit to the department a final, official transcript establishing graduation from a program in which he or she has obtained a dental degree. If the transcript is issued in a language other than English, an original, official translation must also be submitted.

(c) Meet 1 of the following requirements:

(i) Graduate from a program in dentistry that complies with the standards in R 338.11301, in which he or she has obtained a DDS degree or DMD degree. The completion of the program must be confirmed by official transcripts from the school.

(ii) Graduate from a minimum 2-year master's degree or certificate program in dentistry that complies with the standards in R 338.11301, in which he or she has obtained a degree or certificate in a specialty branch of dentistry recognized in R 338.11501, with proof as required in part 5 of these rules.

(d) Pass all parts of the national board examination that is conducted and scored by the JCNDE.

(e) Subject to subdivision (f) of this subrule, pass the dental clinical written examination and a clinical examination, as described in R 338.11201(c).

(f) Pass all parts, written and clinical, of the ADEX clinical examination that is conducted by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (e).

(g) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.

(h) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

R 338.11203 Dental examinations; required passing scores.

Rule 1203. (1) The board approves and adopts the examinations developed and scored by the JCNDE. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.

(2) The board approves and adopts all parts of the ADEX clinical examination. A passing score on the clinical examination is the score recommended by the CDCA or its successor organization. An applicant shall provide evidence to the department of a converted score of 75 or higher on each component of the examination.

R 338.11209 Licensure by examination to practice dental therapy.

Rule 1209. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental therapist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet all of the following requirements:

(a) Graduate from a dental therapy educational program that meets the standards in R 338.11302.

(b) Pass the comprehensive, competency-based clinical examination developed and scored by the CDCA with a passing converted score of not less than 75 on each component of the examination.

(c) Complete at least 500 hours of clinical practice as required under R 338.11218.

(d) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.

(e) Complete a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.

R 338.11213 Dental therapy examinations; required passing scores.

Rule 1213. The board approves and adopts the comprehensive, competency-based dental therapy clinical examination developed and scored by the CDCA. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.

R 338.11218 Dental therapy clinical practice in board approved program; requirements.

Rule 1218. (1) The dental therapy clinical practice required for licensure must comply with all of the following:

(a) The clinical practice must be included in a dental therapy education program that meets the standards in R 338.11302.

(b) A dental therapy student shall complete at least 500 clinical practice hours within the educational program, including practice hours in extractions and restorations as determined by the educational program.

(c) A dental therapy student shall be under the direct supervision of a dentist who is currently licensed in this state and is in good standing.

(d) A dentist under disciplinary review or action shall not provide direct supervision of a dental therapy student in a clinical practice. If a dentist is notified by the department that he or she is under disciplinary review or action by any state, within 7 days of notification, he or she shall notify the dental therapist program and discontinue directly supervising the dental therapy student in his or her clinical practice.

(2) As used in this rule, “direct supervision” means that the supervising dentist complies with all of the following:

(a) Designates a patient of record upon whom the procedures are to be performed by the dental therapy student.

(b) Describes the procedures to be performed to the dental therapy student.

(c) Examines the patient before prescribing the procedures to be performed by the dental therapy student.

(d) Examines the patient upon completion of the procedures that were performed by the dental therapy student.

(e) Is physically present in the office at the time the procedures are being performed by the dental therapy student.

R 338.11221 Licensure by examination to practice dental hygiene.

Rule 1221. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for dental hygienist licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee shall meet all of the following requirements:

(a) Graduate from a dental hygiene educational program in compliance with the standards in R 338.11303.

(b) Pass all parts of the dental hygiene national board examination that is conducted and scored by the JCNDE to qualify for the licensing examination provided for in subdivision (c) or (d) of this rule. The requirement does not apply to an applicant who graduated from a dental hygiene program before 1962.

(c) Subject to subdivision (d) of this rule, pass a dental hygiene simulated clinical written examination conducted by the CDCA or a successor organization, and 1 of the following:

(i) Pass all parts of a clinical examination that is conducted and scored by the CDCA-or a successor organization or pass all parts of a clinical examination that is conducted by a regional testing agency if the examination is substantially equivalent, as provided in R 338.11255(5) and (6), to the dental hygiene simulated clinical written examination conducted by CDCA or a successor organization.

(ii) Pass all parts of a clinical examination developed and scored by a state or other entity that is substantially equivalent as provided in R 338.11255(5) and (6), to the clinical examination of the CDCA or a successor organization.

(d) Pass all parts written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or by another regional testing agency. Beginning 1 year after the effective date of this subdivision, an applicant shall meet the requirements of this subdivision instead of the requirements under subdivision (c) of this rule.

(e) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.

R 338.11222 Rescinded.

R 338.11223 Registered dental hygienist examinations; passing scores.

Rule 1223. (1) The board approves and adopts the dental hygiene examination developed and scored by the JCNDE. An applicant shall provide evidence to the department of passing each component of the examination with a converted score of not less than 75.

(2) The board approves and adopts all parts of the ADEX clinical examination. A passing score on the clinical examination is the score recommended by the CDCA or its successor organization. An applicant shall provide evidence to the department of a converted score of 75 or greater on each component of the examination.

R 338.11233 Registered dental hygienist; use of letters "R.D.H."; registered dental assistant; use of letters "R.D.A."

Rule 1233. (1) Pursuant to section 16264 of the code, MCL 333.16264, the registered dental hygienist who has received a bona fide degree or certificate of dental hygiene from a duly recognized and accredited program of dental hygiene and who has completed all requirements for licensure may use the letters "R.D.H." after his or her name in connection with the practice of dental hygiene.

(2) Pursuant to section 16264 of the code, MCL 333.16264, a registered dental assistant who has received a bona fide degree or certificate of dental assisting from a duly recognized and accredited program of dental assisting and who has completed all requirements for licensure may use the letters "R.D.A." after his or her name in connection with the practice of dental assisting.

R 338.11235 Licensure to practice as a registered dental assistant; requirements.

Rule 1235. In addition to meeting the requirements of section 16174 of the code, MCL 333.16174, an applicant for registered dental assistant licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee and shall meet both of the following requirements:

(a) Graduate or receive a certificate from an educational program that meets the standards in R 338.11307.

(b) Provide evidence to the department of passing both a board-approved written examination and board-approved clinical examination that meets the requirements in R 338.11239, with a score of not less than 75, on all sections of both examinations.

(c) Beginning January 6, 2022, complete a 1-time training identifying victims of human trafficking as required in R 338.11271 and section 16148 of the code, MCL 333.16148.

R 338.11239 Registered dental assistant examination; content; time; place; passing score.

Rule 1239. (1) Upon a written request, the board shall review a written and clinical examination for compliance with the criteria in subrule (2) of this rule.

(2) An examination for licensure as a registered dental assistant must be both written and clinical and include all of the following:

(a) Oral anatomy.

(b) Law and rules governing allied dental personnel.

(c) Instrumentation and use of dental materials.

(d) Mouth mirror inspection.

- (e) Dental dam application.
 - (f) Application of anticariogenics, which includes sealants, fluoride varnish, and fluoride applications.
 - (g) Placement and removal of temporary crowns and bands.
 - (h) Radiography.
 - (i) Application and removal of post extraction and periodontal dressings.
 - (j) Removal of sutures.
 - (k) Fabrication of temporary crowns.
 - (l) Placing, condensing, and carving amalgam restorations.
 - (m) Taking final impressions for indirect restorations.
 - (n) Assisting and monitoring the administration of nitrous oxide analgesia.
 - (o) Placing, condensing, and carving intracoronal temporaries.
 - (p) Infection control, safety, and occupational safety and health administration.
 - (q) Orthodontic procedures.
 - (r) Placing resin bonded restorations, occlusal adjustment, and finishing and polishing with a non-tissue cutting slow-speed handpiece.
 - (s) Selective coronal polishing before orthodontic or restorative procedures only.
 - (t) Charting the oral cavity.
 - (u) Classifying occlusion.
 - (v) Nutritional counseling.
 - (w) Medical emergency procedures.
 - (x) Pulp vitality testing.
 - (y) Placement and removal of gingival retraction materials or agents.
 - (z) Drying endodontic canals.
 - (aa) Taking impressions for study and opposing models.
 - (bb) Instructing in the use and care of dental appliances.
 - (cc) Applying topical anesthetic solution.
 - (dd) Etching, placing, contouring, and polishing of sealants with a slow-speed rotary handpiece for occlusal adjustment.
 - (ee) Placing and removing matrices and wedges.
 - (ff) Applying cavity liners and bases.
 - (gg) Applying and dispensing in-office bleaching products.
 - (hh) Adjusting and polishing contacts and occlusion of indirect restorations.
- (3) The passing score for an examination is a converted score of 75 on each section.

R 338.11241 Rescinded.

R 338.11245 Rescinded.

R 338.11247 Limited licenses; issuance; requirements.

Rule 1247. (1) The board may issue an educational limited license for postgraduate education, under section 16182(2)(a) of the code, MCL 333.16182, to an applicant who is a graduate of a dental, dental therapy, dental hygiene, or dental assistant program, and who is engaged in CODA accredited postgraduate dental education. An educational limited license is renewable only 7 times. A 1-time extension may be granted by the board. All of the following apply to an educational limited license:

- (a) An applicant for an educational limited license shall comply with all of the following:
 - (i) Submit the required fee and a completed application on a form provided by the department.
 - (ii) Meet the requirements of section 16174 of the code, MCL 333.16174.

(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, an applicant shall submit an original, official translation.

(iv) Submit documentation verifying that he or she has been accepted into a CODA accredited postgraduate dental education program.

(b) An educational limited license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant, or provide dental services outside his or her postgraduate dental education program.

(c) An educational limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures upon patients as directed by his or her postgraduate dental education program if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a fully licensed dentist.

(d) An educational limited licensed dental assistant may perform dental procedures upon patients as directed by his or her postgraduate dental education program if he or she complies with all of the following:

(i) The procedures are performed under the direct supervision, as defined in R 338.11401(c), of a fully licensed dentist.

(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education in an approved course as required under sections 16611(7) and (11) to (13) of the code, MCL 333.16611.

(iii) The limited licensed dental assistant has successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board under R 338.11302, R 338.11303, or R 338.11307.

(2) The board may issue a limited license, under section 16182(2)(b) of the code, MCL 333.16182, for nonclinical services, to an applicant of a dental, dental therapy, dental hygiene, or dental assistant program who functions only in a nonclinical academic research or administrative setting. All of the following apply to a nonclinical limited license:

(a) An applicant for a nonclinical limited license shall comply with all of the following:

(i) Submit the required fee and a completed application on a form provided by the department.

(ii) Meet the requirements of section 16174 of the code, MCL 333.16174.

(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(iv) Submit documentation verifying that the applicant has been placed in a nonclinical academic, research, or administrative setting.

(b) A nonclinical license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant other than in their nonclinical academic, research, or administrative setting, or provide dental services outside of his or her nonclinical academic, research, or administrative setting.

(3) The board may issue a limited license, under section 16182(2)(c) of the code, MCL 333.16182, for clinical academic services, to an applicant who is a graduate of a dental, dental therapy, dental hygiene, or dental assistant program, who practices the health profession only in connection with his or her employment or other contractual relationship with that academic institution. All of the following apply to a clinical limited license:

(a) An applicant for a clinical limited license shall comply with all of the following:

(i) Submit the required fee and a completed application on a form provided by the department.

(ii) Meet the requirements of section 16174 of the code, MCL 333.16174.

(iii) Submit proof of graduation from a dental, dental therapy, dental hygiene, or dental assistant program in the form of a certified copy of a diploma and transcript. If the transcript is issued in a language other than English, the applicant shall submit an original, official translation.

(iv) Submit documentation verifying that the applicant has been offered and accepted employment in an academic institution.

(b) A clinical limited license holder shall not hold himself or herself out to the public as being engaged in the practice of dentistry, dental therapy, dental hygiene, or as a dental assistant other than in connection with his or her employment or other contractual relationship with an academic institution, or provide dental services outside his or her employment or other contractual relationship with an academic institution.

(c) A clinical academic limited licensed dentist, dental therapist, or dental hygienist may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if the procedures are performed under the general supervision, as defined in R 338.11401(d), of a fully licensed dentist.

(d) A clinical academic limited licensed dental assistant may perform dental procedures upon patients in connection with his or her employment or contractual relationship with an academic institution if he or she complies with all of the following:

(i) The procedures are performed under the direct supervision, as defined in R 338.11401(c), of a fully licensed dentist.

(ii) The limited licensed dental assistant has satisfied the 35 hours of additional education in an approved course as required under section 16611(7), and (11) to (13) of the code, MCL 333.16611.

(iii) The limited licensed dental assistant has successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11303 or R 338.11307.

(4) Limited licenses must be renewed annually and are issued at the discretion of the department.

R 338.11253 Certification of renewal; display.

Rule 1253. A licensee shall display a current certificate of licensure in his or her principal place of practice. A licensee whose practice involves more than 1 office shall have a copy of his or her current certificate of licensure on display at all additional locations.

R 338.11255 Licensure by endorsement of dentist; requirements.

Rule 1255. (1) An applicant who has never held a dental license in this state and who is not applying for licensure by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant who is licensed in another state as a dentist is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements in subdivisions (a) to (e), subject to subdivisions (f) and (g):

(a) Has graduated from a dental educational program that meets the standards in R 338.11301 and provides the department with the original, official transcripts of professional education and documentation of graduation.

(b) Has passed all phases of the national board examination for dentists, in sequence.

(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dentist, including the record of any disciplinary action taken or pending against the applicant.

(d) Has held a license as a dentist in good standing in another state for 30 days before filing an application in this state.

(e) Submits proof of successful completion of 1 of the regional examinations described in subrule (4) of this rule. This requirement is waived for individuals who were licensed initially in another state before 2002 and who were not required to complete a regional examination as part of the initial licensing process as confirmed by the state in which the initial license was awarded.

(f) If an applicant was licensed as a dentist in another state that required the successful completion of a regional examination and the applicant has been practicing for a minimum of 5 years in the United States immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a), (b), and (d) of this subrule.

(g) If an applicant is licensed as a dentist in another state that does not require the successful completion of a regional examination and the applicant has been practicing for a minimum of 5 years in the United States immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a) and (b) of this subrule.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.

(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board approves and adopts the clinical examinations of other regional testing agencies or state boards if the examinations are substantially equivalent to all parts, written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or another regional testing agency. A passing score on the clinical examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.

(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:

- (a) Subject areas included.
- (b) Detail of material.
- (c) Comprehensiveness.
- (d) Length of an examination.
- (e) Degree of difficulty.

(6) To demonstrate substantial equivalency as specified in subrule (4) of this rule, an applicant may be required to submit materials, including the following:

(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.

(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.

(c) An affidavit from a state licensing board or examination agency that describes the examination.

R 338.11257 Licensure by endorsement of dentist therapist; requirements.

Rule 1257. (1) An applicant who has never held a dental therapy license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application on a form provided by the department, together with the requisite fee.

(2) An applicant who is licensed as a dental therapist in another state is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements:

(a) Has graduated from a dental therapy educational program that meets the standards in R 338.11302 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.

(b) Has passed the comprehensive, competency-based clinical examination developed and scored by the CDCA with a converted passing score of not less than 75 on each component of the examination.

(c) Verifies completion of at least 500 hours of clinical practice in dental therapy, that substantially meets the requirements of R 338.11218, in a dental therapy educational program that meets the standards in R 338.11302.

(d) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license as a dental therapist, including the record of any disciplinary action taken or pending against the applicant.

(e) Has held a license as a dental therapist in good standing in another state 30 days before filing an application in this state.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.

(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board may approve a dental therapist clinical examination of another state board if the examination is substantially equivalent to all parts of the comprehensive, competency-based clinical examination developed and scored by the CDCA or a successor organization. A passing score on a substantially equivalent examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.

(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:

(a) Subject areas included.

(b) Detail of material.

(c) Comprehensiveness.

(d) Length of an examination.

(e) Degree of difficulty.

(6) To demonstrate substantial equivalency as specified in subrules (4) and (5) of this rule, an applicant may be required to submit materials, including the following:

(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.

(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.

(c) An affidavit from a state licensing board or examination agency that describes the examination.

R 338.11259 Licensure by endorsement of dental hygienists; requirements.

Rule 1259. (1) An applicant who has never held a registered dental hygienist license in this state and who is not applying by examination may apply for licensure by endorsement by submitting a completed application, on a form provided by the department, together with the requisite fee.

(2) An applicant who is licensed in another state as a dental hygienist is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements in subdivisions (a) to (e), subject to subdivisions (f) and (g):

(a) Has graduated from a dental hygiene educational program that meets the standards provided in R 338.11303 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.

(b) Has passed all phases of the national board examination for dental hygienists. This requirement is waived for persons who graduated from an accredited school before 1962.

(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state of the United States in which the applicant holds a current license or ever held a dental hygienist license including the record of any disciplinary action taken or pending against the applicant.

(d) Submits proof of successful completion of a written and clinical examination that is substantially equivalent to the examinations required in R 338.11223. This requirement is waived for individuals who were licensed initially in another state of the United States before 2002 and who were not required to complete a regional examination as part of the initial licensing process as confirmed by the state of the United States in which the initial license was awarded.

(e) Has held a license as a dental hygienist in good standing in another state 30 days before filing an application in this state.

(f) If an applicant was licensed as a dental hygienist in another state that requires the successful completion of a regional examination and the applicant has been practicing in the United States for a minimum of 3 years immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirements of subdivisions (a), (b), and (d) of this subrule.

(g) If an applicant is licensed as a dental hygienist in another state that does not require the successful completion of a regional examination and the applicant has been practicing in the United States for a minimum of 3 years immediately preceding the application for licensure in this state, it is presumed that the applicant meets the requirement of subdivisions (a) and (b) of this subrule.

(3) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state of the United States for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.

(4) For purposes of this rule, subject to subrules (5) and (6) of this rule, the board approves and adopts the clinical examinations of other regional testing agencies or state boards if the examinations are considered to be substantially equivalent to all parts, written and clinical, of the ADEX clinical examination that is conducted and scored by the CDCA, a successor organization, or another regional testing agency. A passing score on the clinical examination is the score recommended by the sponsoring organization. An applicant shall present evidence to the department of a converted score of 75 or higher on each component of the examination.

(5) To determine substantial equivalency as specified in subrule (4) of this rule, the board shall consider at least the following factors:

- (a) Subject areas included.
- (b) Detail of material.
- (c) Comprehensiveness.
- (d) Length of an examination.
- (e) Degree of difficulty.

(6) To demonstrate substantial equivalency as specified in subrule (4) of this rule, an applicant may be required to submit materials, including the following:

(a) A copy of the examination booklet or description of the examination content and examination scores issued by the testing agency.

(b) An affidavit from the appropriate state licensing agency that describes the examination and sets forth the legal standards that were in effect at the time of the examination.

(c) An affidavit from a state licensing board or examination agency that describes the examination.

R 338.11261 Licensure by endorsement of registered dental assistants; requirements.

Rule 1261. (1) An applicant who has never held a registered dental assistant license in this state and who is not applying for licensure by examination may apply for licensure by endorsement by submitting a completed application, on a form provided by the department, together with the requisite fee.

(2) An applicant who is licensed or registered in another state is presumed to have met the requirements of section 16186 of the code, MCL 333.16186, if he or she meets all of the following requirements:

(a) Has graduated from a dental assistant educational program that meets the standards in R 338.11307 and provides the department with the original, official transcripts of professional education and documentation of graduation for board evaluation.

(b) Submits proof of successful completion of both a written and clinical examination, approved by the board under R 338.11239, with a score of not less than 75, on each section of both the written and clinical examinations.

(c) Verifies his or her license, on a form supplied by the department, by the licensing agency of any state in which the applicant holds a current license or ever held a license including the record of any disciplinary action taken or pending against the applicant.

(d) Has held a license as a dental assistant in good standing in another state 30 days before filing an application in this state.

(3) A dental assistant who does not fulfill the requirements of subrule (2) of this rule is not eligible for licensure by endorsement in this state and shall comply with the provisions of R 338.11235.

(4) The board may deny an application for licensure by endorsement upon finding the existence of a board action in any other state of the United States for a violation related to applicable provisions of section 16221 of the code, MCL 333.16221, or upon determining that the applicant does not fulfill the requirements of section 16186 of the code, MCL 333.16186.

R 338.11263 Relicensure requirements; dentists.

Rule 1263. An applicant whose dentist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

| For a dentist who has let his or her license in this state lapse: | Lapsed 0-3 years | Lapsed more than 3 years, but less than 5 years | Lapsed 5 or more years |
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| (a) Submits a completed application, on a form provided by the department, together with the requisite fee. | √ | √ | √ |
| (b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ | √ |
| (c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ | √ |
| (d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the American Heart Association (AHA), earned within the 2-year period before receiving the license. | √ | √ | √ |
| (e) Submits proof of having completed 60 hours of | | | |

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| <p>continuing education in courses and programs approved by the board as required under R 338.11701, all of which were earned within the 3-year period immediately preceding the application for licensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 60 hours of continuing education must include all of the following:</p> <ul style="list-style-type: none"> (i) At least 3 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention’s infection control guidelines. | | √ | √ |
| <p>(f) Completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.</p> | √ | √ | √ |
| <p>(g) Completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.</p> | √ | √ | √ |
| <p>(h) A dentist who is subject to part 8 of these rules, R 338.11801 to R 338.11821, shall verify with his or her application for relicensure, that he or she complies with part 8 of these rules, R 338.11801 to R 338.11821, and specify the make of the amalgam separator in his or her office and the year that each separator was installed.</p> | √ | √ | √ |
| <p>(i) An applicant’s license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dentist. Verification must include the record of any disciplinary action taken or pending against the applicant.</p> | √ | √ | √ |
| <p>(j) If an applicant’s license is lapsed for more than 3 years but less than 5 years, he or she shall meet either of the following:</p> <ul style="list-style-type: none"> (i) Within the 2-year period immediately preceding the application for relicensure, retakes and passes the ADEX simulated clinical written | | √ | |

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| <p>examination for dentists developed and scored by the CDCA or another testing agency with a passing score of not less than 75. (ii) Provides the department documentation that he or she holds or held a valid and unrestricted dentist’s license in another state in the United States within 3 years immediately preceding the application for relicensure.</p> | | | |
| <p>(k) If an applicant’s license is lapsed 5 or more years, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted dentist license in another state in the United States within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) to (i) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental educational program that meets the standards in R 338.11301 in which he or she obtained a DDS or DMD degree. (iii) Provides proof of having passed all parts of the national board examination conducted and scored by the JCNDE to qualify for the dental simulated clinical written examination. (iv) Provides proof of having passed the ADEX dental simulated clinical written examination conducted and scored by the CDCA or another regional agency within the 2-year period immediately preceding the application for relicensure. (v) Provides proof of having passed the ADEX dental clinical examination conducted and scored by the CDCA or another regional testing agency.</p> | | | √ |

R 338.11265 Relicensure requirements; dental therapists.

Rule 1265. An applicant whose dental therapist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

| For a dental therapist who has let his or her license in this state lapse: | Lapsed 0-3 years | Lapsed more than 3 years, but less than 5 years | Lapsed 5 or more years |
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| (a) Submits a completed application, on a form | | | |

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| provided by the department, together with the requisite fee. | √ | √ | √ |
| (b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ | √ |
| (c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ | √ |
| (d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license. | √ | √ | √ |
| (e) Submits proof of having completed 35 hours of continuing education in courses and programs approved by the board as required under R 338.11701, all of which were earned within the 2-year period immediately preceding the application for licensure. If the continuing education hours submitted with the application are deficient, an applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 35 hours of continuing education must include all of the following: (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention’s infection control guidelines. | | √ | √ |
| (f) Submits proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271. | √ | √ | √ |
| (g) Submits proof of having completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135. | √ | √ | √ |

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| <p>(h) An applicant’s license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental therapist. Verification must include the record of any disciplinary action taken or pending against the applicant.</p> | <p>√</p> | <p>√</p> | <p>√</p> |
| <p>(i) If an applicant’s license is lapsed for more than 3 years but less than 5 years, he or she shall meet either of the following: (i) Within the 2-year period immediately preceding the application for relicensure, retakes and passes a comprehensive, competency-based clinical examination approved by the department with a converted passing score of not less than 75. (ii) Provides the department documentation that he or she holds or held a valid and unrestricted dental therapist’s license in another state in the United States within 3 years immediately preceding the application for relicensure.</p> | | <p>√</p> | |
| <p>(j) If an applicant’s license is lapsed for 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted dental therapist license in another state in the United States within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) to (h) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental therapy program that meets the standards in R 338.11302. (iii) Provides proof of having passed a comprehensive, competency-based dental therapy clinical examination as required in R 338.11213, within the 2-year period immediately preceding the application for relicensure.</p> | | | <p>√</p> |

R 338.11267 Relicensure requirements; registered dental hygienists.

Rule 1267. An applicant whose registered dental hygienist license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

| For a registered dental hygienist who has let his or her license in this state lapse: | Lapsed 0-3 years | Lapsed more than 3 years, but less than 5 years | Lapsed 5 or more years |
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| (a) Submits a completed application, on a form provided by the department, together with the requisite fee. | √ | √ | √ |
| (b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ | √ |
| (c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ | √ |
| (d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license. | √ | √ | √ |
| (e) Submits proof of having completed 36 hours of continuing education in courses and programs approved by the board as required under R 338.11704, all of which were earned within the 3-year period preceding the date of application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 36 hours of continuing education must include all of the following: (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for | | √ | √ |

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| Disease Control and Prevention’s infection control guidelines. | | | |
| (f) Submits proof of having completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271. | √ | √ | √ |
| (g) An applicant’s license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental hygienist. Verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ | √ |
| (h) If an applicant’s license is lapsed for more than 3 years but less than 5 years, he or she shall meet 1 of the following: (i) Provide proof of having passed the ADEX hygiene simulated clinical written examination conducted and scored by the CDCA or another regional agency, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that the applicant holds or has held a valid and unrestricted license in another state within 3 years immediately preceding the application for licensure. | | √ | |
| (i) If an applicant’s license is lapsed for 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) through (g) of this rule or complies with all of the following: (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation from a dental hygiene educational program that meets the standards in R 338.11303. (iii) Provides proof of having passed all parts of the dental hygiene national board examination conducted and scored by the JCNDE to qualify for the dental hygiene simulated clinical written examination. This paragraph does not apply to an applicant who graduated from a dental hygiene program before 1962. (iv) Provides proof of having passed the ADEX hygiene simulated clinical written examination | | | √ |

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| <p>conducted and scored by the CDCA or another regional testing agency, within the 2-year period immediately preceding the application for relicensure.</p> <p>(v) Provides proof of having passed the ADEX hygiene clinical examination conducted and scored by the CDCA or another regional testing agency.</p> | | | |
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R 338.11269 Relicensure requirements; registered dental assistants.

Rule 1269. An applicant whose registered dental assistant license in this state has lapsed, under the provisions of section 16201(3) or (4) of the code, MCL 333.16201, as applicable, may be relicensed by complying with the following requirements:

| For a registered dental assistant who has let his or her license in this state lapse: | Lapsed 0-3 years | Lapsed more than 3 years, but less than 5 years | Lapsed 5 or more years |
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| (a) Submits a completed application, on a form provided by the department, together with the requisite fee. | √ | √ | √ |
| (b) Establishes that he or she is of good moral character as defined under sections 1 to section 7 of 1974 PA 381, MCL 338.41 to 338.47. | √ | √ | √ |
| (c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174. | | √ | √ |
| (d) Submits proof of current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards equivalent to those established by the AHA, earned within the 2-year period before receiving the license. | √ | √ | √ |
| (e) Submits proof of having completed 36 hours of continuing education in courses and programs approved by the board as required under R 338.11704, all of which were earned within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant has 2 years from the date of the application to complete the deficient hours. The department shall hold the application and shall not issue the license until the applicant has completed the continuing education requirements. The 36 hours of continuing education must include all of | | √ | √ |

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| <p>the following:</p> <ul style="list-style-type: none"> (i) At least 2 hours in pain and symptom management. (ii) One hour in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. (iii) One hour in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention’s infection control guidelines. | | | |
| <p>(f) Completed a 1-time training in identifying victims of human trafficking that meets the standards in R 338.11271.</p> | √ | √ | √ |
| <p>(g) An applicant’s license must be verified by the licensing agency of all other states of the United States in which he or she ever held a license as a dental assistant. Verification must include the record of any disciplinary action taken or pending against the applicant.</p> | √ | √ | √ |
| <p>(h) If an applicant’s license is lapsed more than 3 years but less than 5 years, he or she shall meet either of the following:</p> <ul style="list-style-type: none"> (i) Pass a board-approved written and clinical examination that meets the requirements of R 338.11239, within the 2-year period immediately preceding the application for relicensure. (ii) Provide the department documentation that he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure. | | √ | |
| <p>(i) If an applicant’s license is lapsed 5 years or more, he or she shall provide the department with documentation that proves he or she holds or held a valid and unrestricted license in another state within 3 years immediately preceding the application for relicensure and meets all of the requirements in subrules (a) through (g) of this rule or complies with all of the following:</p> <ul style="list-style-type: none"> (i) Meets the requirements of section 16174 of the code, MCL 333.16174, and the administrative rules. (ii) Provides proof of graduation or certification from an educational program that meets the standards in R 338.11307. (iii) Provides proof of having passed a board- | | | √ |

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| <p>approved clinical examination that meets the requirements of R 338.11239. (iv) Provides proof of having passed a board-approved written examination that meets the requirements of R 338.11239, within the 2-year period immediately preceding the application for relicensure.</p> | | | |
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R 338.11271 Training standards for identifying victims of human trafficking; requirements.

Rule 1271. (1) Pursuant to section 16148 of the code, MCL 333.16148, an individual seeking licensure, registration, or who is licensed or registered shall complete training in identifying victims of human trafficking that meets the following standards:

(a) Training content covers all of the following:

- (i) Understanding the types and venues of human trafficking in this state or the United States.
- (ii) Identifying victims of human trafficking in health care settings.
- (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
- (iv) Specifying resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

- (i) Training offered by a nationally recognized or state-recognized health-related organization.
- (ii) Training offered by, or in conjunction with, a state or federal agency.
- (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
- (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

- (i) Teleconference or webinar.
- (ii) Online presentation.
- (iii) Live presentation.
- (iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

- (i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
- (ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license or registration renewals beginning with the first renewal cycle after January 6, 2017, and for initial licenses or registrations issued after January 6, 2022.

PART 3. EDUCATION

R 338.11301 Approval of dental educational programs; accreditation standards; adoption by reference.

Rule 1301. (1) The board adopts by reference in these rules the standards of CODA of the ADA, as set forth in the following publications:

- (a) “Accreditation Standards for Dental Education Programs,” copyright 2019.
- (b) “Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Surgery”, copyright 2018.
- (c) “Accreditation Standards for Advanced Dental Education Programs in Endodontics”, copyright 2019.
- (d) “Accreditation Standards for Advanced Dental Education Programs in Orthodontics and Dentofacial Orthopedics”, copyright 2018.
- (e) “Accreditation Standards for Advanced Dental Education Programs in Prosthodontics”, copyright 2018.
- (f) “Accreditation Standards for Advanced Dental Education Programs in Periodontics”, copyright 2018.
- (g) “Accreditation Standards for Advanced Dental Education Programs in Pediatric Dentistry”, copyright 2018.
- (h) “Accreditation Standards for Advanced Dental Education Programs in Oral and Maxillofacial Pathology”, copyright 2018.

(2) A dental educational program accredited by CODA, or a successor organization, is considered board approved. CODA is the only accreditation accepted by the board.

(3) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at <http://www.ada.org>. Copies of these standards are available at 10 cents per page for inspection and distribution, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P. O. Box 30670, Lansing, Michigan, 48909.

R 338.11302 Approval of dental therapy educational programs; accreditation standards; adoption by reference.

Rule 1302. (1) The board adopts by reference in these rules the standards of CODA of the ADA, as set forth in the publication titled “Accreditation Standards for Dental Therapy Education Programs,” effective February 6, 2015, copyright 2019.

(2) A dental therapy educational program that is accredited by CODA or a successor organization is considered board approved.

(3) For an applicant applying for a dental therapy license, upon application for licensure on a department form, the board shall review and may approve an applicant’s dental therapy education program if the program substantially conforms to the dental therapy education program CODA standards at the time of graduation of the dental therapy applicant.

(4) A dental therapy educational program must be taught at a postsecondary education institution that meets the standards in R 338.11302a.

(5) CODA standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at <http://www.ada.org>. Copies of these standards are available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P. O. Box 30670, Lansing, Michigan, 48909.

R 338.11302a Higher education institutions; accreditation standards; adoption by reference.

Rule 1302a. (1) A higher education institution meets the requirements of R 338.11302(4) if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition policy and procedures of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education.

(2) The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, 34 CFR part 602 (2009), and the CHEA Recognition of Accrediting Organizations Policy and Procedures, September 24, 2018. Copies of the procedures and criteria of the United States Department of Education and the policy and procedures of CHEA are available for inspection and distribution at no cost from the website for the United States Department of Education at the Office of Postsecondary Education, <http://www.ed.gov/about/offices/list/OPE/index.html> and the CHEA website at www.chea.org/revised-chea-recognition-policy-and-procedures-0. Copies are also available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

R 338.11303 Approval of dental hygiene educational programs; accreditation standards; adoption by reference.

Rule 1303. (1) The board adopts by reference the standards of CODA of the ADA, as set forth in the publication titled "Accreditation Standards for Dental Hygiene Education Programs," effective January 1, 2013, copyright 2018. A dental hygiene educational program accredited by CODA is considered board approved. CODA is the only accreditation accepted by the board.

(2) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at <http://www.ada.org>. Copies of these standards are available for inspection and distribution, at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

R 338.11307 Approval of dental assisting schools educational programs; standards; adoption by reference.

Rule 1307. (1) The board adopts by reference the standards of CODA of the ADA, as set forth in the publication titled "Accreditation Standards for Dental Assisting Education Programs," copyright 2019. A dental education program accredited by CODA is approved by the board. CODA is the only accreditation accepted by the board.

(2) These standards may be obtained at no cost from CODA of the ADA, 211 East Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's website at <http://www.ada.org>. Copies of these standards are available for inspection and distribution, at 10 cents per page from the Board of Dentistry, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

PART 4A. DELEGATION, SUPERVISION, ASSIGNMENT OF DENTAL ASSISTANTS, REGISTERED DENTAL ASSISTANTS, AND REGISTERED DENTAL HYGIENISTS

R 338.11401 Definitions.

Rule 1401. As used in this part:

(a) “Assignment” means a dentist designates a patient of record upon whom services are to be performed and describes the procedures to be performed. Unless assignment is designated in these rules under general or direct supervision, the dentist need not be physically present in the office at the time the procedures are being performed.

(b) “Delegation” means an authorization granted by a licensee to a licensed or unlicensed individual to perform selected acts, tasks, or functions that fall within the scope of practice of the delegator and that are not within the scope of practice of the delegatee and that, in the absence of the authorization, would constitute illegal practice of a licensed profession.

(c) “Direct supervision” means that a dentist complies with all of the following:

(i) Designates a patient of record upon whom the procedures are to be performed and describes the procedures to be performed.

(ii) Examines the patient before prescribing the procedures to be performed and upon completion of the procedures.

(iii) Is physically present in the office at the time the procedures are being performed.

(d) “General supervision” means that a dentist complies with both of the following:

(i) Designates a patient of record upon whom services are to be performed.

(ii) Is physically present in the office at the time the procedures are being performed.

(e) “Patient of record” means a patient who has been examined and diagnosed by a dentist and whose treatment has been planned by a dentist or a patient who has been examined, evaluated, assessed, and treatment planned by a dental therapist to the extent authorized by the supervising dentist. A patient of record includes a patient getting radiographic images by allied dental personnel with training pursuant to R 338.11411(a) after receiving approval from the assigning dentist or dental therapist.

R 338.11402 Rescinded.

R 338.11403 Rescinded.

R 338.11404 Rescinded.

R 338.11404a Rescinded.

R 338.11405 Rescinded.

R 338.11405a Rescinded.

R 338.11405b Rescinded.

R 338.11405c Rescinded.

R 338.11406 Rescinded.

R 338.11408 Rescinded.

R 338.11409 Rescinded.

R 338.11410 Rescinded.

R 338.11411 Delegated and assigned dental procedures for allied dental personnel.

Rule. 1411. A dentist may assign or delegate procedures to an unlicensed dental assistant, registered dental assistant, or registered dental hygienist under the provisions of section 16611 of the code, MCL 333.16611, as provided in Table 1:

Table 1 - Delegated and Assigned Dental Procedures for Allied Dental Personnel

| | DA | RDA | RDH | Procedure |
|-----|----|-----|-----|---|
| (a) | G | A | A | Operating of dental radiographic equipment. A DA shall have successfully completed a course in dental radiography that is substantially equivalent to a course taught in a program approved by the board pursuant to R 338.11302, R 338.11303, or R 338.11307. A dentist may delegate necessary radiographs for a new patient to an RDA or RDH. |
| (b) | G | A | A | Instructing in the use and care of dental appliances. |
| (c) | G | A | A | Taking impressions for study and opposing models. |
| (d) | G | A | A | Applying nonprescription topical anesthetic solution. |
| (e) | G | A | A | Trial sizing of orthodontic bands. |
| (f) | D | A | A | Placing, removing, and replacing orthodontic elastic or wire separators, arch wires, elastics, and ligatures. |
| (g) | D | A | A | Dispensing orthodontic aligners. |
| (h) | | D | A | Removing orthodontic bands, brackets, and adhesives with non-tissue cutting instruments. |
| (i) | | A | A | Polishing specific teeth with a slow-speed rotary hand piece immediately before a procedure that requires acid etching before placement of sealants, resin-bonded orthodontic appliances, and direct restorations. |
| (j) | | G* | G* | Etching and placing adhesives before placement of orthodontic brackets and attachment for aligners. |
| (k) | | D | D | Cementing orthodontic bands or initial placement of orthodontic brackets and attachments for aligners. |
| (l) | | A | A | Removing excess cement from supragingival surfaces of a tooth with a non-tissue cutting instrument. |
| (m) | | A | A | Providing nutritional counseling for oral health and maintenance. |
| (n) | A | A | A | Applying commonly accepted medical emergency procedures. |
| (o) | | A | A | Inspecting and charting the oral cavity using a mouth mirror and radiographs. |
| (p) | | A | A | Preliminary examination including classifying occlusion. |
| (q) | | A | A | Placing and removing dental dam. |
| (r) | | A | A | Applying anticariogenic agents including, but not limited to, sealants, fluoride varnish, and fluoride applications. |
| (s) | | A | A | Polishing and contouring of sealants with a slow-speed rotary hand piece immediately following a procedure for occlusal adjustment. |
| (t) | | A | | Fabricating temporary restorations and temporary crowns and temporary bridges. |
| (u) | | A | A | Placing and removing a nonmetallic temporary or sedative restoration with non-tissue cutting instruments. |
| (v) | | A | A | Sizing of temporary crowns and bands. |

| | | | | |
|------|--|-----|---|--|
| (w) | | A | A | Temporarily cementing and removing temporary crowns and bands. |
| (x) | | G* | A | Preliminary examination including performing pulp vitality testing. |
| (y) | | G* | A | Applying desensitizing agents. |
| (z) | | G* | A | Taking impressions for intraoral appliances including bite registrations. |
| (aa) | | G* | | Placing and removing matrices and wedges. |
| (bb) | | G* | | Applying cavity liners and bases. |
| (cc) | | G* | | Drying endodontic canals with absorbent points. |
| (dd) | | G* | | Placing and removing nonepinephrine retraction cords or materials. |
| (ee) | | A | A | Placing and removing post extraction and periodontal dressings. |
| (ff) | | D | A | Removing sutures. |
| (gg) | | D | A | Applying and dispensing in-office bleaching products. |
| (hh) | | G | G | Prior to cementation by the dentist, adjusting and polishing contacts and occlusion of indirect restorations. After cementation, removing excess cement from around restorations. |
| (ii) | | D** | | Placing, condensing, and carving amalgam restorations. |
| (jj) | | D** | | Placing Class I resin bonded restorations, occlusal adjustment, finishing and polishing with non-tissue cutting slow-speed rotary hand pieces. |
| (kk) | | D** | | Taking final impressions for direct and indirect restorations and prosthesis including bite registration. |
| (ll) | | D | D | Assisting and monitoring the administration of nitrous oxide analgesia by a dentist or the RDH. A dentist shall assign these procedures only if the RDA or RDH has successfully completed an approved course that meets the requirements of section 16611(7) of the code, MCL 333.16611, with a minimum of 5 hours of didactic instruction. The levels must be preset by the dentist or RDH and must not be adjusted by the RDA except in case of an emergency, in which case the RDA may turn off the nitrous oxide and administer 100% oxygen. As used in this subdivision, “assisting” means setting up equipment and placing the face mask. Assisting does not include titrating and turning the equipment on or off, except in the case of an emergency in which circumstances the RDA may turn off the nitrous oxide and administer 100% oxygen. |
| (mm) | | | A | Removing accretions and stains from the surfaces of the teeth and applying topical agents essential to complete prophylaxis. |
| (nn) | | | A | Root planing, debridement, deep scaling, and removal of calcareous deposits. |
| (oo) | | | A | Polishing and contouring restorations. |
| (pp) | | | A | Charting of the oral cavity, including all the following: periodontal charting, intra oral and extra oral examining of the soft tissue, charting of radiolucencies or radiopacities, existing restorations, and missing teeth. |
| (qq) | | | A | Applying topical anesthetic agents by prescription of the dentist. |
| (rr) | | A | A | Placing and removing surgical temporary sedative dressings. |

| | | | | |
|------|---|---|------|--|
| (ss) | | | A | Removing excess cement from tooth surfaces. |
| (tt) | | | A | Placing subgingival medicaments. |
| (uu) | | | A | Micro abrasion of tooth surfaces to remove defects, pitting, or deep staining. |
| (vv) | | | D | Performing soft tissue curettage with or without a dental laser. |
| (ww) | D | G | G | Taking digital scans for final restorations or intra-oral appliances. |
| (xx) | | | D*** | Administering intra oral block and infiltration anesthesia, or no more than 50% nitrous oxide analgesia, or both, to a patient who is 18 years of age or older if the RDH has met all of the following requirements: (i) Successfully completed an approved course that meets the requirements in section 16611(4) of the code, MCL 333.16611, in the administration of local anesthesia, with a minimum of 15 hours didactic instruction and 14 hours clinical experience. (ii) Successfully completed a state or regional board administered written examination in local anesthesia within 18 months of completion of the approved course in paragraph (i) of this subdivision. (iii) Successfully completed an approved course that meets the requirements in section 16611(4) of the code, MCL 333.16611, in the administration of nitrous oxide analgesia, with a minimum of 4 hours didactic instruction and 4 hours clinical experience. (iv) Successfully completed a state or regional board administered written examination in nitrous oxide analgesia, within 18 months of completion of the approved course in paragraph (iii) of this subdivision. (v) Maintains and provides evidence of current certification in basic or advanced cardiac life support that meets the standards contained in R 338.11705. |

A = Assignment as defined in R 338.11401.

G = General supervision as defined in R 338.11401.

D = Direct supervision as defined in R 338.11401.

DA = Dental assistant.

RDA = Registered dental assistant as defined in R 338.11101.

* A dentist shall assign these procedures to an RDA and RDH only if the RDA has successfully completed an approved course that meets the requirements in section 16611(12) and (13) of the code, MCL 333.16611, and contains a minimum of 10 hours of didactic and clinical instruction.

** A dentist shall assign these procedures to an RDA only if the RDA has successfully completed an approved course that meets the requirements in section 16611(11) of the code, MCL 333.16611, and contains a minimum of 20 hours of didactic instruction followed by a comprehensive clinical experience of sufficient duration that validates clinical competence through a criterion based assessment instrument.

RDH = Registered dental hygienist as defined in R 338.11101.

*** The department fee for certification of completion of the requirements is \$10.

PART 4B. SUPERVISION OF DENTAL THERAPISTS

R 338.11415 Definitions

R 1415. As used in this part, “supervise” or “supervision” means overseeing or participating in the work of another individual by a health professional licensed under article 15 of the code, MCL 333.16101 to 333.18838, in circumstances where at least all of the following conditions exist:

- (a) Continuous availability of direct communication in person or by radio, telephone, or telecommunication between the supervised individual and a health professional licensed in this state.
- (b) Availability of a health professional licensed in this state on a regularly scheduled basis to review the practice of the supervised individual, to provide consultation to the supervised individual, to review records, and to further educate the supervised individual in the performance of his or her functions.
- (c) The provision by the supervising health professional licensed in this state of predetermined procedures and drug protocol.

R 338.11417 Practice agreement; care or services.

Rule 1417. (1) A dental therapist may practice only under the supervision of a dentist licensed and practicing in this state through a written practice agreement that is signed by the dental therapist and dentist licensed and practicing in this state and that meets all the requirements in section 16655 of the code, MCL 333.16655.

(2) A dentist may supervise no more than 4 dental therapists pursuant to section 16655(5) of the code, MCL 333.16655.

(3) A dental therapist may supervise no more than 3 dental assistants or registered dental assistants and 2 registered dental hygienists in any 1 health setting as allowed in a written practice agreement. The practice agreement must define the type of supervision required by the dental therapist.

(4) A dentist may not authorize a dental therapist to do either of the following:

- (a) Prescribe controlled substances.
- (b) Administer phentolamine mesylate.

(5) A dentist may authorize a dental therapist to provide care or services described in sections 16656(1)(a) to (w) of the code, MCL 333.16656.

(6) A dental therapist may perform other services and functions agreed to by the supervising dentist for which the dental therapist is trained that are ancillary to those care and services described in sections 16656(1)(a) to (w) of the code, MCL 333.16656.

(7) Subject to section 16657 of the code, MCL 333.16657, and the dental therapist’s written practice agreement, if the patient requires treatment that exceeds the dental therapist’s capabilities or the scope of practice as a dental therapist, the dentist or dental therapist shall refer the patient to an appropriate provider within a reasonable distance.

(8) Subject to section 16655 and 16656(2) of the code, MCL 333.16655 and 333.16656, and the dental therapist’s written practice agreement, a dental therapist’s authority to delegate to allied dental personnel may not exceed a dentist’s authority to delegate to allied dental personnel under R 338.11411.

R 338.11419 Health settings.

Rule 1419. (1) A dental therapist may provide care and services in any health setting included in section 16654 of the code, MCL 333.16654.

(2) The health setting in section 16654(f) of the code, MCL 333.16654, includes a geographic area that is designated as a dental shortage area by the United States Department of Health and Human Services in geographic health professional shortage areas based on geographic area and population groups.

(3) The computation to determine 50% of the annual total patient base of the dental therapist in section 16654(i) of the code, MCL 333.16654, includes any patient who has been seen at least once by the dental therapist.

PART 5. SPECIALTIES

R 338.11501 Specialties; recognition by the board.

Rule 1501. (1) The department on behalf of the board may issue a health profession specialty license in all of the following branches of dentistry as specialties:

- (a) Oral and maxillofacial surgery.
- (b) Orthodontics and dentofacial orthopedics.
- (c) Prosthodontics.
- (d) Periodontics.
- (e) Pediatric dentistry.
- (f) Endodontics.
- (g) Oral pathology or oral and maxillofacial pathology.

(2) Each branch of a dental specialty that is licensed by the board is defined in these rules, and by the standards set forth by CODA under R 338.11301.

R 338.11505 Rescinded.

R 338.11512 Oral and maxillofacial pathology explained; licensure requirements.

Rule 1512. (1) The practice of oral and maxillofacial pathology deals with the nature, identification, and management of diseases affecting the oral and maxillofacial regions. It is a science that investigates the causes, processes, and effects of these diseases. The term "oral and maxillofacial pathology" means the same as the term "oral pathology."

(2) The specialty of oral and maxillofacial pathology includes, but is not limited to, the research and diagnosis of diseases using clinical, radiographic, microscopic, biochemical, or other examinations.

(3) An applicant for licensure as an oral and maxillofacial pathologist shall meet all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.
- (b) Have graduated from a program of oral and maxillofacial pathology approved by the board under R 338.11301.

R 338.11301.

(c) Provide verification of a passing score on the specialty certification examination that is conducted and scored by the American Board of Oral and Maxillofacial Pathology.

R 338.11513 Oral and maxillofacial surgery explained; licensure requirements; examination content.

Rule 1513. (1) The practice of oral and maxillofacial surgery includes the diagnosis, surgical, and adjunctive treatment of diseases, injuries, and defects involving both the functional and esthetic aspects of the hard and soft tissues of the oral and maxillofacial region.

(2) The specialty of oral and maxillofacial surgery includes, but is not limited to, the care, treatment, and procedures associated with an office and hospital-based practice under R 338.11301.

(3) A dentist who applies for licensure as an oral and maxillofacial surgeon shall comply with all of the following requirements:

- (a) Hold a current license to practice dentistry in this state.

(b) Have completed a residency in oral and maxillofacial surgery approved by the board under R 338.11301.

(c) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with the American Board of Oral and Maxillofacial Surgery (ABOMS) through completion of the ABOMS specialty examinations.

R 338.11515 Orthodontics and dentofacial orthopedics explained; licensure requirements; examination content.

Rule 1515. (1) The practice of orthodontics includes the diagnosis, prevention, interception, and correction of malocclusion, as well as the neuromuscular and skeletal abnormalities of the developing or mature orofacial structures. The term "orthodontics and dentofacial orthopedics" means the same as the term "orthodontics."

(2) The specialty of orthodontics includes, but is not limited to, all of the following:

(a) The diagnosis, prevention, interception, and comprehensive treatment of all forms of malocclusion of the teeth and associated alterations in their surrounding structures.

(b) The design, application, and control of functional and corrective appliances.

(c) The growth guidance of the dentition and its supporting structures to attain and maintain optimum occlusal relations in physiologic and esthetic harmony among facial and cranial structures.

(3) A dentist who desires licensure as an orthodontist shall comply with all of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a program of orthodontics approved by the board under R 338.11301.

(c) Provide the department with evidence of the successful passing of the American Board of Orthodontics (ABO) written exam. The passing score accepted for licensure is the passing score established by the ABO.

(d) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with the ABO through completion of the ABO specialty examinations.

R 338.11517 Prosthodontics explained; licensure requirements; examination content.

Rule 1517. (1) The practice of prosthodontics includes the diagnosis, treatment planning, rehabilitation, and maintenance of the oral function, comfort, appearance, and health of patients with clinical conditions associated with missing or deficient teeth or oral and maxillofacial tissues, or both, using biocompatible substitutes.

(2) The specialty of prosthodontics includes, but is not limited to, the restoration and maintenance of oral function, comfort, appearance, and health of the patient by the restoration of natural teeth and the replacement of missing teeth and contiguous oral and maxillofacial tissues with artificial substitutes.

(3) A dentist who applies for licensure as a prosthodontist shall comply with all of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a program of prosthodontics approved by the board under R 338.11301.

(c) Provide verification of a passing score on the written portion of the specialty certification examination that is conducted and scored by the American Board of Prosthodontics (ABP).

(d) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with the ABP through completion of the ABP specialty examinations.

R 338.11519 Periodontics explained; licensure requirements; examination content.

Rule 1519. (1) The practice of periodontics includes the prevention, diagnosis, and treatment of disease of the supporting and surrounding tissues of the teeth or their substitutes and the maintenance of the health, function, and esthetics of these structures and tissues.

(2) A dentist who desires licensure as a periodontist shall comply with both of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a program of periodontics approved by the board under R 338.11301.

(c) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with the American Board of Periodontology through completion of the American Board of Periodontology specialty examinations.

R 338.11521 Pediatric dentistry explained; licensure requirements; examination content.

Rule 1521. (1) The practice of pediatric dentistry is an age-defined specialty that provides both primary and comprehensive preventive and therapeutic oral health care for infants and children through adolescence, including those with special health care needs.

(2) A dentist who desires licensure as a pediatric dentist shall comply with all of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a program of pediatric dentistry approved by the board under R 338.11301.

(c) Provide verification of a passing score on the written examination used for specialty certification that is conducted and scored by the American Board of Pediatric Dentistry (ABPD) or provide documentation of diplomate status with the ABPD.

(d) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with ABPD through completion of the ABPD specialty examinations.

R 338.11523 Endodontics explained; licensure requirements; examination content.

Rule 1523. (1) The practice of endodontics includes the morphology, physiology, and pathology of the human dental pulp and periradicular tissues. Its study encompasses related basic and clinical sciences,

including the biology of the normal pulp and the etiology, diagnosis, prevention, and treatment of diseases and injuries of the pulp and associated periradicular conditions.

(2) A dentist who applies for licensure as an endodontist shall comply with all of the following requirements:

(a) Hold a current license to practice dentistry in this state.

(b) Have graduated from a program of endodontics approved by the board under R 338.11301.

(c) Provide documentation to the department evidencing the successful passing of the American Board of Endodontists (ABE) written examination. The passing score accepted for licensure is the passing score established by the ABE.

(d) Satisfy either of the following:

(i) Submit a final official transcript of dental postgraduate training from a graduate program of dentistry approved by the board under R 338.11301 or, in the case of a hospital program that does not issue transcripts, certification by the hospital administrator or other official of the satisfactory completion of the program.

(ii) Provide evidence of diplomate status with the ABE through completion of the ABE specialty examinations.

R 338.11525 Specialists; holding self out to public.

Rule 1525. (1) A dentist who is not licensed as a specialist by the board shall not announce or hold himself or herself out to the public as limiting his or her practice to, as being specially qualified in, or as giving special attention to, a branch of dentistry that is listed as a specialty in R 338.11501. A dentist is considered to be holding himself or herself out as a specialist in a branch of dentistry that is listed as a specialty in R 338.11501 in either of the following situations:

(a) When, in any way, he or she gives public emphasis to the practice of a specialty of dentistry listed in R 338.11501 without disclosing that he or she is a dentist who is not licensed in this state as a specialist under R 338.11501.

(b) When he or she identifies himself or herself with a specialty of dentistry in R 338.11501, whether or not he or she claims special attention to or a practice limited to the specialty, or if he or she employs the use of signs, professional cards, letterheads, other listings, or letters to the public or the profession that, in any way, implies special knowledge or ability in a specialty of dentistry in R 338.11501. This subdivision does not apply to specialists who are advertising in the specialty for which they are licensed in this state under R 338.11501.

(2) A dentist who is licensed as a specialist in this state under R 338.11501 shall include his or her license number in all public advertisements for that specialty, including, but not limited to, telephone books, solicitations, print media, newspapers, and internet advertising.

(3) Identification as an employer, employee, or partner, with an individual who is duly licensed as a specialist in this state under R 338.11501 constitutes announcement to the public of qualifications for specialization, unless the individual so associating himself or herself publicly states, by signs, cards, or announcements, that he or she is not licensed in this state as a specialist under R 338.11501 or is engaged in the practice of some other specialty of dentistry in which he or she is duly licensed in this state under R 338.11501.

R 338.11527 Dental license suspension or revocation; automatic suspension or revocation of specialty licensure.

Rule 1527. The suspension or revocation of the dental license of a dentist automatically causes the suspension or revocation of a specialty license issued to that dentist under the code and these rules.

PART 6. GENERAL ANESTHESIA AND INTRAVENOUS CONSCIOUS
SEDATION AND ENTERAL SEDATION

R 338.11601 General anesthesia; conditions; violation.

Rule 1601. (1) A dentist shall not administer general anesthesia to a dental patient or delegate and supervise the performance of any act, task, or function involved in the administration of general anesthesia to a dental patient, unless all of the following conditions are satisfied:

(a) The dentist has completed a minimum of 1 year of advanced training in general anesthesia and pain control in a program that meets the standards adopted in R 338.11603(1). A program that is accredited by CODA as meeting the accreditation standards for advanced dental education programs in anesthesiology meets the requirements of this subdivision.

(b) The dentist and the delegatee, if any, maintain current certification in basic and advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11603(2). A certification in basic and advanced cardiac life for health care providers with a hands-on component from AHA meets the requirements of this subdivision.

(c) The facility in which the anesthesia is administered meets the equipment standards adopted in R 338.11603(3).

(d) The dentist shall be physically present with the patient who is given any general anesthesia until he or she regains consciousness and the dentist shall remain on the premises until the patient is capable of being discharged.

(2) A dentist who does not meet the requirements of subrule (1) of this rule shall not offer general anesthesia services for dental patients unless all of the following conditions are met:

(a) General anesthesia services are directly provided through association with, and by, either of the following individuals:

(i) A physician who is licensed under the provisions of part 170 or 175 of the code, MCL 333.17001 to 333.17097, and 333.17501 to 333.17556, and who is a member in good standing on the anesthesiology staff of a hospital accredited by the Joint Commission.

(ii) A dentist who meets the requirements of subrule (1)(a) and (b) of this rule.

(b) A person who administers anesthesia, under the provisions of subdivision (a) of this subrule, shall be physically present with the patient who is given any general anesthesia until he or she regains consciousness and the dentist shall remain on the premises where the general anesthesia is administered until the patient anesthetized is capable of being discharged.

(c) The provisions of subrule (1)(b) and (c) of this rule must be complied with.

(3) A dentist is in violation of section 16221(l)(h) of the code, MCL 333.16221, if he or she fails to comply with subrules (1) and (2) of this rule.

R 338.11602 Intravenous conscious sedation; conditions; violations.

Rule 1602. (1) A dentist shall not administer intravenous conscious sedation to a dental patient or delegate and supervise the performance of any act or function involved in the administration of intravenous conscious sedation to a dental patient unless 1 of the following is satisfied:

(a) The dentist complies with R 338.11601(1) or (2).

(b) The dentist complies with all of the following provisions:

(i) The dentist has completed a minimum of 60 hours of training in intravenous conscious sedation and related academic subjects, including a minimum of 40 hours of supervised clinical instruction in which the dentist has sedated not less than 20 cases in a course that complies with the standards adopted

in R 338.11603(1). A program that is accredited by CODA as meeting the accreditation standards for advanced dental education programs meets the standards in R 338.11603(1).

(ii) The dentist and the delegatee, if any, maintains current certification in basic and advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification under standards substantially equivalent to the standards adopted in R 338.11603(2). A certification in basic and advanced cardiac life support for health care providers with a hands-on component from AHA meets the requirements of this paragraph.

(iii) The facility in which the anesthesia is administered complies with the equipment standards adopted in R 338.11603(3).

(2) A dentist is in violation of section 16221(1)(h) of the code, MCL 333.16221, if he or she fails to comply with subrule (1) of this rule.

R 338.11603 Adoption of standards; effect of certification of programs.

Rule 1603. (1) The board adopts by reference the CODA standards for anesthesiology educational programs in the publication titled "Accreditation Standards for Advanced Dental Education Programs in Anesthesiology," copyright 2018, and the standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation and related subjects set forth by the ADA's publication titled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016 edition. The guidelines may be obtained at no cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, Illinois, 60611, or at no cost on the association's website at <http://www.ada.org>. A copy of the standards is available for inspection and distribution, at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(2) The board adopts by reference the standards for credentialing in basic and advanced life support for health care providers with a hands-on component set forth by the AHA in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care" (Volume 132, Issue 18 Supplement 2, November 3, 2015) and updates in 2017 and 2018. A copy of the Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care may be obtained at an approximate cost of \$28.00 from the American Heart Association, 7272 Greenville Avenue, Dallas, Texas, 75231 or at no cost from the AHA's website at <https://cpr.heart.org/>. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from AHA, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(3) The board adopts by reference the standards regarding the equipment within a facility where anesthesia is administered set forth by the American Association of Oral and Maxillofacial Surgeons in the publication titled "Office Anesthesia Evaluation Manual," ninth edition. A copy of this manual may be obtained at a cost of approximately \$345.00 from the American Association of Oral and Maxillofacial Surgeons, 9700 West Bryn Mawr Avenue, Rosemont, Illinois, 60018, or at the association's website at <http://www.aaoms.org> at a cost of approximately \$345.00. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from the American Association of Oral and Maxillofacial Surgeons, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

R 338.11604 Rescinded.

R 338.11605 Enteral sedation; guidelines; adoption by reference; requirements for approval of course and instructor.

Rule 1605. (1) Before being offered to licensees, a course and its instructors in enteral sedation must be approved by the board and, at a minimum, the course objectives, content, duration, evaluation, documentation, and faculty must be consistent with the enteral sedation course standards in the ADA's "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016, whose guidelines are adopted by reference by the board. The guidelines may be obtained at no cost from the American Dental Association, 211 E. Chicago Avenue, Chicago, Illinois, 60611 or at no cost on the association's website at <http://www.ada.org>. A copy of the guidelines is available for inspection and distribution, at 10 cents per page, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(2) A program or course that is certified by CODA as meeting the ADA's standards for advanced training in anesthesia and pain control and training in intravenous conscious sedation in the publication titled "Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students," October 2016 edition, is approved by the board.

PART 7. CONTINUING EDUCATION

R 338.11701 License renewal for a dentist, dental specialist, and special-retired volunteer dentist; requirements; applicability.

Rule 1701. (1) This rule applies to an application for the renewal of a dentist license, dental specialist license, and special retired volunteer dentist license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184.

(2) Subject to subrule (8) of this rule, an applicant for a dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall comply with both of the following during the 3-year period before the end of the license cycle:

(a) Possess current certification in basic or advanced cardiac life support from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).

(b) Complete at least 3 continuing education credits in pain and symptom management. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions.

(3) Subject to subrule (8) of this rule, in addition to the requirements of subrule (2) of this rule, an applicant for a dentist license renewal, who has been licensed for the 3-year period immediately preceding the expiration date of the license, shall comply with all of the following during the 3-year period before the end of the license cycle:

(a) Complete not less than 60 hours of continuing education approved by the board under R 338.11704a.

(b) Complete a minimum of 20 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology.

(c) Complete a minimum of 20 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants, including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m).

These courses, with the exception of the volunteer services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(4) Subject to subrule (8) of this rule, in addition to the requirements of subrules (2) and (3) of this rule, a dental specialist shall complete 20 hours of the required continuing education hours in the dental specialty field in which he or she is certified during the 3-year period before the end of the license cycle.

(5) Subject to subrule (8) of this rule, in addition to the requirements of subrule (2) of this rule, an applicant for a special retired dentist license shall comply with the following during the 3-year period before the end of the license cycle:

(a) Complete not less than 40 hours of continuing education acceptable to the board in R 338.11704a.

(b) Complete a minimum of 14 hours of the required hours of continuing education in programs directly related to clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(c) Complete a minimum of 14 hours of the required hours of continuing education by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, workshops, and providing volunteer clinical services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer clinical services, may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(d) Comply with the conditions for renewal in section 16184(2) of the code, MCL 333.16184.

(6) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(7) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(8) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant shall meet the requirements of this subrule and subrules (1), (7), and (9) to (14) of this rule. An applicant for a dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 60 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.

(9) An applicant for a dental specialist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete 60 hours of continuing education approved by the board under R 338.11704a with not less than 20 hours of the required 60 hours in board-approved continuing education in the dental specialty field in which he or she is licensed within the 3-year period before the end of the license cycle.

(10) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special retired volunteer dentist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 60 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.

(11) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).

(12) In complying with the requirements of subrules (8) to (10) of this rule, an applicant for a dentist license, dental specialist license, and special retired volunteer dentist license renewal who has been

licensed for the 3-year period immediately preceding the expiration date of the license shall comply with all of the following before the end of the license cycle:

(a) Complete at least 3 hours of the required continuing education hours in pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for pain and symptom management.

(b) Complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel.

(c) Complete a minimum of 20 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.

(d) Complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.

(e) Complete a minimum of 20 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues such as delivery of care, materials used in delivery of care, and pharmacology.

(f) Complete no more than 30 hours of the required continuing education hours asynchronously, noninteractive.

(13) Except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period.

(14) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. An applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

R 338.11703 License renewal for a dental therapist and special-retired volunteer dental therapist; requirements; applicability.

Rule 1703. (1) This rule applies to an application for the renewal of a dental therapist license and special-retired volunteer dental therapist license under sections 16184, 16201, and 16653 of the code, MCL 333.16184, 333.16201, and 333.16653.

(2) An applicant for a dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period before renewal.

(3) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special-retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall complete not less than 35 hours of continuing education approved by the board under R 338.11704a during the 2-year period before renewal.

(4) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).

(5) In complying with the requirements of subrules (2) and (3) of this rule, an applicant for a dental therapist license or special-retired volunteer dental therapist license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall comply with all of the following before the end of the license cycle:

(a) Complete at least 2 hours of the required continuing education hours in pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for pain and symptom management.

(b) Complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for dental ethics and jurisprudence.

(c) Complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention's infection control guidelines. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.

(d) Complete a minimum of 12 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.

(e) Complete a minimum of 12 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and participation in volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues including delivery of care, materials used in delivery of care, and pharmacology.

(f) Complete no more than 18 hours of the required continuing education hours asynchronously, noninteractive.

(6) Except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity the applicant has already earned credit for during that renewal period.

(7) The submission of the application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The board may require an applicant or a licensee to submit evidence to demonstrate compliance with this rule. An applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(8) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

R 338.11704 License renewal for a registered dental hygienist, registered dental hygienist special volunteer, registered dental assistant, and registered dental assistant special volunteer; requirements; applicability.

Rule 1704. (1) This rule applies to an application for the renewal of a registered dental hygienist license, and a registered dental assistant license under section 16201 of the code, MCL 333.16201, and a registered dental hygienist special-retired volunteer license and a registered dental assistant special-retired volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for a registered dental hygienist license renewal or a registered dental assistant license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license, shall complete not less than 36 hours of continuing education approved by the board under R 338.11704a during the 3 years before the end of the license cycle.

(3) An applicant holding both a registered dental hygienist license and a registered dental assistants license shall complete not less than 36 hours of continuing education acceptable to the board under R 338.11704a during the 3 years before the end of the license cycle. The 36 hours must include not less than 12 hours devoted to registered dental hygienist functions, and not less than 12 hours devoted to registered dental assistant functions.

(4) In addition to meeting the requirements of section 16184 of the code, MCL 333.16184, an applicant for a special-retired volunteer registered dental assistant license renewal or a special-retired volunteer registered dental hygienist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall complete not less than 36 hours of continuing education approved by the board under R 338.11704a during the 3-year period before the end of the license cycle.

(5) An applicant shall possess current certification in basic or advanced cardiac life support for health care providers with a hands-on component from an agency or organization that grants certification pursuant to standards substantially equivalent to the standards adopted in R 338.11705(4).

(6) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(7) In complying with the requirements of subrules (2) to (4) of this rule, an applicant for a registered dental assistant license, registered dental hygienist license, special-retired volunteer registered dental assistant license, or special-retired volunteer registered dental hygienist license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall also comply with all of the following before the end of the license cycle:

(a) Complete a minimum of 12 hours of the required continuing education hours in programs directly related to clinical issues including delivery of care, materials used in the delivery of care, and pharmacology. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for clinical issues.

(b) Complete a minimum of 12 hours of the required continuing education hours by attending synchronous, live courses or programs that provide for direct interaction between faculty and participants including, but not limited to, lectures, symposia, live teleconferences, workshops, and provision of volunteer patient or supportive dental services provided for in R 338.11704a(1)(m). These

courses, with the exception of the volunteer services in R 338.11704a(1)(m), may be counted toward the required courses in clinical issues including delivery of care, materials used in delivery of care, and pharmacology.

(c) Complete at least 2 hours of the required continuing education hours in pain and symptom management. Continuing education credits in pain and symptom management may include, but are not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interactions. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for pain and symptom management.

(d) Earn no more than 18 of the 36 hours of the required continuing education hours asynchronously, noninteractive.

(e) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, complete at least 1 hour of the required continuing education hours in dental ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for ethics and jurisprudence with inclusion of delegation of duties to allied dental personnel.

(f) Effective for applications for renewal that are filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, complete at least 1 hour of the required continuing education hours in infection control, which must include sterilization of hand pieces, personal protective equipment, and the Centers for Disease Control and Prevention’s infection control guidelines. Hours earned through volunteer patient or supportive dental services provided for in R 338.11704a(1)(m) do not count toward the required hours for infection control.

(8) Effective for an application for renewal that is filed for the renewal cycle that begins 1 year or more after the effective date of this subrule, an applicant may not earn credit for a continuing education program or activity that is identical to a program or activity the applicant has already earned credit for during that renewal period, except for the 1-time training in human trafficking and 1-time training in opioid and controlled substances awareness, which may be used to comply with the requirement for the 1-time training and a continuing education requirement.

(9) The submission of the application for renewal constitutes the applicant's certification of compliance required by this rule. The board may require an applicant or licensee to submit evidence to demonstrate compliance with this rule. The applicant or licensee shall maintain evidence of complying with the requirements of this rule for a period of 5 years from the date of the submission for renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221.

R 338.11704a Acceptable continuing education for licensees, limitations.

Rule 1704a. (1) The board shall consider any of the following as acceptable continuing education for dentists, dental therapists, dental specialists, special-retired volunteer dentists, special-retired volunteer dental therapists, registered dental hygienists, special-retired volunteer registered dental hygienists, registered dental assistants, and special-retired volunteer registered dental assistants, unless otherwise noted:

| ACCEPTABLE CONTINUING EDUCATION ACTIVITIES | | |
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| (a) | Completion of an approved continuing education program or activity related to the practice of dentistry. A continuing education program or activity is approved, regardless of | The number of hours earned are the number of hours approved by the sponsor or the approving organization. |

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| | <p>the format in which it is offered, if it is approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • A dental, dental therapy, dental hygiene, dental assistant, or a hospital-based dental specialty educational program approved by CODA. • A continuing education sponsoring organization, institution, or individual approved by the Academy of General Dentistry (AGD). • A continuing education national sponsoring organization, institution, or individual approved by the American Academy of Dental Hygiene (AADH), the American Dental Hygienists' Association (ADHA), the American Dental Assistants Association (ADAA), and the Commission on Continuing Education Provider Recognition ADA Continuing Education Recognition Program (ADA CERP) or its successor organization. • A continuing education sponsoring organization, institution, or individual approved by the Michigan Dental Association (MDA), Michigan Dental Hygienists Association (MDHA), and Michigan Dental Assistants Association (MDAA). • Another state board of dentistry. <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p> |
| (b) | <p>Completion of courses offered for credit in a dental, dental therapy, dental hygiene, dental assistant, or a hospital-based dental specialty educational program approved by CODA.</p> <p>If audited, an applicant shall submit an official transcript that reflects completion of the course and number of semester or quarter credit hours</p> | <p>Ten hours of continuing education may be earned for each quarter credit earned and 15 hours may be earned for each semester credit earned.</p> <p>No limitation on the number of hours earned.</p> |

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| (c) | <p>Attendance at a program or activity related to topics approved in R 338.2443(2) and R 338.143(2) for category 1 continuing education by the board of medicine or board of osteopathic medicine.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant’s name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>One hour may be earned for each 50 minutes of program attendance.</p> <p>A maximum of 30 hours for a dentist, and 18 hours for a dental therapist, registered dental hygienist, and registered dental assistant may be earned in each renewal period.</p> |
| (d) | <p>For dentists, satisfactory participation for a minimum of 7 months in a hospital or institution through a postgraduate dental clinical training program approved by CODA.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant’s name, number of hours attended, the name of the hospital or institution, the name of the clinical training program, the date of participation, and the activities completed.</p> | <p>Twenty hours may be earned in each calendar year for 7 months of participation in the calendar year.</p> <p>A maximum of 20 hours per calendar year may be earned.</p> |
| (e) | <p>For dentists, successful completion of an American-board specialty examination.</p> <p>If audited, an applicant shall submit proof of a passing score on the examination.</p> | <p>Ten hours may be earned in the year in which the applicant achieves a passing score on a specialty examination.</p> <p>A maximum of 20 hours may be earned in each renewal period. Credit is not given for repeating the same examination in a renewal period.</p> |
| (f) | <p>Renewal of a dentist, dental therapist, registered dental hygienist, or registered dental assistant license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours required in these rules if the applicant resides and practices in another state.</p> | <p>For a dentist, 60 hours may be earned. For a dental therapist, 35 hours may be earned. For a registered dental hygienist or registered dental assistant, 36 hours may be earned.</p> <p>A maximum of 60 hours for a dentist, 35 hours for a dental</p> |

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| | <p>If audited, an applicant shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing the applicant’s name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, type of program or activity, and the date on which the program was held or activity completed.</p> | <p>therapist, and 36 hours for a registered dental hygienist or registered dental assistant may be earned in each renewal period.</p> |
| (g) | <p>For a registered dental assistant, meeting the requirements for recertification in R 338.11705(3).</p> <p>If audited, an applicant shall submit proof of current certification, other than emeritus certification, by the Dental Assisting National Board (DANB).</p> | <p>Thirty-six hours may be earned.</p> <p>A maximum of 36 hours may be earned in each renewal period.</p> |
| (h) | <p>Initial publication of an article or text related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following:</p> <ul style="list-style-type: none"> • A textbook. • A journal of a national association of dentists, dental therapists, dental specialists, dental hygienists, or dental assistants. <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p> | <p>Twenty-five hours may be earned per publication.</p> <p>A maximum of 25 hours may be earned in each renewal period.</p> |
| (i) | <p>Initial publication of an article related to the practice of dentistry, dental therapy, dental hygiene, or dental assisting in either of the following:</p> <ul style="list-style-type: none"> • A journal of an accredited dentistry, dental therapy, dental hygiene, or dental assisting school. • A state or state-component association of dentists, dental therapists, dental specialists, dental hygienists, or dental assistants. <p>If audited, an applicant shall submit a copy of the publication that identifies the applicant as the author or a publication acceptance letter.</p> | <p>Twelve hours may be earned per publication.</p> <p>A maximum of 12 hours may be earned in each renewal period.</p> |

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| (j) | <p>Independent reading of articles or viewing or listening to media, other than online programs, related to dental, dental therapy, dental hygiene, or dental assisting education.</p> <p>If audited, an applicant shall submit an affidavit attesting to the number of hours the applicant spent participating in these activities that includes a description of the activity.</p> | <p>One hour for each 50 minutes of participation may be earned per activity.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p> |
| (k) | <p>Development and presentation of a table clinical demonstration or a continuing education lecture offered in conjunction with the presentation of continuing education programs approved by the board pursuant to subrule (3) of this rule that is not a part of the licensee’s regular job description.</p> <p>If audited, an applicant shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.</p> | <p>One hour for each 50 minutes devoted to the development and initial presentation.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p> |
| (l) | <p>Attendance at a dental-related program that is approved by the board pursuant to subrule (3) of this rule and that is relevant to health care and advancement of the licensee's dental education.</p> <p>If audited, an applicant shall submit a copy of a letter or certificate of completion showing the applicant’s name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>Ten hours of continuing education may be credited per year.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p> |
| (m) | <p>Providing volunteer patient or supportive dental services in this state at a board-approved program pursuant to subrule (4) of this rule that is not a part of the licensee’s regular job description nor required under a board order or agreement and that complies with the following:</p> <ul style="list-style-type: none"> • The program is a public or nonprofit entity, program, or event, or a school or nursing home. • The program provides patient or supportive dental services to the indigent or dentally underserved | <p>One hour for each 120 minutes of providing patient or supportive dental services.</p> <p>A dentist or special-retired volunteer dentist may earn a maximum of 20 hours per renewal period.</p> <p>A dental therapist, registered dental hygienist, registered dental assistant, special-retired volunteer</p> |

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| | <p>populations.</p> <ul style="list-style-type: none"> • The licensee does not receive direct or indirect remuneration of any kind including, but not limited to, remuneration for materials purchased or used. • The licensee shall sign in and sign out daily upon commencement and termination of the provision of services. • A dentist with a specialty license issued from this state shall limit volunteer clinical dental services to the specialty area in which the dentist is licensed. <p>If audited, an applicant shall submit proof from the sponsor of the assignments and the hours of service provided.</p> | <p>dental therapist, special-retired volunteer registered dental hygienist, and special-retired volunteer registered dental assistant may earn a maximum of 12 hours per renewal period.</p> |
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(2) If an organized continuing education course or program is offered in segments of 50 to 60 minutes each, 1 hour of credit is given for each segment.

(3) The following requirements are established for board approval of continuing education, which includes, but is not limited to, any continuing education not otherwise approved by subrule (1) of this rule:

(a) The continuing education applicant shall submit a complete application, on forms provided by the department. A licensee shall submit a “Patient Protection” form provided by the department to the department for each continuing education course or program involving treatment of live patients.

(b) A completed application form must be submitted to the department at least 70 days before the date the course or program is conducted and 70 days before the next regularly scheduled board meeting for the proposed continuing education to be considered for approval by the board. Continuing education conducted before board consideration and approval will be denied approval.

(c) A course or program must substantially meet the standards and criteria for an acceptable category of continuing education under this rule and must be relevant to health care and advancement of the licensee’s dental education.

(d) Board approval is for a term of 3 years from the date of approval.

(e) Approved continuing education must be reevaluated by the board before any changes during the 3-year approval term including, but not limited to, changes in the following:

(i) Instructors and speakers.

(ii) Content, title, and number of continuing education hours to be awarded to participants.

(f) Subject to subdivision (g) of this subrule, all changes to previously approved continuing education courses or programs must be submitted on required department forms at least 70 days before the date the continuing education course or program is offered to participants and 70 days before the next regularly scheduled board meeting to be considered for approval by the board. Any changes to the submitted and previously approved courses or programs conducted before board reconsideration and approval will be denied approval.

(g) Emergency changes to instructors and speakers that are unable to be submitted to the board at least 70 days before the date of the continuing education may be reviewed by the department in consultation with the board chair when proof acceptable to the department is submitted with the change supporting the nature of the emergency.

(h) The specific dates of the continuing education course or program does not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.

(i) All of the following information must be recorded on a continuing education course or program certificate of completion or other proof prepared by the sponsor conducting the continuing education:

- (i) The name of the applicant.
- (ii) Continuing education approval number issued by the board.
- (iii) Course title.
- (iv) Speaker or instructor.
- (v) Date the approved continuing education course was conducted.
- (vi) Number of continuing education hours awarded.
- (vii) Approved sponsor's signature.
- (viii) Dates of the current approval term.
- (ix) Name of participant.

(j) The board may revoke the approval status of any approved continuing education course or program any time the course or program fails to comply with these rules.

(4) The following requirements are established for board approval of a sponsor offering volunteer continuing education opportunities under subrule (1)(m) of this rule:

(a) A sponsor shall apply to the department to obtain approval as a sponsoring entity on the volunteer dental application form.

(b) A sponsor shall retain patient records.

(c) A sponsor shall retain documentation of all volunteer assignments and the hours of service provided.

(d) Upon request, a sponsor shall provide the board with the records, copy of the assignments, hours of service, and evidence of compliance with the requirements of subrule (1)(m) of this rule.

(e) A sponsor shall provide each licensee with verification of all volunteer hours of dental care provided by the licensee upon completion of the licensee's service.

(f) Upon request, a sponsor shall submit documentation to the department, evidencing compliance with the requirements of subrules (1)(m) and (5) of this rule.

(g) Board approval is for a term of 4 years from the date of approval.

(h) The board may revoke the approval status of any volunteer continuing education opportunity any time an approved continuing education program fails to comply with these rules.

(i) All of the following information must be recorded on a continuing education certificate of completion or other proof prepared by the sponsor conducting the volunteer continuing education course or program:

- (i) The name of the sponsoring organization.
- (ii) Continuing education approval number issued by the board.
- (iii) Dates and times of volunteer services.
- (iv) Number of continuing education hours earned.
- (v) Signature of individual responsible for attendance.
- (vi) Dates of the current approval term.
- (vii) Name of participant.

(5) A continuing education sponsor shall maintain evidence of participation in continuing education, including signed continuing education certificates of completion issued to participants, for a period of 5 years from the date of the continuing education program or course.

R 338.11704b Rescinded.

R 338.11704c Rescinded.

R 338.11705 Standards and requirements; adoption by reference.

Rule 1705. (1) The board adopts by reference the standards and criteria of the AGD's Program Approval for Continuing Education (PACE) which are set forth in the publication titled "PACE Academy of General Dentistry Program Approval for Continuing Education Program Guidelines, Revised April 2019." Information on the PACE standards and criteria is available at no cost from the Academy of General Dentistry, 560 W. Lake St., Sixth Floor, Chicago, Illinois, 60661-6600 or at no cost from the academy's internet website at www.agd.org. A copy of the guidebook is available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(2) The board adopts by reference the standards and criteria of the ADA CERP for approval of continuing education sponsoring organizations, which are set forth in the publication titled "ADA CERP Recognition Standards, and Procedures April 2019." A copy of this publication may be obtained at no cost from the association at ADA CERP, 211 E. Chicago Avenue, Chicago, Illinois, 60611-2678 or at no cost from the association's internet website at www.ada.org. A copy of the publication is available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(3) The board adopts by reference the requirements for recertification established by DANB as set forth in the publication titled "Dental Assisting National Board, Inc. Recertification Requirements 2019." A copy of the publication may be obtained at no cost from the Dental Assisting National Board, Inc., 444 N. Michigan Avenue, Suite 900, Chicago, Illinois, 60611 or at no cost from the national board's internet website at www.danb.org. A copy of the guidelines and requirements are available for inspection and distribution at 10 cents per page from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

(4) The board adopts by reference the standards for certification in basic and advanced cardiac life support for health care providers with a hands-on component set forth by the AHA in the standards and guidelines for cardiopulmonary resuscitation and emergency cardiac care for professional providers, published in "2015 American Heart Association Guidelines for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care," Volume 132, Issue 18, Supplement 2, November 3, 2015, with updates in 2017 and 2018. A copy of the guidelines for cardiopulmonary resuscitation and emergency cardiovascular care may be obtained at a cost of approximately \$28.00 from the AHA's website at www.cpr.heart.org. A copy of this document is available for inspection and distribution, at the same cost as purchasing a copy from the AHA, from the Michigan Board of Dentistry, Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan, 48909.

PART 8. DENTAL AMALGAM

R 338.11801 Definitions.

Rule 1801. (1) As used in this part:

(a) "Amalgam separator" means a device designed to remove dental amalgam waste particles from dental office wastewater.

(b) “Dental amalgam” means a mixture of mercury and other metals used as a dental restorative material.

(c) “Dental amalgam waste” means waste from a dental office containing any of the following:

(i) Contact amalgam waste, which means dental amalgam that has been in contact with the patient including, but not limited to, extracted teeth with dental amalgam restorations; carving scrap collected at chair-side; and dental amalgam captured by chair-side traps, vacuum pump filters, amalgam separators, or other dental amalgam capture devices.

(ii) Non-contact amalgam scrap, which means dental amalgam that has not been in contact with the patient including, but not limited to, excess dental amalgam mix remaining at the end of a dental procedure.

(iii) Empty amalgam capsules, which means individually dosed containers left over after mixing precapsulated dental amalgam.

(iv) Dental amalgam that may have accumulated in the plumbing system or that is found in other areas of a dental office.

(d) “Dentist,” means an individual licensed under article 15 of the code, MCL 333.16101 to 333.18838, and these rules, to engage in the practice of dentistry, who uses or removes dental amalgam or who owns or operates a dental office that generates dental amalgam waste.

(e) “Discharge” means the release of any dental amalgam waste into the environment. This includes any releases to land, ground or surface waters, septic systems, or wastewater treatment systems.

(f) “Holding tank” means a closed, watertight, sealed structure designed and used to receive and store wastewater. Holding tanks are designed and constructed for ultimate disposal of collected wastewater at another site.

(g) “Recycle” or “recycling” means sending mercury or dental amalgam waste to either the contracted separator company or a facility in the United States that reclaims or distills the mercury for reuse. “Recycle” or “recycling” does not include any of the following:

(i) The on-site processing of mercury or dental amalgam waste.

(ii) The sale, donation, or exchange of mercury or dental amalgam waste through internet lists.

(iii) The sale or donation of mercury or dental amalgam waste to any individual or company for any other reuse purpose.

(2) Unless otherwise defined in these rules, the terms defined in the code have the same meanings when used in this part.

R 338.11811 Amalgam separator; installation and operation; requirements.

Rule 1811. (1) On or before December 31, 2013, a dentist shall install, or have installed, an amalgam separator on each wastewater drain in his or her dental office that is used to discharge dental amalgam waste. In addition to meeting the requirements of the code and these rules, a dentist who is required to install an amalgam separator, pursuant to section 16631 of the code, MCL 333.16631, shall comply with all of the following:

(a) Install an amalgam separator that meets the requirements of R 338.11813.

(b) Install, operate, and maintain the amalgam separator according to the manufacturer’s instructions.

(c) Ensure the installed amalgam separator is properly sized to accommodate maximum dental amalgam wastewater flow rates at the dental office. The maximum allowable flow rate through an amalgam separator at a dental office must not exceed the maximum flow rate capacity at which the amalgam separator was tested under R 338.11813(1)(a).

(d) Ensure that all wastewater from the dental office containing dental amalgam waste passes through an installed and properly functioning and maintained amalgam separator before being discharged.

(2) Subrule (1) of this rule does not apply to any of the following:

(a) Oral and maxillofacial surgeons.

- (b) Oral and maxillofacial radiologists.
- (c) Oral pathologists.
- (d) Orthodontists.
- (e) Periodontists.
- (f) Dentists while providing services in a dental ~~school~~ educational program, in a hospital, or through a local health department.
- (g) Dentists who install and use a holding tank and do not discharge amalgam waste.

R 338.11813 Amalgam separator; requirements.

Rule 1813. (1) An amalgam separator that is installed in a dental office under R 338.11811 must meet all of the following requirements:

(a) Be certified as passing the international organization for standardization (ISO) 11143 standard, 2008, for evaluating amalgam separators.

(b) Have a removal efficiency of not less than 95% as determined by the testing required under subdivision (a) of this subrule, based on the overall average of the 3 empty and the 3 simulated full test results.

(c) Be tested and certified by 1 of the following:

- (i) SP technical research institute of Sweden.
- (ii) Tuv nord, Germany.
- (iii) NSF international.

(iv) Both of the following:

(A) A testing laboratory accredited by an accreditation body that is a signatory to the international laboratory accreditation cooperation's mutual recognition arrangement and has a scope of accreditation that includes ISO 11143 standard, 2008.

(B) A certification body accredited by an accreditation body that is a signatory to the international accreditation forum's multilateral recognition arrangement and has a scope of accreditation that includes ISO 11143 standard, 2008.

(2) Any amalgam separator that meets the requirements of subrule (1) of this rule qualifies as an amalgam separator approved by the board.

R 338.11815 Collection, disposal, and recycling of dental amalgam waste; requirements.

Rule 1815. (1) A dentist shall comply with all of the following:

(a) Use amalgam only in a preencapsulated form.

(b) Salvage, store, and recycle non-contact and contact dental amalgam materials, including empty amalgam capsules.

(c) Collect and recycle extracted teeth or portions of teeth that contain dental amalgam materials.

(d) Store all dental amalgam waste in enclosed and structurally sound containers until a sufficient amount has been collected for shipment to a reclamation facility or recycler or at a minimum, recycle annually.

(e) Label all containers holding dental amalgam waste. The label must include at a minimum, the title "dental amalgam waste for recycling" and the date the waste was initially placed in the container.

(f) Use chair-side traps to retain amalgam and recycle the content.

(g) Recycle all amalgam materials collected in amalgam separators, vacuum pump filters, chair-side traps, or other wastewater processing devices.

(h) Ensure that the separators operate properly and do not become full and bypass. This may include inspecting the separators annually, halfway through the operating life, or as required by the manufacturer.

(i) Follow the steps for the cleanup of mercury spills as recommended by the-Michigan department of health and human services at www.michigan.gov/mercury.

(2) A dentist shall not do any of the following:

(a) Store bulk elemental mercury that is not in capsule form.

(b) Put dental amalgam waste down a toilet or drain.

(c) Put dental amalgam waste or empty amalgam capsules into trash containers, or biohazard or infectious waste bags.

(d) Disinfect teeth or any item containing dental amalgam by autoclaving or using heat.

(e) Use cleaners containing bleach or chlorine to flush drains or wastewater lines.

(3) A dentist shall train and have written procedures for training dental office staff who manage or dispose of dental amalgam waste to ensure compliance with this rule.

(4) This rule does not apply to a dentist listed in R 338.11811(2)(a) to (f). A dentist who installs and uses a holding tank and does not discharge amalgam waste shall comply with the requirements of subrules (1), (2), and (3) of this rule, as applicable.

R 338.11817 Record keeping.

Rule 1817. (1) A dentist who is subject to the provisions of R 338.11811 shall maintain records at his or her dental office that include all of the following:

(a) Type of amalgam separator installed, including the manufacturer and model.

(b) Date the amalgam separator became operational.

(c) Documentation verifying that the amalgam separator meets the requirements of R 338.11813.

(d) Documentation of the manufacturer's instructions for the operation and maintenance of the amalgam separator.

(e) Service records for each amalgam separator in use at the dental office that includes all of the following:

(i) Dates of maintenance.

(ii) Dates separator contents were recycled.

(iii) Name of the staff or contractor performing the service.

(f) Documentation verifying that the dentist disposed of and recycled any dental amalgam waste that was generated from the individual's dental office consistent with the requirements of R 338.11815. The documentation must include all of the following:

(i) Name and address of the collection service or recycler.

(ii) Amount by weight of dental amalgam waste that was collected and the date it was collected or shipped from the dental office for recycling.

(iii) Name and address of the facility where the dental amalgam waste is recycled.

(iv) Shipping or manifest papers documenting transfer of the dental amalgam waste to the recycler.

(2) Upon request by an authorized state official, local public health department staff, or local municipality's representative, a dentist subject to this rule shall provide the records required under subrule (1) of this rule.

(3) A dentist subject to this rule shall retain the records required under subrule (1) of this rule for a minimum of 3 years.

R 338.11819 Verification.

Rule 1819. With each license renewal, a dentist who is subject to the provisions of R 338.11811 shall verify on a form provided by the department that he or she is in compliance with these rules and provide the amalgam separator make and year that each separator was installed.

R 338.11821 Compliance and enforcement.

Rule 1821. Failure to comply with the requirements of these rules is a violation of section 16221(h) of the code, MCL 333.16221, and may result in sanctions as provided for in the code, or under state or federal law.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

AUDIOLOGY - GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, and 16811 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, and 333.16811, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.1, R 338.1a, R 338.2, R 338.3, R 338.4, R 338.5, R 338.6, R 338.7, R 338.8, R 338.9, R 338.10, R 338.11, and R 338.12 of the Michigan Administrative Code are amended, as follows:

PART 1. GENERAL PROVISIONS

R 338.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the Michigan board of audiology created under section 16805 of the code, MCL 333.16805.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.1a Training standards for identifying victims of human trafficking; requirements.

Rule 1a. (1) Under section 16148 of the code, MCL 333.16148, an individual licensed or seeking licensure shall complete training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all the following:

(i) Understanding the types and venues of human trafficking in Michigan or the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subrule (1)(a) of this rule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licenses issued after April 22, 2021.

R 338.2 Application for audiologist license; requirements.

Rule 2. (1) An applicant for an audiologist license, in addition to satisfying the requirements of the code and the administrative rules promulgated under the code, shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Possess a master's or doctoral degree in audiology from an accredited educational program under R 338.8.

(c) Successfully completed a minimum of 9 months of supervised clinical experience in audiology as shown by 1 of the following requirements:

(i) For an applicant who possesses a doctor of audiology (Au.D.) degree, submission of an official transcript that indicates the awarding of a doctor of audiology (Au.D.) degree from an accredited educational institution under R 338.8.

(ii) For an applicant who has either a doctoral or master's degree in audiology, submission of a certification of clinical experience form that indicates that the applicant completed the required supervised clinical experience.

(d) Successfully completed an examination in audiology under R 338.7.

(2) If an applicant for an audiologist license submits either a Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language-Hearing Association (ASHA) or an American Board of Audiology Certified credential from the American Board of Audiology (ABA) that

has been held up to September 1, 1995, then it is presumed that the applicant satisfies the requirements of subrule (1)(b), (c), and (d) of this rule.

R 338.3 Licensure by endorsement; audiologist.

Rule 3. (1) An applicant for an audiologist license by endorsement shall submit a completed application on a form provided by the department, together with the requisite fee. In addition to satisfying the requirements of the code and the administrative rules promulgated under the code, an applicant shall satisfy the requirements of this rule.

(2) If an applicant was registered or licensed as an audiologist in another state with substantially equivalent requirements and holds a current and unencumbered registration or license as a an audiologist in that state, then it is presumed that the applicant satisfies the requirements of section 16811(1)(a) or (b), and (2) or (3) of the code, MCL 333.16811.

(3) If an applicant does not satisfy the requirements of subrule (2) of this rule, then the applicant shall satisfy all the following requirements, in addition to satisfying the requirements of the code:

(a) Possess a master's or doctoral degree in audiology from an accredited educational program under R 338.8.

(b) Have successfully completed a minimum of 9 months of supervised clinical experience in audiology.

(c) Have successfully completed an examination in audiology under R 338.7.

(d) Verify that the registration or license from the other jurisdiction found in another state or territory of the United States, whether current or expired, is in good standing.

(e) In place of subdivisions (a), (b) and (c) of this subrule, submit a Certificate of Clinical Competence in Audiology (CCC-A) from ASHA or an American Board of Audiology Certified credential from the ABA.

R 338.4 Supervised clinical experience; limited license requirements.

Rules 4. (1) An applicant for an audiology license who has earned a master's or doctoral degree in audiology but who still must complete the required 9 months of supervised clinical experience in audiology must submit a completed application for a limited license on a form provided by the department, together with the requisite fee. In addition to satisfying other requirements of the code and administrative rules, an applicant for a limited license shall establish both of the following requirements:

(a) That the applicant is a graduate of an accredited educational program in audiology, as described in R 338.8.

(b) That the applicant has been accepted for training in a clinical situation under the supervision of an individual who is licensed in audiology in this state or who holds a current Certificate of Clinical Competence in Audiology (CCC-A) from ASHA or an American Board of Audiology Certified credential from the ABA.

(2) The applicant shall complete 9 months of clinical supervised experience (1,080 clock hours) or the equivalent of 9 months of experience after having graduated from an accredited master's degree program in audiology, as described in R 338.8. Both of the following requirements apply:

(a) The experience is subject to R 338.5.

(b) Only experience obtained in an approved supervised clinical situation by an individual who holds a limited license counts toward the experience requirement.

(3) If an applicant transfers to a different supervised clinical situation, then he or she shall notify the department by submitting information about the new supervised clinical situation on a form provided by the department.

R 338.5 Clinical experience requirements.

Rule 5. (1) The 9 months of supervised clinical experience required for licensure in R 338.2(1)(c), R 338.3(3)(b), and R 338.4(2) must satisfy the following requirements:

(a) The experience must be obtained under the supervision of a licensed audiologist.

(b) Except as otherwise provided in subrule (2) of this rule, experience must be full time, which means at least 30 hours per week, and be obtained within 24 consecutive months.

(2) The supervised clinical experience required under subrule (1) of this rule may be fulfilled on a part-time basis and must satisfy the following requirements:

(a) The experience must be obtained under the supervision of a licensed audiologist.

(b) The experience must be part time, which means at least 15 hours per week, and be obtained within 36 consecutive months.

R 338.6 Foreign trained applicants; licensure requirements.

Rule 6. An applicant for an audiologist license who graduated from a postsecondary institution that is located outside of the United States shall establish all of the following requirements:

(a) That the applicant has completed an educational degree program in audiology that is substantially equivalent to the educational requirements in R 338.2(1)(b) for licensure or R 338.3(3)(a) for licensure by endorsement. The department accepts as proof of an applicant's completion of the educational requirements a credential evaluation completed by a credential evaluation organization that is a current member organization of the National Association of Credential Evaluation Services (NACES).

(b) That the applicant may practice as an audiologist without limitation in a country currently recognized by the United States. An applicant shall have his or her license, certification, or registration verified by the licensing agency of any country in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(c) That the applicant has completed, in the United States, 9 months of supervised clinical experience under a licensed audiologist, and the supervised clinical experience satisfies R 338.5.

R 338.7 Examination; adoption; passing scores.

Rule 7. Examinations approved and adopted are the National Teachers Examination (NTE) in Audiology and the Praxis Series II Examination in Audiology that are administered by the Educational Testing Service (ETS) or its successor organization. Applicants are required to achieve a passing score on the National Teachers Examination (NTE) in Audiology or the Praxis Series II Examination in Audiology or any successor examination.

R 338.8 Educational standards; adoption by reference.

Rule 8. (1) Educational standards approved and adopted by reference in these rules include the following:

(a) The Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) for the accreditation of audiology education programs as in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," August 2017, which is available from the American Speech-Language-Hearing Association, 2200 Research

Boulevard, #310, Rockville, Maryland 20850 at no cost from the association's website at <https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf>. A copy of the standards also is available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909. Evidence of completion of an accredited audiology educational program is proof of completion of an acceptable program.

(b) The Accreditation Commission for Audiology Education (ACAE) for the accreditation of doctor of audiology programs as in the publication entitled "Accreditation Standards for the Doctor of Audiology (Au.D.) Program", adopted March 2016, which is available at no cost from the Accreditation Commission for Audiology Education, 11480 Commerce Park Dr., Ste. 220, Reston, Virginia 20191 or at no cost from the commission's website at <http://acaecred.org/standards/>. Copies of the standards are available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, Lansing, Michigan 48909. Evidence of completion of an accredited audiology educational program is proof of completion of an acceptable program.

(2) A higher education institution is considered approved if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The department in consultation with the board adopts by reference the recognition standards and criteria of CHEA, effective September 24, 2018, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR 602.10 to 602.38. Copies of the standards and criteria of CHEA and the United States department of education are available for inspection and distribution at a cost of 10 cents per page from the Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards also may be obtained from the Council for Higher Education Accreditation, One Dupont Circle NW, Suite 510, Washington, DC 20036-1110, or from the council's website at <http://www.chea.org> at no cost. The federal recognition criteria may be obtained from the U.S. Department of Education Office of Postsecondary Education, 1990 K Street, NW, Washington, DC 20006 or from the department's website at <http://www.ed.gov/about/offices/list/OPE/index.html> at no cost.

R 338.9 Relicensure.

Rule 9. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.

(c) Submits proof to the department of accumulating not less than 20 hours of continuing education credit that satisfies the requirements of R 338.10 and R 338.11 during the 2 years immediately preceding the application for relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.

(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Complies with either of the following requirements:

(i) Pass an examination required under R 338.7.

(ii) Presents proof to the department that he or she was registered or licensed as an audiologist in another state during the 2-year period prior to the application for relicensure.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as an audiologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.10 License renewal; requirements; applicability.

Rule 10. (1) This rule applies to applications for renewal of an audiology license under sections 16201 and 16811 of the code, MCL 333.16201 and 333.16811.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 hours of continuing education in activities approved under these rules during the 2 years preceding the end of the license cycle.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

R 338.11 Acceptable continuing education; requirements; limitations.

Rule 11. (1) The 20 hours of continuing education required under R 338.10(2) for the renewal of an audiology license must satisfy the following requirements:

(a) For the purpose of this rule, "instruction" means education time, exclusive of coffee breaks; breakfast, luncheon, or dinner periods; or, any other breaks in the program.

(b) Not more than 10 hours of continuing education may be earned during a 24-hour period.

(c) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that license cycle.

(d) Under section 16204 of the code, MCL 333.16204, at least 1 hour of continuing education must be earned in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice under sections 16801 to 16811 of the code, MCL 333.16801 to 333.16811.

(2) The following are acceptable continuing education activities:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

| Activity Code | Activity and Proof Required | Number of continuing education hours granted/allowed per activity |
|---------------|---|--|
| (a) | Initial presentation of a continuing education program related to the practice of audiology provided to a | Three hours of continuing education are granted for each 50 to 60 minutes of presentation. |

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| | <p>state, regional, national, or international audiology organization.</p> <p>To receive credit, the presentation must not be a part of the licensee's regular job description and must satisfy the standards in R 338.12.</p> <p>If audited, the licensee shall submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p> | <p>No other credit is granted for preparation of a presentation.</p> <p>A maximum of 9 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (1)(c) of this rule, credit for a presentation is granted once per renewal period.</p> |
| (b) | <p>Initial presentation of a scientific exhibit, paper, or clinical demonstration to an audiology organization.</p> <p>To receive credit, the presentation must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment.</p> <p>If audited, the licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p> | <p>Two hours of continuing education are granted for each 50 to 60 minutes of presentation.</p> <p>No other credit is granted for preparation of a presentation.</p> <p>A maximum of 6 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (1)(c) of this rule, credit for a presentation is granted once per renewal period.</p> |
| (c) | <p>Passing a postgraduate academic course related to the practice of audiology offered in an educational program approved under R 338.8.</p> <p>If audited, the licensee shall submit an official transcript documenting successful completion of the course.</p> | <p>Five hours of continuing education are granted for each academic credit hour passed.</p> <p>Three hours of continuing education are granted for each academic term or quarter credit hour passed.</p> <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p> |
| (d) | <p>Attendance at a continuing education program approved under R 338.12.</p> <p>If audited, the licensee shall submit a program description, a copy of a letter</p> | <p>One continuing education clock hour is granted for each 50 to 60 minutes of program attendance.</p> |

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| | <p>or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p> |
| (e) | <p>Attendance at a continuing education program approved by another state board of audiology.</p> <p>If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>One continuing education clock hour is granted for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 20 hours of continuing education are allowed for this activity in each renewal period.</p> |
| (f) | <p>Initial publication of an article related to the practice of audiology in a non-peer reviewed journal or newsletter.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>One hour of continuing education is granted for each article.</p> <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p> <p>Under subrule (1)(c) of this rule, credit for publication is granted once per renewal period.</p> |
| (g) | <p>Initial publication of a chapter related to the practice of audiology in either of the following:</p> <p>A professional or health care textbook. A peer-reviewed journal.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Five hours of continuing education are granted for serving as the primary author.</p> <p>Two hours of continuing education are granted for serving as the secondary author.</p> <p>Under subrule (1)(c) of this rule, credit for publication is granted once per renewal period.</p> |
| (h) | <p>Reading an audiology professional journal and successfully completing an evaluation created for continuing</p> | <p>One hour of continuing education is granted for each 50 to 60 minutes of this activity.</p> |

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| | <p>education credit in audiology practice education.</p> <p>If audited, the licensee shall submit a copy of the publication and the evaluation created for continuing education credit in audiology practice education.</p> | <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p> |
| (i) | <p>Attendance at a program approved for continuing education by the board of medicine or the board of osteopathic medicine related to audiology practice.</p> <p>If audited, the licensee shall submit a program description, a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>One continuing education clock hour is granted for each 50 to 60 minutes of program attendance.</p> <p>A maximum of 5 hours of continuing education are allowed for this activity in each renewal period.</p> |
| (j) | <p>Participating on a state or national committee, board, council, or association related to the field of audiology. A committee, board, council, or association must enhance the participant’s knowledge and understanding of the field of audiology.</p> <p>If audited, the licensee shall submit documentation verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> | <p>Two hours of continuing education are granted for each committee, board, council, or association.</p> <p>A maximum of 2 hours of continuing education are allowed for this activity in each renewal period.</p> |

R 338.12 Continuing audiology education programs; methods of approval.

Rule 12. (1) Approved and adopted by reference are the standards of the American Speech-Language-Hearing Association Continuing Education Board (ASHA-CEB) for approved continuing education providers in the document entitled “American Speech-Language-Hearing Association Continuing Education Board Manual,” February 2019, which is available at no cost from ASHA, 2200 Research Boulevard, Rockville, Maryland 20850-3289 or from the association's website at <https://www.asha.org/ce/for-providers/>. A copy of the guidelines also is available for inspection and distribution at a cost of 10 cents per page from the Michigan Board of Audiology, Bureau of

Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(2) Approved and adopted by reference are the standards of the American Academy of Audiology for approved continuing education programs in the document entitled “CE Provider Course Application Requirements and Guidelines,” November 2018, which is available at no cost from the American Academy of Audiology, 11480 Commerce Park Drive, Suite 220, Reston, Virginia 20191 or from the academy’s website at <https://audiology.org/professional-development/continuing-education/ce-provider-information/course-approval-requirements>. A copy of the guidelines also is available for inspection and distribution at cost from the Michigan Board of Audiology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

(3) The board may review a course or program. Courses or programs that need to be reviewed and preapproved must submit the following requirements:

- (a) Course content related to current issues in audiology practice.
- (b) An outline of the course or program provided with time allotted for each section of the program.
- (c) Documentation of qualifications of presenters.
- (d) Description of the method for delivering the course or program.
- (e) Inclusion of defined measurements of pre-knowledge and post-knowledge or skill improvement.
- (f) Monitoring of participant attendance at the program or course.
- (g) Records of a course or program are maintained and include the number of participants in attendance, the date of the program, the program's location, the credentials of the presenters, rosters of the individuals who attended, and the continuing education time awarded to each participant.
- (h) A participant must receive a certificate or written proof of attendance at a program that indicates a participant's name, the date of the program, the location of program, the sponsor or program approval number, and the hours of continuing education awarded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MEDICINE - GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16204, 16215, 16287, 17031, 17033, 17048, and 17076 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16215, 333.16287, 333.17031, 333.17033, 333.17048, and 333.17076, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.2401, R 338.2409, R 338.2411, R 338.2413, R 338.2421, R 338.2423, R 338.2425, R 338.2427, R 338.2429, R 338.2431, R 338.2435, R 338.2437, R 338.2441, and R 338.2443 of the Michigan Administrative Code are amended, R 338.2407 is added, and R 338.2403, R 338.2405, and R 338.2433 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2401 Definitions.

Rule 101. (1) As used in these rules:

(a) "Board" means the Michigan board of medicine created under section 17021 of the code, MCL 333.17021.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.2403 Rescinded.

R 338.2405 Rescinded.

R 338.2407 Telehealth.

Rule 107. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A physician providing a telehealth service may prescribe a drug if the physician is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:

(a) If medically necessary, refers the patient to a provider who is geographically accessible to the patient.

(b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.

(4) A physician providing any telehealth service shall do both of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

R 338.2409 Prescribing of drugs by physician's assistants; procedures and protocols.

Rule 109. (1) Under sections 17048(2) and 17076(2) of the code, MCL 333.17048 and 333.17076, and under the terms of a practice agreement, a physician's assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:

(a) If a physician's assistant prescribes a drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that prescription.

(b) If a physician's assistant prescribes a drug that is included in schedules 2 to 5, the physician's assistant's Drug Enforcement Agency (DEA) registration number must be used, recorded, or otherwise indicated in connection with that prescription.

(2) Under sections 17048(2) and 17076(3) of the code, MCL 333.17048 and 333.17076, and under the terms of a practice agreement, a physician's assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:

(a) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug, the physician's assistant's name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

(b) If a physician's assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician's assistant's DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

R 338.2411 Delegation of prescribing controlled substances to an advanced practice registered nurse; limitation.

Rule 111. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 to a registered nurse who holds a specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

(a) The name, license number, and signature of the delegating physician.

(b) The name, license number, and signature of the nurse practitioner, nurse midwife, or clinical nurse specialist.

(c) The limitations or exceptions to the delegation.

- (d) The effective date of the delegation.
- (2) The delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The delegating physician shall note the review date on the written authorization.
- (3) The delegating physician shall maintain a written authorization at the delegating physician's primary place of practice.
- (4) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.
- (5) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.
- (6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue a multiple prescriptions allowing the patient to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
- (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

R 338.2413 Training standards for identifying victims of human trafficking; requirements.

Rule 113. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed shall complete training in identifying victims of human trafficking that satisfies the following standards:

- (a) Training content must cover all of the following:
 - (i) Understanding the types and venues of human trafficking in this state or the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized, health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
 - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licensure beginning December 6, 2021.

PART 2. LICENSES

R 338.2421 Accreditation standards for approval of medical schools and medical residency programs.

Rule 121. (1) The board approves and adopts by reference the standards for accrediting medical schools developed and adopted by the Liaison Committee on Medical Education, 655 K Street, NW, Suite 100, Washington, District of Columbia 20001-2399, set forth in the publication entitled “Functions and Structures of a Medical School”, March 2018 edition, which is available at no cost on the committee’s website at: www.lcme.org. The board considers any medical school accredited by the Liaison Committee on Medical Education approved by the board.

(2) The board approves and adopts by reference the standards for approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611, effective July 1, 2016, and are available at no cost on the council’s website at: www.acgme.org. The board considers any medical postgraduate training program accredited by the Accreditation Council for Graduate Medical Education approved by the board.

(3) The board approves and adopts by reference the standards for approval of a resident training program by the College of Family Physicians of Canada, 2630 Skymark Avenue, Mississauga, Ontario, Canada L4W 5A4, set forth in the publication entitled “Specific Standards for Family Medicine Training Programs Accredited by the College of Family Physicians of Canada,” 2016 edition available at no cost from the college’s website at: http://www.cfpc.ca/Residency_Program_Accreditation. The board considers any residency program accredited by the College of Family Physicians of Canada approved by the board.

(4) The board approves and adopts by reference the standards for approval of a resident training program by the Royal College of Physicians and Surgeons of Canada, 774 Echo Drive, Ottawa, Ontario, Canada K1S 5N8 set forth in the publication entitled “General Standards of Accreditation,” June 2013 edition, available at no cost from the college’s website: <http://www.royalcollege.ca/portal/page/portal/rc/credentials>. The board considers any residency program accredited by the Royal College of Physicians and Surgeons approved by the board.

(5) The board approves and adopts by reference the standards for approval of a resident training program by the Canadian Medical Association’s Conjoint Accreditation Services, 1867 Alta Vista Drive, Ottawa, Ontario, Canada K 1G 5W8, set forth in the publication entitled “Requirements for Accreditation,” 2014 edition, available at no cost from the association’s website at: <http://www.cma.ca/learning/conjointaccreditation>. The board considers any residency program accredited by the Conjoint Accreditation Service approved by the board.

(6) Copies of the standards and criteria adopted by reference in subrules (1), (2), (3), (4), and (5) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of

Medicine, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 W. Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

R 338.2423 Medical doctor; license requirements; United States and Canadian graduates.

Rule 123. An applicant for a medical license who graduated from a medical school located inside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Possess a degree from a medical school that satisfies the standards set forth in R 338.2421(1).
- (c) Have passed all parts of the United States Medical Licensing Examination (USMLE) adopted under R 338.2431.
- (d) Have completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
- (e) Submit a certificate of completion of the postgraduate training required under subdivision (d) of this rule to the department no more than 15 days prior to the scheduled date of completion.

R 338.2425 Medical doctor; license requirements; foreign graduates.

Rule 125. An applicant for a medical license who graduated from a medical school located outside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Have certification provided directly to the department from the Educational Commission for Foreign Medical Graduates (ECFMG) verifying that the applicant has satisfied both of the following requirements:
 - (i) Graduated from a medical school listed in the World Directory of Medical Schools.
 - (ii) Passed all parts of the USMLE adopted under R 338.2431.
- (c) Completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
- (d) Submit a certificate of completion of the postgraduate training required under subdivision (c) of this rule to the department no more than 15 days prior to the scheduled date of completion.

R 338.2427 Licensure by endorsement.

Rule 127. (1) An applicant for a Michigan medical license by endorsement shall submit the required fee and a completed application on a form provided by the department.

- (2) An applicant shall satisfy 1 of the following requirements:
 - (a) Has first been licensed in good standing in another state and actively engaged in the practice of medicine for at least 10 years prior to the date of filing the application.
 - (b) Has first been licensed in good standing in another state and actively engaged in the practice of medicine less than 10 years prior to the date of filing the application and satisfies both of the following requirements:
 - (i) Passed all parts of the USMLE adopted under R 338.2431.
 - (ii) Completed a minimum of 2 years of postgraduate clinical training in a program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).
- (3) An applicant's license shall be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as a medical doctor. Verification

includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.2429 Educational limited license.

Rule 129. (1) An individual not eligible for a Michigan medical license shall obtain an educational limited license before engaging in postgraduate training.

(2) An applicant for an educational limited license who is from a medical school located inside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from a medical school that satisfies the requirements of R 338.2421(1) verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application.

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.2421(2).

(3) An applicant for an educational limited license who is from a medical school located outside the United States, its territories, or the Dominion of Canada, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have certification provided directly from the ECFMG to the department verifying that the applicant has satisfied both of the following requirements:

(i) Graduated from a medical school listed in the World Directory of Medical Schools.

(ii) Passed parts 1 and 2 of the USMLE adopted under R 338.2431.

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.2421(2).

(4) Under section 17012(2) of the code, MCL 333.17012, an educational limited license may be renewed not more than 5 years.

R 338.2431 Examination; adoption; passing scores; limitation on attempts; time limitations.

Rule 131. (1) The board adopts the United States Medical Licensing Examination (USMLE) developed and administered by the Federation of State Medical Boards (FSMB) which consists of the following parts:

(a) USMLE – part 1.

(b) USMLE – part 2.

(c) USMLE – part 3.

(2) The passing score for each part of the USMLE accepted for licensure is the passing score established by the FSMB.

(3) An applicant shall not make more than 3 attempts to pass any part of the USMLE.

(4) An applicant shall successfully pass all parts of the USMLE within 7 years from the date that he or she first passed any part of the USMLE. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof of both of the following requirements to the board:

(a) That the applicant has already passed all parts of the USMLE, but that the time taken to pass all parts is more than 7 years.

(b) That the applicant has completed either of the following activities:

(i) Graduation from an accredited graduate degree program in addition to medical school.

(ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.

R 338.2433 Rescinded.

R 338.2435 Clinical academic limited license.

Rule 135. An applicant for a clinical academic limited license shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, the applicant shall satisfy both of the following requirements:

(a) Have documentation provided directly to the department verifying that he or she has been appointed to a position in an academic institution as defined in section 17001(1)(a) of the code, MCL 333.17001.

(b) Provide documentation from either of the following entities:

(i) Verification provided directly to the department from a medical school that satisfies the requirements of R 338.2421(1), indicating that the applicant has graduated or is expected to graduate within 3 months of the date of the application.

(ii) Certification provided directly to the department from the ECFMG indicating that the applicant has satisfied both of the following requirements:

(A) Graduated from a medical school listed in the World Directory of Medical Schools.

(B) Passed parts 1 and 2 of the USMLE adopted under R 338.2431.

R 338.2437 Relicensure.

Rule 137. (1) An applicant whose Michigan medical license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Submits proof to the department of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.2443 during the 3 years immediately preceding the date of the application for relicensure.

(c) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(d) An applicant who holds or has ever held a license to practice medicine shall establish all of the following requirements:

(i) Disciplinary proceedings are not pending against the applicant.

(ii) If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.

(iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.

(2) An applicant whose Michigan medical license has been lapsed for 3 years but less than 5 years may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and either of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and in good standing as a medical doctor in another state.

(b) Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the Special Purpose Examination (SPEX) offered by the FSMB. The passing score is the passing score established by the FSMB.

(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).

(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).

(iv) Successfully completes a physician re-entry program affiliated with a medical school that satisfies the requirements of R 338.2421(1).

(3) An applicant whose Michigan medical license has been lapsed for 5 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and either of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and in good standing as a medical doctor in another state.

(b) Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the SPEX offered by the FSMB. The passing score is the passing score established by the FSMB.

(ii) Successfully completes 1 of the following training options:

(A) A postgraduate training program that satisfies the requirements of R 338.2421(2), (3), (4), or (5).

(B) A physician re-entry program that is accredited by the CPE.

(C) A physician re-entry program affiliated with a medical school that satisfies the requirements of R 338.2421(1).

(4) If required to complete the requirements of subrule (2)(b) or (3)(b) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.

(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201(3) or (4), if he or she complies with subrule (1) of this rule and R 338.2429.

(6) An applicant shall have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice as a medical doctor. Verification must include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.

PART 3. CONTINUING EDUCATION

R 338.2441 License renewals.

Rule 141. (1) This part applies to an application for renewal of a medical license under section 17031 of the code, MCL 333.17031, and a medical special volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under R 338.2443 during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the

requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.2443.

R 338.2443 Acceptable continuing education; requirements; limitations.

Rule 143. (1) The 150 hours of continuing education required under R 338.2441 must satisfy the following requirements, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.

(b) A minimum of 1 hour of continuing education must be earned in the area of medical ethics.

(c) For license renewals filed December 6, 2017, or later, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management under section 17033(2) of the code, MCL 333.17033(2). At least 1 of the 3 hours must include controlled substances prescribing. Continuing education hours in pain and symptom management may include, but are not limited to, any of the following areas:

- (i) Public health burden of pain.
- (ii) Ethics and health policy related to pain.
- (iii) Michigan pain and controlled substance laws.
- (iv) Pain definitions.
- (v) Basic sciences related to pain including pharmacology.
- (vi) Clinical sciences related to pain.
- (vii) Specific pain conditions.
- (viii) Clinical physician communication related to pain.
- (ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
- (x) Ensuring quality pain care and controlled substances prescribing.
- (xi) Michigan programs and resources relevant to pain.

(d) A minimum of 75 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.

(2) The board considers any of the following activities as acceptable category 1 continuing education:

| | Activity and Proof of Completion | Number of Continuing Education Hours granted/permitted for the activity |
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| (a) | Attendance at or participation in a continuing education program or activity related to the practice of medicine, which includes, but is not limited to, live, in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs approved or offered by any of the following organizations: <ul style="list-style-type: none"> • American Medical Association • Michigan State Medical Society | The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization for the specific program. A maximum of 150 hours of continuing education may be earned for this activity during the renewal period. |

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| | <ul style="list-style-type: none"> • Accreditation Council for Continuing Medical Education • American Osteopathic Association • Michigan Osteopathic Association <p>If audited, the licensee must submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.</p> | |
| (b) | <p>Taking and passing a specialty board certification or recertification examination for a specialty board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons.</p> <p>If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.</p> | <p>A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (c) | <p>Successfully completing an activity that is required for maintenance of a specialty certification for a board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons that does not satisfy the requirements of subrule 2(a) or 2(b) of this rule.</p> <p>If audited, the licensee shall provide proof from the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed and the date of completion.</p> | <p>One hour of continuing education is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p> |
| (d) | <p>Participation in a clinical training program that satisfies any of the requirements of R 338.2421(2), (3), (4), or (5) or is accredited by a board recognized by the American Board of Medical Specialties, the American Board of Physician Specialties, or the National Board of Physicians and Surgeons. To receive credit, the licensee shall be enrolled for a minimum of 5 months in a 12-month period.</p> | <p>Fifty hours of continuing education credit per year may be granted for this activity. A maximum of 150 hours of continuing education credit may be earned per renewal period.</p> |

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| | If audited, the licensee shall submit a letter from the program director verifying the licensee participated in the program. | |
| (3) The board considers any of the following activities as acceptable category 2 continuing education: | | |
| | Activity and Proof of Completion | Number of Continuing Education Hours granted/permitted for the activity |
| (a) | <p>Serving as a clinical instructor for medical students or residents engaged in a postgraduate training program that satisfies requirements of R 338.2421(2), (3), (4), or (5).</p> <p>To receive credit, the clinical instructorship must not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall submit proof of scheduled instructional hours and a letter from the program director verifying the licensee’s role.</p> | Two hours of continuing education is granted for each 50 to 60 minutes of scheduled instruction. Additional credit for preparation of a lecture cannot be granted. A maximum of 48 hours of continuing education may be earned for this activity in each renewal period. |
| (b) | <p>Initial presentation of a scientific exhibit, poster, or paper to a professional medical organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the date of the presentation.</p> | Two hours of continuing education is granted for each presentation. No additional credit is granted for preparation of the presentation. A maximum of 24 hours of continuing education may be earned in this activity in each renewal period. Under R 338.2443(1)(a), credit for a presentation is granted only once per renewal period. |
| (c) | <p>Publication of a scientific article relating to the practice of medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation of the peer-review process.</p> | Six hours of continuing education is granted for serving as the primary author. Three hours of continuing education is granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Under R 338.2443(1)(a), credit for an article is granted once per renewal period. |
| (d) | <p>Initial publication of a chapter or a portion of a chapter related to the practice of medicine in either of the following textbooks:</p> <ul style="list-style-type: none"> • A professional health care textbook. • A peer-reviewed textbook. <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | Five hours of continuing education is granted for serving as the primary author. Two hours of continuing education is granted for serving as a secondary author. A maximum of 24 hours of continuing education may be earned for this activity in each renewal period. Under R 338.2443(1)(a), credit for publication is granted once per renewal period. |
| (e) | <p>Participating on any of the following committees:</p> <ul style="list-style-type: none"> • A peer review committee dealing with quality of patient care as it relates to | Eighteen hours of continuing education is granted for participating on a committee. A maximum of 18 hours of continuing education may be earned for this activity in each renewal |

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| | <p>the practice of medicine.</p> <ul style="list-style-type: none"> • A committee dealing with utilization review as it relates to the practice of medicine. • A health care organization committee dealing with patient care issues related to the practice of medicine. • A national or state committee, board, council, or association related to the practice of medicine. <p>Participation in a committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the field of medicine. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p> | <p>period.</p> |
| (f) | <p>Until December 6, 2019, attendance at or participation in a continuing education activity that had been approved by the board prior to the effective date of this rule but does not satisfy the requirements of subrule (2)(a) of this rule.</p> <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity was completed.</p> | <p>The number of continuing education hours for a specific program or activity is the number of hours approved by the board. A maximum of 36 hours of continuing education may be earned for this activity.</p> |
| (g) | <p>Independently reading a peer-reviewed journal that does not satisfy the requirements of subrule (2)(a) of this rule. The reading must have been completed prior to the effective date of this rule.</p> <p>If audited, a licensee shall submit a bibliography listing the journal, article, authors, publication date, and date read.</p> | <p>Two hours of continuing education credit is granted for each article read. A maximum of 18 hours of continuing education may be earned for this activity.</p> |
| (h) | <p>Prior to December 6, 2016, completing a multi-media self-assessment program that does not satisfy the requirements of subrule (2)(a) of this rule. The self-assessment program</p> | <p>The number of continuing education hours is the number of hours approved by the activity sponsor. A maximum of 18 hours of continuing education credit may be earned for this activity.</p> |

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| | <p>must improve the licensee's knowledge and understanding of the practice of medicine.</p> <p>If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.</p> | |
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ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENETIC COUNSELING – GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16204, 16287, 17091, 17092, and 17096 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16287, 333.17091, 333.17092, and 333.17096, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.2451, R 338.2455, R 338.2457, R 338.2461, R 338.2463, R 338.2465, R 338.2471, R 338.2473, and R 338.2481 are added to the Michigan Administrative Code, as follows:

PART 1. GENERAL PROVISIONS

R 338.2451 Definitions.

Rule 151. (1) As used in these rules:

- (a) "ABGC" means the American Board of Genetic Counseling, Inc., or its successor.
- (b) "ABMGG" means the American Board of Medical Genetics and Genomics or its successor.
- (c) "Board" means the Michigan board of medicine created under section 17021 of the code, MCL 333.17021.

(d) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(e) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.2455 Telehealth.

Rule 155. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A licensee providing a telehealth service may prescribe a drug if the licensee is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:

- (a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.
- (b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.
- (4) A licensee providing any telehealth service shall do both of the following:
 - (a) Act within the scope of his or her practice.
 - (b) Exercise the same standard of care applicable to a traditional, in-person health care service.

R 338.2457 Training standards for identifying victims of human trafficking; requirements.

Rule 157. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or registration or who is licensed or registered shall complete training in identifying victims of human trafficking that satisfies all of the following standards:

- (a) Training content must cover all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure or registration, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:
 - (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:
 - (i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.
 - (ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.
- (3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license or registration renewals beginning with the first renewal cycle after the promulgation of this rule and for initial licenses or

registrations issued 5 or more years after the promulgation of this rule.

PART 2. LICENSURE

R 338.2461 Application for license; qualifications.

Rule 161. (1) In addition to satisfying the requirements of the code, an applicant for a genetic counselor license shall satisfy all of the following requirements:

- (a) Submit a completed application on a form provided by the department.
- (b) Pay the required fee to the department.
- (c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.

(2) In addition to satisfying the requirements of the code, an applicant for a temporary-licensed genetic counselor license shall satisfy all of the following requirements:

- (a) Submit a completed application on a form provided by the department.
- (b) Pay the required fee to the department.
- (c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.
- (d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.2463 Relicensure.

Rule 163. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

- (a) Submits a completed application on a form provided by the department.
- (b) Pays the required fee to the department.
- (c) Provides proof of 1 of the following directly to the department, as applicable:
 - (i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.
 - (ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.

(d) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(e) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201(4), if the applicant satisfies all of the following requirements:

- (a) Submits a completed application on a form provided by the department.
- (b) Pays the required fee to the department.

(c) Provides proof of 1 of the following directly to the department, as applicable:

(i) If applying for relicensure as a genetic counselor, current certification in good standing with the ABGC or the ABMGG.

(ii) If applying for relicensure as a temporary-licensed genetic counselor, active candidate status with the ABGC or the ABMGG.

(d) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(e) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(f) If applying for relicensure as a temporary-licensed genetic counselor, provides proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.2465 Application for renewal of license; qualifications.

Rule 165. (1) An applicant for renewal of a genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of current certification in good standing with the ABGC or the ABMGG.

(d) Satisfy the requirements under R 338.2471, as applicable.

(2) An applicant for renewal of a temporary-licensed genetic counselor license shall satisfy all of the following requirements:

(a) Submit a completed application on a form provided by the department.

(b) Pay the required fee to the department.

(c) Provide proof directly to the department of active candidate status with the ABGC or the ABMGG.

(d) Provide proof acceptable to the department that he or she will be supervised by a qualified supervisor in this state.

(3) An applicant shall have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a genetic counselor or temporary-licensed genetic counselor. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(4) A temporary-licensed genetic counselor license may be renewed not more than 5 years.

PART 3. CONTINUING EDUCATION

R 338.2471 License renewals.

Rule 171. (1) This part applies to an application for renewal of a genetic counselor license under R 338.2465 and sections 16201 and 17091 of the code, MCL 333.16201 and MCL 333.17091.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 75 contact hours of continuing education in activities approved by the board under R 338.2473 during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.2473.

R 338.2473 Acceptable continuing education; requirements; limitations.

Rule 173. (1) The 75 contact hours of continuing education required under R 338.2471 must satisfy the following requirements, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.

(b) A minimum of 1 contact hour of continuing education must be earned in the area of medical ethics.

(c) A minimum of 1 contact hour of continuing education must be earned in the area of pain and symptom management under section 16204 of the code, MCL 333.16204. Continuing education contact hours in pain and symptom management may include, but are not limited to, any of the following areas:

(i) Public health burden of pain.

(ii) Ethics and health policy related to pain.

(iii) Michigan pain and controlled substance laws.

(iv) Pain definitions.

(v) Basic sciences related to pain including pharmacology.

(vi) Clinical sciences related to pain.

(vii) Specific pain conditions.

(viii) Clinical physician communication related to pain.

(ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.

(x) Ensuring quality pain care.

(xi) Michigan programs and resources relevant to pain.

(2) The board considers any of the following activities as acceptable continuing education:

| | Activity and Proof of Completion | Number of Continuing Education Contact Hours Granted/Permitted for the Activity |
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| (a) | Attendance at or participation in a continuing education program or activity related to the practice of genetic counseling that includes, but is not limited to, live in-person programs, interactive or monitored teleconference, audio-conference, or web-based programs, online programs, and journal articles with a self-study component or other self-study programs | The number of continuing education contact hours credit for a specific program or activity is the number of contact hours approved by the sponsor or the approving organization |

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| | <p>approved or offered by any of the following organizations:</p> <ul style="list-style-type: none"> • Accreditation Council for Continuing Medical Education. • American College of Medical Genetics and Genomics. • American College of Obstetricians and Gynecologists. • American Medical Association. • American Nurses Credentialing Center’s Commission on Accreditation. • American Osteopathic Association. • American Society for Reproductive Medicine. • Michigan Association of Genetic Counselors. • Michigan Osteopathic Association. • Michigan State Medical Society. • National Society of Genetic Counselors. • Society for Maternal Fetal Medicine. <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education contact hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or the activity completed.</p> | <p>for the specific program.</p> <p>A minimum of 45 hours of continuing education must be earned in this activity in each renewal period.</p> <p>A maximum of 75 contact hours of continuing education credit may be earned for this activity in each renewal period.</p> |
| (b) | <p>Serving as a clinical supervisor for a student at a site used by an ACGC accredited program.</p> <p>To receive credit, the clinical supervision must not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall submit the student’s initials, training program, dates supervision began and ended, and number of supervision hours provided per week.</p> | <p>Five contact hours of continuing education credit is granted for a minimum of 25 hours of direct clinical supervision.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p> |
| (c) | <p>Publication of an article or chapter in a peer-reviewed journal or book related to practice-based competency.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author.</p> | <p>Ten contact hours of continuing education credit is granted for serving as the first, second, or senior author.</p> <p>Five contact hours of continuing education credit is granted for serving as</p> |

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| | | <p>any other author that is not first, second, or senior author.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned per article or chapter.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p> |
| (d) | <p>Service in a leadership position role as a board member, chair, or leader of a genetics-related organization.</p> <p>If audited, the licensee shall submit the organization name, contact information, dates of service, dated agenda, and meeting minutes documenting at least 25 hours of service.</p> | <p>Five contact hours of continuing education credit is granted for 25 hours of service for each organization.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p> |
| (e) | <p>Serving as an instructor for a graduate-level course in an area related to genetics competency.</p> <p>To receive credit, the instructorship must not be the licensee’s primary employment function.</p> <p>If audited, the licensee shall provide document titles, course description, faculty list of each course, dates of all courses, scheduled instructional hours, and a letter from the program director verifying the licensee’s role.</p> | <p>Five contact hours of continuing education credit is granted for a minimum of 5 hours of teaching.</p> <p>A maximum of 10 contact hours of continuing education credit may be earned for each course.</p> <p>A maximum of 30 contact hours of continuing education credit may be earned for this activity in each renewal period.</p> |
| (f) | <p>Serving as a peer reviewer of a manuscript by invitation for a scientific journal.</p> <p>If audited, a licensee shall submit copies of documentation inviting the license to complete the review and thanking them for completing the review.</p> | <p>Two contact hours of continuing education credit is granted for each manuscript reviewed.</p> <p>A maximum of 30 contact hours of continuing</p> |

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| | | education credit may be earned for this activity in each renewal period. |
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PART 4. STANDARDS OF PRACTICE

R 338.2481 Certification; active candidate status; requirement.

Rule 171. (1) A genetic counselor licensee shall maintain certification with the ABGC or the ABMGG.

(2) A temporary-licensed genetic counselor license automatically expires upon issuance of a genetic counselor license or upon loss of active candidate status with the ABGC or the ABMGG.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OSTEOPATHIC MEDICINE AND SURGERY - GENERAL RULES

Filed with the secretary of state on April 26, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16204, 16215, 16287, 17531, 17533, and 17548 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16204, 333.16215, 333.16287, 333.17531, 333.17533, and 333.17548, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.111, R 338.115, R 338.117, R 338.119, R 338.120, R 338.121, R 338.123, R 338.125, R 338.127, R 338.129, R 338.133, R 338.141, and R 338.143 of the Michigan Administrative Code are amended, R 338.114 is added, and R 338.113 and R 338.131 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.111 Definitions.

Rule 11. (1) As used in these rules:

(a) "Board" means the Michigan board of osteopathic medicine and surgery created under section 17521 of the code, MCL 333.17521.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.113 Rescinded.

R 338.114 Telehealth.

Rule 14. (1) Consent for treatment must be obtained before providing a telehealth service under section 16284 of the code, MCL 333.16284.

(2) Proof of consent must be maintained in the patient's up-to-date medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A physician providing a telehealth service may prescribe a drug if the physician is a prescriber acting within the scope of his or her practice and in compliance with section 16285 of the code, MCL 333.16285, and if he or she does both of the following:

(a) If medically necessary, refers the patient to a provider that is geographically accessible to the patient.

(b) Makes himself or herself available to provide follow-up care services to the patient, or to refer the patient to another provider, for follow-up care.

(4) A physician providing any telehealth service shall do both of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

R 338.115 Code of ethics.

Rule 15. (1) The standards of the American Osteopathic Association, 142 E. Ontario St., Chicago, IL 60611-2864 set forth in the “Code of Ethics” dated July 24, 2016, are adopted by reference in these rules. The code of ethics may be obtained at no cost from the association’s website at:

<https://osteopathic.org/about/leadership/aoa-governance-documents/code-of-ethics/>.

(2) A licensee shall not violate the code of ethics.

(3) Copies of the adopted standards referenced in subrule (1) of this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909.

R 338.117 Prescribing of drugs by physician’s assistants; procedures and protocols.

Rule 17. (1) Under section 17548(3) and (4) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician’s assistant may prescribe a drug, including a controlled substance that is included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to 333.7231, subject to both of the following requirements:

(a) If a physician’s assistant prescribes a drug, the physician’s assistant’s name must be used, recorded, or otherwise indicated in connection with that prescription.

(b) If a physician’s assistant prescribes a drug that is included in schedules 2 to 5, the physician’s assistant’s DEA registration number must be used, recorded, or otherwise indicated in connection with that prescription.

(2) Under section 17548(3) and (5) of the code, MCL 333.17548, and under the terms of a practice agreement, a physician’s assistant may order, receive, and dispense complimentary starter dose drugs, including controlled substances that are included in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, subject to both of the following requirements:

(a) If a physician’s assistant orders, receives, or dispenses a complimentary starter dose drug, the physician’s assistant’s name must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

(b) If a physician’s assistant orders, receives, or dispenses a complimentary starter dose drug that is included in schedules 2 to 5, the physician’s assistant’s DEA registration number must be used, recorded, or otherwise indicated in connection with that order, receipt, or dispensing.

R 338.119 Delegation of prescribing controlled substances to an advanced practice registered nurse; limitation.

Rule 19. (1) A physician may delegate the prescription of controlled substances listed in schedules 2 to 5 of part 72 of the code, MCL 333.7201 to MCL 333.7231, to a registered nurse who holds specialty certification under section 17210 of the code, MCL 333.17210, with the exception of a nurse anesthetist, if the delegating physician establishes a written authorization that contains all of the following information:

- (a) The name, license number, and signature of the delegating physician.
 - (b) The name, license number, and signature of the nurse practitioner, nurse midwife, or clinical nurse specialist.
 - (c) The limitations or exceptions to the delegation.
 - (d) The effective date of the delegation.
- (2) The delegating physician shall review and update a written authorization on an annual basis from the original date or the date of amendment, if amended. The delegating physician shall note the review date on the written authorization.
- (3) The delegating physician shall maintain a written authorization at the delegating physician's primary place of practice.
- (4) The delegating physician shall provide a copy of the signed, written authorization to the nurse practitioner, nurse midwife, or clinical nurse specialist.
- (5) The delegating physician shall ensure that an amendment to the written authorization is in compliance with subrules (1), (2), (3), and (4) of this rule.
- (6) A delegating physician may authorize a nurse practitioner, a nurse midwife, or a clinical nurse specialist to issue a multiple prescriptions allowing the patient to receive a total of up to a 90-day supply of a schedule 2 controlled substance.
- (7) A delegating physician shall not delegate the prescription of a drug or device individually, in combination, or in succession for a woman known to be pregnant with the intention of causing either a miscarriage or fetal death.

R 338.120 Training standards for identifying victims of human trafficking; requirements.

Rule 20. (1) Under section 16148 of the code, MCL 333.16148, a licensed physician or licensure applicant shall complete training in identifying victims of human trafficking that satisfies the following standards:

- (a) Training content must cover all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Using resources for reporting the suspected victims of human trafficking.
- (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
- (c) Acceptable modalities of training include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2017 renewal cycle and for initial licensure beginning December 20, 2021.

PART 2. LICENSES

R 338.121 Accreditation standards for approval of osteopathic medical schools, postgraduate training programs, and institutions; adoption by reference.

Rule 21. (1) The board approves and adopts by reference the standards for accrediting osteopathic medical schools developed and adopted by the American Osteopathic Association Commission on Osteopathic College Accreditation, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "Accreditation of Colleges of Osteopathic Medicine: COM Accreditation Standards and Procedures" effective August 29, 2016, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic school of medicine accredited by the Commission on Osteopathic College Accreditation approved by the board.

(2) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Postdoctoral Training, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "The Basic Documents for Postdoctoral Training," effective March 1, 2018, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic postgraduate training program accredited by the American Osteopathic Association Council on Postdoctoral Training approved by the board.

(3) The board approves and adopts by reference the standards of the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions, 142 E. Ontario St., Chicago, Illinois 60611-2864, as set forth in the publication entitled "OPTI Accreditation Handbook," effective March 2014, which is available at no cost on the association's website at: www.osteopathic.org. The board considers any osteopathic institution accredited by the American Osteopathic Association Council on Osteopathic Postdoctoral Training Institutions as approved by the board.

(4) The board approves and adopts by reference the standards for the approval of a postgraduate training program developed and adopted by the Accreditation Council for Graduate Medical Education, 401 N. Michigan Avenue, Suite 2000, Chicago, Illinois 60611, effective July 1, 2016, and available at no cost on the council's website at: www.acgme.org. The board considers any medical postgraduate training program accredited on or after July 1, 2015 by the Accreditation Council for Graduate Medical Education approved by the board.

(5) Copies of the standards and criteria adopted by reference in this rule are available for inspection and distribution at a cost of 10 cents per page from the Board of Osteopathic Medicine and Surgery, Bureau of Professional Licensing, Licensing and Regulatory Affairs, 611 W. Ottawa Street, P.O. Box 30670, Lansing, Michigan 48909.

R 338.123 Licensure by examination.

Rule 23. An applicant for licensure by examination, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

- (a) Submit the required fee and a completed application on a form provided by the department.
- (b) Possess a degree from a school of osteopathic medicine that satisfies the standards set forth in R 338.121(1).
- (c) Have passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.
- (d) Have completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:
 - (i) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).
 - (ii) A postgraduate training program approved by the board in R 338.121(4).
- (e) Submit a certificate of completion of the postgraduate training required under subdivision (d) of this rule to the department no more than 15 days before the scheduled date of completion.

R 338.125 Licensure by endorsement.

Rule 25. (1) An applicant for an osteopathic medicine and surgery license by endorsement shall submit the required fee and a completed application on a form provided by the department.

- (2) An applicant shall satisfy 1 of the following requirements:
 - (a) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery for at least 5 years before the date of filing the application.
 - (b) Has first been licensed in good standing in another state and actively engaged in the practice of osteopathic medicine and surgery less than 5 years before the date of filing the application and satisfies both of the following requirements:
 - (i) Passed all parts of the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) adopted under R 338.129.
 - (ii) Completed a minimum of 1 year of postgraduate clinical training in a program that satisfies either of the following requirements:
 - (A) A postgraduate training program that satisfies the requirements of R 338.121(2) at a training institution that satisfies the requirements of R 338.121(3).
 - (B) A postgraduate training program approved by the board in R 338.121(4).
- (3) An applicant's license must be verified by the licensing agency of any state of the United States in which the applicant holds a current license or has ever held a license as an osteopathic physician. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.127 Educational limited license.

Rule 27. (1) An individual not eligible for a Michigan osteopathic medicine and surgery license shall obtain an educational limited license before engaging in postgraduate training.

(2) An applicant for an educational limited license, in addition to satisfying the requirements of the code, shall satisfy all of the following requirements:

(a) Submit the required fee and a completed application on a form provided by the department.

(b) Have documentation provided directly to the department from an osteopathic medical school that satisfies the requirements of R 338.121(1) verifying that the applicant has graduated or is expected to graduate within 3 months of the date of the application.

(c) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(3) Under section 17512(2) of the code, MCL 333.17512(2), an educational limited license may be renewed not more than 5 years.

R 338.129 Examination; adoption; passing scores; limitation on attempts; time limitations.

Rule 29. (1) The board adopts the Comprehensive Osteopathic Medical Licensing Examination (COMLEX) developed and administered by the National Board of Osteopathic Medical Examiners (NBOME).

(2) The passing score for each part of the COMLEX accepted for licensure is the passing score established by the NBOME.

(3) An applicant cannot make more than 6 attempts to pass any part of the COMLEX.

(4) An applicant shall successfully pass all parts of the COMLEX within 7 years from the date that he or she first passed any part of the COMLEX. An applicant may request consideration of a variance of the 7-year requirement by providing, at a minimum, proof of both of the following requirements to the board:

(a) That the applicant has already passed all parts of the COMLEX, but that the time taken to pass all parts is more than 7 years.

(b) That the applicant has completed 1 of the following activities:

(i) Graduation from an accredited graduate degree program in addition to osteopathic medical school.

(ii) Completion of a residency or fellowship program with demonstrated consistent participation in the program.

R 338.131 Rescinded.

R 338.133 Relicensure.

Rule 33. (1) An applicant whose Michigan osteopathic medicine and surgery license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Submits proof to the department of completing not less than 150 hours of continuing education that satisfies the requirements of R 338.141 during the 3 years immediately preceding the date of the application for relicensure.

(c) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(d) An applicant who holds or has ever held a license to practice osteopathic medicine and surgery shall establish all of the following requirements:

(i) Disciplinary proceedings are not pending against the applicant.

(ii) If sanctions have been imposed against the applicant, the sanctions are not in force at the time of application.

(iii) A previously held license was not surrendered or allowed to lapse to avoid discipline.

(2) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 3 years but less than 5 years may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174(3), and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.

(b) Completes 1 of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the Comprehensive Osteopathic Medical Variable-Purpose Examination (COMVEX) offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completes a postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(iii) Successfully completes a physician re-entry program accredited by the Coalition for Physician Enhancement (CPE).

(iv) Successfully completes a physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).

(3) An applicant whose Michigan osteopathic medicine and surgery license has been lapsed for 5 years or more may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant submits fingerprints as set forth in section 16174(3) of the code, MCL 333.16174, and satisfies the requirements of subrule (1) of this rule and 1 of the following requirements:

(a) Presents proof to the department that he or she is actively licensed and is in good standing as an osteopathic physician in another state.

(b) Completes both of the following during the 3 years immediately preceding the date of the application for relicensure:

(i) Takes and passes the COMVEX offered by the NBOME. The passing score is the passing score established by the NBOME.

(ii) Successfully completes 1 of the following training options:

(A) A postgraduate training program that satisfies the requirements of R 338.121(2) or (4).

(B) A physician re-entry program that is accredited by the CPE.

(C) A physician re-entry program affiliated with an osteopathic medical school that satisfies the requirements of R 338.121(1).

(4) If required to complete the requirements of subrules (2)(b) or (3)(b) of this rule, the applicant may obtain an educational limited license for the sole purpose of completing that training.

(5) An applicant with an educational limited license may be relicensed under section 16201(3) or (4) of the code, MCL 333.16201, if he or she complies with subrule (1) of this rule and R 338.127.

(6) An applicant must have his or her license verified by the licensing agency of any state of the United States in which the applicant holds or has ever held a license to practice osteopathic medicine. Verification must include information that the license is in good standing and, if applicable, the record of any disciplinary action taken or pending against the applicant.

PART 3. CONTINUING EDUCATION

R 338.141 License renewals.

Rule 41. (1) This part applies to an application for renewal of an osteopathic medicine and surgery license under section 17533 of the code, MCL 333.17533, and an osteopathic medicine and surgery special volunteer license under section 16184 of the code, MCL 333.16184.

(2) An applicant for license renewal who has been licensed in the 3-year period immediately preceding the application for renewal shall accumulate a minimum of 150 hours of continuing education in activities approved by the board under R 338.143 during the 3 years immediately preceding the application for renewal.

(3) Submission of an application for renewal constitutes the applicant’s certification of compliance with the requirements of this rule. The licensee shall retain documentation of satisfying the requirements of this rule for 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee must submit documentation as specified in R 338.143.

R 338.143 Acceptable continuing education; requirements; ~~and~~ limitations.

Rule 43. (1) The 150 hours of continuing education required under R 338.141 must satisfy the following requirements, as applicable:

(a) Credit for a continuing education program or activity that is identical or substantially identical to a program or activity for which the licensee has already earned credit during the renewal period cannot be granted.

(b) A minimum of 1 hour of continuing education must be earned in the area of medical ethics.

(c) For license renewals filed December 20, 2017, or later, a minimum of 3 hours of continuing education must be earned in the area of pain and symptom management under section 17533(2) of the code, MCL 333.17533. At least 1 of the 3 hours must include controlled substances prescribing. Continuing education hours in pain and symptom management may include, but are not limited to, any of the following areas:

- (i) Public health burden of pain.
- (ii) Ethics and health policy related to pain.
- (iii) Michigan pain and controlled substance laws.
- (iv) Pain definitions.
- (v) Basic sciences related to pain including pharmacology.
- (vi) Clinical sciences related to pain.
- (vii) Specific pain conditions.
- (viii) Clinical physician communication related to pain.
- (ix) Management of pain, including evaluation and treatment and non-pharmacological and pharmacological management.
- (x) Ensuring quality pain care and controlled substances prescribing.
- (xi) Michigan programs and resources relevant to pain.

(d) A minimum of 60 continuing education credits must be obtained through category 1 programs listed in subrule (2) of this rule.

(2) The board considers any of the following activities as acceptable category 1 continuing education:

| | Activity and Proof of Completion | Number of continuing education hours granted/permitted for the activity |
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| (a) | Attendance at or participating in a continuing education program or activity related to the | The number of continuing education hours for a specific program or activity is the number of |

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| | <p>practice of osteopathic medicine, which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference, web-based programs; or online programs approved or offered by any of the following organizations: American Osteopathic Association. Michigan Osteopathic Association.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p> | <p>hours assigned by the sponsoring organization for the specific program or activity. A minimum of 40 hours of continuing education must be earned in this activity. A maximum of 150 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (b) | <p>Attendance at or participating in a continuing education program or activity related to the practice of osteopathic medicine which includes, but is not limited to, live, in-person programs; and journal articles with a self-study component, interactive or monitored teleconference; audio conference; web-based programs; or online programs approved or offered by any of the following organizations:</p> <p>American Medical Association. Accreditation Council for Continuing Medical Education. Michigan State Medical Society.</p> <p>If audited, the licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date or dates on which the program or activity was completed.</p> | <p>The number of continuing education hours for a specific program or activity is the number of hours assigned by the sponsoring organization for the specific program or activity. A maximum of 110 hours of continuing education may be earned for this activity in a renewal period.</p> |
| (c) | <p>Taking and passing a specialty board certification or recertification examination for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties.</p> | <p>A specialty board certification or recertification examination successfully passed during the renewal period is granted 50 hours of continuing education credit. A maximum of 50 hours of continuing education credit may be earned for this activity in each renewal period.</p> |

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| | <p>If audited, the licensee shall provide proof from the specialty board of the successful passing of the examination.</p> | |
| (d) | <p>Successfully completing an activity that is required for maintenance of a specialty certification for a specialty board recognized by the American Osteopathic Association, the American Board of Medical Specialties, or the American Board of Physician Specialties that does not satisfy the requirements of subdivision (a) or (c) of this subrule.</p> <p>If audited, the licensee shall provide proof from the specialty board that the activity was required for maintenance of certification, that the activity was successfully completed, and the date of completion.</p> | <p>One hour of continuing education is granted for every 60 minutes spent on the activity. A maximum of 30 hours may be earned for this activity in each renewal period.</p> |
| (e) | <p>Serving as a teacher, lecturer, preceptor, or moderator-participant in a medical education or training program that satisfies the standards adopted by the board in R 338.121.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the licensee’s role, length of lecture or lectures, and the date on which the lecture or lectures were held.</p> | <p>Two hours of continuing education are granted for each scheduled lecture or clinical consultation. Additional credit for preparation of the lecture cannot be granted. A maximum of 90 hours of continuing education may be earned for this activity in each renewal period.</p> |
| (f) | <p>Conducting a formal inspection of an osteopathic medical education or training program that satisfies the standards adopted by the board in R 338.121 or conducting clinical examinations of osteopathic specialty boards recognized by the American Osteopathic Association.</p> <p>If audited, the licensee shall submit documentation from the accrediting organization verifying the licensee’s role and participation in the inspection.</p> | <p>Five hours of continuing education are granted per an inspection. A maximum of 90 hours of continuing education may be earned in this activity in each renewal period.</p> |
| (g) | <p>Participating in any of the following committees: A peer review committee dealing with quality patient care as it relates to the practice of osteopathic medicine and surgery. A committee dealing with utilization review as it relates to the practice of osteopathic medicine. A health care organization committee with patient care issues related to the practice of osteopathic medicine.</p> | <p>Fifteen hours per each committee per year are granted. A maximum of 90 hours of continuing education credit shall may be earned for this activity in each renewal period.</p> |

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| | <p>A national or state committee, board, council, or association related to the practice of osteopathic medicine.</p> <p>A committee, board, council, or association is considered acceptable by the board if it enhances the participant’s knowledge and understanding of the practice of osteopathic medicine. If audited, the licensee shall submit a letter from an organization official verifying the licensee’s participation in at least 50% of the regularly scheduled meetings.</p> | |
| (h) | <p>Providing individual supervision for a disciplinary limited osteopathic physician.</p> <p>If audited, the licensee shall submit an affidavit from the disciplinary limited osteopathic physician who received the supervision. The affidavit shall attest to the licensee’s role as supervisor and the number of hours spent providing supervision to the disciplinary limited osteopathic physician.</p> | <p>One hour of continuing education is granted for each 60 minutes spent consulting or reviewing the disciplined licensee’s work. A maximum of 50 hours of continuing education may be earned for this activity per renewal period.</p> |
| (i) | <p>Participating in a postgraduate training program that satisfies the requirements of R 338.121(2) or (4). To receive credit the licensee must be enrolled in the program a minimum of 5 months per year.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the dates that the licensee was enrolled in the program.</p> | <p>Fifty continuing education credits per year are granted. A maximum of 150 credits per renewal period may be earned for this activity in each renewal period.</p> |
| (j) | <p>Publication of a scientific article relating to the practice of osteopathic medicine in a peer-reviewed journal or periodical.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter and documentation</p> | <p>Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. Under subrule (1)(a) of this rule, credit for an article is granted only once per renewal period. A maximum of 90 hours of continuing education may be earned for this activity in a renewal period.</p> |
| (k) | <p>Initial publication of a chapter or a portion of a chapter related to the practice of osteopathic medicine in either of the following textbooks: A professional health care textbook. A peer-reviewed text book.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Ten hours of continuing education are granted for serving as the primary author. Five hours of continuing education are granted for serving as a secondary author. A maximum of 90 hours may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for publication is granted once per renewal period.</p> |

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| (1) | <p>Until December 20, 2019, attendance at or participation in a continuing education activity that had been approved by the board before the effective date of this rule but does not satisfy the requirements of subdivision (a) or (b) of this subrule.</p> <p>If audited, the licensee shall submit a copy of the letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name, and the date on which the program was held or the activity completed.</p> | <p>The number of continuing education hours for a specific program or activity is the number of hours previously approved by the board. A maximum of 90 hours of continuing education may be earned for this activity.</p> |
| (3) The board considers any of the following activities as acceptable category 2 continuing education: | | |
| | <p>Activity and Proof of Completion</p> | <p>Number of continuing education hours granted/permitted for the activity</p> |
| (a) | <p>Independently reading a peer-reviewed journal that does not satisfy the requirement of subrule (2)(a) of this rule. The reading must have been completed before the effective date of this rule.</p> <p>If audited, the licensee shall submit a signed document, listing the journals read, including title, publisher, volume number, article read, and the authors.</p> | <p>Three hours of continuing education are granted for each journal article read. A maximum of 90 hours of continuing education credit may be earned for this activity in each renewal period. Under subrule (1)(a) of this rule, credit for the same article appearing in different journals is granted once per renewal period.</p> |
| (b) | <p>Initial presentation of a scientific exhibit, poster, or paper to a professional osteopathic medicine organization.</p> <p>If audited, the licensee shall submit a copy of the document presented with proof of the presentation or a letter from the program sponsor verifying the date of presentation.</p> | <p>Ten hours of continuing education are granted for each presentation. No additional credit is granted for preparation of the presentation. A maximum of 90 hours may be earned in this activity in each renewal period. Under subrule (1)(a) of this rule, credit for a presentation is granted once per renewal period.</p> |
| (c) | <p>Completing a multimedia self-assessment that does not satisfy the requirements of subrule (2)(a) of this rule before December 20, 2016. The self-assessment must improve the licensee’s knowledge and understanding of the practice of osteopathic medicine.</p> <p>If audited, the licensee shall submit a certificate of self-assessment provided by the program sponsor.</p> | <p>The number of continuing education hours is the number of hours approved by the self-assessment sponsor. A maximum of 90 hours of continuing education may be earned for this activity.</p> |

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

SPEECH-LANGUAGE PATHOLOGY – GENERAL RULES

Filed with the secretary of state on April 15, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 17601, 17607, 17609, 17610, and 17611 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.17601, 333.17607, 333.17609, 333.17610, and 333.17611, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.601, R 338.603, R 338.604, R 338.605, R 338.611, R 338.613, R 338.615, R 338.617, R 338.619, R 338.621, R 338.623, R 338.627, R 338.629, R 338.641, R 338.645, R 338.647, and R 338.649 of the Michigan Administrative Code are amended, and R 338.602 and R 338.607 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.601 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the Michigan board of speech-language pathology created under section 17605 of the code, MCL 333.17605.

(b) "Code" means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) "Department" means the department of licensing and regulatory affairs.

(2) A term defined in the code has the same meaning when used in these rules.

R 338.602 Rescinded.

R 338.603 Application for speech-language pathology license; requirements.

Rule 3. (1) An applicant for a license as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619.

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.

(c) Have passed an examination approved by the board under R 338.605.

(2) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association (ASHA), then the applicant presumably satisfies the requirements of subrule (1)(a), (b), and (c) of this rule.

R 338.604 Training standards for identifying victims of human trafficking; requirements.

Rule 4. (1) Under section 16148 of the code, MCL 333.16148, an individual seeking licensure or licensed under article 15 of the code, MCL 333.16101 to 333.18838, shall complete training in identifying victims of human trafficking that satisfies the following standards:

(a) Training content must cover all of the following:

(i) Understanding the types and venues of human trafficking in the United States.

(ii) Identifying victims of human trafficking in health care settings.

(iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.

(iv) Resources for reporting the suspected victims of human trafficking.

(b) Acceptable providers or methods of training include any of the following:

(i) Training offered by a nationally recognized or state-recognized, health-related organization.

(ii) Training offered by, or in conjunction with, a state or federal agency.

(iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.

(iv) Reading an article related to the identification of victims of human trafficking that satisfies the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.

(c) Acceptable modalities of training include any of the following:

(i) Teleconference or webinar.

(ii) Online presentation.

(iii) Live presentation.

(iv) Printed or electronic media.

(2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual shall provide an acceptable proof of completion of training, including either of the following:

(a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.

(b) A self-certification statement by an individual. The certification statement must include the individual's name and either of the following:

(i) For training completed under subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed under subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Under section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule apply for license renewals beginning with the 2016 renewal cycle and for initial licenses issued March 16, 2021.

R 338.605 Examination; adoption; passing score.

Rule 5. The board approves and adopts the Praxis Examination in Speech-Language Pathology that is administered by the Educational Testing Service (ETS) or its successor organization. The board adopts the passing score recommended by ASHA for the Praxis Examination in Speech-Language Pathology.

R 338.607 Rescinded.

R 338.611 Licensure by endorsement; speech-language pathologist.

Rule 11. (1) An applicant for a license by endorsement as a speech-language pathologist shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant who satisfies the requirements of this rule, as applicable, satisfies the requirements of section 16186 of the code, MCL 333.16186.

(2) If an applicant was first registered or licensed in another state for 5 years or more immediately preceding the date of filing an application for a Michigan license, then the applicant shall satisfy both of the following requirements:

(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619 or from an educational program that satisfies the requirements of R 338.617(1)(a).

(b) Have passed the Praxis Examination in Speech-Language Pathology with a score adopted by the board under R 338.605.

(3) If an applicant was first registered or licensed in another state for less than 5 years immediately preceding the date of filing an application for a Michigan license, then the applicant shall satisfy both of the following requirements:

(a) Satisfy the requirements of subrule (2)(a) and (b) of this rule.

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.

(4) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA, then the applicant is presumed to satisfy the requirements of subrule (2) or (3) of this rule, as applicable.

(5) In addition to satisfying the requirements of either subrule (2) or (3) of this rule, as applicable, an applicant's registration or license shall be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech-language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.

R 338.613 Supervised postgraduate clinical experience; temporary license; requirements.

Rule 13. (1) The department may issue a temporary license under section 17609(4) of the code, MCL 333.17609, to an individual for the purpose of completing a supervised postgraduate clinical experience.

(2) An applicant for a license as a speech-language pathologist who satisfies the educational requirements in R 338.603(1)(a) or R 338.617(1)(a) but who still must complete the required supervised postgraduate clinical experience shall submit the required fee and a completed application for a

temporary license on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant for a temporary license shall satisfy both of the following requirements:

- (a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an accredited educational program that satisfies the standards adopted by the board under R 338.619 or from an educational program that satisfies the requirements of R 338.617(1)(a).
- (b) Submit a plan for the supervised postgraduate clinical experience on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the applicant's postgraduate experience.
- (3) The supervised postgraduate clinical experience must satisfy both of the following requirements:
 - (a) The experience must satisfy the requirements of R 338.615.
 - (b) Only experience obtained by an individual who holds a temporary license in a supervised postgraduate clinical situation approved under R 338.615 may count toward the experience requirement.
- (4) If an individual transfers to a different supervised postgraduate clinical situation, then he or she shall submit a plan for the new supervised postgraduate clinical situation on a form provided by the department that is signed by a speech-language pathologist who is licensed and has agreed to supervise the individual's postgraduate experience.
- (5) The department may issue a nonrenewable temporary license under this rule for a period not to exceed 12 months.
- (6) A 2-year educational limited license issued before the effective date of this revised rule may be renewed no more than 2 times, with the length of each renewal period equal to 2 years.

R 338.615 Supervised postgraduate clinical experience; requirements.

Rule 15. (1) The supervised postgraduate clinical experience required for licensure in R 338.603(1)(b) and R 338.617(1)(b) must consist of 1,260 hours and must satisfy the requirements of this rule.

(2) At least 1,008 hours of the 1,260 hours must consist of direct clinical contact engaged in activities consistent with section 17601(1)(a) of the code, MCL 333.17601.

(3) A supervised postgraduate clinical experience must be completed under the supervision of a licensed speech language pathologist who holds a full and unlimited license and has no past or pending disciplinary actions.

(4) The supervisor and supervisee in a postgraduate clinical experience shall develop agreed upon outcomes and performance levels for the supervisee and maintain documentation indicating whether the outcomes and performance levels were met by the supervisee.

(5) The supervisor of a supervised postgraduate clinical experience shall engage in a sufficient number of supervisory activities to prepare the supervisee to begin independent practice as a speech language pathologist. Supervisory activities must include both of the following requirements:

(a) On-site observations of the supervisee engaged in screening, evaluation, assessment, and habilitation or rehabilitation activities. Real time, interactive video and audio conferencing technology may be used to perform on-site observations.

(b) Evaluation of reports written by the supervisee, conferences between the supervisor and supervisee, and discussions with the supervisee's professional colleagues. Correspondence, telephone calls, or review of audio or videotapes may be used to perform this type of supervisory activity.

(6) A supervised postgraduate clinical experience may be fulfilled on a full or part-time basis.

(7) A postgraduate clinical experience approved by ASHA qualifies as a postgraduate clinical experience approved by the board.

R 338.617 Graduate of non-accredited postsecondary institution; speech-language pathologist; licensure.

Rule 17. (1) An applicant for a speech-language pathology license who graduated from a non-accredited postsecondary institution shall submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code, and the administrative rules promulgated under the code, an applicant shall satisfy all of the following requirements:

(a) Have documentation provided directly to the department from an educational program verifying the applicant's possession of a master's or doctoral degree from an educational program that is substantially equivalent to an accredited educational program that satisfies the standards adopted by the board under R 338.619. Proof of having completed a substantially equivalent educational program includes an evaluation of the applicant's non-accredited education by a credential evaluation agency that is a member of the National Association of Credential Evaluation Services (NACES).

(b) Have successfully completed a supervised postgraduate clinical experience in speech-language pathology that satisfies the requirements of R 338.615.

(c) Have passed the Praxis Examination in Speech-Language Pathology with a score approved by the board under R 338.605.

(2) If an applicant possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA, then the applicant presumably satisfies the requirements of subrule (1)(a), (b), and (c) of this rule.

R 338.619 Educational standards; adoption by reference.

Rule 19. (1) The board approves and adopts by reference in these rules the standards of the Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) for the accreditation of speech-language pathology education programs in the publication entitled "Standards for Accreditation of Graduate Education Programs in Audiology and Speech-Language Pathology," which were effective August 1, 2017. Copies of the standards are available from the American Speech-Language-Hearing Association, 2200 Research Boulevard, #310, Rockville, Maryland 20850 at no cost from the association's website at <https://caa.asha.org/wp-content/uploads/Accreditation-Standards-for-Graduate-Programs.pdf>. A copy of the standards also is available for inspection and distribution at a cost of 10 cents per page from the Board of Speech-Language Pathology, Bureau of Professional Licensing, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, Michigan 48909.

(2) Any educational program for speech-language pathologists that is accredited by the CAA qualifies as a speech-language pathology educational program approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body satisfies either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR part 602, and the policies and procedures for recognition of accrediting organizations of CHEA, effective June 28, 2010. Copies of the standards and criteria of CHEA and the United States Department of Education are available for inspection and distribution at a cost of 10 cents per page from the Michigan Board of Speech-Language Pathology, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, Michigan 48909. The CHEA recognition standards may also

be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from the website for the United States Department of Education, Office of Postsecondary Education at: <http://www.ed.gov/about/offices/list/OPE/index.html>.

R 338.621 Relicensure.

Rule 21. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(c) Submits proof to the department of acquiring not less than 20 continuous professional development (CPD) credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(c) Submits fingerprints as required under section 16174(3) of the code, MCL 333.16174.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(e) Satisfies 1 of the following requirements:

(i) Re-takes and passes the Praxis Examination in Speech-Language Pathology with a score approved by the board under R 338.605 in the 2 years immediately preceding the application for relicensure.

(ii) Possesses a current Certificate of Clinical Competence in Speech-Language Pathology (CCC-SLP) from ASHA.

(iii) Presents proof to the department that he or she was registered or licensed as a speech language pathologist in another state during the 3-year period immediately preceding the application for relicensure.

(3) In addition to satisfying the requirements of subrule (1) or (2) of this rule, an applicant's registration or license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.

R 338.623 Relicensure; certified teachers; limited license.

Rule 23. (1) An applicant whose limited license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code, MCL 333.16201, if the applicant satisfies all of the following requirements:

(a) Submits the required fee and a completed application on a form provided by the department.

(b) Establishes that he or she is of good moral character as defined under 1974 PA 381, MCL 338.41 to 338.47.

(c) Establishes that the licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services.

(d) Submits proof to the department of acquiring not less than 20 CPD credits that satisfy the requirements of R 338.629 during the 2 years immediately preceding the date of relicensure.

(2) In addition to satisfying the requirements of subrule (1) of this rule, an applicant's registration or license must be verified, on a form provided by the department, by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a speech language pathologist. Verification must include providing all documentation of any disciplinary action taken or pending against the applicant.

(3) An applicant whose limited license has lapsed for 3 years or more is not eligible for relicensure but may apply for a full and unlimited license under R 338.603.

R 338.627 License renewal; requirements; applicability.

Rule 27. (1) This rule applies to applications for renewal of a speech-language pathologist license or a limited speech-language pathologist license under section 17609(1), (2) and (3) of the code, MCL 333.17609, that are filed for renewal cycles after March 16, 2017.

(2) An applicant for license renewal who has been licensed for the 2-year period immediately preceding the expiration date of the license shall accumulate not less than 20 CPD credits in activities approved by the board in R 338.629 during the 2 years preceding the end of the license cycle.

(3) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. A licensee shall retain documentation of satisfying the requirements of this rule for a period of 4 years from the date of applying for license renewal. Failure to satisfy this rule is a violation of section 16221(h) of the code, MCL 333.16221.

(4) The department may select and audit a sample of licensees who have renewed their license and request proof of compliance with subrule (2) of this rule. If audited, a licensee shall submit documentation as specified in R 338.629.

(5) If the renewing licensee is a certified teacher whose teaching certificate was endorsed on January 12, 2009, as provided under section 17609(2) of the code, MCL 333.17609, in the area of speech and language impairment for the sole purpose of providing services as a part of employment or contract with a school district, intermediate school district, nonpublic school, or state department that provides educational services, a Verification of Employment in an Educational Setting form shall be submitted to the department.

R 338.629 Acceptable continuous professional development activities; requirements, limitations.

Rule 29. (1) The 20 CPD credits required under R 338.627(2) for the renewal of a license must satisfy the following requirements as applicable:

(a) No more than 12 CPD credits may be earned for approved CPD programs or activities during one 24-hour period.

(b) A licensee cannot earn CPD credit for a CPD program or activity that is substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) Under section 16204(2) of the code, MCL 333.16204, a licensee shall earn at least 1 CPD credit in the area of pain and symptom management by completing a CPD program or activity. Credits in pain and symptom management may include, but are not limited to, courses or activities relevant to the

practice of speech-language pathology and relating to the public health burden of pain; ethics and health policy relating to pain; pain definitions; basic sciences including pharmacology, psychology, and sociology; clinical sciences relating to pain; clinician-patient communications as relating to pain; management of pain including evaluation and treatment; ensuring quality pain care; and programs and resources relevant to pain.

(2) Credit may be earned for any of the following activities:

| | Activity and Proof of Completion | Number of Approved CPD Credits |
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| (a) | <p>Completing an approved CPD program or activity related to the practice of speech-language pathology or any non-clinical subject relevant to the practice of speech-language pathology. A CPD program or activity is approved, regardless of the format in which it is offered, if it is approved, sponsored, or accepted for CPD credit by any of the following organizations:</p> <ul style="list-style-type: none"> - American Speech-Language-Hearing Association (ASHA). - Michigan board of audiology. - Michigan board of medicine. - Michigan board of osteopathic medicine and surgery. - A speech-language pathology board of any state. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for CPD credit, and the date or dates on which the program or activity was completed.</p> | <p>The number of CPD credits approved by the sponsor or the approving organization is the number of credits approved for each CPD program or activity.</p> <p>A minimum of 6 CPD credits must be earned for this activity in each renewal period.</p> <p>A maximum of 15 CPD credits may be earned for this activity in each renewal period.</p> |
| (b) | <p>Reading an article related to the practice of speech-language pathology in a professional or scientific journal. This activity does not include articles offered as a CPD activity by ASHA.</p> <p>If audited, the licensee shall submit a signed document that lists the journals read, including title of article, journal name, volume number, and author.</p> | <p>1 CPD credit is granted for each article read.</p> <p>A maximum of 5 CPD credits may be earned for this activity in each renewal period.</p> |
| (c) | <p>Presenting a CPD program related to the practice of speech-language pathology.</p> <p>To receive credit, the presentation must be approved, sponsored, or accepted for CPD credit by any of the following organizations:</p> <ul style="list-style-type: none"> - ASHA. - Michigan board of audiology. - Michigan board of medicine. - Michigan board of osteopathic medicine and | <p>2 CPD credits are granted for each 50 to 60 minutes of presentation.</p> <p>A presentation must not be less than 50 minutes in length. No additional credit is granted for preparation. Under subrule (1)(b) of this</p> |

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| | <p>surgery.</p> <ul style="list-style-type: none"> - A speech-language pathology board of any state. <p>If audited, a licensee shall submit a letter from the program sponsor confirming the licensee as the presenter and the presentation date and time, or a copy of the presentation notice or advertisement showing the date of presentation, the licensee’s name listed as the presenter, and the name of the organization that approved or offered the presentation for CPD credit.</p> | <p>rule, credit for a presentation is granted only once per a renewal period.</p> <p>A maximum of 10 credits may be earned for this type of activity in each renewal period.</p> |
| (d) | <p>Initial presentation of a scientific exhibit or paper accepted for presentation through a peer review process at a state, regional, national or international speech-language pathology conference, or its components, or a related professional organization.</p> <p>If audited, a licensee shall submit a copy of the document presented with proof of presentation or a letter from the program sponsor verifying the exhibit or paper was accepted for presentation through a peer review process and the date of presentation.</p> | <p>2 CPD credits are granted for each presentation.</p> <p>No additional credit for preparation is granted. Under subrule (1)(b) of this rule, credit for a presentation is granted only once per a renewal period.</p> <p>A maximum of 10 credits may be earned for this type of activity in each renewal period.</p> |
| (e) | <p>Writing an article related to the practice, education, or research of speech-language pathology that is published in any of the following journals:</p> <ul style="list-style-type: none"> • An association journal. • A peer-reviewed journal. • A health care journal. • A professional or scientific journal. <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author of the article or a publication acceptance letter.</p> | <p>3 CPD credits are granted for each article.</p> <p>Under subrule (1)(b) of this rule, credit for an article is granted once per renewal period.</p> <p>A maximum of 9 credits may be earned for this type of activity in each renewal period.</p> |
| (f) | <p>Writing a chapter related to the practice, education, or research of speech-language pathology that is published in a text book.</p> <p>If audited, the licensee shall submit a copy of the publication that identifies the licensee as the author of the chapter or a publication acceptance letter.</p> | <p>3 CPD credits for each chapter are granted.</p> <p>Under subrule (1)(b) of this rule, credit for a chapter is granted only once in a renewal period.</p> <p>A maximum of 9 credits</p> |

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| | | may be earned for this type of activity in each renewal period. |
| (g) | <p>Serving as an instructor of students, staff, or other licensees at a clinical program related to the practice of speech-language pathology provided through or recognized by an accredited speech language pathology educational program that satisfies the standards set in R 338.619.</p> <p>If audited, the licensee shall submit a letter from the program director verifying the licensee’s role, the number of instructional sessions on specific subjects provided by the licensee, and the length of the instructional sessions. Also, the letter must verify that the clinical training program was provided, offered, or accredited by an educational program or organization that satisfies the requirements of this rule.</p> | <p>2 CPD credits are granted for each 50 to 60 minutes instructional session on a specific subject.</p> <p>No additional credit is granted for preparation.</p> <p>A maximum of 10 CPD credits may be earned for this type of activity in each renewal period.</p> |
| (h) | <p>Serving as a clinical supervisor for students completing an internship, residency, or fellowship program that is recognized or approved by R 338.615.</p> <p>If audited, a licensee shall submit a letter from the educational program or clinical agency director verifying the licensee’s role, the number of hours of instruction or supervision provided by the licensee, and that the internship, residency, or fellowship program is recognized or approved by an educational program or organization that satisfies the requirements of this rule.</p> | <p>1 CPD credit is granted for 1 hour of clinical instruction or supervision.</p> <p>A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.</p> |
| (i) | <p>Providing supervision as part of a disciplinary sanction.</p> <p>If audited, the licensee shall submit an affidavit from the disciplinary limited licensee who received the supervision. The affidavit must attest to the licensee’s role as supervisor and the number of hours the licensee spent providing supervision to the disciplinary limited speech-language pathologist.</p> | <p>1 CPD credit is granted for 1 hour of supervision provided.</p> <p>A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.</p> |
| (j) | <p>Participating on an international, national, regional, state, state component, or local task force, committee, board, council, or association related to the field of speech-language pathology. A task force, committee, board, council, or association is considered acceptable if it enhances the participant’s knowledge and understanding of the field of speech-language pathology.</p> <p>If audited, a licensee shall submit documentation verifying the licensee’s participation in at least 50% of</p> | <p>5 CPD credits are granted for participation on each task force, committee, board, council, or association.</p> <p>A maximum of 5 CPD credits may be earned for this type of activity in each renewal period.</p> |

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| | the regularly scheduled meetings of the task force, committee, board, council, or association. | |
| (k) | Participation in the development of a national examination for speech-language pathologists. If audited, the licensee shall submit documentation from the sponsor of the examination verifying the licensee’s role and participation in the development of the examination. | 5 CPD credits are granted for participation. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period. |
| (l) | Participating in an in-service program relating to the practice of speech-language pathology provided or sponsored by a Michigan school system. If audited, the licensee shall submit documentation from the in-service provider verifying the date and number of hours for the in-service program, the program’s relationship to speech-language pathology, and the licensee’s participation. | 1 CPD credit is granted for each hour of in-service completed. A maximum of 5 CPD credits may be earned for this type of activity in each renewal period. |

R 338.641 Continuous Professional Development providers; standards for approval.

Rule 41. (1) A CPD provider that is not pre-approved under R 338.629 may be approved by the board. To be approved by the board, the provider shall complete an application provided by the department, file the application with the department for review no later than 120 days before the program date, and satisfy subrules (2) and (3) of this rule. The application and supporting documentation must include all of the following information:

- (a) A program schedule, including date of program, topics, name of speaker, and break times.
- (b) An explanation of how the program is being designed to further educate speech-language pathologists, including a short narrative describing the program content and the criteria for the selection of this topic.
- (c) Copies of instructional objectives that have been developed.
- (d) Copies of all promotional and advertising materials for the program.
- (e) The name, title, and address of the program director and a description of his or her qualifications to direct the program.
- (f) A description of how the amount of CPD credit to be awarded for this program was determined.
- (g) A description of how participants will be notified that CPD credit has been earned.
- (h) A copy of the curriculum vitae for each instructional staff member.
- (i) A description of the delivery method or methods to be used and the techniques that will be employed to assure active participation.
- (j) A copy of the post-test instrument that will be used for participant evaluation.
- (k) A description of how post tests will be administered, corrected, and returned to participants.
- (l) A description of how post-test performance will influence the awarding of CPD credit.
- (m) A description of how attendance is monitored, including sample documents, and the name of the person monitoring attendance.

(2) The CPD program approved under subrule (1) of this rule must satisfy all of the following requirements:

- (a) The program must be an organized program of learning that that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of

speech-language pathology and be designed to reflect the educational needs of speech-language pathologists.

(b) The program must have a scientific and educational integrity and contain generally accepted speech-language pathology practices.

(c) A course must have an outline that demonstrates consistency with the course description and reflects the course content.

(d) A course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program and must allow suitable time to be effectively presented to the audience.

(e) Instructors must have the necessary qualifications, training, or experience, or all 3, to teach the course.

(f) The activity must provide for active participation and involvement from the participants.

(g) The activity must offer educational materials for each CPD activity that will enhance the participant's understanding of the content and foster applications to speech-language pathology practice.

(h) The activity must include learning assessments in each activity that allow speech-language pathologists to assess their achievement of the learned content. Completion of a learning assessment is required for CPD content.

(3) The program provider or sponsor approved under subrule (1) of this rule shall issue certificates or letters of attendance that include all of the following information:

(a) The name of the sponsor.

(b) The name of the program.

(c) The name of the attendee.

(d) The date of the program.

(e) The Michigan approval number.

(f) The signature of the person responsible for attendance monitoring and his or her title.

(g) The number and type of hours attended.

R 338.645 Patient records and collaboration.

Rule 45. A speech-language pathologist shall maintain patient records under section 16213 of the code, MCL 333.16213. The records must be made available to other health professionals involved in the care of the patient in accordance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 (HIPAA).

R 338.647 Referral required.

Rule 47. A speech-language pathologist shall not assess or treat a patient for either of the following, unless the patient has been referred by an individual licensed in the practice of medicine or osteopathic medicine and surgery or by an advanced practice registered nurse as that term is defined in section 17201 of the code, MCL 333.17201:

(a) Swallowing disorders.

(b) Medically-related communication disorders.

R 338.649 Physically invasive procedures; supervision required.

Rule 49. (1) Physically invasive procedures beyond the oropharynx include the following:

(a) Esophageal manometry.

(b) Fiberoptic endoscopic examination of swallowing (fees).

(c) Fiberoptic laryngovideostroboscopy.

(2) Under section 17610(3) of the code, MCL 333.17610, a speech-language pathologist shall only perform the procedures set forth in subrule (1) of this rule under the supervision of a physician licensed to practice medicine or osteopathic medicine and surgery in the state of Michigan. Supervision is defined in section 16109(2) of the code, MCL 333.16109.

(3) A speech-language pathologist shall only perform the procedures listed in subrule (1) of this rule in a setting where a physician licensed in the practice of medicine or osteopathic medicine is physically available to ensure for patient safety.

(4) A speech-language pathologist performing physically invasive procedures under the supervision of a physician shall be familiar with risks associated with physically invasive procedures, including but not limited to, epistaxis, mucosal injury, gagging, allergic reaction to topical anesthetic, laryngospasm, and vasovagal response, and the need for medical intervention.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on April 19, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.60051 of the Michigan Administrative Code is amended, and R 325.60052 is rescinded, as follows:

PART 451. RESPIRATORY PROTECTION

R 325.60051 Scope and application.

Rule 1. (1) In the control of occupational diseases caused by breathing air contaminated with harmful dusts, fog, fumes, mists, gases, smokes, spray, or vapors, the primary objective shall be to prevent atmospheric contamination. The prevention of atmospheric contamination shall be accomplished, as far as feasible, by accepted engineering control measures. When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to these rules.

(2) The federal Occupational Safety and Health Administration's regulations on respiratory protection promulgated by the United States Department of Labor and codified at 29 CFR 1910.134, "Respiratory Protection," as amended on September 26, 2019, are adopted by reference in these rules.

(3) The adopted federal regulations shall have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(4) The OSHA regulations adopted by reference in subrule (2) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration, via the internet at website www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (2) of this rule are also available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(6) Copies of the standards adopted in subrule (2) of this rule may be obtained from the publisher or may also be obtained from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

R 325.60052 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

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These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the Michigan department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.77101 of the Michigan Administrative Code is amended, as follows:

PART 311. BENZENE

R 325.77101. Scope, applicability, adoption, and availability of standards.

Rule 1. (1) These rules apply to all occupational exposures to benzene, Chemical Abstracts Service Registry No. 71-43-2, except as provided in subrules (2) and (3) of this rule.

(2) These rules do not apply to any of the following:

(a) The storage, transportation, distribution, dispensing, sale, or use of gasoline, motor fuels, or other fuels that contain benzene after its final discharge from bulk wholesale storage facilities, except that operations which dispense gasoline or motor fuels for more than 4 hours per day in an indoor location are covered by these rules.

(b) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations. However, such operations are subject to the provisions of Occupational Health Standard Part 430. "Hazard Communication" and the hazard communication provisions of sections 14a to 14m of the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1014a to 408.1014m.

(c) The storage, transportation, distribution, or sale of benzene or liquid mixtures that contain more than 0.1% benzene in intact containers or in transportation pipelines while sealed in a manner to contain benzene vapors or liquid. However, such storage, transportation, distribution, or sale is subject to the provisions of Occupational Health Standard Part 430. "Hazard Communication" and the hazard communication provisions of sections 14a to 14m of the Michigan occupational safety and health act (MIOSHA), 1974 PA 154, MCL 408.1014a to 408.1014m.

(d) Containers and pipelines that carry mixtures which are less than 0.1% benzene.

(e) Natural gas-processing plants that process gas which contains less than 0.1% benzene.

(f) Work operations where the only exposure to benzene is from liquid mixtures that contain 0.5% or less of benzene, by volume, or the vapors released from the liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures that contain 0.3% or less of benzene, by volume, or the vapors released from the liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures that contain 0.1% or less of benzene, by volume, or the vapors released from the liquids after September 12, 1989; except that tire-building machine operators who use solvents which contain more than 0.1% benzene are subject to the provisions of paragraph (i) of 29 CFR 1910.1028.

(g) Oil and gas drilling, production, and servicing operations.

(h) Coke oven batteries.

(3) Cleaning and repair operations of barges and tankers that have contained benzene are excluded from paragraph (f) methods of compliance, paragraph (e)(1) exposure monitoring-general, and paragraph (e)(6) accuracy of monitoring of 29 CFR 1910.1028. Engineering and work practice controls shall be used to keep exposures below 10 ppm, unless it is proven to be not feasible.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1028, “Benzene,” as amended May 14, 2019.

(b) 29 CFR 1910.1028, appendix A “Substance safety data sheet, Benzene,” as in effect as of the effective date of these rules.

(c) 29 CFR 1910.1028, appendix B “Substance technical guidelines, Benzene,” as in effect as of the effective date of these rules.

(d) 29 CFR 1910.1028, appendix C “Medical surveillance guidelines for Benzene,” as in effect as of the effective date of these rules.

(e) 29 CFR 1910.1028, appendix D “Sampling and analytical methods for Benzene monitoring and measurement procedures,” as in effect as of the effective date of these rules.

(5) A reference to 29 CFR 1910.133 means both of the following:

(a) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment.”

(b) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment.”

(6) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. “Hazard Communication.”

(7) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection.”

(8) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets.”

(9) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(10) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(11) The regulations adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(12) The regulations adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(13) The following Michigan Occupational Safety and Health Administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the

Department of Labor and Economic Opportunity, MIOSHA Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety and Health Standard Part 33. “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(b) General Industry Safety and Health Standard Part 433. “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(c) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(d) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(e) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on April 20, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14 and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.70001 and R 325.70015 of the Michigan Administrative Code are amended, and R 325.70001a is rescinded, as follows:

PART 554. BLOODBORNE INFECTIOUS DISEASES

R 325.70001 Scope, application, and referenced standards.

Rule 1. (1) These rules apply to all employers that have employees with occupational exposure to blood and other potentially infectious material.

(2) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 W. Allegan Street, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets," R 325.3451 to R 325.3476.

(b) MIOSHA Safety and Health Standard Part 11. "Recording and Reporting of Occupational Injuries and Illnesses," R 408.22101 to R 408.22162.

(3) The appendices to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.

R 325.70001a Rescinded.

R 325.70015 Recordkeeping.

Rule 15. (1) An employer shall establish and maintain medical records for each category A employee in accordance with General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” as referenced in R 325.70001.

(2) An employer shall ensure that medical records contain, at a minimum, all of the following information:

(a) A copy of the employee’s hepatitis B vaccination status, including the dates administered and medical records relating to the employee’s ability to receive a vaccination as required by R 325.70013.

(b) A copy of all results of examinations, medical testing, and follow-up procedures as required by R 325.70013.

(c) The employer’s copy of the physician’s written opinion.

(d) A copy of the information provided to the physician as required by R 325.70013(6).

(3) An employer shall assure that employee medical records that are required by this rule are kept confidential and are not disclosed or reported without the employee’s express written consent to any person within or outside the workplace, except as required by this rule or as may be required or permitted by law.

(4) An employer shall maintain employee medical records for not less than the duration of employment plus 30 years in accordance with General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” as referenced in R 325.70001.

(5) An employer shall develop and maintain training records for each category A employee. Training records shall be maintained for 3 years beyond the date that the training occurred.

(6) Training records shall include all of the following information:

(a) The dates of the training sessions.

(b) The contents or a summary of the training sessions.

(c) The names and qualifications of persons who conduct the training.

(d) The names and job titles of all persons who attend the training sessions.

(7) An employer shall ensure that all records that are required to be maintained by these rules are made available, upon request, to representatives of the department or the director for examination and copying.

(8) An employer shall ensure that employee training records are provided, upon request, for examination and copying to employees, employee representatives, and the director in accordance with General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” as referenced in R 325.70001.

(9) An employer shall ensure that employee medical records are provided, upon request, for examination and copying to the subject employee, to anyone who has the written consent of the subject employee, and to the director in accordance with General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” as referenced in R 325.70001.

(10) An employer shall comply with the requirements that involve the transfer of records in General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” as referenced in R 325.70001.

(11) All of the following provisions apply to a sharps injury log:

(a) An employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in a manner that protects the confidentiality of the injured employee. At a minimum, a sharps injury log shall contain all of the following information:

(i) The type and brand of device involved in the incident.

(ii) The work unit or work area where the exposure incident occurred.

(iii) An explanation of how the incident occurred.

(b) The requirement to establish and maintain a sharps injury log applies to any employer who is required to maintain a log of occupational injuries and illnesses as prescribed in MIOSHA Safety and Health Standard Part 11. “Recording and Reporting of Occupational Injuries and Illnesses,” as referenced in R 325.70001.

(c) A sharps injury log shall be maintained for the period required as prescribed in MIOSHA Safety and Health Standard Part 11. “Recording and Reporting of Occupational Injuries and Illnesses,” as referenced in R 325.70001.

ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY AND HEALTH STANDARD

Filed with the secretary of state on April 20, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 14, 16, 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1014, 408.1016, 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 325.51401 of the Michigan Administrative Code is amended, as follows:

PART 302. VINYL CHLORIDE

R 325.51401 Scope, application, adoption, and availability of standards.

Rule 1. (1) These rules specify the requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(2) These rules apply to the manufacture, reaction, packaging, repackaging, storage, handling, or use of vinyl chloride or polyvinyl chloride, but do not apply to the handling or use of fabricated products made of polyvinyl chloride.

(3) These rules apply to the transportation of vinyl chloride or polyvinyl chloride, except to the extent that the United States Department of Transportation regulates the hazards covered by these rules.

(4) The following federal Occupational Safety and Health Administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 CFR 1910.1017 "Vinyl chloride," as amended May 14, 2019.

(b) 29 CFR 1910.1017, appendix A "Supplemental medical information," as amended February 13, 1996.

(5) A reference to 29 CFR 1910.134 means General Industry and Construction Safety and Health Standard Part 451. "Respiratory Protection."

(6) A reference to 29 CFR 1910.1200 means Occupational Health Standard Part 430. "Hazard Communication."

(7) A reference to 29 CFR 1910.1020 means General Industry and Construction Safety and Health Standard Part 470. "Employee Medical Records and Trade Secrets."

(8) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

(9) The OSHA regulations adopted in these rules are available from the United States Department of Labor, Occupational Safety and Health Administration website, www.osha.gov, at no charge, as of the time of adoption of these rules.

(10) The standards adopted in these rules are available for inspection at the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(11) The standards adopted in these rules may be obtained from the publisher or the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(12) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Department of Labor and Economic Opportunity, MIOSHA, Standards and FOIA Section, 530 West Allegan Street, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at the following website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry and Construction Safety and Health Standard Part 451. “Respiratory Protection,” R 325.60051 to R 325.60052.

(b) Occupational Health Standard Part 430. “Hazard Communication,” R 325.77001 to R 325.77004.

(c) General Industry and Construction Safety and Health Standard Part 470. “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

ADMINISTRATIVE RULES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BUREAU OF MEDICAID LONG-TERM CARE SERVICES & SUPPORT

ADULT HOME HELP SERVICES PAYMENTS

Filed with the Secretary of State on April 23, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of health and human services by sections 6 and 10 of 1939 PA 28, MCL 400.6 and 400.10.)

R 400.1101, R 400.1102, R 400.1103, R 400.1104, R 400.1105, R 400.1106, and R 400.1107 are rescinded in the Michigan Administrative Code as follows.

R 400.1101 Rescinded.

R 400.1102 Rescinded.

R 400.1103 Rescinded.

R 400.1104 Rescinded.

R 400.1105 Rescinded.

R 400.1106 Rescinded.

R 400.1107 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PODIATRIC MEDICINE AND SURGERY – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, 16174, 16178, 16182, 16186, 16204, 16205, 16287, 18031, and 18033 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, and 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.8103, R 338.8107, R 338.8109, R 338.8110, R 338.8113, R 338.8127, and R 338.8128 of the Michigan Administrative Code are amended and R 338.8102a is rescinded as follows:

PART 2. LICENSURE

R 338.8102a ~~Minimum English language standard.~~ **Rescinded.**

~~Rule 102a.—An applicant for initial licensure shall demonstrate a working knowledge of the English language if the applicant's educational or training program was taught outside of the United States. To demonstrate a working knowledge of the English language, the applicant shall establish that he or she obtained a total score of not less than 80 on the Test of English as a Foreign Language Internet Based Test administrated by the Educational Testing Service.~~

R 338.8103 Licensure by examination; requirements.

Rule 103. An applicant for licensure by examination shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board in R 338.8113.

(b) Have achieved a passing score on the required parts of the American Podiatric Medical Licensing Examination (APMLE) sponsored by the National Board of Podiatric Medical Examiners (NBPME) as required by R 338.8104(4).

(c) Have achieved a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

(i) The jurisprudence examination shall assess an applicant's knowledge of the laws and administrative rules governing the practice of podiatric medicine and surgery in this state.

(ii) An applicant who fails to achieve a passing score on the jurisprudence examination may repeat the examination without limitation.

(d) Have satisfactorily completed ~~either of the following:~~

~~(i) At not less than 2 years less than 3 years of a postgraduate residency program approved by the board pursuant to R 338.8113. Certification of completion of postgraduate training must be submitted to the department not more than 15 days before completion of the training.~~

~~(ii) Until January 31, 2020, at least 1 year of a preceptorship program approved by the board. Certification of completion of the preceptorship training must be submitted to the department not more than 15 days before completion of the training.~~

R 338.8107 Licensure by endorsement; requirements.

Rule 107. (1) An applicant for licensure by endorsement **shall hold a current license in good standing from another state.**

(2) **An applicant** shall submit a completed application, on a form provided by the department, together with the requisite fee.

~~(2)~~ (3) An applicant for licensure by endorsement shall achieve a converted score of not less than 75 on the podiatric jurisprudence examination administered by the department or an entity approved by the department.

~~(3)~~ (4) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for a minimum of ~~10~~ 2 years before the date of filing an application for Michigan podiatric medical licensure, it is presumed that the applicant meets the requirements of section 16186(1)(a) and (b) of the code, MCL 333.16186(1)(a) and (b).

(4) (5) If an applicant was first licensed in another state and has been actively engaged in the practice of podiatric medicine for less than ~~10~~ 2 years before the date of filing an application for Michigan podiatric medical licensure, the applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) Have satisfactorily completed **not less than 3 years** of a postgraduate residency approved by the board pursuant to R 338.8113.

(c) Have achieved a passing score on each part of the APMLE as required by R 338.8104.

~~(5)~~ (6) An applicant's license **in good standing must shall** be verified, by the licensing agency of any state of the United States in which the applicant holds a ~~current~~ license or ever held a license as a podiatrist. The verification must include the record of any disciplinary action taken or pending against the applicant.

R 338.8109 Educational limited licenses; limited license renewal.

Rule 109. (1) An educational limited license authorizes the holder of the license to engage in the practice of podiatric medicine and surgery as part of a postgraduate education program.

(2) An applicant for an educational limited license shall submit a completed application, on a form provided by the department, together with the requisite fee. In addition to meeting the requirements of the code and the administrative rules promulgated pursuant to the code, an applicant shall satisfy all of the following requirements:

(a) Have graduated from a school of podiatric medicine approved by the board pursuant to R 338.8113.

(b) If the applicant graduated in 2014 or earlier, or graduated in 2016, have achieved a passing score on all of the following components of the APMLE:

(i) Part I.

(ii) Part II.

(c) If the applicant graduated in 2015 or later, excluding 2016, have achieved a passing score on all of the following components of the APMLE:

- (i) Part I.
- (ii) Part II.
- ~~(iii) Part II CSPE.~~

(d) ~~Either of the following:~~

~~—(i) Have documentation provided directly to the department verifying that the applicant has been accepted into a postgraduate training program that satisfies R 338.8113(2).~~

~~(ii) Until November 13, 2019, have been appointed to a 1-year preceptorship program that is approved by the board.~~

(3) A limited license is renewable for not more than 5 years pursuant to section 333.18012(2) of the code, MCL 333.18012~~(2)~~.

R 338.8110 Requirements for relicensure after lapse.

Rule 110. An applicant whose license has been lapsed may be relicensed under section 16201(3) or (4) of the code, as applicable, MCL 333.16201~~(3) or (4)~~, if the applicant satisfies the following requirements as indicated by a (√) below:

| (1) For a podiatrist who has let his or her Michigan license lapse and is not currently licensed in another state or Canada . | | Lapsed 3 years or less. | Lapsed more than 3 years. |
|--|--|-------------------------|---------------------------|
| (a) | Application and fee: Submit a completed application on a form provided by the department, together with the required fee. | √ | √ |
| (b) | Good moral character: Establish that he or she is of good moral character as defined in 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174 (3) . | | √ |
| (d) | <p>Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following:</p> <ul style="list-style-type: none"> (i) At least Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) At least Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). <p>The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 years from the date the department received the application to complete the deficient hours.</p> | √ | √ |

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| (e) | Examination: Achieve a score 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department. | √ | √ |
| (f) | Examination: Achieve a passing score on part III of the APMLE sponsored by the NBPME or its successor. | | √ |
| (g) | Proof of license verification: An applicant's license in good standing must shall be verified by the licensing agency of each state of the United States jurisdiction in which the applicant has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |

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| (2) For a podiatrist who has let his or her Michigan license lapse and is currently licensed in another state or Canada . | | Lapsed 3 years or less. | Lapsed more than 3 years. |
| (a) | Application and fee: Submit a completed application on a form provided by the department, together with the required fee. | √ | √ |
| (b) | Good moral character: Establish that he or she is of good moral character as defined by 1974 PA 381, MCL 338.41 to 338.47. | √ | √ |
| (c) | Fingerprints: Submit fingerprints as required by section 16174(3) of the code, MCL 333.16174(3). | | √ |
| (d) | Continuing education: Complete 150 hours of continuing education pursuant to R 338.8127 including the following: (i) At least Not less than 3 hours in pain and symptom management pursuant to R 338.8127(1)(c). (ii) At least 1 hour in medical ethics pursuant to R 338.8127(1)(d). (iii) At least Not less than 2 hours related to controlled substances prescribing pursuant to R 338.8127(1)(e). The applicant shall submit proof of having completed the required continuing education within the 3-year period immediately preceding the date of the application for relicensure. If the continuing education hours submitted with the application are deficient, the applicant shall have 2 | √ | √ |

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| | years from the date the department received the application to complete the deficient hours. | | |
| (e) | Examination: Achieve a score of 75 or more on the examination of Michigan laws and rules related to the practice of podiatric medicine that is developed and administered by the department, or an entity approved by the department. | √ | √ |
| (f) | Proof of license verification: An applicant’s license in good standing must shall be verified by the licensing agency of each state of the United States jurisdiction in which the applicant holds or has ever held a license as a podiatrist. Verification must include the record of any disciplinary action taken or pending against the applicant. | √ | √ |

PART 3. EDUCATIONAL AND RESIDENCY PROGRAMS

R 338.8113 Accreditation standards for approval of schools of podiatric medicine and residency programs; institutions of higher education; adoption of standards by reference.

Rule 113. (1) The board approves and adopts by reference the standards for accrediting colleges of podiatric medicine developed and adopted by the Council on Podiatric Medical Education (CPME) of the American Podiatric Medical Association (APMA) and entitled “Standards and Requirements for Accrediting Colleges of Podiatric Medicine,” CPME 120, ~~October 2014~~ **adopted October 2019, implementation date July 1, 2020**. A copy of the standards and requirements is available at no cost from the council’s website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at **a cost of 10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909. The board considers any school of podiatric medicine accredited by the CPME of the APMA as a school of podiatric medicine approved by the board.

(2) The board approves and adopts by reference the standards for approval of residency programs developed and adopted by the CPME of the APMA entitled “Standards and Requirements for Approval of Podiatric Medicine and Surgery Residencies,” CPME 320, July 2015. A copy of the standards and requirements is available at no cost from the council’s website at www.cpme.org. A copy of the standards and requirements also is available for inspection and distribution at **a cost of 10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909. The board considers any residency program approved by the CPME of the APMA as a school of podiatric medicine approved by the board.

(3) A higher education institution is considered approved by the board if it is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the Council for Higher Education Accreditation (CHEA) or the recognition procedures and criteria of the United States Department of Education. The board adopts by reference the procedures and criteria for recognizing accrediting organizations of the CHEA, effective June 28, 2010, and the procedures and criteria for recognizing accrediting agencies of the United States Department of Education, effective July 1, 2010, as contained in 34 CFR Part 602. Copies of the standards and criteria of the CHEA and the United States Department of Education are available for

inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI Michigan 48909. The CHEA recognition standards also may be obtained at no cost from the council’s website at <http://www.chea.org>. The federal recognition criteria also may be obtained at no cost from the department’s website at <http://www.ed.gov/about/offices/list/OPE/index.html>.

PART 4. CONTINUING EDUCATION

R 338.8127 Acceptable continuing education; requirements; limitations.

Rule 127. (1) The 150 hours of continuing education required pursuant to R 338.8126(1) for the renewal of a license shall comply with the following, as applicable:

(a) Not more than 12 credit hours must be earned during one 24-hour period.

(b) A licensee may not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that renewal period.

(c) An applicant for license renewal shall have earned ~~at least~~ **not less than 3** continuing podiatric medical education hours in pain and symptom management in each renewal period pursuant to ~~section sections~~ **16204(2) and 18033(2)** of the code, MCL 333.16204(2) ~~and 333.18033~~. Courses in pain and symptom management may include, but are not limited to, any of the following as they relate to professional practice:

- (i) Courses in behavior management.
- (ii) Pharmacology.
- (iii) Behavior modification.
- (iv) Stress management.
- (v) Clinical applications.
- (vi) Drug interventions.

(d) ~~Beginning September 4, 2020, Effective 1 year or more after the date this rule was amended,~~ an applicant for license renewal shall have earned at least 1 continuing podiatric medical education hour in medical ethics.

(e) ~~Beginning September 4, 2020, Effective 1 year or more after the date this rule was amended,~~ an applicant for license renewal shall have earned ~~at least~~ **not less than 2** continuing podiatric medical education hours in controlled substances prescribing. This is in addition to the continuing education required by subdivision (c) of this subrule.

~~(2) One half of the 150 hours of continuing podiatric medical education credit in board approved courses or programs that are required for the renewal of a license may be earned through online or electronic media, such as videotapes, internet web-based seminars, video conferences, online continuing education programs, and online journal articles.~~

~~(3)~~ **(2)** The board shall consider the following as acceptable continuing education:

| Activity Code | Acceptable Continuing Education Activities and Proof of Completion | Number of Continuing Education Hours Granted/Permitted for Each Activity |
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| A | Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, | The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization. |

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| | <p>administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs offered by a sponsor accredited or approved by the CPME.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>A minimum of 75 hours must be earned in each renewal period, unless all 150 hours are earned in Category N.</p> |
| <p>B</p> | <p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs approved by either of the following:</p> <ul style="list-style-type: none"> • The Michigan board of podiatric medicine and surgery, pursuant to R 338.8128. • Another state or provincial board of podiatric medicine and surgery. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee’s name, number of credits earned, sponsor name or the name of the</p> | <p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for each 50 to 60 minutes of participation may be earned.</p> <p>A maximum of 75 hours may be earned for this category in each renewal period.</p> |

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| | <p>organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | |
| <p>C</p> | <p>Attendance at or participation in a continuing education program or activity related to the practice of podiatry, or any non-clinical subject relevant to practice, education, administration, management, or science, including, but not limited to, live and in-person programs; interactive or monitored teleconference or audio-conference programs; online programs; and, journal articles or other self-study programs accredited, approved, or offered by either any of the following:</p> <ul style="list-style-type: none"> • The Accreditation Council for Continuing Medical Education. • The American Medical Association. • The American Osteopathic Association. <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of credits earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p> | <p>The number of continuing education hours for a specific program or activity is the number of hours approved by the sponsor or the approving organization.</p> <p>A maximum of 40 hours may be earned in this category in each renewal period.</p> |
| <p>D</p> | <p>Obtaining specialty board certification from 1 of the following:</p> <ul style="list-style-type: none"> • American Board of Podiatric Medicine (ABPM). • American Board of Foot and Ankle Surgery (ABFAS). • American Board of Multiple Specialties in Podiatry (ABMSP). | <p>Fifty hours of continuing education may be earned in the year the applicant is advised of passing the certification examination.</p> |

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| | <ul style="list-style-type: none"> American Board of Lower Extremity Surgery (ABLES). American Board of Wound Management (ABWM). <p>If audited, a licensee shall submit proof of certification.</p> | |
| E | <p>Obtaining specialty board recertification from 1 of the following:</p> <ul style="list-style-type: none"> ABPM. ABFAS. ABMSP. ABLES. ABWM. <p>If audited, a licensee shall submit proof of recertification.</p> | <p>Thirty hours of continuing education may be earned in the year the applicant is advised of passing the recertification examination.</p> |
| F | <p>Serving as an instructor of podiatric medical students, house staff, other physicians, or allied health professionals in a hospital or institution that offers a postgraduate training program that is approved by the board pursuant to R 338.8113, if the hospital or institution has approved the instruction.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee’s role.</p> | <p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours of continuing education may be earned in this category each renewal period.</p> |
| G | <p>Serving as an instructor of podiatric students at an accredited podiatric medical institution under a rotating externship program recognized and approved by the medical institution in accordance with R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the sponsoring podiatric institution verifying the licensee’s role.</p> | <p>Two hours of continuing education is granted for each 50 to 60 minutes spent as an instructor.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p> |
| H | <p>Initial publication of an article related to the practice of podiatric medicine and surgery in a peer-reviewed journal.</p> | <p>Twenty-five hours of continuing education is granted per publication.</p> <p>A maximum of 75 hours may be earned in this category in each</p> |

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| | If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter. | renewal period. |
| I | <p>Initial publication of a chapter related to the practice of podiatric medicine and surgery in either of the following:</p> <ul style="list-style-type: none"> • A professional or health care textbook. • A peer-reviewed textbook. <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p> | <p>Fifty hours of continuing education is granted per publication.</p> <p>A maximum of 50 hours may be earned in this category in each renewal period.</p> |
| J | <p>Initial presentation of a scientific exhibit, a formal original scientific paper, or both, at a professional meeting.</p> <p>If audited, a licensee shall submit a copy of the document presented with evidence of presentation and a log indicating time spent in preparation or a letter from the program sponsor verifying the length and date of the presentation and a log indicating time spent in preparation.</p> | <p>Two hours of continuing education is granted for each 50 to 60 minutes of presentation and preparation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p> |
| K | <p>Independent study, which is the independent reading of peer-reviewed professional journals or medical textbooks.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in these activities and a bibliography listing the journal, article, author or authors, publication date, and date read.</p> | <p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category in each renewal period.</p> |
| L | <p>Completion of a multi-media program that requires a licensee to complete a self-assessment component, including, but not limited to, videotapes, internet web-based seminars, video conferences, on-line continuing education programs, and journal</p> | <p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p> |

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| | <p>articles. This does not include multi-media programs that satisfy the requirements of activity codes A, B, or C. A self-assessment component includes, but is not limited to, a post-test or other evaluation instrument that assesses the knowledge an individual gained after completing an activity.</p> <p>If audited, a licensee shall submit a certificate of self-assessment provided by the program sponsor.</p> | |
| M | <p>Participation on a hospital staff committee dealing with quality patient care or utilization review, or both.</p> <p>If audited, a licensee shall submit a letter from an organization official verifying the licensee’s participation and the number of hours the licensee spent participating on the committee.</p> | <p>One hour of continuing education is granted for each 50 to 60 minutes of participation.</p> <p>A maximum of 30 hours may be earned in this category each renewal period.</p> |
| N | <p>Full-time enrollment in a postgraduate clinical training program related to the practice of podiatric medicine and surgery in a hospital or institution that is approved by the board pursuant to R 338.8113.</p> <p>If audited, a licensee shall submit a letter from the program director verifying the licensee participated in the program.</p> | <p>A minimum of 5 months participation per year is required.</p> <p>Fifty hours of continuing education is granted for each year of full-time enrollment.</p> <p>A maximum of 150 hours may be earned in this category each renewal period.</p> |

R 338.8128 Continuing education programs; adoption of standards by reference; board approval.

Rule 128. (1) The board approves and adopts by reference the standards for approving sponsors of continuing education developed and adopted by the CPME of the APMA entitled, “Standards, ~~and Requirements, and Guidelines~~ for Approval of ~~Sponsors~~ **Providers** of Continuing Education in Podiatric Medicine,” CPME 720, ~~January 2015~~ **adopted October 2019, implementation date: July 1, 2020**. A copy of the standards and requirements is available at no cost from the council’s website at www.cpme.org. A copy of the standards and requirements is also available for inspection and distribution at a cost of **10 cents per page** from the Board of Podiatric Medicine and Surgery, Michigan Department of Licensing and Regulatory Affairs, 611 West Ottawa, Lansing, ~~MI~~ **Michigan** 48909.

(2) A continuing education program approved by the CPME is considered approved by the board.

(3) The board ~~or authorized committee~~ shall consider requests for approval of individual continuing education programs. A sponsor shall submit an application and information regarding the program or activity to the department ~~at least~~ **not less than** 60 days before the program or activity is held. For

purposes of this rule, 1 credit of continuing education is defined as 50 to 60 minutes of program attendance or participation in an activity.

(4) The board ~~or authorized committee~~ shall evaluate applications for approval based upon all of the following:

(a) The content of a program or activity must enhance the skills, knowledge, and practice of podiatric medicine and surgery.

(b) The sponsor shall provide an outline of the program or activity that includes a statement of educational goals or measurable behavioral objectives, or both.

(c) The program or activity ~~must~~ **shall** be presented, if applicable, by instructors who are qualified and competent in the subject matter as demonstrated by their education, training, and experience.

(d) Licensee attendance at the program or activity ~~must~~ **shall** be monitored by the sponsor, if applicable.

(e) The sponsor shall maintain, for a period of 3 years from the date of each program, records of program attendance or completion of an activity that show all of the following, as applicable:

(i) The date a program was held or an activity completed.

(ii) The location of a program.

(iii) The credentials of the individuals who presented a program.

(iv) Rosters of individuals who were in attendance at a program or completed an activity.

(v) The continuing education credits awarded to each attendee or participant.

(f) The sponsor shall award a certificate or written evidence of attendance at a program or completion of an activity that includes the following, as applicable:

(i) The participant's name.

(ii) The date and location of the program.

(iii) The sponsor or program approval number.

(iv) The number of continuing education credits earned.

~~(4)~~ **(5)** The board ~~or authorized committee~~ may deny approval of programs or activities offered by institutions and organizations if the board or authorized committee determines that the programs or activities offered by those institutions or organizations fail to demonstrate compliance with the legislative intent to further educate licensees on subjects related to the practice of podiatric medicine and surgery.

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Podiatric Medicine and Surgery- General Rules
Rule Set 2020-24 LR

NOTICE OF PUBLIC HEARING

Monday, May 17, 2021
09:00 AM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and the City of Lansing Resolution #2021-081.

<https://us02web.zoom.us/j/86256783799?pwd=Rlc3MWtPd2tyTjhOQWZlV0piSjZWUT09>, Password 999999; Phone number: 877-336-1831, Conference Code 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Podiatric Medicine and Surgery- General Rules rule set.

The proposed rules amend and clarify standards for licensure, including the required length of the postgraduate residency program. The rule establishing the minimum English language requirement will be rescinded because that requirement will be included in the Public Health Code General Rules. The standards pertaining to board-approved educational programs will be updated. Additionally, the rules pertaining to the requirements and limitations on the accumulation of continuing education required for license renewal will be amended for clarify and the information pertaining to the standards applied to board-approved providers will be updated.

By authority conferred on the department and the board by MCL 333.16145, 333.16148, 333.16174, 333.16178, 333.16182, 333.16186, 333.16204, 333.16205, 333.16287, 333.18031, 333.18033, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 5/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 5/17/2021 at 05:00PM.

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing – Boards and Committees Section, Attention: Policy Analyst

Email: BPL-BoardSupport@michigan.gov

P.O. Box 30670, Lansing, MI 48909-8170

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COSMETOLOGY – GENERAL RULES

Filed with the ~~Secretary~~ **secretary** of ~~State~~ **state** on

These rules take effect immediately upon filing with the secretary of state unless adopted under sections 33, 44, or 45a(~~6~~)(**9**) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections **205, 308, and 1203, 1205, 1207, 1208, 1209, and 1210** of the occupational code, 1980 PA 299, **MCL 339.205, MCL 339.308, and 339.1203, 339.1205, 339.1207, 339.1208, 339.1209, and 339.1210**; and on the board of cosmetology by section **308** of the occupational code, 1980 PA 299, **MCL 339.308**; and by Executive Reorganization Order Nos. **1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, MCL 445.2001, MCL-445.2011, MCL-445.2025, and MCL-445.2030**:-)

R 338.2101, R 338.2127, R 338.2131, R 338.2132, R 338.2136, R 338.2138, R 338.2161, R 338.2162, R 338.2163, R 338.2163a, R 338.2163b, R 338.2163c, R 338.2166, R 338.2167, R 338.2168, R 338.2169, R 338.2171, and R 338.2179g of the Michigan Administrative Code are amended, R 338.2121a, R 338.2121b, R 338.2121c, R 338.2126a, R 338.2158, R 338.2169a, R 338.2169b, R 338.2171a, R 338.2171b, R 338.2171c, R 338.2180, R 338.2187, and R 338.2188 are added, and R 338.2133, R 338.2134, R 338.2137, R 338.2139, R 338.2151, R 338.2153, R 338.2161a, R 338.2161b, R 338.2162a, R 338.2173, R 338.2176, R 338.2178, R 338.2179, R 338.2179a, R 338.2179b, R 338.2179c, R 338.2179d, R 338.2179f, and R 338.2179h are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means ~~1980 PA 299, MCL 339.101 to 339.2919.~~

(~~b~~) "Apprenticeship practitioner-program" means a licensee who is approved by the department and who is engaged in training an apprentice within an establishment. **licensed cosmetology establishment that is teaching cosmetology to an apprentice without charging a fee.**

(b) "Autoclave" means a device registered and listed as an autoclave or dry-heat sterilizer with the United States Food and Drug Administration.

(c) "Blade" means a flat or curved implement designed for cutting, including, but not limited to, implements commonly referred to as razors, callus shavers, graters, and credo blades intended to cut or shave growths of skin on the hands and feet.

(d) "Clean" or "cleaned" means an item that was disinfected or sterilized pursuant to R 338.2171a or a new and unused single-use item.

(e) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(f) **“Department” means the department of licensing and regulatory affairs.**

(g) **“Disinfectant” means a substance, or mixture of substances, that is registered as a disinfectant by the United States Environmental Protection Agency (EPA).**

~~(d) (h) “Dry sanitizer” means a closed cabinet or container that holds a fumigant chemical sanitizing agent.~~ **“Equivalent” means the passing of a standard examination that is equal to or greater than the required grade level or a statement from a school administrator indicating that the person has potentially and scholastically achieved the required grade.**

(i) **“Establishment” means a cosmetology establishment as defined under section 1201(e) of the code, MCL 339.1201, and includes a mobile salon, as defined in section 1201(o) of the code, MCL 339.1201, and a cosmetology suite as defined in section 1201(g) of the code, MCL 339.1201.**

(j) **“Patron” means an individual receiving a cosmetology service whether or not the individual intends to pay for the service.**

~~(e) (k) “Minimum practical application Practical hours” means a the hours spent performing practical applications service performed on a mannequin, student, or patron.~~

~~(f) (l) “Reactive chemicals” means, but is not limited to, any of the following:~~

(i) Permanent wave solutions.

(ii) Relaxers.

(iii) Temporary, semipermanent, or permanent hair colorings.

(iv) Hair lighteners.

(v) Acids.

(vi) Bases.

(vii) Creams.

(viii) Fluids.

(ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails.

(m) **“School” means a school of cosmetology licensed under section 1205 of the code, MCL 339.1205, which may include a school of cosmetology with a license limited only to the teaching of electrology.**

(n) **“Specialty license” means an electrologist license, esthetician license, manicurist license, or natural hair cultivation license.**

(o) **“Specialty service” means a service pertaining to electrology, skin care services, manicuring, or natural hair cultivation.**

(p) **“Sterilant” means a substance, or mixture of substances, that is registered as a sterilant by the EPA.**

~~(g) (q) “Wet sanitizer” means a container that holds a liquid chemical sanitizing agent.~~ **covered container filled with a liquid substance, or mixture of liquid substances, that is registered as a disinfectant or sterilant by the EPA.**

(2) Terms that are defined in the code have the same meaning when used in these rules.

PART 2. LICENSES AND PERMITS

SUBPART 1. INDIVIDUALS

R 338.2121a Examination requirement; examination administrator; valid score.

Rule 21a. (1) For 1 year following the date of promulgation of these rules, an applicant for an initial cosmetology or specialty license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.

(2) Beginning 1 year after promulgation of these rules, the board adopts the National Barber Cosmetology Program (NBCP) examination developed and scored by PSI Services, LLC, (PSI). An applicant for a cosmetology license or specialty license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.

(3) For 1 year following the date of promulgation of these rules, an applicant for an initial cosmetology or specialty instructor license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned. The examination does not need to be repeated if a licensed instructor applies for a subsequent cosmetology or specialty instructor license.

(4) Beginning 1 year after promulgation of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial cosmetology or specialty instructor license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.

(5) The state examination shall be administered by a third party chosen by the department. The NBCP shall be administered by PSI or its successor organization.

(6) The passing score on the state or national examination is determined by the third party chosen to administer the examination.

TABLE 21a

| License Type | | Required Examination |
|--------------|------------------------|---|
| (a) | Cosmetologist | Cosmetologist theory Cosmetologist practical |
| (b) | Electrologist | Electrologist theory Electrologist practical |
| (c) | Esthetician | Esthetician theory Esthetician practical |
| (d) | Manicurist | Manicurist theory Manicurist practical |
| (e) | Natural hair culturist | Natural hair culturist theory Natural hair culturist practical |
| (f) | Instructor | Cosmetology instructor theory |

R 338.2121b Licensure by endorsement; substantially equal requirements; substituted experience.

Rule 21b. (1) An individual who is licensed to perform cosmetology services in another state may apply for a cosmetology license or specialty license by endorsement under this rule.

(2) An applicant for licensure by endorsement, in addition to meeting all the requirements under section 1211 of the code, MCL 339.1211, shall submit an application on a form provided by the department, pay the required fee, and satisfy all of the following requirements:

(a) Establish that he or she has an education equivalent to the completion of the ninth grade.

(b) Hold an active license or registration in good standing from another state that authorizes him or her to perform a cosmetology service in that state. An applicant's license or registration in good standing shall be verified by the licensing or registering agency of each state in which the

applicant holds or ever held a license or registration as a cosmetologist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.

(c) Provide proof of any name change, if the name on the application does not match the name shown on the submitted documents.

(d) Demonstrate that the licensure or registration requirements of the state in which he or she is authorized to perform cosmetology services are substantially equal to the requirements for licensure under the code and these rules.

(3) Another state's requirements are considered substantially equal to the requirements of a cosmetologist license if both of the following conditions are satisfied:

(a) The state required an applicant for a cosmetology license or registration to pass 1 or more examinations that tested cosmetology theory and practical cosmetology application that is substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state required an applicant to receive not less than 1,500 hours of prelicensure training as a student in cosmetology services or not less than 2 years of prelicensure training as an apprentice in cosmetology services.

(4) Another state's requirements are considered substantially equal to the requirements of a specialty license if both of the following conditions are satisfied:

(a) The state required an applicant for a specialty cosmetology license or registration to pass 1 or more examinations that tested the specialty cosmetology theory and practical specialty cosmetology application substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state required an applicant to receive not less than 400 hours of prelicensure training as a student in the services for which the applicant seeks a specialty license or not less than 6 months of prelicensure training as an apprentice in the services for which the applicant seeks a specialty license.

(5) Pursuant to section 1211(2) of the code, MCL 339.1211, the hours of prelicensure training required under the code and these rules may be substituted with work experience at a ratio of 100 hours of training for each 6 months of work experience. To receive credit, the applicant shall attest, on a form provided by the department, that he or she was employed for a period of time equal to the number of hours of training required for the license.

(6) An applicant's license must be verified by the licensing agency of each state of the United States in which the applicant holds or has ever held a cosmetology, electrology, esthetician, manicuring, or natural hair culturist license. Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.2121c Relicensure requirements.

Rule 21c. (1) An applicant whose cosmetologist or specialty license has lapsed for 3 years or less after the expiration date of the last license may be relicensed under section 411(3) of the code, MCL 339.411, after submitting a completed application on a form provided by the department and the required fee.

(2) An applicant whose cosmetologist or specialty license has lapsed for more than 3 years after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, after submitting a completed application on a form provided by the department, the required fee, and satisfying either of the following requirements:

(a) Pass the examinations required for the applicable license pursuant to Table 21a under R 338.2121a within a 1-year period immediately preceding the date of the relicensure.

(b) Establish that he or she has held an active cosmetology license in good standing in another state within the 3 years preceding application for relicensure.

SUBPART 2. ESTABLISHMENTS AND SCHOOLS

R 338.2126a Cosmetology establishment license.

Rule 26a. An applicant for an establishment license, in addition to meeting the requirements of the code, shall satisfy all of the following:

- (a) Submit an application as required by the department, together with the required fee.
- (b) If the premises of the establishment is either a permanent, physical location, including a cosmetology suite, or is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, a drawing or diagram showing the location of the equipment and facilities required by the code and these rules must be submitted to the department at the time of application.
- (c) If the premises of the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, photographs demonstrating the establishment's compliance with the requirements of R 338.2171(1)(c) to (e), (g) to (i), (2)(e), (3), and (4) must be submitted to the department at the time of application.
- (d) The establishment and its premises shall pass the inspection required by section 1204(1)(c) of the code, MCL 339.1204. To pass the inspection the establishment shall demonstrate its compliance with all requirements of the code and these rules.

R 338.2127 Permanent, physical business address, ~~Change change~~ of ownership or relocation; closure; branch facility license.

Rule 27. (1) An establishment or school shall provide a permanent, physical business address. The permanent, physical business address of a mobile salon is determined as follows:

(a) If the establishment is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, the permanent, physical business address is the physical location from which the mobile salon is dispatched and to which it returns.

(b) If the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, the permanent, physical business address is the owner's premises.

~~(1)~~ (2) Pursuant to section 1204(4) of the code, MCL 339.1204, the sale or transfer of a cosmetology establishment voids the owner's cosmetology establishment license. If a cosmetology establishment changes ownership, the parties involved shall inform the department, in writing, within 30 calendar days before the change occurs.

(3) The change in the location of a cosmetology establishment, except for a mobile salon, voids the owner's cosmetology establishment license. ~~The change in the location of a cosmetology~~ If an a cosmetology establishment, other than a mobile salon, ~~or school~~ changes ownership or location, including any branch facility to the current location, the parties involved shall inform the department of the change, in writing, within 30 calendar days before the change occurs. A change in the permanent, physical business address of a mobile salon must comply with the requirements of R 338.2180(3). ~~A new application showing the new ownership or the new location, together with the applicable fees and a copy of the existing license shall be filed with the department.~~

~~(2)~~ (4) Pursuant to section 1205(5) of the code, MCL 339.1205, the sale or other transfer of a school, a sale or transfer of its ownership, or a change in the location of a school, including a branch facility, voids the owner's school of cosmetology license. If a cosmetology school changes ownership or location, the parties involved shall inform the department, in writing, within 30 calendar days before making the change.

(5) Within 30 calendar days before ~~Before~~ a school or establishment that is conducting an apprenticeship program is closed, ~~or~~ changes ownership, or changes its permanent, physical business address, the school ~~department~~ or establishment that is conducting an apprenticeship program shall be notified, in writing, and shall be furnished with **provide the department with up-to-date information pertaining to a copy of the school's enrolled student records of examinations, credit hours, and minimum practical applications each student's or apprentice's record. The up-to-date information must include all reports and timesheets that have not previously been reported to the department.**

~~(3)~~ **(6)** Branch facilities where training by a cosmetology school is conducted in a physical location apart from the main school premises, may be approved by the department if the branch facility meets **all** of the following criteria:

- (a) Is not used for training students until the department has approved the use of the facility, based upon school need.
- (b) Meets all requirements for Michigan cosmetology schools, except that it shall not include a full-service facility and shall not offer clinic services to the public.
- (c) Provides for proper supervision of students.
- (d) Is submitted for approval on an application ~~prescribed~~ **provided** by the department, to include, at a minimum, both of the following:
 - (i) The complete address of the premises to be licensed.
 - (ii) A current, detailed floor plan, not larger than 8 1/2 by 11 inches, of the proposed premises, showing arrangement of the classroom, placing of equipment, entrances, exits, and a statement of the purpose for which the premises will be used.

(7) Beginning 60 calendar days after the promulgation of these rules, the department shall not accept an application for an initial branch facility license.

(8) Beginning 1 year after the promulgation of these rules, the department shall not grant a renewal of a branch facility license.

(9) Beginning 1 year after the promulgation of these rules, a branch facility license becomes void on the expiration date of the license and the facility shall not operate without obtaining a school of cosmetology license.

(10) A school whose licensure application involved the approval of more than 1 premises shall satisfy all of the following requirements:

- (a) **Display a copy of the school license at each premises in a prominent place that is always visible to the public.**
- (b) **Display a copy of the license of each instructor who works for the school, whether or not the instructor works on the premises. The license must be displayed in a prominent place that is always visible to the public.**
- (c) **Provide the department with the address of each premises and identify the primary address at which to receive correspondence from the department.**

PART 3. GENERAL TRAINING ADMINISTRATION

R 338.2131 ~~"Equivalent" defined; proof of educational grade equivalency.~~ **Substitution of hours for credits earned in Michigan-licensed barber college; substantially similar criteria and determination; notice to department.**

~~—Rule 31. "Equivalent," as used in the act when referring to educational grade levels, means the passing of a standard examination which is equal to or greater than the required grade level. If there is no grade equivalency test available, the department shall accept a statement from a school administrator indicating that the person has potential and scholastic achievement equal to the required grade.~~

Rule 31. (1) Pursuant to section 1205(6) of the code, MCL 339.1205, a school of cosmetology may allow a student who is a Michigan-licensed barber to substitute up to 1,000 hours of substantially similar instruction obtained from a Michigan-licensed barber college for hours of instruction required by the school of cosmetology.

(2) In determining if an hour of instruction earned from a Michigan-licensed barber college is substantially similar and may be substituted for required instruction in the cosmetology student's curriculum, the school of cosmetology may consider all of the following:

(a) The student's barber college transcript.

(b) The student's scores on examinations.

(c) The barber college's course descriptions.

(d) The student's performance on an examination conducted by the school of cosmetology that tests the student's theory and practical knowledge.

(3) The school of cosmetology shall determine the number of substantially similar instruction hours that will be substituted for required instruction in the student's cosmetology curriculum before the student begins his or her cosmetology program.

(4) The school of cosmetology shall notify the department of the number of substantially similar hours it permitted the student to substitute in the student's cosmetology curriculum and the number of minimum practical applications it has verified for the student.

R 338.2132 ~~School and apprentice training program equipment~~ requirement.

Rule 32. ~~(1) A school or apprenticeship practitioner shall have all of the following items:~~

~~—(a) Instructional visual aids for teaching the prescribed curriculum.~~

~~—(b) One bulletin board in the student or apprentice area.~~

~~—(c) (a) Seating facilities for patrons.~~

~~—(d) (b) One chair that has writing facilities for each attending student or apprentice. **An adequate number of chairs and adequate desk space to meet the needs of each student attending.**~~

~~—(e) (c) Sufficient practical training stations and equipment so that students or apprentices are not required to share a station or equipment during practical training periods. **If services are performed on the public, an adequate amount of equipment, supplies, and tools necessary for performing services on patrons in compliance with the requirements under part 4 of these rules.**~~

~~—(f) (d) A shampoo bowl installed in a classroom other than the main clinic classroom, unless a limited school of electrology.~~

~~—(g) (e) Adequate space per attending student for theory or non-practical classroom training. **If services are not performed on the public, an adequate amount of equipment, supplies, and tools necessary for providing the theory hour and practical training offered on the premises.**~~

~~—(h) A chalkboard or the equivalent of sufficient size to be seen from the back of the room in which it is used.~~

R 338.2133 ~~Credit of school hours to apprenticeship training prohibited; credit of apprenticeship training to school training prohibited. **Rescinded.**~~

~~—Rule 33. (1) School credit hours shall not be credited to apprenticeship training.~~

~~—(2) Apprenticeship months of training shall not be credited to school credit hours.~~

R 338.2134 ~~Enrollment. **Rescinded.**~~

~~—Rule 34. (1) A school shall report the enrollment of a student and submit the registration fee to the department within 60 days after the student begins a course of instruction.~~

~~—(2) A student requesting hours from a previous enrollment shall pass practical and theory examinations on the subject areas previously studied and submit the previous hours to the new school before attending~~

~~the new school. The school shall notify the department of the number of hours accepted and the number of minimum practical applications verified for any student who has hours from previous training.~~

~~–(3) A student shall not be granted credit for more hours than are verified by the school of previous enrollment.~~

R 338.2136 **Permanent School and apprenticeship records.**

Rule 36. (1) A school or apprenticeship practitioner **program** shall keep **permanent-complete** records **for each student or apprentice** of students or apprentices. The permanent records shall **must** be maintained for not less than 7 years after the last date of attendance of the student or apprentice.

(2) The records shall **must** be available to the department upon request and shall **must** include all of the following information:

(a) A summary of the attendance record.

(b) A summary of the **practical hours and theory hours of training that were completed by the student or apprentice**, including the **subjects and number of minimal-practical-applications hours and theory hours that were credited under R 338.2138(4) and (5)**.

(c) The date of the enrollment and the last date of attendance.

(d) The final grades.

(e) A copy of the contract **that is required under section 1205(2)(j) of the code, MCL 339.1205**.

R 338.2137 ~~Student and apprentice supplies.~~ **Rescinded.**

~~–Rule 37. (1) A school or apprenticeship practitioner shall furnish a copy of the act and these rules to each student or apprentice.~~

~~–(2) All necessary materials, equipment, and supplies shall be furnished to students or apprentices for work performed on the public. The contract between the school or apprenticeship practitioner and the student or apprentice shall contain a list of any charges for additional materials, supplies, or equipment other than that required to adequately train students or apprentices under the prescribed curriculum.~~

R 338.2138 ~~Theory instruction.~~ **School and apprenticeship program requirements.**

Rule 38. ~~Theory shall be taught throughout a course as applied to practical training under §1205(5)(c) of the act.~~ (1) A school or apprenticeship program, in addition to meeting all the requirements of the code and these rules, shall satisfy all of the following:

(a) **Submit a monthly report to the department that contains the daily record of attendance of each student or apprentice.**

(b) **Establish a system of grades for the advancement of training in each curriculum.**

(c) **Require a student or apprentice to pass at least 1 examination based on the curriculum in which the student or apprentice is enrolled.**

(d) **Certify, on a form provided by the department, that the student or apprentice has completed the training in the curriculum under part 4 of these rules in which he or she is enrolled. A school or apprenticeship program that grants transfer credit under subrules (4) and (5) of this rule shall identify on the form the subjects and number of theory and practical hours that it granted transfer credit to a student or an apprentice.** ~~Theory shall be taught throughout a course as applied to practical training under §1205(5)(c) of the act.~~

(e) **Notify the department in writing when a student's or apprentice's training is terminated prior to completion of the training program.**

(2) A school licensed under the code shall provide instruction in not less than both of the following:

(a) **The cosmetology curriculum pursuant to Table 11 under R 338.2169a.**

(b) The cosmetology instructor and cosmetology limited instructor curriculum pursuant to Table 16 under R 338.2169b.

(3) An establishment conducting an apprenticeship program shall display its apprenticeship program permit in a prominent place on the premises that is visible to the public at all times.

(4) A school may transfer credit of hours a student had previously earned in a school of cosmetology toward the completion of a curriculum under part 4 of these rules, if the school determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. A school has the discretion for determining whether to grant credit.

(5) An apprenticeship program may transfer credit of hours an apprentice has earned in an apprenticeship program toward the completion of a curriculum under part 4 of these rules, if the apprenticeship program determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. An apprenticeship program has the discretion for determining whether to grant credit.

(6) A school shall not transfer credit of hours that were earned in an apprenticeship program. An apprenticeship program shall not transfer credit of hours that were earned as a student.

R 338.2139 Board examination Rescinded.

~~Rule 39. (1) To be eligible to take the state board examination, a student or apprentice shall satisfactorily complete the course of study and shall pass a final examination on each subject with a score of not less than 75%.~~

~~–(2) A school or apprenticeship practitioner shall provide certification, to the department or its designees, that the student or apprentice has completed all requirements before the student or apprentice applies for the state board examination.~~

~~–(3) An applicant for a cosmetology, electrology, limited, or specialty instructor license may be granted a partial waiver of the instructor examination if the applicant currently possesses a different cosmetology, electrology, limited, or specialty instructor license. The applicant shall complete the practical portion of the instructor examination in the area of the new instructor license for which he or she applies.~~

~~–(4) A passing score on an examination, or on a portion of an examination if the examination is given in separate parts, shall be valid for 1 year from the date the examination or portion of the examination was passed, except as provided in subrule (3) of this rule.~~

PART 4. SCHOOL TRAINING PROGRAMS

PART 5. APPRENTICE TRAINING PROGRAMS

R 338.2151 Application for apprenticeship. Rescinded.

~~Rule 51. (1) A licensee who has had not less than 3 years of experience as a licensed cosmetologist, electrologist, natural hair culturist, esthetician, or manicurist may submit an application to the department to train an apprentice.~~

~~–(2) The application shall include the following information:~~

~~–(a) A floor plan of the establishment.~~

~~–(b) A list of equipment to be used in training the apprentice.~~

~~–(c) A list of the books that will be used to teach theory.~~

~~–(d) A copy of the licensee's contract with the apprentice showing the curriculum to be taught and the minimum number of hours per month that the apprentice must attend. The contract shall include written agreements to do all of the following:~~

- ~~–(i) Personally train the apprentice.~~
- ~~–(ii) Give and correct examinations.~~
- ~~–(iii) Render a grade in each subject of the curriculum.~~
- ~~–(iv) Submit the apprentice=s hours to the department monthly.~~
- ~~–(3) An apprentice shall not practice on the public before meeting the requirements of section 1205(5)(c) of the act. An apprentice practicing outside an approved apprenticeship establishment may be ineligible to take the state board examination.~~
- ~~–(4) An apprentice shall be in training throughout the period of the program and shall have received an average of not less than 80 hours of instruction per month.~~
- ~~–(5) An apprentice=s registration permit shall be conspicuously displayed in the establishment.~~
- ~~–(6) The apprenticeship practitioner shall provide certification to the department or the department=s designee that the apprentice has completed all requirements before applying for the state board examination.~~

R 338.2153 Apprenticeship program examinations and grades. **Rescinded.**

- ~~–Rule 53. (1) A licensee that trains a cosmetology apprentice shall give the apprentice an examination every 6 months.~~
- ~~–(2) A licensee that trains an electrology, manicuring, esthetician, or natural hair culturist apprentice shall give the apprentice an examination every 3 months.~~

PART 6 4. CURRICULUM

R 338.2158 Distance education requirements.

Rule 58. (1) As used in this rule, “distance education” means education that uses technology to deliver instruction to a student who is physically separated from the instructor while permitting live interaction between the student and the instructor.

(2) Distance education is permitted in the delivery of theory hours of the curriculum if all of the following are satisfied:

(a) The instructor has been trained in the use of the modality and technology resources used in distance education.

(b) The technology and practices are in place to verify the identity of the distance education student who participates, while protecting student privacy.

(c) The student has been provided with written information that clearly describes the distance education technology requirements to successfully complete the course.

(3) A cosmetology school offering distance education pursuant to subrule (2) of this rule shall have a policy in place that it provides to each student and includes all of the following information:

(a) A clear statement that all practical hours and practical applications in the curriculum must be done in-person.

(b) A clear statement that the student’s interaction with the instructor through distance education must be logged by the instructor.

(c) A clear statement that an in-person performance evaluation must be completed after each 10% of the distance education component.

(d) A clear statement that the student shall pass a comprehensive theory and practical examination before he or she graduates from the program.

(e) A clear statement that the student’s transcript and other documents will identify the portion of the curriculum that was delivered through distance education.

(4) Before a student enrolls in the cosmetology school, the student shall be provided with, and shall sign, a disclaimer that advises him or her that distance education may not be accepted for reciprocity or licensure in some states. The cosmetology school shall maintain a copy of the signed waiver in the student’s record.

R 338.2161 Cosmetology curriculum.

Rule 61. ~~A school or apprenticeship practitioner shall provide instruction in cosmetology pursuant to the following table:~~ **Students and apprentices who were enrolled in the study of cosmetology before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 1

| Subject | Theory Hours | Practical Hours | Unassigned Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|------------------|-------------|--|
| Sanitation/ and patron protection. Laws and rules. Personal hygiene. Salon management. Mechanical and electrical equipment safety. | 90 | 40 | 0 | 130 | 585 (Sanitation and patron protection shall must be included in all services.) |
| Facials. Skin analysis and care. Manipulation, massage, electricity. Removal of hair by the use of wax, tweezers, or depilatories. Makeup and eyebrow arch. | 35 | 80 | 0 | 115 | 40 (a minimum of 5 services in each category) |

| | | | | | |
|---|-----|-----|---|-----|--|
| Hairdressing. Arranging, cutting, dressing, curling, pressing, artificial hair and finger waving, and natural hair cultivation. | 125 | 400 | 0 | 525 | 300 (a minimum of 20 services in each category) |
| Scalp and hair treatments. | 10 | 15 | 0 | 25 | 30 |
| Hair coloring Temporary Semi permanent Permanent Temporary, semi-permanent, and permanent hair coloring. Bleaching and dimensional coloring. Color mixing. | 40 | 170 | 0 | 210 | 80 (a minimum of 8 services in each category) |
| Chemical hair restructuring. Permanent waving. Straightening and relaxing. | 40 | 180 | 0 | 220 | 80 (a minimum of 15 services in each category) |
| Applied chemistry/ and occupational safety and health administration as related to skin, hair, nails, and scalp. | 20 | 10 | 0 | 30 | 5 |
| Applied anatomy, physiology, and histology of the human head, hands, nails, skin, and hair. | 45 | 0 | 0 | 45 | 0 |

| | | | | | |
|-----------------------------|-----|-----|-----|------|------|
| Manicuring/ and pedicuring. | 15 | 55 | 0 | 70 | 35 |
| Artificial nails. | 5 | 15 | 0 | 20 | 5 |
| Unassigned hours. | 0 | 0 | 110 | 110 | 0 |
| Totals | 425 | 965 | 110 | 1500 | 1160 |

R 338.2161a Crossover hours; manicuring. Rescinded.

~~Rule 61a. A student, before enrolling in a cosmetology curriculum in a licensed school of cosmetology, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in manicuring in a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a cosmetology apprenticeship program, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in manicuring within the previous 3 years.~~

R 338.2161b Crossover hours; esthetics. Rescinded.

~~Rule 61b. A student, before enrolling in a cosmetology curriculum in a licensed school of cosmetology, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in esthetics in a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a cosmetology apprenticeship program, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in esthetics within the previous 3 years.~~

R 338.2162 Manicuring curriculum.

Rule 62. A school or apprenticeship practitioner shall provide instruction in manicuring pursuant to the following table: Students and apprentices who were enrolled in the study of manicuring before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 2

| Subject | Theory Hours | Practical Hours | Unassigned Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|------------------|-------------|---|
| Sanitation/ and patron protection. Laws and rules. | 50 | 50 | 0 | 100 | 100 (Sanitation and patron protection) |

| | | | | | |
|---|-----|-----|----|-----|---|
| Personal hygiene. Salon management. Mechanical and electrical equipment safety. | | | | | shall must be included in all services.) |
| Anatomy and disorders. | 25 | 0 | 0 | 25 | 0 |
| Artistic principles. | 10 | 0 | 0 | 10 | 0 |
| Manicuring / and pedicuring techniques. | 20 | 50 | 0 | 70 | 40 |
| Chemistry / and occupational safety and health administration. | 15 | 0 | 0 | 15 | 0 |
| Artificial nails / , extensions / , and repairs. | 25 | 105 | 0 | 130 | 50 |
| Unassigned hours. | 0 | 0 | 50 | 50 | 0 |
| Totals | 145 | 205 | 50 | 400 | 190 |

R 338.2162a Crossover hours. Rescinded.

~~Rule 62a. A student, before enrolling in a manicuring curriculum in a licensed school of cosmetology, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in cosmetology at a licensed school of cosmetology within the previous 3 years. A student, before enrolling in a manicuring apprenticeship program, may be granted a maximum of 70 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in cosmetology within the previous 3 years.~~

R 338.2163 Electrology curriculum.

~~Rule 63. An electrology school or apprenticeship practitioner shall provide instruction in electrology pursuant to the following table:~~ **Students and apprentices who were enrolled in the study of electrology before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 3

| Subject | Theory Hours | Practical Hours | Unassigned hours | Total Hours | Minimum Practical Applications |
|--|--------------|-----------------|------------------|-------------|---|
| Sanitation/ and patron protection. Laws and rules. Personal hygiene. Salon management. | 40 | 10 | 0 | 50 | 160 (Sanitation and patron protection shall must be included in all services.) |
| Applied anatomy, physiology, and histology. | 25 | 0 | 0 | 25 | 0 |
| Applied electrolysis. Mechanical and electrical equipment safety. Techniques. | 25 | 250 | 0 | 275 | 150 |
| Unassigned hours. | 0 | 0 | 50 | 50 | 0 |
| Totals | 90 | 260 | 50 | 400 | 310 |

R 338.2163a Esthetics curriculum.

Rule 63a. ~~A school or apprenticeship practitioner shall provide instruction in skin care service pursuant to the following table:~~ **Students and apprentices who were enrolled in the study of esthetics before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 4

| Subject | Theory Hours | Practical Hours | Unassigned Hours | Total Hours | Minimum Practical Applications |
|--|--------------|-----------------|------------------|-------------|---|
| Sanitation/ and patron protection. Laws and rules. | 25 | 25 | 0 | 50 | 90 (sanitation Sanitation and patron) |

| | | | | | |
|---|-----|-----|----|-----|--|
| Personal hygiene. Salon management. | | | | | protection shall must be included in all services.) |
| Mechanical and electrical equipment safety. | 25 | 25 | 0 | 50 | 15 |
| Anatomy and disorders. | 40 | 0 | 0 | 40 | 0 |
| Artistic principles/ and makeup. | 20 | 20 | 0 | 40 | 0 |
| Facial/ and skin care techniques. | 20 | 125 | 0 | 145 | 50 |
| Chemistry/ and occupational safety and health administration. | 15 | 0 | 0 | 15 | 0 |
| Temporary removal of hair. | 5 | 5 | 0 | 10 | 5 |
| Unassigned hours. | 0 | 0 | 50 | 50 | 0 |
| Totals | 150 | 200 | 50 | 400 | 160 |

(2) ~~A student, before enrolling in an esthetics curriculum in a licensed school of cosmetology, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the school of successful completion of a curriculum in cosmetology at a licensed school of cosmetology within the previous 3 years. A student before enrolling in an esthetics apprenticeship program, may be granted a maximum of 115 hours toward completion of the curriculum if the student provides proof to the practitioner of successful completion of an apprenticeship program approved by the department in cosmetology within the previous 3 years.~~

R 338.2163b Natural hair cultivation curriculum.

~~Rule 63b. A school or apprenticeship practitioner may provide instruction in natural hair cultivation pursuant to the following table:~~ **Students and apprentices who were enrolled in the study of natural hair cultivation before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 5

| Subject | Theory Hours | Practical Hours | Unassigned Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|------------------|-------------|--|
| Sanitation/ and patron protection. Laws and rules. Personal hygiene. Salon management. Equipment safety. | 25 | 25 | 0 | 50 | 50 (sanitation Sanitation and patron protection shall must be included in all services.) |
| Anatomy and disorders. | 25 | 0 | 0 | 25 | 0 |
| Artistic principles. | 30 | 0 | 0 | 30 | 0 |
| Braiding techniques/ and extensions. | 40 | 215 | 0 | 255 | 40 |
| Occupational safety and health administration. | 5 | 0 | 0 | 5 | 0 |
| Unassigned hours. | 0 | 0 | 35 | 35 | 0 |
| Totals | 125 | 240 | 35 | 400 | 90 |

338.2163c Cosmetology instructor curriculum.

Rule 63c. ~~In training a cosmetology instructor, a school shall give instruction pursuant to the following table:~~ **Students who were enrolled in the study of cosmetology instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 6

| Subject | Theory Hours | Practical Hours | Total Hours | Minimum practical applications |
|---------|--------------|-----------------|-------------|--------------------------------|
|---------|--------------|-----------------|-------------|--------------------------------|

| | | | | |
|---|-----|-----|-----|--|
| Orientation and review of the cosmetology curriculum. | 25 | 50 | 75 | 20 |
| Introduction to teaching. | 30 | 0 | 30 | 0 |
| Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 (a minimum of 5 services in each category) |
| Laws and rules. Record keeping. School administration. | 15 | 10 | 25 | 70 |
| Teaching. Assisting in the clinic and theory classrooms. | 0 | 75 | 75 | 15 |
| Practice teaching in the clinic and theory classrooms. | 0 | 130 | 130 | 25 |
| Totals | 150 | 350 | 500 | 150 |

~~-(2) A student, before enrolling in a cosmetology instructor curriculum, may be granted a maximum of 300 hours toward completion of the curriculum if the student provides proof to the school of both of the following;~~

- ~~-(a) Successful completion of a curriculum in any limited specialist instructor curriculum.~~
- ~~-(b) Possession of a current limited specialist instructor license.~~

R 338.2166 Electrology instructor curriculum.

Rule 66. ~~In training an electrology instructor, a school shall give instruction pursuant to the following table:~~ **Students who were enrolled in the study of electrology instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 7

| Subject | Theory Hours | Practical Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|-------------|--|
| Orientation and review of the curriculum. | 10 | 15 | 25 | 10 |
| Introduction to teaching. | 30 | 0 | 30 | 0 |
| Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 (a minimum of 5 services in each category) |
| Laws and rules. Record keeping. School administration. | 15 | 10 | 25 | 40 |
| Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms. | 0 | 55 | 55 | 15 |
| Totals | 135 | 165 | 300 | 85 |

R 338.2167 Limited specialist manicuring instructor curriculum.

Rule 67. ~~In training a limited specialist manicuring instructor, a school shall give instruction pursuant to the following table:~~ **Students who were enrolled in the study of limited specialist manicuring instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 8

| Subject | Theory Hours | Practical Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|-------------|--|
| Orientation and review of the curriculum. | 10 | 15 | 25 | 10 |
| Introduction to teaching. | 30 | 0 | 30 | 0 |
| Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 (a minimum of 5 services in each category) |
| Laws and rules. Record keeping. School administration. | 15 | 10 | 25 | 40 |
| Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms. | 0 | 55 | 55 | 15 |
| Totals | 135 | 165 | 300 | 85 |

R 338.2168 Limited specialist skin care instructor curriculum.

Rule 68. ~~In training a limited specialist skin care instructor, a school shall give instruction pursuant to the following table:~~ **Students who were enrolled in the study of limited specialist skin care instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:**

TABLE 9

| Subject | Theory Hours | Practical Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|-------------|--|
| Orientation and review of the curriculum. | 10 | 15 | 25 | 10 |
| Introduction to teaching. | 30 | 0 | 30 | 0 |
| Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 (a minimum of 5 services in each category) |
| Laws and rules. Record keeping. School administration. | 15 | 10 | 25 | 40 |
| Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms. | 0 | 55 | 55 | 15 |
| Totals | 135 | 165 | 300 | 85 |

R 338.2169 Limited specialist natural hair culturist instructor curriculum.

Rule 69. ~~In training a limited specialist natural hair culturist instructor, a school may give instruction pursuant to the following table:~~ **Students who were enrolled in the study of limited specialist natural**

hair culturist instructor before 1 year after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 10

| Subject | Theory Hours | Practical Hours | Total Hours | Minimum Practical Applications |
|---|--------------|-----------------|-------------|--|
| Orientation and review of the curriculum. | 10 | 15 | 25 | 10 (Sanitation and patron protection shall must be included in all services.) |
| Introduction to teaching. | 30 | 0 | 30 | 0 |
| Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 (a minimum of 5 services in each category) |
| Laws and rules. Record keeping. School administration. | 15 | 10 | 25 | 40 |
| Teaching. Assisting in the clinic and theory classrooms. Practice teaching in the clinic and theory classrooms. | 0 | 55 | 55 | 15 |
| Totals | 135 | 165 | 300 | 85 |

R 338.2169a Cosmetologist, esthetician, electrologist, manicurist, and natural hair culturist curriculum.

Rule 69a. (1) Students and apprentices who are enrolled in the study of cosmetology 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 11

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|-----|---|---------------------|------------------------------------|--------------------|--|
| (a) | Health and safety related to hair care services, manicuring services, skin care services, and natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety. | 75 | 125 | 200 | Health and safety must be included in all practical applications. |
| (b) | Hair care services and natural hair cultivation that include all of the following topics: (i) Arranging. (ii) Artificial Hair. (iii) Bleaching. (iv) Cleansing. (v) Curling. (vi) Cutting. (vii) Coloring and bleaching. (viii) Dressing. (ix) Perming. (x) Relaxing. (xi) Singeing. | 200 | 600 | 800 | 425 |

| | | | | | |
|--------------------|---|------------|-------------|-------------|------------|
| | (xii) Straightening. (xiii) Tinting. (xiv) Waving. (xv) Natural hair cultivation. | | | | |
| (c) | Esthetic services that include all of the following topics: (i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping. (ii) Cleansing the skin with hands and equipment. (iii) Temporary hair removal. (iv) Facials, makeup, and eyelashes. | 100 | 150 | 250 | 25 |
| (d) | Manicuring services that include all of the following: (i) Artificial nails, extensions, and repairs. (ii) Manicuring. (iii) Pedicuring. | 100 | 150 | 250 | 25 |
| Total Hours | | 475 | 1025 | 1500 | 475 |

(2) Students and apprentices who are enrolled in the study of electrology 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 12

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|-----|--|---------------------|------------------------------------|--------------------|---|
| (a) | Health and safety related to electrology services that include all of the following topics: (i) Anatomy and | 50 | 50 | 100 | Health and safety must be included in all practical |

| | | | | | |
|--------------------|--|------------|------------|------------|----------------------|
| | physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety. | | | | applications. |
| (b) | Electrology services that include the topic of removal of the hair with electricity. | 125 | 175 | 300 | 150 |
| Total Hours | | 175 | 225 | 400 | 150 |

(3) Students and apprentices who are enrolled in the study of esthetics 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 13

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|------------|---|---------------------|------------------------------------|--------------------|--|
| (a) | Health and safety related to esthetic services that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety. | 50 | 50 | 100 | Health and safety must be included in all practical applications. |
| (b) | Esthetic services that include the following topics: | 125 | 175 | 300 | 50 |

| | | | | |
|---|------------|------------|------------|-----------|
| <p>(i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping.</p> <p>(ii) Cleansing the skin with hands and equipment.</p> <p>(iii) Temporary hair removal.</p> <p>(iv) Facials, makeup, and eyelashes.</p> | | | | |
| Total Hours | 175 | 225 | 400 | 50 |

(4) Students and apprentices who are enrolled in the study of manicuring 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 14

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|-----|--|---------------------|------------------------------------|--------------------|--|
| (a) | <p>Health and safety related to manicuring services that include all of the following topics:</p> <p>(i) Anatomy and physiology.</p> <p>(ii) Chemical safety.</p> <p>(iii) Diseases and disorders.</p> <p>(iv) Laws and rules.</p> <p>(v) Occupational safety.</p> <p>(vi) Personal hygiene.</p> <p>(vii) Sanitation.</p> <p>(viii) Equipment, supply, and tool safety.</p> | 50 | 50 | 100 | Health and safety must be included in all practical applications. |
| (b) | <p>Manicuring services that include all of the following topics:</p> <p>(i) Artificial nails, extensions, and repairs.</p> <p>(ii) Manicuring.</p> | 125 | 175 | 300 | 50 |

| | | | | | |
|--------------------|--------------------------|------------|------------|------------|-----------|
| | (iii) Pedicuring. | | | | |
| Total Hours | | 175 | 225 | 400 | 50 |

(5) Students and apprentices who are enrolled in the study of natural hair cultivation 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 15

| Subject | | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|--------------------|--|---------------------|------------------------------------|--------------------|--|
| (a) | Health and safety related to natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety. | 50 | 50 | 100 | Health and safety must be included in all practical applications. |
| (b) | Natural hair cultivation services that include all of the following topics: (i) Braiding. (ii) Extending. (iii) Locking. (iv) Twisting. (v) Weaving. (vi) Wrapping. | 125 | 175 | 300 | 40 |
| Total Hours | | 175 | 225 | 400 | 40 |

R 338.2169b Cosmetologist instructor and cosmetologist limited instructor curriculum; electrologist instructor, limited electrologist instructor, and limited specialist instructor curriculum.

Rule 69b. (1) Students who are enrolled in the study of cosmetology instructor or cosmetology limited instructor 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 16

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|--------------------|--|---------------------|------------------------------------|--------------------|---------------------------------------|
| (a) | Orientation and review of the cosmetology curriculum. | 25 | 50 | 75 | 20 |
| (b) | Introduction to teaching. | 30 | 0 | 30 | 0 |
| (c) | Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations. | 80 | 85 | 165 | 20 |
| (d) | Administration skills that include all of the following topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration. | 15 | 10 | 25 | 10 |
| (e) | Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms. (ii) Practice teaching in the clinic and theory classrooms. | 0 | 205 | 205 | 40 |
| Total Hours | | 150 | 350 | 500 | 90 |

(2) Students who are enrolled in the study of electrology instructor, electrology limited instructor, esthetics limited specialist instructor, manicuring limited specialist instructor, or natural hair cultivation limited specialist instructor 1 year or later after the promulgation of this rule shall complete a curriculum pursuant to the following table:

TABLE 17

| | Subject | Theory Hours | Practical Application Hours | Total Hours | Minimum Practical Applications |
|------------|---|---------------------|------------------------------------|--------------------|---------------------------------------|
| (a) | One of the following: (i) For an electrology instructor or electrology limited instructor, orientation and review of the electrology curriculum. (ii) For an esthetics limited specialist instructor, orientation and review of the esthetician curriculum. (iii) For a manicuring limited specialist instructor, orientation and review of the manicuring curriculum. (iv) For a natural hair cultivation limited specialist instructor, orientation and review of the natural hair cultivation curriculum. | 10 | 15 | 25 | 10 |
| (b) | Introduction to teaching. | 30 | 0 | 30 | 0 |
| (c) | Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching | 80 | 85 | 165 | 20 |

| | | | | | |
|--------------------|---|------------|------------|------------|-----------|
| | <p>techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations.</p> | | | | |
| (d) | <p>Administration skills that include all of the following topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration.</p> | 15 | 10 | 25 | 10 |
| (e) | <p>Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms. (ii) Practice teaching in the clinic and theory classrooms.</p> | 0 | 55 | 55 | 15 |
| Total Hours | | 135 | 165 | 300 | 55 |

PART 7 5. HEALTH AND SAFETY

R 338.2171 Establishment and school **requirements**; ~~compliance with codes, rules, and regulations required.~~

Rule 71. (1) ~~An owner of an establishment or school shall ensure that the establishment or school have all of the following:~~ **An establishment or school shall have and maintain all of the following:**

- (a) An adequate supply of running hot and cold water.
- (b) ~~Adequate electrical outlets and wiring to supply all electrical equipment used.~~ **Adequate ventilation to prevent the concentration of chemical vapors and strong odors.**
- (c) ~~Adequate lighting and ventilation in all rooms.~~ **Covered containers for holding used towels, capes, and neck strips.**
- (d) ~~Floors, walls, and ceilings, which shall be maintained in good condition.~~ **An adequate amount of cleaning, disinfecting, and sterilizing equipment and supplies necessary to meet the sanitation requirements of these rules.**
- (e) ~~A source of drinking water in an area other than that used to mix chemicals.~~ **The manufacturer-labeled container of each disinfectant and sterilant that is used.**
- (f) Covered waste containers that are large enough to contain 1 day's accumulation of waste materials.

(g) If services are performed that involve fusing hair with an open flame, at least 1 multi-purpose fire extinguisher that is labeled by the manufacturer as suitable for use on class a, b, and c fires. The fire extinguisher must be located within 20 feet of where the open flame is used.

(h) At least 1 first aid kit that is labeled by the manufacturer as meeting the American National Standards Institute (ANSI) and International Safety Equipment Association (ISEA) American national standard - minimum requirements for workplace first aid kits and supplies. A first aid kit labeled by the manufacturer with a stamp indicating “ANSI/ISEA Z308.1” satisfies the requirement of this rule.

(i) If a chair, bed, table, headrest, or other station is used for providing services to patrons, it must be made of, or covered in, a non-porous material that can be disinfected.

(2) An establishment or school shall comply with all of the following minimum operational requirements:

(a) ~~Local building codes.~~ Maintain all areas in a safe and sanitary condition.

(b) ~~Local and state health rules.~~ Dispose of vaporous chemical waste materials pursuant to the manufacturer’s recommendations.

(c) ~~Local fire prevention and fire safety rules.~~ Disinfect waste containers at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.

(d) ~~Applicable industrial, occupational, safety, and health regulations.~~ Dispose of all single-use tools and supplies after use on a patron.

(e) Store clean nonelectrical tools and supplies in covered containers and separate from used tools and supplies.

(f) Dispose towels, capes, and neck strips used on a patron in a container for used items.

(g) All waste materials including, but not limited to, hair clippings, paper, tissue, and single-use tools must be disposed of in a covered waste container.

(3) An establishment providing hair care services shall have a shampoo bowl equipped with hot and cold running water.

(4) An establishment providing pedicuring services shall have a pedicuring basin.

R 338.2171a Disinfecting and sterilizing requirements; non-electrical and electrical tools; towels, capes, and neck strips; chairs, headrests, tables, and beds; semi-solid substances; pedicuring basins; shampoo bowls, dusters and brushes.

Rule 71a. (1) Unless otherwise provided under this rule, all non-electrical tools that are not disposed must be disinfected after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Disinfect using either of the following methods:

(i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.

(c) Fully dry by air or with a clean towel.

(2) Unless otherwise provided under this rule, all removeable parts of an electrical tool must be disinfected after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Disinfect using either of the following methods:

(i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.

(c) Fully dry by air or with a clean towel before storing in a clean place such as a stand, hook, or on a clean towel covered by a clean towel. Electrical items with a cord must not be stored in a container used for storing other clean items.

(3) Tools and supplies that go beneath the top layer of the skin must be sterilized after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Sterilize using either of the following methods:

(i) Full immersion in a liquid sterilant for not less than 10 minutes or the period recommended by the manufacturer of the sterilant.

(ii) Sterilization in an autoclave pursuant to the autoclave manufacturer's instructions.

(4) Towels, capes, and neck strips must be machine washed with a detergent in water of not less than 160 degrees Fahrenheit for not less than 25 minutes during a wash and rinse cycle. The following exceptions and presumption apply to this subrule:

(a) A detergent registered as a disinfectant with the EPA is not required.

(b) Machine washing is not required for plastic or nylon capes that are disinfected after each use by scrubbing all surfaces using a disinfectant wipe or a disinfect spray and clean towel.

(c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.

(5) Chairs, headrests, tables, beds, and other stations that come in direct contact with a patron's skin must be disinfected after use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.

(6) All semi-solid substances, including, but not limited to, waxes, creams, lotions, oils, and powders must be stored in a covered container and removed by using a clean spatula or single-use spatula that is disposed after use on a patron unless it is dispensed from a shaker dispenser that prevents contact with the skin.

(7) After each use, a basin used by a patron for pedicuring services must be disinfected in the following sequential manner:

(a) Drain all water from the basin.

(b) Remove all visible debris.

(c) Circulate a disinfectant in the basin for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(d) Drain, rinse, and fully dry by air or with a clean towel.

(e) If the basin contains a screen or other removable parts, the screen and removable parts must be disinfected in the following sequential manner:

(i) Remove all visible debris.

(ii) Disinfect using either of the following methods:

(A) Full immersion in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(B) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.

(iii) Rinse with water and fully dry by air or with a clean towel.

(8) A basin that uses a liner that is disposed of after each use by a patron and that prevents water and skin from contacting the basin is not required to be disinfected pursuant to subrule (7) of this rule. However, a screen and any other removable parts that contact the water or skin must be disinfected pursuant to subrule (7) of this rule.

(9) Shampoo bowls must be disinfected after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Scrub all surfaces with a disinfectant wipe or disinfectant spray and clean towel.

(10) Neck and nail dusters and other brushes not included under subrule (11) of this rule must be disinfected after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Immerse in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(11) Natural fiber, facial, acrylic, gel, nail-art, and makeup brushes must be cleaned after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Fully immerse in a wet-sanitizer for at least 10 minutes or the period recommended by the manufacturer of the disinfectant.

R 338.2171b Patron protection.

Rule 71b. A licensee, student, or apprentice shall satisfy all of the following:

(a) Ensure his or her attire and hands are kept sanitary.

(b) Apply antiseptic to his or her hands before performing electrology, manicuring, or skin care services.

(c) Clean tools, equipment, and supplies that are not disposed after each use on a patron pursuant to R 338.2171a.

(d) Store clean tools and supplies in covered containers and separate from used tools and supplies.

(e) Use clean tools, equipment, and supplies on patrons.

(f) Dispose of all single-use tools and supplies after each use on a patron.

(g) Once hair care services are completed on a patron, remove any hair clippings from the floor.

R 338.2171c Mobile salon services performed in a self-contained or other device that is moved, towed, or transported from 1 location to another.

Rule 71c. In addition to complying with all health and safety requirements in these rules, a mobile salon that is a self-contained vehicle or other device that is moved, towed, or transported from 1 location to another shall comply with all of the following:

(a) It must not be used as a residence or for any purpose other than providing cosmetology services.

(b) All furniture must be anchored to the unit.

(c) It must have a functioning restroom, including a self-contained, flush toilet with holding tank.

(d) It must have a water heater that provides fresh, hot water continuously and on demand.

(e) All chemicals must be stored in cabinets with secured safety latches in an area apart from customer service areas.

(f) All services rendered within the mobile salon must comply with all local, state, and federal laws and regulations where the services are provided.

(g) It must be parked in a safe, accessible, and legal parking spot when rendering services. A ramp or lift must be provided for access if providing services for a disabled individual.

(h) No cosmetology services shall be performed while the mobile salon is moving.

R 338.2173 Practice areas; chairs and work stations; sinks, tubs, spas, showers, baths, and shampoo bowls. Rescinded.

~~Rule 73. (1) The licensee or owner of an establishment or school shall keep the establishment or school clean, safe, and sanitary at all times, disposing of temporary waste materials, including, but not limited to, hair clippings, paper, and tissues, after servicing a patron.~~

~~(2) The licensee or owner of an establishment or school shall keep chairs and work station surfaces clean and sanitary at all times, covering the headrest of a patron chair and the working surface of any table or chair with fresh, clean paper, linen, or cloth before the chair or table is used.~~

~~(3) The licensee or owner of an establishment or school shall keep sinks, tubs, spas, showers, baths, and shampoo bowls clean and sanitary at all times and shall thoroughly cleanse and sanitize sinks, tubs, spas, showers, baths, and shampoo bowls immediately after each use.~~

R 338.2176 Equipment, tools, implements, and supplies; dryer hoods; removable parts of certain equipment; electrical equipment. **Rescinded.**

~~Rule 76. (1) The licensee or owner of an establishment or school shall keep all equipment, tools, implements, and supplies, including all of the following, clean and sanitary at all times, and if the equipment, tools, implements, or supplies are intended for use on more than 1 patron, then the licensee or owner shall sanitize the equipment, tools, implements, or supplies pursuant to rules promulgated by the department:~~

~~(a) Combs.~~

~~(b) Brushes.~~

~~(c) Rollers.~~

~~(d) Rods.~~

~~(e) Clips.~~

~~(f) Hair nets.~~

~~(g) Razors.~~

~~(h) Shears.~~

~~(i) Hair pins.~~

~~(j) Hair coverings.~~

~~(k) Nippers.~~

~~(l) Pushers.~~

~~(m) Extractors.~~

~~(n) Electrodes.~~

~~(2) The licensee or owner of an establishment or school shall ensure all of the following:~~

~~(a) Dryer hoods are clean and sanitary.~~

~~(b) Removable parts of equipment designed to touch the skin, hair, or nails shall be removed and sanitized according to rules promulgated by the department.~~

~~(c) The main body of electrical equipment is clean and sanitary.~~

~~(d) Electrical equipment and apparatus is used and maintained in accordance with the manufacturer's recommendations.~~

R 338.2178 Creams and other semisolid substances; fluids and powders; reactive chemical supplies. **Rescinded.**

~~Rule 78. (1) The licensee or owner of an establishment or school shall ensure all of the following:~~

~~(a) Creams and other semisolid substances shall be removed from containers with clean sanitary spatulas and shall be covered when not in use.~~

~~(b) Fluids and powders used on a patron are dispensed from a bottle or shaker type dispenser.~~

~~(c) Reactive chemical supplies are used in accordance with the manufacturer's recommendations.~~

R 338.2179 Capes and hair cloths; towels and linens. **Rescinded.**

~~Rule 79. (1) The licensee shall place a clean towel, neck strip, or other protection around the patron's neck when using a cape or hair cloth on a patron, to prevent the cape or hair cloth from touching the skin.~~

~~–(2) The licensee or owner of an establishment or school shall ensure all of the following:~~

~~–(A) A towel or linen is laundered after being used on a patron.~~

~~–(B) Clean towels and linens are stored in a closed cabinet or drawer.~~

~~–(C) Soiled towels and linens are stored in a covered container until laundered.~~

R 338.2179a Sanitizing procedures generally. **Rescinded.**

~~Rule 79a. (1) The licensee or owner of an establishment or school shall sanitize equipment, tools, implements and supplies that will not be damaged by immersion in water using all of the following steps:~~

~~–(a) Thoroughly washing in a detergent solution.~~

~~–(b) Rinsing in clean water.~~

~~–(c) Completely immersing in a wet sanitizer for the period of time recommended by the manufacturer of the disinfectant used.~~

~~–(d) Rinsing in clean water and allowing to air dry.~~

~~–(2) The licensee or owner of an establishment or school shall sanitize other equipment, tools, implements, and supplies by wiping with a disinfectant solution.~~

~~–(3) The licensee or owner of an establishment or school shall sanitize sharp-edged tools, including the blades of electrical clippers, by wiping with a 70% alcohol solution after each use.~~

~~–(4) The licensee or owner of an establishment or school shall ensure that, after sanitization, the equipment, tools, implements, and supplies are put in a dry sanitizer, closed cabinet or drawer, or covered container.~~

R 338.2179b Personal hygiene. **Rescinded.**

~~–Rule 79b. (1) A licensee shall do all of the following:~~

~~–(a) Keep attire clean and sanitary when services are being rendered.~~

~~–(b) Wash his or her hands immediately before and after serving each patron.~~

~~–(c) Apply antiseptic after washing his or her hands when manicuring or electrology services are to be performed.~~

~~–(d) Request that a patron for manicure services wash his or her hands before beginning the service.~~

R 338.2179c Manicuring implements and work tables. **Rescinded.**

~~Rule 79c. (1) A licensee or owner shall ensure all of the following:~~

~~–(a) Manicuring implements are kept in a jar-type wet sanitizer.~~

~~–(b) Manicuring tables are clean and sanitary at all times and tables are wiped with a disinfectant solution before each use.~~

~~–(c) Porous materials, that cannot be sanitized, including, but not limited to, abrasive boards/blocks/buffers, orangewood sticks, or pumice stones, are used on only 1 patron.~~

~~–(d) Vaporous chemical waste materials are disposed of by placing the materials in an airtight, covered waste container.~~

~~–(2) The owner of an establishment or school shall ensure that there is adequate ventilation or filtration to prevent the concentration of chemical vapors and strong odors.~~

R 338.2179d Electrology sanitation and sterilization procedures. **Rescinded.**

~~–Rule 79d. (1) For electrology services, a licensee shall use only the following sterile equipment:~~

~~–(a) Tweezers.~~

- ~~–(b) Scissors.~~
- ~~–(c) Needles.~~
- ~~–(d) Needle holder tips.~~
- ~~–(e) Probes.~~
- ~~–(f) Removable needle caps.~~
- ~~–(2) After using equipment on a patron, a licensee shall sanitize the equipment specified in subrule (1) of this rule utilizing all of the following steps:~~
 - ~~–(a) Soaking in liquid, protein dissolving enzyme detergent for the period of time recommended by the manufacturer of the enzyme detergent used or thoroughly soaking in a soap and water solution for not less than 20 minutes.~~
 - ~~–(b) Rinsing in clean water and drying with sanitary paper towels.~~
 - ~~–(c) Placing in an ultrasonic cleaner for not less than 5 minutes or wiping with 70% alcohol.~~
 - ~~–(d) Rerinsing in clean water and drying with sanitary paper towels.~~
- ~~–(3) After equipment is sanitized, a student, apprentice, or licensee shall sterilize the items specified in subrule (1) of this rule by placing the items in an autoclave or dry heat sterilizer for the period of time recommended by the manufacturer of the autoclave or dry heat sterilizer.~~
- ~~–(4) After sterilizing all nonprepackaged equipment, a licensee shall wrap or package the tools, implements, and supplies.~~
- ~~–(5) A licensee shall keep all sterilized equipment in a dry sanitizer, closed cabinet or drawer, or covered container.~~
- ~~–(6) A licensee shall properly discard disposable needles after being used on a patron.~~

R 338.2179f ~~Open flame fusing.~~ **Rescinded.**

~~–Rule 79f. If a cosmetologist or natural hair culturist fuses hair using an open flame, then the owner or practitioner of the establishment or school shall ensure that a minimum of 1 abc type fire extinguisher is located not more than 20 feet from the work station.~~

R 338.2179g Student, apprentice, and licensee; prohibitions.

Rule 79g. (1) A student, apprentice, or licensee shall not do any of the following, and a licensee shall not allow another to do any of the following:

- (a) Use or possess methyl methacrylate monomers.
- (b) Abrade, roughen, buff, or file the nail plate to the extent that the nail bed is exposed or that deeply filed trenches or ridges in the nail plate are created.
- (c) Use a nail white pencil.
- (d) Use lump alum or a styptic pencil to stop bleeding.
- (e) Carry any equipment, tools, implements, or supplies in the pocket of a uniform.
- (f) Use the same powder puffs, makeup brushes, or cosmetic pencils on more than 1 patron.
- (g) Use an ultraviolet ray electrical sanitizer **to disinfect or sterilize items. However, items that are disinfected or sterilized pursuant to R 338.2171a may be stored in an ultraviolet ray electrical sanitizer unless the items placed in the sanitizer have been sanitized according to the rules promulgated by the department.**
- (h) Use or possess a blade in the practice of manicuring or pedicuring.
- (i) **Provide services that require a license without posting a current, unexpired, and valid license or permit for that person in the establishment where cosmetology services are being rendered. Perform services that are limited to the scope of practice of a licensed health profession regulated under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, unless he or she is performing a service that is delegated to him or her under section 16215 of the public health code, 1978 PA 368, MCL 333.16215.**

(j) Fail to provide proof of identity with a picture I.D. or alternative acceptable to the department at the time of an inspection, if requested by a department representative performing an inspection of the licensed establishment.

(k) Allow a member of the public to drink from a water source used for mixing chemicals.

(2) An ~~aesthetician~~-**esthetician** shall not use razors, scissors, or clippers on the ~~face or head~~ **scalp** of a patron.

(3) A natural hair cultivation student, apprentice, or practitioner shall not use reactive chemicals or perform any service included in the practice of cosmetology as defined in section 1201 of the ~~aet~~ **code, MCL 339.1201.**

~~R 338.2179h Advertising; use of false, confusing, or misleading statements prohibited. Rescinded.~~

~~Rule 79h. A licensee or owner shall not use false, confusing, or misleading statements in advertising.~~

~~PART 8. STUDENTS~~ **6. OPERATION OF MOBILE SALON**

R 338.2180 Mobile salon premises; license display; permanent, physical business address; contact information; notice of sale or transfer; change of name or contact information.

Rule 80. (1) The premises of a mobile salon, as defined in section 1201(s) of the code, MCL 339.1201, shall comply with all requirements established under the code and these rules.

(2) A mobile salon shall display the establishment license and the license of each cosmetologist who works in the mobile salon in compliance with section 1204(2)(b) of the code, MCL 339.1204.

(3) The mobile salon owner shall provide and keep current with the department all of the following contact information:

(a) The permanent, physical business address of the mobile salon.

(b) The permanent physical address of the mobile salon owner.

(c) The telephone number of the mobile salon.

(d) The telephone number of the mobile salon owner.

(e) The electronic mail address of the mobile salon owner.

(4) As provided in R 338.2127(2), the sale or transfer of a mobile salon voids the cosmetology establishment license. The mobile salon owner shall notify the department within 15 calendar days before there is a change to its permanent, physical business address.

(5) A mobile salon owner shall report a change in his or her name or any of the contact information required by subrule (2) of this rule within 15 calendar days before the change to facilitate the department's ability to locate, investigate, and inspect the mobile salon to ensure compliance with the requirements of the code and these rules, pursuant to section 1203(2)(c) of the code, MCL 339.1203.

R 338.2187 Mobile salons; duty to provide itinerary; duty to provide access to the premises.

Rule 87. (1) Within 10 calendar days of receiving a notice of a request for disclosure of the mobile salon's itinerary issued by the department, the mobile salon owner shall provide the department with a written, detailed itinerary indicating the dates, times, and locations where the mobile salon will be located and providing cosmetology services for the upcoming 30 calendar days.

(2) The notice of a request for disclosure of the mobile salon's itinerary from the department is effective 3 business days after it is mailed by first-class mail to the permanent, physical business address of the mobile salon.

(3) The mobile salon owner shall ensure that the department has permission and access to enter the premises of a mobile salon, including a location defined in section 1201(o)(ii) of the code, MCL 339.1201, at any time that a cosmetology service is being provided on the premises.

R 338.2188 Mobile salon; records.

Rule 88. The mobile salon owner shall maintain the following records at the permanent, physical business address of the mobile salon:

- (a) Seven years of appointment records, or if the mobile salon has been in operation less than 7 years, all appointment records.**
- (b) A copy of the license of each employee or independent contractor performing a cosmetology service on the premises of the mobile salon.**
- (c) If the mobile salon is a self-contained vehicle, a copy of the vehicle registration and proof of insurance.**

~~PART 9. HEARINGS~~

NOTICE OF PUBLIC HEARING

Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
Administrative Rules for Cosmetology -- General Rules
Rule Set 2020-50 LR

NOTICE OF PUBLIC HEARING

Monday, May 17, 2021

09:00 AM

The public hearing will be held virtually via Zoom to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and the City of Lansing Resolution #2021-081.

<https://us02web.zoom.us/j/86256783799?pwd=Rlc3MWtPd2tyTjhOQWZlV0piSjZWUT09>, Password: 999999; Phone number: 877-336-1831, Conference Code: 486917

The Department of Licensing and Regulatory Affairs will hold a public hearing to receive public comments on proposed changes to the Cosmetology -- General Rules rule set.

The proposed rules will inform applicants of the requirements for licensure, relicensure, and licensure by endorsement, update curriculum, operational standards, and sanitation standards, and make revisions for clarity. The rule pertaining to branch facility licensure will be amended to sunset the license because it is not authorized by statute. Additionally, new rules will be added to comply with statutory changes, such as providing the requirements for the operation of mobile salons and setting the criteria to permit some hours of instruction earned by a Michigan-licensed barber in a state barber college to be substituted for required courses in a cosmetology student's educational program.

By authority conferred on the department and the board by MCL 339.205, 339.308, 339.1203, 339.1205, 339.1207, 339.1208, 339.1209, and 339.1210, and Executive Reorganization Order Nos. 1991-9, 19962, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 5/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: BPL-BoardSupport@michigan.gov.

Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 5/17/2021 at 05:00PM.

Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing – Boards and Committees Section, Attn: Policy Analyst

Email: BPL-BoardSupport@michigan.gov

P.O.Box 30670, Lansing, MI 48909-8170

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 711-to make arrangements.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY

DIRECTOR'S OFFICE

GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH STANDARD

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of labor and economic opportunity by sections 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101, 445.2001, 445.2011, 445.2025, 445.2030, and 125.1998)

R 408.1, R 408.2, R 408.3, R 408.4, R 408.5, R 408.6, R 408.7, R 408.8, R 408.9, R 408.10, R 408.11, and R 408.12 of the Michigan Administrative Code are added, as follows:

PART 505. CORONAVIRUS DISEASE 2019 (COVID-19)

R 408.1 Scope and application.

Rule 1. These rules apply to all employers covered in the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094, for SARS-CoV-2 coronavirus and COVID-19.

R 408.2 Definitions.

Rule 2. As used in these rules:

(a) "Close contact" means close contact as defined by the latest Centers for Disease Control and Prevention (CDC) guidelines at the time of contact.

(b) "COVID-19" means a viral respiratory illness characterized by symptoms defined by the CDC.

(c) "Known cases of COVID-19" means persons who have been confirmed through diagnostic testing to have COVID-19.

(d) "SARS-CoV-2" means the novel coronavirus identified as SARS-CoV-2 or a virus mutating from SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), which is the causative agent of COVID-19.

(e) "Suspected cases of COVID-19" means persons who have symptoms of COVID-19 but have not been confirmed through diagnostic testing or persons who have had close contact with a person who has been confirmed through diagnostic testing to have COVID-19.

R 408.3 Exposure determination for all employers.

Rule 3. (1) The employer shall evaluate routine and reasonably anticipated tasks and procedures to determine whether there is actual or reasonably anticipated employee exposure to SARS-CoV-2.

(2) The employer shall categorize jobs tasks and procedures into the following risk categories:

(a) Lower exposure risk job tasks and procedures. These job tasks and procedures are those that do not require contact with people known to be or suspected of being infected with SARS-CoV-2 nor frequent close contact (e.g., within 6 feet) with the general public. Workers in this category have minimal occupational contact with the public and other coworkers.

(b) Medium exposure risk job tasks and procedures. These job tasks and procedures include those that require frequent or close contact (e.g., within 6 feet) with people who may be infected with SARS-CoV-2, but who are not known or suspected COVID-19 patients. In areas without ongoing community transmission, workers in this risk group may have frequent contact with travelers who may return from locations with widespread SARS-CoV-2 transmission. In areas where there is ongoing community transmission, workers in this category may have contact with the general public (e.g., schools, high-population-density work environments, or high-volume retail settings).

(c) High exposure risk job tasks and procedures. These job tasks and procedures are those with high potential for exposure to known or suspected sources of SARS-CoV-2. Workers in this category could include licensed health care professionals, medical first responders, nursing home employees, law enforcement, correctional officers, or mortuary workers.

(d) Very high exposure risk job tasks and procedures. These job tasks and procedures are those with high potential for exposure to known or suspected sources of SARS-CoV-2 during specific medical, postmortem, or laboratory procedures. Workers in this category can include:

(i) Healthcare workers (e.g., doctors, nurses, dentists, paramedics, or emergency medical technicians) performing aerosol-generating procedures (e.g., intubation, cough induction procedures, bronchoscopies, some dental procedures and exams, or invasive specimen collection) on known or suspected COVID-19 patients.

(ii) Health care or laboratory personnel collecting or handling specimens from known or suspected COVID-19 patients (e.g., manipulating cultures from known or suspected COVID-19 patients).

(iii) Morgue workers performing autopsies, which generally involve aerosol-generating procedures, on the bodies of people who are known to have or are suspected of having COVID-19 at the time of their death.

R 408.4 COVID-19 preparedness and response plan for all employers.

Rule 4. (1) The employer shall develop and implement a written COVID-19 preparedness and response plan, consistent with the latest guidance for COVID-19 from the CDC and the Occupational Health and Safety Administration (OSHA).

(2) The preparedness and response plan must include the employee exposure determination from R 408.3 and detail the measures the employer will implement to prevent employee exposure, including any:

- (a) Engineering controls.
- (b) Administrative controls.
- (c) Basic infection prevention measures.
- (d) Personal protective equipment.
- (e) Health surveillance.
- (f) Training.

(3) The employer shall make the preparedness and response plan readily available to employees and their representatives, whether via website, internal network, or by hard copy.

R 408.5 Basic infection prevention measures for all employers.

Rule 5. (1) The employer shall promote frequent and thorough hand washing by providing a place to wash hands. If soap and running water are not immediately available, an employer shall provide antiseptic hand sanitizers or alcohol-based hand towelettes containing at least 60% alcohol.

(2) The employer shall require workers who are sick to not report to work or work in an isolated location.

(3) The employer shall prohibit workers from using other workers' phones, desks, offices, or other work tools and equipment, when possible.

(4) The employer shall increase facility cleaning and disinfection to limit exposure to SARS-CoV-2, especially on high-touch surfaces (e.g., door handles), paying special attention to parts, products, and shared equipment (e.g., tools, machinery, and vehicles).

(5) The employer shall establish procedures for disinfection in accordance with the latest CDC guidance if it is suspected or confirmed that an employee or site visitor has a known case of COVID-19.

(6) The employer shall use Environmental Protection Agency (EPA)-approved disinfectants that are expected to be effective against SARS-CoV-2 based on data for harder to kill viruses.

(7) The employer shall follow the manufacturer's instructions for use of all cleaning and disinfection products (e.g., concentration, application method and contact time, and personal protective equipment).

(8) The employer shall create a policy promoting remote work for employees to the extent that their work activities can feasibly (e.g., technical, economical, performance) be completed remotely.

R 408.6 Health surveillance for all employers.

Rule 6. (1) The employer shall conduct a daily self-reported health screening protocol for all employees or contractors entering the workplace, including, at a minimum, a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with, if possible, a temperature screening.

(2) The employer shall direct employees to promptly report any signs and symptoms of COVID-19 to the employer before or during the work shift.

(3) The employer shall physically isolate any employees known or suspected to have COVID-19 from the remainder of the workforce, using measures such as, but not limited to:

(a) Not allowing known or suspected cases to report to work.

(b) Sending known or suspected cases away from the workplace.

(c) Assigning known or suspected cases to work alone at a remote location (for example, their home), as their health allows.

(4) When an employer learns of an employee, visitor, contractor, or customer with a known case of COVID-19, who was present in the workplace, the employer shall within 24 hours of learning of the known case, notify any co-workers, contractors, or suppliers who may have come into close contact with the person with a known case of COVID-19.

(5) The employer shall allow employees with a known or suspected case of COVID-19 to return to the workplace only after they are no longer infectious according to the latest guidelines from the CDC or state or local public health authorities, whichever is more stringent.

R 408.7 Workplace controls for all employers.

Rule 7. (1) The employer shall designate 1 or more worksite COVID-19 safety coordinators to implement, monitor, and report on the COVID-19 control strategies developed under these rules. The COVID-19 safety coordinator must remain on-site at all times when employees are present on site. An on-site employee may be designated to perform the COVID-19 safety coordinator role.

(2) The employer shall place posters in the languages common in the employee population that encourage staying away from the workplace when sick, cough and sneeze etiquette, and proper hand hygiene practices.

(3) The employer shall keep everyone on the worksite premises at least 6 feet from one another to the maximum extent possible and to reduce congestion, including using ground markings, signs, and physical barriers, as appropriate to the worksite.

(4) The employer shall provide face coverings to their employees at no cost to the employee.

(5) The employer shall require face coverings to be worn when employees cannot consistently maintain 6 feet of separation from other individuals in the workplace and consider face shields when employees cannot consistently maintain 3 feet of separation from other individuals in the workplace.

(6) The employer shall require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

R 408.8 Personal protective equipment (PPE) requirements for all employers.

Rule 8. (1) The employer shall provide employees with the types of PPE, including respirators if necessary, for protection from SARS-CoV-2 appropriate to the exposure risk associated with the job. The employer must follow the latest CDC and OSHA guidance for PPE. Note: Face coverings are not considered PPE.

(2) The employer shall ensure that the PPE is properly fitted and worn; used consistently; regularly inspected, maintained, and replaced, as necessary; and properly removed, cleaned, and stored or disposed of to avoid contamination of self, others, or the work environment.

(3) In establishments that provide direct care or housing to known or suspected cases of COVID-19, the employer shall ensure that employees in frequent or prolonged close contact with such cases are provided with and wear, at a minimum, an N95 respirator, goggles or face shield, and a gown.

R 408.9 Industry-specific requirements.

Rule 9. An employer of a business, operation, or facility in the industry sectors named below shall comply with the following requirements specific for its business, operation, or facility.

(1) Construction. Businesses or operations in the construction industry must:

(a) Create dedicated entry point or points at every worksite, if possible, for daily health screening as provided in R 408.6, or in the alternative issue stickers or other indicators to employees to show that they received a health screening before entering the worksite that day.

(b) Identify choke points and high-risk areas where employees must stand near one another (such as hallways, hoists and elevators, break areas, water stations, and employer provided transportation) and control their access and use (including through physical barriers) to maintain physical distancing.

(c) Create protocols for minimizing personal contact upon delivery of materials to the worksite.

(2) Manufacturing. Manufacturing facilities must create protocols for minimizing personal contact upon delivery of materials to the facility.

(3) Retail, libraries, and museums. Retail stores that are open for in-store sales, as well as libraries and museums, must:

(a) Create communications material for customers (e.g., signs or pamphlets) to inform them of changes to store practices and to explain the precautions the store is taking to prevent infection.

(b) Require patrons to wear a face covering (unless the patron is unable medically to tolerate a face covering).

(c) Post signs at store entrances instructing customers to wear a face covering when inside the store.

(d) Post signs at store entrances informing customers not to enter if they are or have recently been sick.

(e) Configure spaces and store activities in a manner that encourages employees and customers to maintain 6 feet of distance from one another.

(f) Install physical barriers at checkout or other service points that require close interaction, including plexiglass barriers, tape markers, or tables.

(g) Establish an enhanced cleaning and sanitizing protocol for high-touch areas like restrooms, credit-card machines, keypads, counters, shopping carts, and other surfaces.

(4) Restaurants and bars. Restaurants and bars must:

(a) Require 6 feet of separation between parties or groups at different tables or bar tops (e.g., spread tables out, use every other table, remove or put-up chairs or barstools that are not in use). This provision shall be rescinded 14 days after the Michigan department of health and human services (MDHHS) removes this requirement.

(b) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering).

(c) Prohibit access to common areas in which people can congregate. This provision shall be rescinded 14 days after the MDHHS removes this requirement.

(d) Create communications material for customers (e.g., signs, pamphlets) to inform them of changes to restaurant or bar practices and to explain the precautions that are being taken to prevent infection.

(e) Post signs at all entrances informing customers not to enter if they are or have recently been sick.

(f) Post signs instructing customers to wear face coverings until they are seated at their table.

(g) Require hosts, servers, and staff to wear face coverings in the dining area in addition to areas where social distancing cannot be maintained.

(5) Health care. Health facilities or agencies, including outpatient health-care facilities, clinics, primary care physician offices, dental offices, and veterinary clinics, must:

(a) Post signs at entrances instructing patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(b) Limit waiting-area occupancy to the number of individuals who can be present while staying 6 feet away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark or arrange waiting rooms to enable 6 feet of social distancing (e.g., by placing X's on the ground or removing seats, or both, in the waiting room).

(d) Conduct a common health screening protocol for all patients, including a temperature check and questions about COVID-19 symptoms.

(e) Place hand sanitizer and face coverings at patient entrances.

(f) Require patients to wear a face covering when in the facility, except as necessary for identification or to facilitate an examination or procedure.

(g) Install physical barriers at sign-in, temperature screening, or other service points that normally require personal interaction (e.g., plexiglass, cardboard, tables).

(6) In-home services. All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like, must:

(a) Maintain accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

(b) Prior to entering the home, inquire with the customer whether anyone in the household has been diagnosed with COVID-19, is experiencing symptoms of COVID-19, or has had close contact with someone who has been diagnosed with COVID-19. If so, the business or operation must reschedule for a different time.

(7) Personal-care services. All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal-care services must:

- (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
- (b) Post signs at all entrances informing customers not to enter if they are or have recently been sick.
- (c) Restrict entry to customers, to a caregiver of those customers, or to the minor dependents of those customers.
- (d) Limit waiting-area occupancy to the number of individuals who can be present while staying 6 feet away from one another and ask customers, if possible, to wait in cars for their appointment to be called.
- (e) Discard magazines in waiting areas and other non-essential, shared items that cannot be disinfected.
- (f) Mark or arrange waiting rooms to enable 6 feet of social distancing (e.g., by placing X's on the ground or removing seats, or both, in the waiting room).
- (g) Require employees and customers to wear a face covering at all times, except that customers may temporarily remove a face covering when receiving a service that requires its removal. During services that require a customer to remove their face covering, an employee must wear a face shield or goggles in addition to the face covering.
- (8) Public accommodations. Sports and entertainment facilities, including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums, and theaters, as well as places of public amusement, such as amusement parks, arcades, bingo halls, bowling alleys, night clubs, skating rinks, and trampoline parks, must:
 - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
 - (b) Post signs outside of entrances informing customers not to enter if they are or have recently been sick.
 - (c) Require patrons to wear a face covering (unless the patron is unable medically to tolerate a face covering).
 - (d) Establish crowd-limiting measures to meter the flow of patrons (e.g., digital queuing, delineated waiting areas, parking instructions, social distance markings on ground, or cones to designate social distancing).
 - (e) For sports and entertainment facilities, establish safe exit procedures for patrons (e.g., dismiss groups based on ticket number, row).
- (9) Sports and exercise facilities. Gymnasiums, fitness centers, recreation centers, exercise facilities, exercise studios, bowling alleys, roller rinks, ice rinks, and like facilities must:
 - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
 - (b) Post signs outside of entrances instructing individuals not to enter if they are or have recently been sick.
 - (c) Mandate wearing of facial coverings at all times except when swimming.
 - (d) Provide equipment-cleaning products throughout the facility for use on equipment.
 - (e) Ensure that ventilation systems operate properly.
- (10) Meat and poultry processing. Meat and poultry processing plants must provide clean face coverings or disposable mask options for employees to use when the coverings become wet, soiled, or otherwise visibly contaminated over the course of a workday.
- (11) Casinos. Casinos must:
 - (a) Post signs at all entrances instructing customers to wear a face covering when inside the facility.
 - (b) Designate entry points and exit points with extensive signage of the directional flow of patrons.
 - (c) Place signs at each entrance point, cage, and throughout the casino reminding patrons of the latest CDC guidelines for social distancing practices, proper washing of hands, wearing face coverings, and to stay at home if feeling ill or sick.

(d) Conduct a daily entry health screening protocol for customers and any other individuals entering the facility, including a questionnaire covering symptoms and suspected or confirmed exposure to people with possible COVID-19, together with temperature screening.

(e) Require patrons to wear a face covering, except while eating or drinking or for identification purposes.

R 408.10 Training requirements for all employers.

Rule 10. (1) The employer shall provide training to employees on SARS-CoV-2 and COVID-19.

(2) The employer shall provide any communication and training on COVID-19 infection control practices in the primary languages common in the employee population.

(3) The training shall cover:

(a) Workplace infection-control practices.

(b) The proper use of personal protective equipment.

(c) Steps the employee must take to notify the business or operation of any symptoms of COVID-19 or a suspected or confirmed diagnosis of COVID-19.

(d) How to report unsafe working conditions.

(4) The employer shall provide updated training if it changes its preparedness and response plan or new information becomes available about the transmission of SARS-CoV-2 or diagnosis of COVID-19.

R 408.11 Recordkeeping requirements for all employers.

Rule 11. (1) Employers must maintain a record of the following requirements:

(a) Training. The employer shall maintain a record of all COVID-19 employee training.

(b) Health screening protocols. The employer shall maintain a record of health screening for each employee or contractor entering the workplace.

(c) Records of required notifications. The employer shall maintain a record of each notification required by R 408.6.

(2) Employers must maintain records for 6 months from time of generation.

R 408.12 Requirements for MIOSHA.

Rule 12. Within 21 days of the expiration or rescission of any remaining emergency order issued for COVID-19 under section 2253 of the public health code, 1978 PA 368, MCL 333.2253, and the absence, expiration, or rescission of a declaration of a state of emergency issued related to COVID-19 by the governor under section 3(4) of the emergency management act, 1976 PA 390, MCL 30.403, or section 1(1) of 1945 PA 302, MCL 10.31, the department shall examine the continued need for these COVID-19 rules.

NOTICE OF PUBLIC HEARING

Department of Labor and Economic Opportunity
MIOSHA

Administrative Rules for General Industry and Construction Safety and Health Part 505. Coronavirus-19
(COVID-19)
Rule Set 2021-27 LE

NOTICE OF PUBLIC HEARING
Wednesday, May 26, 2021
09:00 AM

The public hearing will be held virtually via Microsoft Teams to receive public comments while complying with measures designed to help prevent the spread of Coronavirus Disease 2019 (COVID 19) and Ingham County Resolution #21-138.

[https://teams.microsoft.com/l/meetup-join/19%](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)

[3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)
[ext=%7b%22tid%22%3a%22d5fb70](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZiN2ZjZmYtMzllYi00ZTZkLTgyMmYtMmFlYzcyM2Q5OGVk%40thread.v2/0?cont)

The Department of Labor and Economic Opportunity will hold a public hearing to receive public comments on proposed changes to the General Industry and Construction Safety and Health Part 505. Coronavirus-19 (COVID-19) rule set.

The amendments of the General Industry and Construction Safety and Health Standard Part 505. Coronavirus Disease 2019 (COVID-19) are proposed to take immediate effect after filing with the Secretary of State. The proposed rules (2021-27 LE) will be updated to establish requirements for employers to control and prevent COVID-19 among employees. At present the MIOSHA has no permanent rules specific to severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) exposure. SARS-CoV-2 is easily transmitted through the air from person-to-person through respiratory aerosols.

By authority conferred on the director of the Department of Labor and Economic Opportunity by sections 19, 21, and 24 of the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1019, 408.1021, and 408.1024, and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1, 2008-4, 2011-4, and 2019-3, MCL 330.3101,445.2001,445.2011,445.2025,445.2030, and 125.1998. The proposed rules will take effect immediately after filing with the Secretary of State. The proposed rules are published on the State of Michigan web site at <http://www.michigan.gov/ARD> and in the Michigan Register in the 5/15/2021 issue. Copies of these proposed rules may also be obtained by mail or electronic transmission at the following address: kloppt@michigan.gov.

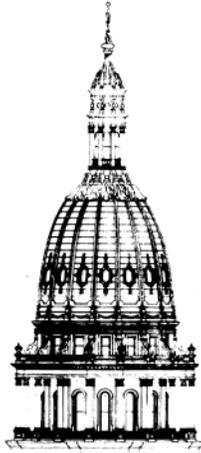
Comments on these proposed rules may be made at the hearing or by mail or electronic mail at the following address until 5/26/2021 at 05:00PM.

Toscha Klopp

[Email: kloppt@michigan.gov](mailto:kloppt@michigan.gov)

530 West Allegan Street – P.O. Box 30643 – Lansing MI 48909-8143

The public hearing will be conducted in compliance with the 1990 Americans with Disabilities Act. If the hearing is held at a physical location, the building will be accessible with handicap parking available. Anyone needing assistance to take part in the hearing due to disability may call 517-284-7740 to make arrangements.



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**ADMINISTRATIVE RULES
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(2021 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2021 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

May 11, 2021
Compiled through PA 10 of 2021

| PA No. | ENROLLED | | I.E.* Yes/No | Governor Approved | Filed Date | Effective Date | SUBJECT |
|--------|----------|------|-----------------|----------------------|------------|----------------|--|
| | HB | SB | | | | | |
| 0001 | | 0030 | Yes | 3/2/2021 | 3/2/2021 | 3/2/2021 | Highways; memorial ; portion of I-94 in Wayne County; designate as the "Firefighter Coleman A. Tate Memorial Highway". (Sen. Adam J. Hollier) |
| 0002 | 4047 | | Yes | 3/9/2021 | 3/9/2021 | 3/9/2021 + | Appropriations; supplemental ; supplemental appropriations; provide for fiscal year 2020-2021. (Rep. Timothy Beson) |
| 0003 | 4048 | | Yes | 3/9/2021 | 3/9/2021 | 3/9/2021 + | School aid; supplemental ; supplemental school funding; provide for. (Rep. Brad Paquette) |
| 0004 | | 0186 | Yes | 3/24/2021 | 3/24/2021 | 3/24/2021 | Agriculture; industrial hemp ; regulations for growing industrial hemp; modify. (Sen. Dan Lauwers) |
| 0005 | | 0100 | Yes | 3/26/2021 | 3/26/2021 | 3/26/2021 | Children; child care ; definition of foster care; provide for. (Sen. John Bizon, M.D.) |
| 0006 | 4126 | | Yes | 4/8/2021 | 4/8/2021 | 4/8/2021 | Natural resources; hunting ; pheasant stamp program; modify. (Rep. Gary Howell) |
| 0007 | 4569 | | Yes | 4/22/2021 | 4/22/2021 | 4/22/2021 | Individual income tax; city ; extension of 2020 city income tax filing deadline; allow. (Rep. Andrew Beeler) |
| 0008 | 4571 | | Yes | 4/22/2021 | 4/22/2021 | 4/22/2021 | Individual income tax; returns ; extension of filing deadline for 2020 income taxes; allow. (Rep. Tenisha Yancey) |

* - I.E. means Legislature voted to give the Act immediate effect.
** - Act takes effect on the 91st day after sine die adjournment of the Legislature.
*** - See Act for applicable effective date.
+ - Line item veto.
++ - Pocket veto.
- Tie bar.

| PA No. | ENROLLED | | I.E.* Yes/No | Governor Approved | Filed Date | Effective Date | SUBJECT |
|--------|----------|------|-----------------|----------------------|------------|----------------|---|
| | HB | SB | | | | | |
| 0009 | 4469 | | Yes | 5/6/2021 | 5/7/2021 | 5/7/2021 | Appropriations; natural resources; Michigan natural resources trust fund; provide appropriations for fiscal year 2021-2022. <i>(Rep. Sue Allor)</i> |
| 0010 | 4019 | | Yes | 5/6/2021 | 5/7/2021 | 5/7/2021 | Appropriations; zero budget; multi-department supplemental appropriations; provide for fiscal year 2020-2021. <i>(Rep. Thomas Albert)</i> |
| Veto | | 0001 | No | No | | 3/24/2021 | Health; diseases; time limits on emergency orders issued in response to an epidemic; provide for unless extension is approved by the legislature and require emergency order to include certain information. <i>(Sen. Lana Theis)</i> |
| Veto | | 0029 | No | No | | 3/26/2021 | Appropriations; supplemental; supplemental appropriations for 2019-2020 and 2020-2021; provide for. <i>(Sen. Jim Stamas)</i> |
| Veto | | 0114 | No | No | | 3/26/2021 | Appropriations; zero budget; multidepartment supplemental appropriations; provide for fiscal year 2020-2021. <i>(Sen. Jim Stamas)</i> |
| Veto | 4049 | | No | No | | 3/9/2021 # | Health; diseases; authority to close certain schools to in-person instruction and prohibit certain sporting events in emergency orders issued in response to an epidemic; modify. <i>(Rep. Pamela Hornberger)</i> |
| Veto | 4210 | | No | No | | 4/14/2021 # | Property tax; utility property; eligible broadband equipment; exempt from certain taxes. <i>(Rep. Beth Griffin)</i> |

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.